Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, October 15, 2018 at 6:30 P.M.

The following members were present: Mayor Steve Allender and the following Alderpersons: Jason Salamun, Lisa Modrick, Ritchie Nordstrom, Darla Drew, Becky Drury, Steve Laurenti, Laura Armstrong; and Chad Lewis the following Alderpersons arrived during the course of the meeting: Amanda Scott; and the following were absent: John Roberts

Staff members present included: Finance Officer Pauline Sumption, City Attorney Joel Landeen, Police Chief Karl Jegeris, Community Development Director Ken Young, Public Works Director Dale Tech, Parks and Recreation Director Jeffrey Biegler and Administrative Coordinator Heidi Weaver-Norris

ADOPTION OF AGENDA
Motion was made by Salamun, second by Drew and carried to adopt the agenda.

AWARDS AND RECOGNITIONS
Lysann Zeller presented the Sustainability Committee Award to Regional Health Sustainability. Notable projects include: improving energy efficiency; switching from disposable wipe to reusable microfiber cloths; giving new purpose to outdated/expired medical supplies; reusing and repurpose equipment; expanding recycling efforts; purchasing produce from local food vendors for use in culinary services; establishment of honey bee hives; and recent installation of solar arrays at two Regional Health Urgent Care facilities in Rapid City.

PRESENTATION
Mayor read in item (No. CC080618-04.1) The Mniluzahan Okolakiciyapi Ambassadors (MOA) Presentation. Karen Mortimer gave an overview of MOA. She stated that Mniluzahan means Rapid City which is swiftly-moving water and Okolakiciyapi means circle of friends. Their work began about four years ago. They address the broken relationships and lack of respect between the Native and non-Native communities in Rapid City. The MOA's are a group of Native and non-Native leaders representing multiple community sectors. The MOA group took an interest in fixing this problem in Rapid City. The group went on a trip and visited the Museum of Tolerance in Los Angeles. This was mostly funded by police grant funds. Mortimer thanked Chief Jegeris for his involvement. She stated if people go outside their comfort zones and learn together, they develop relationships. There was a quote on the wall of the museum that read: “Hope lives when people remember. – Simon Wiesenthal” which embodies the work the group is doing. They say history and place matter; and relationships matter. She said the guiding principles for their work is summarized in the word BEAM – bridging cultures; educating ourselves and others; advocating; and modeling respectful behaviors. Laura Armstrong addressed the council. She spoke of going to Israel at the age of 16 to study. The most impactful part for her trip to Israel was when she went to Yad Vashem, which is the Holocaust Museum. She said that experience changed her life. She spoke of visiting the Museum of Tolerance and on the first day they visited the Holocaust portion which brought her back to her teenage experience in Israel. The museum also showed groups who suffered hate, social exile and racism. She stated we haven't been taught the vast complexities of our past or the different cultural and historical perspectives. It is up to each of us to acknowledge and accept one another and also respect our differences. She feels we are going through a dramatic demographic shift, not only in this country but globally. While we can't change things from the past and we can't change things overnight, we can start locally and organically connecting with one another. She is very grateful to be part of this group and looks forward to the future. (Scott joined the meeting at 6:52 p.m.) Whitney Rencontre addressed the council. He comes from the Crow Creek Sioux Tribe. He said it was
challenging growing up on the reservation. Being part of the MOA has given him and his people a lot of confidence and passion to continue to build upon working together. He said it has been an honor and privilege to work with city members and people in the community on the efforts to help bridge cultures. It is important for the future generations to build and work together. Motion was made by Lewis, second by Laurenti and carried to acknowledge the presentation.

**NON-PUBLIC HEARING ITEMS** -- Items 3 – 37

**CONSENT ITEMS** – Items 3 – 34

There were no items removed from the Consent items.

**Approve Minutes**

3. Approve Minutes for the October 1, 2018 Regular Council meeting.

**Alcoholic Beverage License Applications Set for Hearing (November 5, 2018)**

3A. DNJ, LLC, DBA Dickey’s BBQ, 2200 N Maple Ave – Rushmore Mall for a Retail (on-off sale) Wine and Cider license and Retail (on-off sale) Malt Beverage & SD Farm Wine license

**Public Works Committee Consent Items**

4. PW100918-01 - Approve Change Order 1F to Simon Contractors of SD, Inc. for Pavement Rehabilitation Project Berry Boulevard, Project #17-2413/CIP 50549 for an increase of $24,103.78
5. PW100918-02 - Approve Change Order 1F to Moss Rock Landscaping, Inc. for Executive Golf Course Drainage Channel, Project #18-2428/CIP 51196 for an increase of $5,874.60.
6. PW100918-03 - Approve Change Order 5 to Lind-Exco, Inc. for West Omaha Utility Reconstruction, Project #15-2316/CIP 50904.1 for an increase of $6,061.00.
7. PW100918-04 - Authorize staff to advertise for bids for St. Cloud Reconstruction, Project No. 15-2279 / CIP No. 50796. Estimated Cost $1,425,000.
8. PW100918-05 - Authorize staff to advertise for bids for Fulton Street Reconstruction, Project No. 14-2223 / CIP No. 50872. Estimated Cost $2,698,000.00.
9. PW100918-06 - Authorize staff to advertise for bids 7th St. Water Extension St. Cloud to Franklin St./St. James Sanitary Sewer Mt. Rushmore Rd. to 9th St., Project #18-2433/CIP# 51199. Estimated cost $195,000.00
11. PW100918-08 – Request from Dustin Swanson, for a Variance to Waive the Requirement to Install Sidewalk along Pine Hills Drive, Rapid City, per City Ordinance 12.08.060
12. PW100918-09 - Approve Resolution No. 2018-074 Authorizing Dale Tech, Public Works Director, or his designee, to execute and deliver all documents and perform all acts necessary to effectuate a Solid Waste Management Program Grant. Further resolve that Dale Tech, Public Works Director, or his designee, be designated as an authorized representative to certify and sign payment requests on behalf of the City of Rapid City. This resolution applies to the construction of City of Rapid City Cell 18 Liner and Leachate Collection - Project Number 16-2371.

**RESOLUTION 2018-074**

A RESOLUTION AUTHORIZING STAFF TO FULFILL CITY RESPONSIBILITIES WITHIN A SOLID WASTE MANAGEMENT GRANT FROM THE STATE OF SOUTH DAKOTA FOR CELL 18 LINER AND LEACHATE COLLECTION

WHEREAS, earlier in 2018 the City of Rapid City applied for, and received, a Solid Waste Management Grant from the South Dakota Department of Environment and Natural Resources (“DENR Grant”); and
WHEREAS, the DENR Grant will be used to fund part of the Cell 18 Liner and Leachate Collection Project Number 16-2371 at the Rapid City Regional Landfill; and

WHEREAS, the DENR Grant is for an amount equivalent to 22 percent of the construction costs for the City Project, up to a maximum of $1,000,000; and

WHEREAS, the Common Council adopts this Resolution to authorize Public Works staff to take any action necessary to administer the DENR Grant, to facilitate project reimbursement, and to effectuate grant application and reimbursement requests.

NOW, THEREFORE, BE IT RESOLVED the Common Council authorizes the Director of Public Works or his designee to take any action necessary to administer the DENR Grant, to facilitate project reimbursement, and to otherwise act on the City’s behalf to process and fulfill the terms of the DENR grant. Such authorization includes, but is not limited to, certification and execution of payment requests on behalf of the City.

Dated this 15th day of October, 2018.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer
(SEAL)

13. PW100918-10 - Request Authorization to seek competitive selection proposals for Household Hazardous Waste Events


RESOLUTION NO. 2018-076
A RESOLUTION OF INTENT TO ENTER INTO LEASE OF LAND WITH BLACK HILLS SOCCER FEDERATION, INC. PURSUANT TO SDCL 9-12-5.2

BE IT RESOLVED by the City Council that the City of Rapid City intends to enter into a lease of real property with Black Hills Soccer Federation, Inc., and

BE IT FURTHER RESOLVED that a copy of this resolution of intent be published once at least ten days prior to the hearing to be held at City Hall, 300 Sixth Street, Rapid City, South Dakota, at 6:30 o’clock p.m. on the 5th day of November, 2018 or as soon thereafter as the item may come on for hearing at said meeting; and

BE IT FURTHER RESOLVED that following the hearing the City Council may adopt a resolution authorizing a lease upon the terms and conditions as it shall determine in said resolution.

Dated this 15th day of October, 2018.

CITY OF RAPID CITY
s/ Steve Allender
Mayor
15. PW100918-12 – Authorize Mayor and Finance Officer to sign Permanent Utility Easement for Black Hills Power, Inc., located in Tract 12 of Rapid City Greenway Tracts, located in NW1/4 of NE1/4 of Section 3 and the SE1/4 of SE1/4 of Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota.


**Legal & Finance Committee Consent Items**

17. LF101018-01 – Approve the Purchase of Analytical Instrumentation from Shimadzu Scientific Instruments in the amount of $76,448.64

18. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Rita Conklin (Library), Joy Decker (Library)

19. Set a Special Council Meeting for December 27, 2018 at 12:00 p.m. to Pay the Final Bills of the Year

20. LF101018-04 – Approve Request for Property Tax Abatement as Follows: Rosario Peffer, 2017, $368.14; [Total $368.14]

21. LF101018-02 – Acknowledge Update from the Opportunity Capture Fund Committee

22. LF101018-03 – Authorize Mayor and Finance Officer to Sign the FY2016 Community Development Block Grant (CDBG) Indenture of Restrictive Covenants for Cornerstone Rescue Mission.

23. LF101018-05 – Authorize Staff to Advertise a Request for Qualifications and Statement of Interest for Professional Services to Update the Comprehensive Preservation Plan

**Bid Award Consent Items**

24. CC101518-02.1 – Approve award of Total Bid for 2018 Traffic Operations Upgrades – Sign Replacement Project No. 18-2459 / CIP No. 51047 opened on October 9, 2018 to the lowest responsible bidder, Signs Up Ltd. in the amount of $36,646.70.

25. CC101518-02.2 – Approve award of total bid for 2018 MIPS - Asphalt, Project No. 18-2457 / CIP No. 50298 opened on October 9, 2018 to the lowest responsible bidder, Simon Contractors of SD, Inc. in the amount of $107,514.25.

26. CC101518-02.3 – Approve award of total bid for 2018 MIPS - Concrete, Project No. 17-2395 / CIP No. 50298 opened on October 9, 2018 to the lowest responsible bidder, Tru-Form Construction, Inc. in the amount of $326,027.00.

27. CC101518-02.4 – City Staff recommends continuing the Bid Award of Two Solid Cushion Tired Forklifts for the Solid Waste Division to the November 5, 2018 City Council Meeting.

28. CC101518-02.5 – City Staff recommends continuing the Bid Award of Lift Pump (Vertical Turbine for the Water Reclamation Division) to the November 5, 2018 City Council Meeting.

29. CC101518-02.6 – Approve award of Rental Rates for Snow Removal Operations from Lind-Exco, JMD Excavating, Site Works and Bek. Estimated cost: $50,000.00

30. CC101518-02.7 – Approve award of Parking Lot Near West Blvd. to JMD Excavating in the amount of $294.00 per snow event (2-6” snow) and $399.00 per snow event (over 6” snow).

31. CC101518-02.8 – Approve award of Parking Lot number 4 to Marathon Resource Management Group in the amount of $200.00 per snow event (2-6” snow) and $300.00 per snow event (over 6” snow).

32. CC101518-02.9 – Approve award of Parking Lot number 5 to Marathon Resource Management Group in the amount of $275.00 per snow event (2-6” snow) and $400.00 per snow event (over 6” snow).
33. CC101518-02.10 – Approve award of Parking Lot number 7 to JMD Excavating in the amount of $394.00 per snow event (2-6” snow) and $544.00 per snow event (over 6” snow).
34. CC101518-02.11 – Approve award of Parking Lot number 8 to JMD Excavating in the amount of $298.00 per snow event (2-6” snow) and $393.00 per snow event (over 6” snow).

END OF CONSENT ITEMS

NON-CONSENT ITEMS – Items 35 - 37
Daene Boomsma, spoke on item 35, (PW100918-13) asking council to approve his exception. He said he owns the strip mall on Eglin. He would like the suites to be metered individually instead of as one for the whole building. He’s not even sure he has to ask for this exception as he reads/interrupts the city codes differently than staff does. He read that each supply has to have its own meter. This is what he wants for the five units.

Public Works Committee Items
Drew read in item (PW100918-13) Deny the Appeal by Boom Construction, Inc. of an Exception Request denial to install five individual water meters in a strip mall under one-ownership. In response to a question from Laurenti, Tech confirmed the property was inspected in August 2018 and they observed five individual water services had been installed. It was cited as a deviation from the approved plans because the approved plans showed it being constructed properly. Tech said Boomsma has one line to the property which is the main line that ties into the city public main that goes to his property. He does not have five individual service lines, he has one. Modrick said the criteria manual was worked on in 2007 and approved in 2012. She asked Tech why the city wouldn’t want to change the criteria for suites or other things they can generate revenue from. Tech said the city is in the water business but the city is not in the property management business. Tech referenced that Jeff Crockett mentioned at the Public Works meeting that in regards to commercial businesses, interior walls get moved around and if that happens, there would be two water services going into an individual suite. This will cause issues in the future. In his opinion, the code doesn’t need to be updated, it is correct. Tech said no exceptions or variances have been granted regarding this issue since the revised code was adopted in 2012. Modrick feels the criteria manual should be looked at for possible future changes for issues like this. Drew asked Boomsma why he deviated from the approved plans. Boomsma said the original plans were changed by the engineer and there was a disconnect between the engineer and the city. Nothing was intentional or meant to be secretive. He believes there is also a disconnect between the city’s construction management department and the city’s utility maintenance department. He stated that utility maintenance was on site doing these individual taps. There was a disconnect between the engineer and getting the plans submitted to the city. There were several delays and it just got missed. In response to a question from Drew, Boomsma said he feels there are several contradicting city codes when the city refers to service lines and the water main. Lewis said the lines were tapped and recorded at the water department and wondered how that happened. Boomsma said that’s where the disconnect came between the construction management department and the utility maintenance department. He said utility maintenance came out and tapped the one-inch lines into a six-inch main that is managed by construction management. Lewis asked if concrete or anything is covering the lines. Boomsma said this came up two months ago so he left the project in a manner that depends on this outcome. Lewis said he understood where Boomsma was coming from and would support his request. Motion was made by Laurenti, second by Drew to deny the appeal. Motion carried 8-1 with Lewis voting in favor of the exception.

Community Planning & Development Services Department Items
Drew read in item (No. 18PL076) A request by KTM Design Solutions, Inc for Joseph Simpson for a Preliminary Subdivision Plan for proposed Lots 6A, 6B, 7A, 7B of Fountain View Subdivision, generally described as being located on the north side of Harmony Heights Lane. Motion was made by Drew, second by Drury and carried to approve with the following stipulations: 1. Prior to approval of a Development Engineering Plan application, an Engineering Report per Chapter 1.15 of the Infrastructure
Design Criteria Manual shall be submitted for review and approval. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards as required by the Infrastructure Design Criteria Manual; 2. Upon submittal of a Development Engineering Plan application, construction plans showing the installation of one intermediate turnaround for fire access no more than 600-feet from the terminus of Harmony Heights Lane shall be submitted for review and approval, or an Exception shall be obtained. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application. 3. Upon submittal of a Development Engineering Plan application, construction plans showing the installation of one fire hydrant at an interval not to exceed 450-feet from existing fire hydrants serving the property shall be submitted for review and approval, or an Exception shall be obtained. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application. 4. Upon submittal of a Development Engineering Plan application, water plans and analysis shall be submitted for review and approval that demonstrate that the water service to the lots is adequate to meet estimated domestic flows and required fire flows to support the proposed development. Design reports shall be in conformance with the Infrastructure Design Criteria Manual and signed and sealed by a professional engineer; 5. Upon submittal of a Development Engineering Plan application, a sewer design report shall be submitted for review and approval that demonstrates that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity. The design report shall be in conformance with the Infrastructure Design Criteria Manual, and signed and sealed by a professional engineer; 6. Upon submittal of a Development Engineering Plan application, drainage plans and reports demonstrating stormwater detention at historic rates and stormwater quality management for the proposed lots shall be submitted for review and approval. Additionally, all drainage easements shall be provided as necessary; 7. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements; 8. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval; 9. Upon submittal of a Final Plat application, the plat document shall show all easements as necessary, including drainage easements and utility easements; 10. Upon submittal of a Final Plat application, an agreement showing ownership and maintenance of proposed drainage elements shall be submitted for recording; 11. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and, 12. Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s).

Drew read in item (No. 18PL085) A request by KTM Design Solutions, Inc for Dakota Heartland Inc. for a Preliminary Subdivision Plan for proposed Lot 3A, 3B, 3C of Block 1; Lot 1A and Lot 1B of Block 4; Lot 1 of Block 6 of Big Sky Business Park, generally described as being located east of Elk Vale Road, along Timmons Boulevard. Motion was made by Drew, second by Nordstrom to approve with the following stipulations: 1. Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed if subdivision improvements are required. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards as required by the Infrastructure Design Criteria Manual; 2. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. The design report shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development; 3. Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as
per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity in conformance with the Infrastructure Design Criteria Manual; 4. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer shall be submitted for review and approval. The drainage analysis and proposed improvements shall be in compliance with the approved Racetrack Draw Drainage Basin Plan and the Infrastructure Design Criteria Manual, including drainage areas, stormwater generation criteria, design components, detention, stormwater metering and discharge. The Stormwater analysis and improvements shall also include consideration of current and future stormwater quality requirements and improvements. In addition, easements shall be provided as needed; 5. Upon submittal of a Development Engineering Plan application, a grading plan and an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval; 6. Upon submittal of a Development Engineering Plan application, construction plans for Homestead Street shall be submitted for review and approval showing the street located in a minimum 68-foot wide right-of-way and constructed with a minimum 34-foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application; 7. Upon submittal of a Development Engineering Plan application, construction plans for Timmons Boulevard located south of Homestead Street shall be submitted for review and approval showing the street constructed with a minimum 26-foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer with a minimum 96-foot diameter paved cul-de-sac bulb or an Exception shall be obtained. If an Exception is obtained a copy of the approved Exception shall be submitted with the Development Engineering Plan application; 8. Upon submittal of a Development Engineering Plan application, construction plans for Timmons Boulevard located north of Homestead Street shall be submitted for review and approval showing the dedication of 9 additional feet of right of way along Lots 3A and 3B of Block 1 and along Lots 1A and 1B of Block 4 or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application; 9. Upon submittal of a Development Engineering Plan application, a plat document shall be submitted showing the existing easements located on proposed Lot 1 of Block 6. In addition, construction plans for the access and utility easement(s) shall be submitted for review and approval showing the access easement constructed 26-foot wide paved surface, curb, gutter, sidewalk, streetlight conduit, water and sewer or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application; 10. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable; 11. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval; 12. Upon submittal of a Final Plat application, an agreement securing maintenance and ownership of the proposed drainage elements shall be submitted for recording. In addition the plat document shall dedicate Major Drainage Easement(s) for the drainage improvements; 13. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and, 14. Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s).

PUBLIC HEARING ITEMS – Item 38

CONSENT PUBLIC HEARING ITEMS – Item 38

Alcohol Licenses

35. Fiesta Tequila Mexican Restaurant LLC, DBA Fiesta Tequila Mexican Restaurant, 1001 E North Street for a Retail (on-off Sale) Malt Beverage & SD Farm Wine License.

Motion was made by Scott, second by Lewis and carried to approve Item 38.
END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – Item 39
Ordinance 6274 (No. 18RZ022) an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc. for BH Capital, LLC for a Rezoning from General Agricultural District to Medium Density Residential District for property generally described as being located east of Valley Drive and west of Copperfield Vista having passed its first reading on September 17, 2018 motion was made by Scott, second by Laurenti that the title be read the second time. Scott confirmed with Young that 18PL064 was approved on a previous agenda. Young said it was previously approved. Upon vote being taken, the following voted AYE: Scott, Drew, Nordstrom, Modrick, Salamun, Lewis, Armstrong, Laurenti, and Drury. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6274 was declared duly passed upon its second reading in conjunction with Preliminary Subdivision Plan 18PL064.

BILLS
The following bills have been audited:

BILL LIST - OCTOBER 15, 2018

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Sumption presented the bill list of $6,438,245.02. Motion was made by Laurenti, second by Salamun and carried to authorize (No. CC101518-01) the Finance Officer to issue warrants or treasurer checks, drawn on proper funds, in payment thereof.

ADJOURN
There being no further business to come before the Council at this time, motion was made by Scott, second by Drew and carried to adjourn the meeting at 7:15 p.m.

Dated this 15th day of October, 2018.
ATTEST:

__________________________________
Finance Officer
(SEAL)

CITY OF RAPID CITY

______________________________
Mayor