

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

October 3, 2016

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 3, 2016 at 6:30 P.M.

The following members were present: Mayor Steve Allender and the following Alderpersons: Ritchie Nordstrom, Darla Drew, Jason Salamun, Charity Doyle, Brad Estes, Amanda Scott, Steve Laurenti, Jerry Wright, Lisa Modrick, John Roberts and the following Alderpersons arrived during the course of the meeting: NONE; and the following were absent: NONE

Staff members present included: Finance Officer Pauline Sumption, Assistant City Attorney Carla Cushman, Assistant Police Chief Rod Seals, Interim Public Works Director Dale Tech, Parks and Recreation Director Jeff Biegler, Planning Manager Vicki Fisher, Long Range Planner Patsy Horton, Community Resources Director Jeff Barbier and Administrative Coordinator Heidi Weaver-Norris.

ADOPTION OF AGENDA

Motion was made by Wright, second by Modrick and carried to amend the agenda and place Item #23 after Item #37 and to have Executive Session prior to Item #37.

AWARDS AND RECOGNITIONS

Mayor Allender proclaimed October 3, 2016 as World Habitat Day. Mayor presented the President of Black Hills Habitat for Humanity, Debbie Hildebrandt, with the proclamation.

Brian Jenner with the South Dakota Engineering Society and the National Society of Professional Engineers presented the 2016 Qualifications-Based Selection Merit Award to Dale Tech on behalf of the City of Rapid City. There are only three awards given in the country and Rapid City was one of the three.

GENERAL PUBLIC COMMENT

Debra Jensen, President of the Mt. Rushmore road group, addressed the Council. She spoke in favor of Item 22. She is happy that the City is renaming Highway 16 to Mt. Rushmore Road. She has received positive feedback on the road name change. She clarified the name will be extended to the edge of the city limits.

CONSENT ITEMS – Items 3 - 25

The following items were removed from the Consent Items:

25. No. CC100316-02.2 – Approve award of Total Bid for Maple Green Apartments Demolition, Project No. 16-2345 / CIP No. 50559 opened on September 27, 2016 to the lowest responsible bidder, Lind Exco, Inc., in the amount of \$81,005.57.

Motion was made by Estes, second by Doyle and carried to approve Items 3-25 as they appear on the Consent Items with the exception of Item 25.

Approve Minutes

3. Approve Minutes for the September 19, 2016 Regular Council meeting.

Public Works Committee Consent Items

4. No. PW092716-01 – Confirm the appointments of Clinton Beck and Michael Pogany to the Rapid City Air Quality Board.

5. No. PW092716-02 – Approve Award of Total Quote for Parking Garage Security Camera, Project No. 16-2349 opened on Sept 16, 2016, to the lowest responsible bidder, Johnson Controls, in the amount of \$79,912.00.
6. No. PW092716-03 – Approve Change Order #1F to Lind Exco for Country Road Water Transmission Main Project No. 14-2173 & 14-2174 / CIP No. 50920 for a decrease of \$158,249.10.
7. No. PW092716-04 – Approve Change Order #1F to Northern Plains, LLC for West St. Cloud St. Street & Utilities Reconstruction Project No. 15-2113 / CIP No. 50939 for an increase of \$13,232.57.
8. No. PW092716-05 – Authorize Mayor and Finance Officer to Sign Amendment #1 to the Agreement between the City of Rapid City and Advanced Engineering and Environmental Services, Inc. for Design and Bidding Professional Services for Mount Rushmore Road Utilities Reconstruction –Flormann Street to Saint James Street, Project No.12-2051 / CIP No. 50867.
9. No. PW092716-07 – Authorize Mayor and Finance Officer to Sign Joint Powers Maintenance and Encroachment Agreement between the City of Rapid City and Department of Transportation for City Project No. 12-2051 / CIP No. 50867, State Project NH 0016(84)67 PCN 049F.
10. No. PW092716-08 – Authorize Mayor and Finance Officer to Sign Permanent Utility Easement to Rushmore Electric Power Cooperative, Inc. for property located at Tract 1 of Shamrock Subdivision.
11. No. PW092716-10 – Authorize Staff to Purchase IBAK Rapid View portable mainline sewer camera system using the National Joint Powers Agreement (contract #022014) from the local vendor Titan Machinery. Estimated Cost: \$123,796.00.
12. No. PW092716-09 – Authorize Staff to request proposals for Custodial Services for Parks Shelters, Parks Maintenance Shop and Park and Recreation Administration Office. Estimated cost \$100,000.00 annually.
13. No. PW083016-15 – Authorize Applicant's Withdrawal from James Tiltrum for a Variance to Waive the Requirement to Install Sidewalk per City Ordinance 12.08.060 along Century Road, Rapid City.

Legal & Finance Committee Consent Items

14. No. LF092816-05 – Confirm the Appointments of Todd Hollan, Nick Patton, Don Hedrick, Kelly Gibson and Lisa Denherder to the Downtown Business Improvement District (BID) Board
15. No. LF092816-06 – Acknowledge August 2016 General Fund Cash Balance Report
16. No. LF092816-01 – Authorize Mayor and Finance Officer to Sign FY2016 Community Development Block Grant Contract – Behavior Management Systems
17. No. LF092816-02 – Authorize Mayor and Finance Officer to Sign FY2016 Community Development Block Grant Contract – Pennington County Health & Human Services
18. No. LF092816-03 – Authorize Mayor and Finance Officer to Sign FY2016 Community Development Block Grant Contract – Youth and Family Services
19. No. LF092816-04 – Authorize Mayor and Finance Officer to Sign FY2016 Community Development Block Grant Contract – Lutheran Social Services – Arise Youth Center
20. No. LF092816-07 – Approve Canyon Lake Senior Center's Request for Additional FY2016 Community Development Block Grant (CDBG) Contingency Funds
21. No. LF092816-08 – Approve Cornerstone Rescue Mission Request for FY2016 Community Development Block Grant (CDBG) Contingency Funds for Bathroom Remodel Additional Compliance Costs

Community Planning & Development Services Department Consent Items

22. No. 16RD001 – Approve Resolution No. 2016-063 Renaming S. Highway 16 to Mount Rushmore Road

Resolution 2016-063
Resolution Renaming U.S. Highway 16 to Mount Rushmore Road

WHEREAS, the City has received an application to change the name of U.S. Highway 16 between Tower Road and Sammis Trail to Mount Rushmore Road; and

WHEREAS, Mount Rushmore Road is the current street name for the road directly north of Tower Road and adjacent to this area; and

WHEREAS, the City believes it to be in the best interests of its citizens to change the name of U.S. Highway 16 to Mount Rushmore Road for the area that is bordered by Tower Road on the north and Sammis Trail on the south.

NOW THEREFORE, BE IT RESOLVED by the City of Rapid City that that portion of the U.S. Highway 16 right-of-way extending between Tower Road and Sammis Trail and located in Sections 11, 14, 23, 26, 27, 34, and 35 in Township One North (T1N), Range Seven East (R7E), of the Black Hills Meridian, Rapid City, Pennington County, South Dakota be, and is hereby, renamed to Mount Rushmore Road.

Dated this 3rd day of October, 2016.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

Bid Award Consent Items

- 24. No. CC100316-02.1 – Approve award of Total Bid for Windslow Drive Drainage and Nebraska Street Sanitary Sewer Improvements, Project No. 16-2337 / CIP No. 50975 opened on September 27, 2016 to the lowest responsible bidder, Underground Construction, LLC, in the amount of \$267,055.39.

END OF CONSENT ITEMS

Mayor read in item (No. CC100316-02.2) Approve award of Total Bid for Maple Green Apartments Demolition, Project No. 16-2345 / CIP No. 50559 opened on September 27, 2016 to the lowest responsible bidder, Lind Exco, Inc., in the amount of \$81,005.57. Motion was made by Nordstrom, second by Drew to approve. Nordstrom said the estimate for the project was around \$200,000. He applauded the department for low bid and the competitive bid process. He was happy that the City could save some money on this project. In response to a question from Nordstrom, Tech said they had many competitive bids. He said due to the time of year, he believes the City was able to get a better price in order for companies to work during the fall/winter months. Motion passed 10-0.

NON-CONSENT ITEMS

Richard Bray addressed the Council regarding item 28. He used to rent out a few rooms but the City kept adding conditions and it became a hassle. He thinks there is too much paperwork. He believes the City should do everything they can to encourage people to come here. He doesn't think many people will end up doing the rentals because of the hassle and paperwork.

Jerry Munson addressed the Council regarding item 28. He agrees with 95% of the ordinance. He disagrees with having to do a Conditional Use Permit for more than two rooms. He would like the process to be a permit-only process. He said if the applicant gets too many complaints or parking violations, then revoke the permit. He thinks the regulations are reasonable. He thinks the ordinance

should include renting to as many people as parking spots allow. He would like to see the ordinance passed but not with a conditional use permit.

Ordinances

Ordinance 6138 (No. LF091416-05) An Ordinance Amending the Code Enforcement Appeal Procedure by Repealing Chapter 8.01 of the Rapid City Municipal Code, Adopting Section 2.24.065 of the Rapid City Municipal Code, and Amending Sections 2.24.020, 8.16.050, 10.56.060, and 10.56.065 of the Rapid City Municipal Code. Motion was made by Roberts, second by Laurenti that the title be read the second time. Upon vote being taken, the following voted AYE: Nordstrom, Drew, Salamun, Doyle, Estes, Scott, Laurenti, Wright, Modrick and Roberts. NO: None: whereupon the Mayor declared the motion passed and Ordinance 6138 was declared duly passed upon its second reading.

Ordinance 6143 (No. 16RZ030) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solution, Inc for Mollers Limited Partnership for a Rezoning from Office Commercial District to General Commercial District for property generally described as being located northeast of the intersection of S. Waterloo Street and E. Omaha Street intersection. Motion was made by Roberts, second by Laurenti that Ordinance 6143 be placed on its first reading and the title was fully and distinctly read.

Roberts read in Ordinance 6140 (No. 16OA003) An Ordinance to Adopt Regulations Governing Short Term Rentals By Adopting and Amending Provisions in Title 17 of the Rapid City Municipal Code. In response to a question from Salamun, Vicki Fisher (Planning Manager) said currently there are provisions for a bed and breakfast, and those require a conditional use permit regardless of the size. She said smaller home rentals have started in Rapid City, which are classified as an airB&B or a vacation home rental. Some home businesses only require a certificate to operate, such as a daycare or beauty salon. However, when your business starts affecting parking, traffic or number of occupants, which can create additional noise and nuisances, then those require a conditional use permit. Salamun likes what the City is trying to do with the ordinance but questions the heaviness of it. In response to a question from Salamun, Fisher said when you have more people coming into an area creating more traffic and taking up more parking, it jeopardizes the character of the single-family development. Wright said the reason this ordinance is being presented is because there have been problems with home rentals. Wright has concerns on how this will be enforced. He said if there are no complaints and things are running smoothly then they should automatically be renewed. He said parking is a valid concern. He would rather see a permit rather than doing a conditional use permit. He's not ready to take action. He believes the ordinance needs more work. In response to a question from Laurenti, Fisher said the City has only had one property reported with complaints. She said there are 50-80 airB&B's listed online and there have been no other complaints. She said the house that received the complaints was denied because it didn't operate within its plan. Laurenti asked if we are looking for a solution where there isn't a major problem. Fisher said it's important to remain consistent in their regulatory reviews. She thinks regulating the airB&B and vacation home rentals is important and doesn't want to step away from them completely. Drew said this was brought to the City by neighbors. The B&B's aren't going away. She is in favor of the conditional use permit in order to do inspections and keep people safe. She would like the ordinance to go back to staff for additional review. Estes said the ordinance needs work. He thinks the ordinance needs more than a permit because inspections need to be done. He can't support passing it tonight. In response to a question from Doyle, Fisher said the applicant needs to bring in their certificate from the state department of health when they apply for the B&B license. Planning won't look at the items that the state has covered. Planning will look for parking, fencing, traffic issues and make sure those items are in compliance. Fisher said they need an ordinance to help make these existing B&B and airB&B and vacation homes in compliance. If the Council chooses to do nothing, then all of these businesses are operating illegally. In response to a question from Doyle, Fisher said the single family home is different than a vacation home because with vacation homes you don't know the people who are going in and out of the home and the neighborhood. The single family development is becoming commercial in nature. Fisher stated that the home will be inspected upon complaint. Roberts said the

more regulations that are put in this ordinance the more time it takes for everyone to review. He thinks the permit is the right direction but that work still needs to be done. The City needs to make a level playing field for all property owners that are operating these types of businesses. In response to a question from Scott, Carla Cushman (Assistant City Attorney) said the only mechanism the City could use in order to bring the non-compliant owner into compliance, would be to prosecute the homeowner criminally. But it's difficult to prosecute one person when many others are operating these businesses as well. When staff was asked to work on the ordinance, they put the prosecution on hold in order to allow the homeowner to come into compliance with the new ordinance. Scott said creating this ordinance wasn't just a way to make regulatory issues, it was a way to regulate this industry. Scott thinks the ordinance is good but needs some tweaking. Motion was made by Nordstrom, second by Scott to approve. Nordstrom said they could pass the first reading and direct staff to make some changes to the ordinance. Nordstrom is most concerned with fairness and safety. Salamun is in favor of encouraging short term rentals. He said doing nothing isn't an option because we currently don't permit them. He wants citizens to be able to operate legally. He would like to see less regulations in the ordinance. Wright said he was opposed to the first reading as it is now, would encourage tweaking the ordinance and coming back to Council. Roberts would like to get reports from the health department and fire departments when they inspect the short term rental properties. He suggested that the conditional use permit be changed from two rooms to four rooms. Motion failed 4 to 6 with Doyle, Scott, Roberts and Nordstrom voting aye; Estes, Laurenti, Wright, Modrick, Drew and Salamun voting no. Doyle said that staff needs clear direction on reworking this item so they don't have to start back at square one. Mayor said he would work with staff and bring the item back at a later date.

Community Planning & Development Services Department Items

Motion was made by Doyle, second by Laurenti to approve (No. 16CA005) Amendment to the Comprehensive Plan by adopting the Downtown Area Master Plan (Final) - A request by City of Rapid City to consider an application for an Amendment to the Comprehensive Plan by adopting the Downtown Area Master Plan (Final). In response to a question from Estes, Sarah Hanzel (Planner) said that the reverse parking was the item that brought the most concern and it would be looked at further in the future. Estes appreciates the public meetings and everyone giving their opinion. Mayor said this is just a plan and it doesn't mean that every item in the plan will be approved or is funded at this time. It means the planning process was conducted and recommendations were brought forward. Modrick said that reverse parking is more popular in the south where the weather is nicer. She doesn't feel it's a good fit for the City of Rapid City. She would like the reverse parking removed from the master plan. Salamun said for the most part he loved the master plan. He doesn't like the reverse parking but it's a little part of the master plan and he doesn't want it to be the focus. In response to a question from Salamun, Hanzel said going to two lanes would promote safety and decrease the traffic speeds. She said this was a conceptual study, it was not engineered based. He said he would support the approval minus the reverse parking. He said that the Planning Department did a great job. Nordstrom said reverse parking shouldn't be such a big concern right now, he said it's at least five years out. He is more concerned with creating development east of Fifth Street. He will support the master plan. Roberts thinks this is a great plan. He said what people need to realize is this is just a plan. He said the Council can't do anything until they have the money or approval from Council. He thinks pieces and parts of the plan will be implemented fairly quickly and other parts will take many years. His major concern is decreasing traffic from three lanes to two lanes. He is concerned with connectivity downtown east to west. He thinks it's a good plan. Estes would like the minutes to reflect that Planning acknowledged that the reverse parking received the most push back at the public meetings. Nordstrom, on the same note, doesn't want to discount some people who want to consider reverse parking. Doyle appreciates the documentation of what was looked at, so that future Councils have the information and don't have to start over. Motion carried 10-0.

Resolution 2016-065

RESOLUTION AMENDING THE COMPREHENSIVE PLAN BY ADOPTING THE DOWNTOWN AREA
MASTER PLAN AMENDMENT

WHEREAS, the City of Rapid City has engaged in the comprehensive planning process for the physical development of the municipality, including the areas outside the boundary and within its planning jurisdiction since the initial "City Plan" was adopted in 1949 and subsequent comprehensive plans were prepared in 1964, 1976, 1980; and

WHEREAS, in April 2014, the Rapid City Planning Commission and City Council carefully studied and adopted in accordance with SDCL 11-6-17 and 11-6-18 a comprehensive plan for the Rapid City area titled "Plan Rapid City,"; and

WHEREAS, creating a "Vibrant Livable Community" is one of the seven core values identified in "Plan Rapid City," and;

WHEREAS, the "Rapid City Downtown Area Master Plan" begins the implementation process of Principle "LC-4: Sustaining a Vibrant Downtown Center" and the Goal "LC-4.1A: Downtown Area Master Plan" within the Core Value "Vibrant Livable Community" identified within "Plan Rapid City,"; and

WHEREAS, the Planning Commission of Rapid City carefully considered the document titled "Downtown Area Master Plan" dated September 2016 with the accompanying maps, graphics, charts and descriptive and explanatory matter, and as it encompasses the basic objectives, policies and principles of the Rapid City Comprehensive Plan, "Plan Rapid City," recommended it for approval; and

WHEREAS, the City Council of Rapid City South Dakota, held a public hearing in accordance with SDCL 11-6-18 on the proposed revisions to the Rapid City Comprehensive Plan, "Plan Rapid City", for the City of Rapid City, South Dakota and finds that said plan constitutes a suitable, logical and timely plan for the future development of the downtown area in Rapid City; and

WHEREAS, the Downtown Area Master Plan Amendment implements portions of "Plan Rapid City" by advancing Principle LC-4 "Sustaining a Vibrant Downtown Center" for future development of Rapid City.

NOW, THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the document consisting of text, maps, graphics, and charts, entitled "Downtown Area Master Plan" and dated September 2016, implements portions of the Core Value "A Vibrant Livable Community" identified in "Plan Rapid City," Rapid City's Comprehensive Plan, and is hereby added to the Rapid City Comprehensive Plan "Plan Rapid City" in accordance with SDCL 11-6.

Dated this 3rd day of October, 2016.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

Doyle read in item (No. 16PL083) A request by D.C. Scott Surveyors, Inc for Wind River LLC for a Preliminary Subdivision Plan for proposed Lot C-3 and Lot C-4 of East Ten Acres Subdivision, generally described as being located at 3822 W. Main. Motion was made by Doyle, second by Laurenti to approve with the following stipulations: 1. Upon submittal of a Development Engineering Plan application, construction plans for West Main Street shall be submitted for review and approval showing the dedication of 17 additional feet of right-of-way, the construction of a dual water main, and the construction of a sewer main 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; 2. 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 if subdivision improvements are required. The drainage plan and report shall address storm water quantity control and storm water quality treatment in conformance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code. In addition, easements shall be provided as needed; 3. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. 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 Registered Professional Engineer; 4. 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; 5. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval; 6. Prior to submittal of a Final Plat application, a Variance to reduce the minimum required rear yard setback shall be obtained or the proposed lot line shall be moved to provide the minimum required 25 foot rear yard setback; 7. Prior to submittal of a Final Plat application, a Variance shall be obtained to reduce the minimum required front yard setback from 25 feet to 22 feet or an Exception to waive the dedication of 17 additional feet of right-of-way shall be obtained; 8. Prior to submittal of a Final Plat, the applicant shall secure sanitary sewer easements for the existing sanitary sewer service to proposed Lot C-4 and for a future sewer service to proposed Lot C-3 for the area between the property line and the sanitary sewer easement to the north of the property; 9. Prior to submittal of a Final Plat application, the plat document shall be revised to contain certificates for a Final Plat and the subdivision name shall be spelled out as "East Ten Acres" on the plat document; 10. 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, 11. 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).

Doyle read in item (No. 16PL085) A request by KTM Design Solutions, Inc., for Dakota Heartland Inc. for a Preliminary Subdivision Plan for proposed Lots 3A-3B of Block 1, Lots 1A-1B of Block 4, Lot 1 of Block 6 of Big Sky Business Park, generally described as being located east of Timmons Boulevard and north and west of Bernice Street. Motion was made by Doyle, second by Roberts to approve with the following stipulations: Staff recommends that the Preliminary Subdivision Plan be approved with the following stipulations: 1. Prior to submittal of a Development Engineering Plan application, the construction drawings shall be revised to address redlined comments or an Exception shall be obtained to the Infrastructure Design Criteria Manual or the Standard Specifications for each comment. A copy of the approved Exception shall be submitted with the Development Engineering Plan application. In addition, the redlined comments shall be returned with the Development Engineering Plan application; 2. 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; 3. 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; 4. 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; 5. 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; 6. 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; 7. Upon submittal of a Development Engineering Plan application, construction plans for Elk Vale Road shall be submitted for review and approval showing the construction of curb, gutter, street light conduit and dual water mains 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. The construction plans shall also show a sidewalk along Elk Vale Road or a Variance shall be obtained from the City Council; 8. 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; 9. 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; 10. 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; 11. Upon submittal of a Development Engineering Plan application, a plat document shall be submitted showing all existing easements located on proposed Lot 1 of Block 6. If an access easement currently exists, then construction plan shall be submitted for review and approval showing the easement with a minimum width of 70 feet and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, streetlight conduit, water and sewer or an Exception shall be obtained or the easement shall be vacated. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application; 12. 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; 13. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval; 14. 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; 15. 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, 16. 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).

Doyle read in item (No. 16PL087) A request by KTM Design Solutions, Inc for W L Plastics Corporation for a Preliminary Subdivision Plan for proposed Lot 1 of Block 1 of Windy Locations Subdivision, generally described as being located north of the Dyess Avenue and Seger Drive Intersection. Motion was made by Doyle, second by Salamun to approve with the following stipulations: Staff recommends

that the Preliminary Subdivision Plan be approved 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, construction plans for Dyess Avenue shall be submitted for review and approval showing the street constructed with a minimum 36 foot wide paved surface, curb, gutter, street light conduit, the extension of a sewer main to the north lot line and a dual water main or an Exception shall be obtained. The plat document shall also show the dedication of 50 feet of right-of-way for Dyess Avenue as it abuts the property or an Exception shall be obtained. If Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering application; 3. 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 for all subdivision improvements. The drainage plan and report shall analyze the existing drainage improvements, confirm street drainage meets the Infrastructure Design Criteria Manual criteria, confirm proposed storm sewer sizing and address storm water quality treatment for the proposed development. In addition, easements shall be provided as needed; 4. Upon submittal of a Development Engineering Plan application, the applicant shall demonstrate that landscaping, parking, signage, etc. for the existing development located on proposed Lot 1 are in compliance with the Rapid City Municipal Code; 5. 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; 6. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval; 7. 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, 8. 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 improvements proposed outside of the dedicated right-of-way shall be secured within easement(s).

Staff Items

Motion was made by Doyle, second by Estes and carried to (CC100316-03) Approve Resolution 2016-071 Acknowledging Correction to the July 18, 2016 City Council Minutes.

RESOLUTION NO. 2016-071
RESOLUTION ACKNOWLEDGING CORRECTIONS
TO THE JULY 18, 2016 COUNCIL MINUTES

WHEREAS, on July 18, 2016 the City Council approved the Rezone 16RZ018; and

WHEREAS, the minutes of the July 18, 2016 Council meeting were approved on August 1, 2016; and

WHEREAS, the motion approving the July 18, 2016 Rezone 16RZ018 reads "Ordinance 6123 (No. 16RZ018) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a **request by Fisk Land Surveying and Consulting Engineers, Inc.** for a Rezoning from Low Density Residential District to General Agricultural District for property general described as being located at 2101 City Springs Road having passed the first reading on July 5, 2016 motion was made by Roberts, second by Scott that the title be read the second time. Upon vote being taken, the following voted AYE: Nordstrom, Salamun, Doyle, Estes, Wright, Modrick and Roberts. NO: None: whereupon the Mayor declared the motion passed and Ordinance 6123 was declared duly passed upon its second reading."; and

WHEREAS, the motion approving the July 18, 2016 Rezone 16RZ018 should have read "Ordinance 6123 (No. 16RZ018) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, **a request by Fisk Land Surveying and Consulting Engineers, Inc. for Reverend Steven Biegler (Vicar General) for Diocese of Rapid City**, for a Rezoning from Low Density Residential District to General Agricultural District for property general described as being located at 2101 City Springs Road having passed the first reading on July 5, 2016 motion was made by Roberts, second by Scott that the title be read the second time. Upon vote being taken, the following voted AYE: Nordstrom, Salamun, Doyle, Estes, Wright, Modrick and Roberts. NO: None: whereupon the Mayor declared the motion passed and Ordinance 6123 was declared duly passed upon its second reading."

NOW, THEREFORE BE IT RESOLVED, by the City Council, that the motion "a request by Fisk Land Surveying and Consulting Engineers, Inc. for Reverend Steven Biegler (Vicar General) for Diocese of Rapid City" should be reflected in the official minutes of the July 18, 2016 meeting.

Dated this 3rd day of October, 2016.

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Officer

(SEAL)

PUBLIC HEARING ITEMS

Kent Hagg, President of Alta Terra Development, addressed the Council regarding Item 37. He said that work is completed except for a few punch list items. The traffic light at Moon Meadows and Highway 16 created a majority of over runs. He said there is significant savings on interest on early payoff of TIF loan. He said thanks in part to Black Hills Energy as well as additional improvements from Buffalo Crossing. He is asking Council to approve the reallocation of costs.

LaVerle Kepler, President of the board for the Stekl Road District, addressed the Council regarding Item 23. She said her road district is in the County not the City. They are located directly across from the Orchard Meadows Housing Development. She said that there are 16 landowners in that area. She said they were not notified when the City annexed the land across the road. They were not notified when the construction project was approved. They have a gravel 3-lane road that the State allowed them to have. They realized what was going on when the construction companies put their trucks on their road. The State allowed them to have a road as long as they created a road district that they would maintain the road. They only have one way in and out of their development onto Highway 44. The land the City is going to annex, abuts their road. This one way already created a safety issue for landowners. They want the light. She realizes that the City is only talking about annexing the right-of-way on their side of the road and Highway 44. She would like the Council to approve the TIF.

Hani Shafai, owner of Dream Design, addressed the Council on Item 38. He explained the improvements that would be made to the drainage and traffic signal near Elk Vale Road between E Highway 44 and the current terminus of E Fairmont Street. He said they have spent near \$10 million in improvements. The current drainage design floods the property. The traffic signal will affect 80 homes near the Orchard Meadows Subdivision. He said all of the signals that were constructed in the last 15 years, which total 21 signals, 9 of them were constructed by public funds and 12 of them were funded by TIF's. He is asking Council to approve this TIF.

CONSENT PUBLIC HEARING ITEMS

Motion was made by Scott, second by Laurenti and carried unanimously to approve Items 34-36 as they appear on the Consent Public Hearing Items.

Alcohol Licenses

- 34. Peggy Kelly dba Mostly Chocolates LLC, 1919 Mt. Rushmore Road for a Retail (on-off sale) Malt Beverage & SD Farm Wine License
- 35. Rapid City Area Chamber of Commerce for a SPECIAL EVENT Wine and Malt Beverage License for an Event Scheduled for October 11, 2016 at Regional Health, 1635 Caregiver Circle
- 36. MG Oil DBA BP Casino II, 609 Mt. View Rd, Suite C-2, for a Retail (on-off sale) Malt Beverage License TRANSFER from MG Oil DBA East North Casino, 230 E North Street

END OF CONSENT PUBLIC HEARING CALENDAR

EXECUTIVE SESSION to consult with legal counsel regarding proposed and pending litigation and to consult with legal counsel regarding contractual matters

Motion was made by Estes, second by Scott and carried to go into Executive Session at 8:10 p.m.

Motion was made by Estes, second by Doyle to come out of Executive Session at 8:36 p.m.

NON-CONSENT PUBLIC HEARING ITEMS

Mayor read in item (No. 16TI003) Highway 16 Sewer – A request by Kent Hagg for Alta Terra Development to consider an application to Amend Project Plan for Tax Increment District No. 70 - Highway 16 Sewer for property generally described as being located Catron Boulevard from 5th Street to South U.S. Highway 16, then south along U.S. Highway 16 to Sammis Trail and east to the proposed Hyland Crossing Subdivision. Motion was made by Wright, second by Roberts to approve the amended project plan. Nordstrom will vote in favor however he would still like to consider outside agencies to consider public, private partnerships in the future. Motion carried 8-2 with Scott and Laurenti voting no.

Resolution #2016-037

RESOLUTION APPROVING THE PROJECT PLAN REVISION #1 FOR SOUTH HIGHWAY 16 SEWER TAX INCREMENT DISTRICT NUMBER SEVENTY 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, there has been established the South Highway 16 Sewer Tax Increment District Number Seventy; and

WHEREAS this Project Plan Revision #1 will replace the Project Plan approved by the City Council on February 6, 2012; 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 Tax Increment District includes commercially zoned property thereby forming an economic development Tax Increment District; and

WHEREAS, the Project Plan Revision #1 submitted helps make this development feasible by assisting in the development of commercial property located near Catron Boulevard from Fifth Street to South US Highway 16 Sewer to Sammis Trail through regional public infrastructure improvements; and

WHEREAS, the Project Plan Revision #1 submitted will assist with the construction of a sanitary sewer main, turn lanes, Moon Meadows Drive, water main at South US Highway 16 Sewer crossing, a traffic signal, engineering and contingency costs; 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, there has been developed a Project Plan Revision #1 for this Tax Increment District which proposes these improvements; and

WHEREAS, the Council has considered the Project Plan Revision #1 submitted by the Planning Commission and determined that the Project Plan Revision #1 for South Highway 16 Tax Increment District Number Seventy is economically feasible; and

WHEREAS, the Council has further determined that this Project Plan Revision #1 is in conformity with the adopted Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the Tax Increment District Project Plan Revision #1 for South Highway 16 Sewer Tax Increment District Number Seventy be and hereby is approved as submitted by the Rapid City Planning Commission.

Dated this 3rd day of October, 2016.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

Mayor read in item (No. 16AN003) Approve a request by KTM Design Solutions, Inc. for a Petition of Annexation for property generally described as being located at SD Highway 44 between Twilight Drive to just past Elderberry Boulevard. Motion was made by Drew, second by Roberts to approve. Scott said she was confused as to why the City is annexing a road without annexing the adjoining property. In response to a question from Scott, Cushman said the annexation request was signed by the DOT. It was brought forward as part of the TIF because under state law a TIF district needs to be within City limits. So in order for TIF district improvements to occur and qualify for TIF reimbursement, they need to be within the City limits. Scott asked why they aren't annexing the adjoining properties and Cushman said she doesn't believe the property owners want to be annexed. It's a voluntary annexation that is brought forward by the property owner, which in this case is the DOT. The other owners haven't asked to be annexed and the City hasn't asked them to be annexed either. Scott feels like the City is taking on more maintenance by annexing this without taxable property to come along with it. Estes asked if the sole reason this item is on the agenda so the traffic light can be paid for through the TIF. Cushman said that TIF dollars can't be spent on anything that is outside City limits. Doyle questioned the placement of this item before Item 38. Patsy Horton, Planner, stated that if the annexation fails, then the traffic light will not be part of Item 38. In response to a question from Doyle, Horton said potentially the developer will be responsible for the traffic light if this property isn't annexed. In response to a question from Roberts, Hani

Shafai, Developer, said he has a property within the City limits that has 60 acres of general commercial land and is paying sales tax within the City of Rapid City that does not have access to City utilities, but is serviced by Rapid Valley. The property has no City access because it is a state highway. He believes this property deserves City access. In response to a question from Roberts, Cushman said the property has to be annexed before the project plan can include it. She would not recommend adopting a project plan that's outside of the City before the right-of-way is annexed. In response to a question from Nordstrom, Tech said the road across from the right-of-way in question is in a road district. That is a separate entity and the city will not be taking that over. In response to a question from Scott, Tech said that the annexation includes State Highway 44 right-of-way, the road district exists within that state highway right-of-way. The requirement for a road district is that it has to be in public right-of-way. The area that is being petitioned for annexation is the state highway right-of-way which includes state highway 44 as well as the road district road. The right-of-way is still under the control of the DOT. There was a tie vote with Wright, Roberts, Nordstrom, Drew and Salamun voting AYE and Laurenti, Modrick, Doyle, Estes and Scott voting NO. Chair voted AYE and broke the tie vote. Motion carried.

RESOLUTION 2016-064
A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

WHEREAS, a petition has been filed with the City, that was signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths of the value of the territory sought to be annexed; and

WHEREAS, the territory that the petitioners are seeking to have annexed is contiguous to the City of Rapid City; and,

WHEREAS the City Council of the City of Rapid City deems it to be in the best interest of the City that the territory described in the petition be annexed and thereby included within the corporate limits of the City.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City that the following territory, containing that portion of SD Highway 44 between Twilight Drive to just past Elderberry Boulevard, more or less, is hereby included within the corporate limits of the City and annexed thereto:

That portion of railroad right-of-way lying adjacent to tracts A, B and C of Orchard Meadows Subdivision; that portion of South Dakota Highway 44 right-of-way lying adjacent to Lots 8-14 and Lots A, B, and C of Lot 15, all in Stekl Subdivision, and adjacent to the W1/2 of Lot 4 of the SE1/4 of the NE1/4, Lot B of Lot 4 of the SE1/4 of the NE1/4, and Lot A of Lot 6 of the SE1/4 of the NE1/4, in Section 9, T1N, R8E, BHM; Lot H1 of the SE1/4 of the NE1/4 of Section 9, T1N, R8E, BHM and that portion of South Dakota Highway 44 right-of-way lying easterly of the extension of the centerline of Twilight Drive right-of-way all lying in the NE1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota

Dated this 3rd day of October, 2016.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

Mayor read in item (No. 16TI004) Section 9, T1N, R8E – A request by KTM Design Solutions, Inc for Yasmeen Dream, LLC to consider an application for a Resolution creating the Unnamed Tributary Channel Tax Increment District and a Resolution approving the Project Plan for property generally described as being located east and west of Elk Vale Road between E. Highway 44 and the current terminus of East Fairmont Street. Motion was made by Scott, second by Roberts to approve. In response to a question from Scott, Horton said the City has to maintain the drainage basin through the Drainage Utility Department through the stormwater fund. Horton said the City is currently maintaining it now. This project will focus it more into a channel instead of a large drainage area. Horton clarified there is no additional cost to the City for maintenance. In response to a question from Scott, Tech said the water already gets there. It will get there in a more efficient manner with consideration to water quality too. The wider channel will create greater capacity but it's also an opportunity to clean the water as it goes to the creek without negatively affecting any downstream properties. Doyle agrees the channel needs to get done. Doyle thought the City's portion was budgeted elsewhere. Horton said the City's cost will be reimbursed to the stormwater quality fund, where the oversizing will actually be paid. In response to a question from Doyle, Horton said the TIF will reimburse the City for that cost. In response to a question from Nordstrom, Horton said some of the wetlands will remain wetlands. They are aligning about five acres of wetlands through the CLOMR process. There will still be wetlands out there but shifted a bit. In response to a question from Nordstrom, Tech said the design for the channel will accommodate the 100 year flow. There will be some FEMA remapping and it will be compliant with their standards. Drew said she is in favor because it improves the drainage and the area and meets all the state requirements for a TIF so she will support it. Estes said he was prepared to vote for the TIF but not the traffic signal. He is not in favor of including the traffic signal. Substitute motion was made by Scott, second by Laurenti to approve the TIF minus the traffic light. In response to a question from Doyle, Tech said the DOT is not going to pay to install the light it will be the City's responsibility. In response to a question from Salamun, Tech agreed that the City will end up paying for the light if it's included in the TIF or not. In response to a question from Nordstrom, Horton said the traffic being created is coming from the developer. However, the City will pay for the signal even though it's development driven. But if there was a way for the developer to finance that signal and then install it, that's cost savings for the City. In response to a question from Roberts, Hani Shafai said once Orchard Meadows Dentistry breaks ground in the next 60 days, and he gets approval from DOT to install the light, it should be installed within the next 90 days and the City will not have any additional costs. If the TIF is not approved, the City will have to install the light. Roberts is in favor of installing the light through the TIF. Estes said it was his understanding that the requirement of the traffic signal was the result of a traffic study done by the developer for the development and the development was approved based upon that traffic study. In response to a question from Estes, Tech stated he needed to clarify his comments from earlier and said if there is still property being developed and platted, the installation of the light can be a requirement of the platting process. Motion to approve without the installation of the traffic light failed 4-6 with Estes, Scott, Laurenti and Doyle voting AYE. Motion to approved carried 7 to 3 with Scott, Laurenti and Estes voting NO.

RESOLUTION NO. 2016-055
RESOLUTION CREATING THE UNNAMED TRIBUTARY CHANNEL
TAX INCREMENT DISTRICT NUMBER SEVENTY-EIGHT
AS SUBMITTED BY THE RAPID CITY PLANNING COMMISSION

WHEREAS, the property within the following described District meets the qualifications and criteria set forth in SDCL 11-9; and

WHEREAS, the Council of the City of Rapid City finds that the aggregated assessed value of taxable property in this District, plus the assessed values of all other districts currently in effect, does not exceed ten percent (10%) of the total assessed value of taxable property in the City of Rapid City; and

WHEREAS, the Council finds that:

(1) Not less than twenty-five percent (25%), by area, of the real property within the district is a blighted area or not less than fifty percent (50%), by area, of the real property within the district will stimulate and develop the general economic welfare and prosperity of the state through the promotion and advancement of industrial, commercial, manufacturing, agricultural, or natural resources as defined in SDCL 11-9-8; and

(2) The improvement of the area is likely to significantly enhance the value of substantially all of the other real property in the district.

NOW, THEREFORE, BE IT RESOLVED, by the City of Rapid City that the real property legally described as:

Tracts A, B, C, D, E and H, Tract 1, Lots 2 thru 8 of Block 1, Lots 10 thru 13 of Block 1, Lots 1 thru 4 of Block 2, Lot 6 of Block 2, Lots 9 thru 10 of Block 2, Lots 11A and 11B, 12A and 12B, 13A and 13B, 14A and 14B, 15A and 15B, 16A and 16B of Block 2, Lots 1 thru 2 of Block 3, Lot 1 of Block 4, Lot 1 of Block 5, Lots 1A and 1B of Block 6, all of Orchard Meadows; Lot 1 less Tract A and Tract B of Orchard Meadows of the Wally Byam Addition; Lot 1 less Lot H1 and less dedicated right-of-way of the Well Addition; Lot 2 of Tract A of the NE1/4 of the SW1/4; the N1/2 of the SW1/4 of the NE1/4 less the Stekl Subdivision, less Orchard Meadows, less right-of-way, less Lot H1 and Lot H2; the Balance of Tract A of the E1/2 of the SW1/4 and of the W1/2 of the SE1/4 less Lot H1; and the S1/2 of the SW1/4 of the NE1/4 less Lot 1 of the Wally Byam Addition, less the railroad right-of-way, less Orchard Meadows, less Lot H1 and H2, less right-of-way, the S1/2 of the SE1/4 of the NW1/4 less Lot H1; the unplatted Balance of NE1/4 of the SW1/4 Less Lot H1, the unplatted Balance of W1/2 of the SE1/4 less Lot H1; and Lot C of the NE1/4 of the NW1/4 and Lot X of Lot B of the NE1/4 of the NW1/4; and the dedicated public right of way and dedicated railroad right-of-way adjacent to said lots, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota

is hereby designated as the Unnamed Tributary Channel aka Orchard Meadows Tax Increment District Number Seventy-Eight.

Dated this 3rd day of October, 2016.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

RESOLUTION NO. 2016-056
RESOLUTION APPROVING THE PROJECT PLAN FOR THE UNNAMED TRIBUTARY CHANNEL TAX
INCREMENT DISTRICT NUMBER SEVENTY-EIGHT
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, there has been established the Unnamed Tributary Channel Improvements Tax Increment District Number Seventy-Eight; 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, this Tax Increment District includes commercial property, thereby forming an economic development Tax Increment District; and

WHEREAS, the Project Plan submitted helps make this development feasible by assisting with the costs to realign and reconstruct portions of a 100 foot grass-lined drainage channel including crossing(s) of the channel for future development roads, reconstruct portions of the channel maintenance road adjacent to the channel, and the installation of a traffic signal at SD Highway 44 and Elderberry Boulevard; 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 Project Plan submitted for this Tax Increment District proposes these improvements; and

WHEREAS, the Council has considered the Project Plan submitted by the Planning Commission and determined that the Project Plan for the Unnamed Tributary Channel Tax Increment District Number Seventy-Eight is economically feasible; and

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

NOW, THEREFORE, BE IT RESOLVED, by the City of Rapid City that the Unnamed Tributary Channel Tax Increment District Project Plan for Tax Increment District Number Seventy-Eight be and hereby is approved as submitted by the Rapid City Planning Commission.

Dated this 3rd day of October, 2016.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

BILLS

The following bills have been audited.

BILLIST - OCTOBER 3, 2016

P/ROLL PERIOD END 09/17/16, PD 09/23/16	980,044.08
CDEV P/ROLL PERIOD END 09/17/16, PD 09/23/16	3,195.23
PIONEER BANK & TRUST, 09/17/16 P/ROLL TAXES & BENEFITS, PD 09/23/16	249,291.40
CDEV PIONEER BANK & TRUST, 09/17/16 P/ROLL TAXES & BENEFITS, PD 09/23/16	862.29

SOUTH DAKOTA DEPARTMENT OF REVENUE, SALES TAX PAYABLE PD 09/20/16	51,138.82
SOUTH DAKOTA DEPARTMENT OF REVENUE, EXCISE TAX PAYABLE PD 09/20/16	194.99
SOUTH DAKOTA DEPARTMENT OF REVENUE, CCTR SALES TAX PAYABLE PD 09/20/16	3,099.12
WELLMARK INC, HEALTH CLAIMS THROUGH 09/16/16, PD 09/22/16	137,303.26
WAGE WORKS, SECTION 125 CLAIMS THROUGH 09/19/16, PD 09/20/16	3,243.47
WAGE WORKS, SECTION 125 CLAIMS THROUGH 09/26/16, PD 09/27/16	1,807.80
BANK WEST, TID54 RAINBOW RIDGE, PD 09/22/16	3,478.12
BANK WEST, TID65 MINNESOTA ST, PD 09/22/16	451.28
CITY OF RAPID CITY, TID42 ELK VALE/TIMMONS, PD 09/22/16	3,544.87
FIRST INTERSTATE BANK, TID50 FEDERAL BEEF/FOUNDERS PARK DEV, PD 09/22/16	746.74
MONTANA DAKOTA UTILITIES, NATURAL GAS, PD 09/28/16	15,521.53
COMPUTER BILL LIST	3,960,425.40
CDEV COMPUTER BILL LIST	1,024.68
SUBTOTAL	5,415,373.08
RSVP, P/ROLL PERIOD END 09/17/16, PD 09/23/16	3,273.59
RSVP, 09/17/16 P/ROLL TAXES & BENEFITS, PD 09/23/16	982.72
RSVP, COMPUTER BILL LIST	454.54
TOTAL	5,420,083.93

Sumption presented the bill list total of \$5,420,083.93. Motion was made by Doyle, second by Estes and carried to authorize (No. CC100316-01) the Finance Officer to issue warrants or treasurers 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 Laurenti and carried to adjourn the meeting at 9:13 p.m.

Dated this 3rd day of October, 2016.

ATTEST:

CITY OF RAPID CITY

Finance Officer

Mayor

(SEAL)