Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at City Hall, 300 Sixth Street, in Rapid City, South Dakota on Monday, October 4, 2021 at 6:30 P.M.

The following members were present: Mayor Steve Allender and the following Alderpersons: Greg Strommen, Lance Lehmann, Darla Drew, Ron Weifenbach, Pat Jones, Jason Salamun, John Roberts and Bill Evans; the following Alderpersons arrived during the course of the meeting: None; and the following were absent: None. Laura Armstrong and Ritchie Nordstrom joined the meeting by telephone.

Staff members present included: City Attorney Joel Landeen, Police Chief Don Hedrick, Public Works Engineer Ben Ganje, Finance Director Pauline Sumption, Interim Community Development Director Vicki Fisher, IT Director Jim Gilbert, Fire Chief Jason Culberson, CDBG Manager Michelle Schuelke, Communications Coordinator Darrell Shoemaker, and Administrative Coordinator Heidi Weaver.

ADOPTION OF AGENDA
Motion was made by Lehmann, second by Evans to adopt the agenda. Motion carried 10-0.

AWARDS AND RECOGNITIONS
Mayor Allender read in the Proclamation for World Habitat Day and for Domestic Violence Awareness Month.

PRESENTATION
The Presentation from the Sustainability Committee to EchoWorks and the Presentation from the Cave Collective were mistakenly put on this agenda. They were both moved to the October 18, 2021 City Council Meeting.

NON-PUBLIC HEARING ITEMS -- Items 5 – 38
CONSENT ITEMS – Items 5 – 34
There were no items removed from the Consent Items. Motion was made by Lehmann, second by Salamun and carried to approve items 5-34.

Approve Minutes
5. Approve Minutes for the September 20, 2021 Regular Council meeting.

Alcoholic Beverage License Applications Set for Hearing (October 18, 2021)
6. Western Dakota Tech Foundation DBA Western Dakota Tech Foundation for a SPECIAL EVENT Off-Sale Package Wine Dealer License on October 21, 2021 at 800 Mickelson Drive
7. Naja Shrine Temple DBA Rapid City Shrine Temple for a SPECIAL EVENT On-Sale Dealer License for October 23, 2021 at 4091 Sturgis Road
8. Naja Shrine Temple DBA Rapid City Shrine Temple for a SPECIAL EVENT On-Sale Dealer License for November 6, 2021 at 4091 Sturgis Road
9. Naja Shrine Temple DBA Rapid City Shrine Temple for a SPECIAL EVENT On-Sale Malt Beverage Retailer License for November 6, 2021 at 2820 Harley Drive

Public Works Committee Consent Items
10. PW092821-01: Approve Change Order #1F to Bituminous Paving Inc. for 2021 Chip Seal Project, Project #20-2620 / CIP 50549 for a decrease of $18,027.50.
11. PW092821-02: Approve Change Order #1F to Prime Excavation for 515 West Blvd Water Service, Project #19-2499 / CIP 50927 for an increase of $3,537.98.
12. PW092821-03: Authorize Mayor and Finance Director to Sign Amendment No. 2 to the Agreement between the City of Rapid City and Longbranch Civil Engineering, Inc. for Professional Engineering Services for Lime Creek Detailed Analysis of FEMA Special Flood Hazard Area, Project No. 18-2479, CIP No. 51192 in the amount of $10,800.00.

13. PW092821-04: Authorize Mayor and Finance Director to Sign an Amendment to the original Agreement between the City of Rapid and KLJ for Professional Engineering Services for St. Patrick St. Reconstruction – Mt. Rushmore Rd. to 5th St., Project No. 20-2582 / CIP No. 51126, in the amount of $15,280.00.

14. PW092821-05: Approve and Authorize Mayor and Finance Officer to sign Professional Services Agreement with Ferber Engineering Company, Inc. for the Enchantment Road PRV CP and Repair Project No. 20-2590/CIP 51261, in the amount of $33,830.00.

15. PW092821-06: Authorize Mayor and Finance Director to sign the “State of South Dakota Department of Transportation Bridge Improvement Grant Agreement for Preliminary Engineering – State Administration” for the Chapel Lane bridge (Structure # 52-378-315) Chapel Lane Bridge Preliminary Engineering Study, Project Number 21-2666 / CIP 51330.

16. PW092821-07: Authorize Mayor and Finance officer to sign covenant agreement between the City of Rapid City and Skyline Heights, LLC and John and Jeane Hull, allowing connection to the City water system for properties located at 3445 and 3505 Skyline Heights Court.

17. PW092821-08: Authorize staff to advertise for Saint Cloud Street Reconstruction West Boulevard to 9th Street, Project No. 21-2662 / CIP 51174 for $525,000.

18. PW092821-09: Approve Request from Towey Design Group, Inc. for a time extension for the Development Engineering Plan application associated with the Misty Meadows Subdivision.

19. PW092821-10: Approve Request from Jeff and Kate Collins for a variance to waive the requirement to install sidewalk along 4421 W. Glen Place, Rapid City, per City Ordinance 12.08.060.

20. PW092821-11: Approve Request from AE2S for Hart Ranch Development Company for a variance to waive the requirement to install sidewalk for Village On The Green No. 3 Subdivision, per City Ordinance 12.08.060.

21. PW092821-12: Approve Request to purchase a spare CCTV sewer televising camera and tractor setup for sanitary and storm sewer inspections. The purchase would be through a Sourcewell contract with Titan Machinery at a cost of $74,714.09.


23. PW092821-14: Approve Request to Direct the Mayor and Public Works Director to issue Street Lighting Request to WREA to add seven (7) street lights to existing poles on S. Valley Rd.

24. PW092821-15: Acknowledge Discussion about creating a residential street plan

Legal & Finance Committee Consent Items

25. LF092921-01 – Confirm the Reappointments of Eric Ottenbacher, Rachel Caesar and Erik Braun to the Planning Commission

26. LF092921-07 – Confirm the Appointment of Jessica Rogers to the HRC/MAA Commission

27. Acknowledge the Following Volunteers for Worker's Compensation Purposes: Chuck Berdan (RSVP+), Marilyn Berdan (RSVP+), Rita Bollutt (RSVP+), Floy Brindley (RSVP+), Colleen Butler (RSVP+), Rose Donovan (RSVP+), Sheila Ann Frost (RSVP+), Debra Geiger (RSVP+), Jim Geiger (RSVP+), Jeanette Hoff (RSVP+), Lori Kimball (RSVP+), Michele Post (RSVP+), Mary Riley (RSVP+), Julie Schreibeis (RSVP+), Frances Trainer (RSVP+), Steve Waterman (RSVP+), Kathy Wood (RSVP+).

28. LF092921-03 – Acknowledge July 2021 Sales Tax Report

29. LF092921-08 – Authorize Mayor and Finance Director to Sign Second Amended Contract for Private Development Tax Increment District Number Sixty-Five Between Dennis Zandstra Real Estate Holdings, LLC and the City of Rapid City
30. LF092921-09 – Authorize Mayor and Finance Director to Sign Third Amended Contract for Private Development Tax Increment District Number Sixty-Five Between SSST, LLC and the City of Rapid City

31. LF092921-06 – Approve Request by Brian Bach for a Determination by the City Council that there are no feasible and prudent alternatives to the proposed project in a historic district located at 920 Fairview Street, and that the proposal contains planning to minimize harm to the historic property pursuant to SDCL1-19A-11.1 and RCMC 17.54.080.

**Community Development Consent Items**

32. LF092921-04 – Approve Preliminary Community Development Block Grant (CDBG) FY21 Mid-Year Funding Recommendations.

33. LF092921-05 – Authorize Mayor and Finance Director to Sign the Updated CDBG Certifications

**Bid Award Consent Items**

34. CC100421-04.1 - Approve award of total bid for IGT Subdivision Improvements – Water and Sewer opened on September 28th, 2021 to the lowest responsible bidder, Lind Exco Inc in the amount of $405,091.93.

**END OF CONSENT ITEMS**

**NON-CONSENT ITEMS** – Items 35 – 38

**Ordinances**

Mayor Allender read in item (LF092921-02) First Reading, Ordinance No. 6508, An Ordinance to Update the Process for Video Lottery Machine Placement by Amending Chapter 5.64 of the Rapid City Municipal Code. Motion was made by Lehmann, second by Weifenbach and carried 10-0 that Ordinance 6508 be placed upon its first reading and title was fully and distinctly read and the second ready was set for October 18, 2021.

**Community Development Items**

Mayor Allender read in item (No. 21PL088) A request by Renner Associates, LLC for Barry Zelickson for a Preliminary Subdivision Plan for proposed Lot 2R and Lot 3 of Tract 4R of Arches Addition, legally described as Lot 2 of Tract 4R of Arches Addition, located in Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located 2700 Mt. Rushmore Road. Motion was made by Salamun, second by Lehmann to approve with the following stipulations: 1. Prior to submittal of a Final Plat application, the plat shall be revised to show the dedication of four additional feet of right-of-way and an additional five feet of right-of-way the first 200 feet as the street extends south from Cathedral Drive or an Exception shall be obtained. If an Exception is obtained, a copy of the approval document shall be submitted with the Final Plat application. 2. Prior to submittal of a Final Plat application, a utility easement shall be dedicated for the water main along the 30-foot wide access and utility easement extending at least 5 feet north of the existing main to allow access and maintenance of the water main; and, 3. Prior to submittal of a Final Plat application, the plat document shall be revised to show bearings and distances.

Mayor Allender read in item (No. 21PL090) A request by D.C. Scott Co. Land Surveyors Inc. for Gregory Harberts, Trustee for a Preliminary Subdivision Plan for proposed Lot 1 of Victra Subdivision No. 2 property, located 7400 Longview Road. Motion was made by Drew, second by Jones to approve with the following stipulations: 1. Prior to submittal of a Final Plat application, the plat document shall show the dedication of 50 feet of right-of-way on Long View Road; 2. Prior to submittal of a Final Plat application, approach permits for the existing approaches shall be filed with the Pennington County Highway Department. In addition, copies of the approach permits shall be submitted with the Final Plat application; 3. Prior to submittal of a Final Plat, construction plans shall be submitted for review and approval providing property line sidewalks along Long View Road or a Variance shall be obtained from the City
Council; and, 4. Upon submittal of a Final Plat application, the plat document shall continue to show the dedication of 17 additional feet of right-of-way along Long View Road.

Mayor Allender read in item (No. 21PL092) A request by KTM Design Solutions, Inc for Watershed Development, LLC for a Preliminary Subdivision Plan for proposed Lots 1 thru 5 of Block 1 of Highpointe Crescent, property located western terminus of Castle Garden Court. Motion was made by Lehmann, second by Strommen to approve with the following stipulations: 1. Prior to submittal of a Development Engineering Plan application, an Exception shall be obtained from City Council to allow 68 dwelling units with one point of access in lieu of a maximum of 40 dwelling units or the plat document shall be revised to provide a second point of access; 2. Upon submittal of a Development Engineering Plan application, construction plans for Castle Garden Court shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a lane place street or shall meet criteria for obtaining an Exception. In addition, the cul-de-sac bulb at the street terminus shall be constructed pursuant to Table 2-4 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application; 3. Upon submittal of a Development Engineering Plan application, access to proposed Lot 1 shall be identified. In addition, construction plans for the driveway shall be submitted for review and approval meeting pavement width and approach clearances pursuant to the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. 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, a cost estimate for the required subdivision improvements shall be submitted for review and approval; 5. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements; 6. Prior to approval of the Development Engineering Plan application, engineering design reports (in part to include water, sewer, drainage, and pavement) required for construction approval shall be accepted and agreements required for construction approval shall be executed pursuant to Chapter 1.15 of the Infrastructure Design Criteria Manual. 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; 7. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured; 8. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded; 9. Prior to submittal of a Final Plat, the subject property shall be annexed into the City limits of Rapid City and rezoned from No Use District to Park Forest District; 10. Prior to submittal of a Final Plat application, the applicant shall enter into a Wild Fire Mitigation Plan for the property. In addition, a copy of the approved plan shall be submitted with the Final Plat application; 11. Upon submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that fire suppression systems are installed in any new residential structures or expansions to the existing residence that results in the expansion of the fire flow calculation area as defined by the International Fire Code. The system design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable; 12. Upon submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that exterior building construction materials, building separations and landscaping provision are in conformance with the best practices established by the Rapid City Fire Department Survivable Space Initiative; 13. Upon submittal of a Final Plat application, the plat document shall show the dedication of right-of-way for the 33-foot wide section line highway(s) located on the subject property or the section line highway(s) shall be vacated; 14. 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, 15. Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.
The following item was removed from the Consent Public Hearing Items:

40. No. 21TI002 – Approve the Walpole Heights Subdivision and Arches Addition - Resolution 2021-084 - A request by Brian E. Bangs Skyline Pines East, LLLP for Bruce E. Schreiner Skyline Pines East, LLLP to consider an application for a Reallocation of Projects Plan Costs for Tower Road TID No. 47 for property generally described as being located Tower Road west of U.S. Highway 16.

Motion was made by Roberts, second by Salamun and carried to approve Consent Public Hearing Items 39, 41, 42 and 43.

**Community Development Items**

39. No. 21TI001 – Approve the Minnesota Street TID No. 65 – Resolution 2021-083 - A request by KTM Design Solutions, Inc. for SSST, LLC and Zandstra Real Estate Holdings, LLC to consider an application for a Reallocation of Project Plan Costs for Minnesota Street TID No. 65 for property generally described as being located south and west of Elks Country Estates and east of Elk Vale Road.

RESOLUTION 2021-083

RESOLUTION APPROVING SECOND REVISED PROJECT PLAN FOR E MINNESOTA STREET TAX INCREMENT DISTRICT NUMBER SIXTY-FIVE AS SUBMITTED BY THE RAPID CITY PLANNING COMMISSION

WHEREAS, the Council of the City of Rapid City has determined that it is in the best interest of the City to implement plans which promote economic development and growth in the City; and

WHEREAS, the Council embraces the concept of Tax Increment Financing as a tool to encourage this desirable growth and redevelopment; and

WHEREAS, the E Minnesota Street Tax Increment District Number Sixty-Five was established on September 4, 2007; and

WHEREAS this Second Revised Project Plan will replace the Project Plan approved by the City Council on November 15, 2018; and

WHEREAS, the Council deems it desirable to promote economic development and create jobs in the corporate limits of the City of Rapid City; and

WHEREAS, the use of Tax Increment Funding to promote this development is in keeping with the statutes adopted by the South Dakota State Legislature; and

WHEREAS, the 2007 base valuation of the District as determined by the South Dakota Department of Revenue was $968,781 and the 2020-year end valuation of the District was $83,782,200, evidence that the District has stimulated the general economic welfare and prosperity of the state through the promotion and advancement of industrial or commercial development and has significantly enhanced the property value of the district, as required in South Dakota Codified Law 11-9-8; and

WHEREAS, The Second Revised Project Plan reallocates costs to accurately reflect expenditures for the agreed upon cost of the project to be certified; and
WHEREAS, the Council considered the Second Revision submitted by the Planning Commission and
determined that the Second Revised Project Plan for East Minnesota Street Tax Increment District
Number Sixty-Five is economically feasible; and

WHEREAS, the Council further determined that the Second Revised Project Plan is in conformity with
the adopted Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the Second Revised Project Plan
for East Minnesota Street Tax Increment District Number Sixty-Five be and hereby is approved as
attached and submitted by the Rapid City Planning Commission.

Dated this 4th day of October, 2021.

CITY OF RAPID CITY
s/Steve Allender
Mayor

ATTEST:
s/Pauline Sumption
Finance Director
(SEAL)

Alcohol Licenses
41. Breakroom Billiards and Darts LLC DBA Breakroom Billiards and Darts, 355 11th Street Suite 1
for a Retail (on-off sale) Malt Beverage and SD Farm Wine License with VL Designation
42. Big D Oil Co. DBA Big D Oil #45, 251 Stumer Road for a Package (off-sale) Liquor License
TRANSFER from Big D Oil Co. DBA Big D Oil #54 located at 3851 Eglin Street
43. Big D Oil Co. DBA Big D Oil Co. #54, 3851 Eglin St for a Retail (on-off sale) Malt Beverage & SD
Farm Wine License TRANSFER from Big D Oil Co. #45 located at 251 Stumer Road

END OF CONSENT PUBLIC HEARING CALENDAR

Mayor Allender read in item (No. 21TI002) Approve the Walpole Heights Subdivision and Arches
Addition - Resolution 2021-084 - A request by Brian E. Bangs Skyline Pines East, LLLP for Bruce E.
Schreiner Skyline Pines East, LLLP to consider an application for a Reallocation of Projects Plan Costs
for Tower Road TID No. 47 for property generally described as being located Tower Road west of U.S.
Highway 16. Motion was made by Drew, second by Lehmann to approve. In response to a question from
Drew, Culberson said fire prevention is always addressed with any new subdivision. Motion carried 10-0.

Resolution 2021- 084
RESOLUTION APPROVING THIRD REVISED PROJECT PLAN FOR
TOWER ROAD TAX INCREMENT DISTRICT NUMBER FORTY-SEVEN AS SUBMITTED BY THE
RAPID CITY PLANNING COMMISSION

WHEREAS, the Council of the City of Rapid City has determined that it is in the best interest of the City
to implement plans which promote economic development and growth in the City; and

WHEREAS, the Council embraces the concept of Tax Increment Financing as a tool to encourage this
desirable growth and redevelopment; and

WHEREAS, the Tower Road Tax Increment District Number Forty-seven was established on October 4,
2004; and

WHEREAS this Third Revised Project Plan will replace the Second Revised Project Plan approved by
the City Council on November 2, 2009; and
WHEREAS, the Council deems it desirable to promote economic development and create jobs in the corporate limits of the City of Rapid City; and

WHEREAS, the use of Tax Increment Funding to promote this development is in keeping with the statutes adopted by the South Dakota State Legislature; and

WHEREAS, the 2004 base valuation of the District as determined by the South Dakota Department of Revenue was $1,395,000 and the 2020-year end valuation of the District was $29,542,576, evidence that the District has stimulated the general economic welfare and prosperity of the state through the promotion and advancement of industrial or commercial development as required in South Dakota Codified Law 11-9-8; and

WHEREAS, the Third Revised Project Plan reallocates costs to accurately reflect expenditures for the project costs to be certified; and

WHEREAS, the Council considered Revision #3 submitted by the Planning Commission and determined that the Third Revised Project Plan for Tower Road Tax Increment District Number Forty-seven is economically feasible; and

WHEREAS, the Council further determined that the Third Revised Project Plan is in conformity with the adopted Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the Third Revised Project Plan for Tower Road Tax Increment District Number Forty-Seven be and hereby is approved as attached and submitted by the Rapid City Planning Commission.

Dated this 4th day of October, 2021.

CITY OF RAPID CITY
s/Steve Allender
Mayor

ATTEST:
s/Pauline Sumption
Finance Director
(SEAL)

Chief Culberson updated the council on the fire that was burning outside of city limits, north of Auburn Hills. It is estimated about 300 acres will be lost. He said winds are changing and that is concerning.

NON-CONSENT PUBLIC HEARING ITEMS – Items 44 – 46
Mayor Allender read in item (No. 21RZ020) Second Reading, Ordinance 6504, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc for Watershed II, LLC for a Rezoning request from No Use District to Park Forest District for property generally described as being located north of terminus of Cloud Peak Drive. Having passed its first reading on September 20, 2021, motion was made by Salamun, second by Roberts that the title be read the second time. Upon vote being taken, the following voted AYE: Nordstrom, Weifenbach, Roberts, Strommen, Jones, Lehmman, Evans, Armstrong, Salamun and Drew; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 6504 was declared duly passed upon its second reading.

Mayor Allender read in item (21OA003) Second Reading of Ordinance No. 6500 an Ordinance to Adopt Comprehensive Zoning Regulations for Medical Cannabis Establishments by Amending Title 17 of the Rapid City Municipal Code. Motion was made by Drew, second by Lehmann to approve. Evans said he was not in favor of the ordinance. He thinks the city should have the only medical cannabis...
establishments license in order to keep the additional generated revenue in house to use for roads and other needed improvements within the city. Fisher spoke on the specific zoning regulations and also spoke on the state regulations. Upon vote being taken, the following voted AYE: Nordstrom, Weifenbach, Roberts, Strommen, Jones, Lehmann, Armstrong, Salamun and Drew; NO: Evans; whereupon the Mayor declared the motion passed and Ordinance No. 6500 was declared duly passed upon its second reading.

Mayor Allender read in item (No. 21CA001) A request to approve Resolution 2021-052 by KTM Design Solutions, Inc. for 605 Storage LLC for a Comprehensive Plan Amendment to the Major Street Plan for property generally described as being located at 3276 and 3300 Cambell Street. This item was continued from the June 21, 2021 City Council Meeting. Motion was made by Lehmann, second by Roberts and carried to continue the item to the October 18, 2021 City Council meeting per the applicant’s request.

Jones apologized for misrepresenting a citizen who was in favor of the employee COVID bonus.

**BILLS**

**BILL LIST - OCTOBER 4, 2021**

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**TOTAL**
Sumption presented the bill list of $17,314,206.87. Motion was made by Salamun, second by Jones and carried to authorize (No. CC100421-01) the Finance Director to issue warrants or treasurer checks, drawn on proper funds, in payment thereof. Motion carried 10-0.

ADJOURN
There being no further business to come before the Council at this time, motion was made by Lehmann, second by Drew and carried to adjourn the meeting at 7:09 p.m.

Dated this 4th day of October, 2021.

CITY OF RAPID CITY
s/Steve Allender
Mayor

ATTEST:
s/Pauline Sumption
Finance Director
(SEAL)

Published at the approximate cost: ______________