

LEGAL AND FINANCE COMMITTEE MINUTES  
Rapid City, South Dakota

January 30, 2019

A Legal and Finance Committee meeting was held at the City/School Administration Center in Rapid City, South Dakota, on Wednesday, January 30, 2019, at 12:33 p.m.

A quorum was determined with the following members answering the roll call: Laura Armstrong, Steve Laurenti, Jason Salamun, Becky Drury, and Chad Lewis. Absent: None

(NOTE: For sake of continuity, the following minutes are not necessarily in chronological order. Also, all referenced documents are on file with the Master Agenda.)

**ADOPTION OF AGENDA**

Motion was made by Salamun, second by Drury and carried to adopt the agenda.

**GENERAL PUBLIC COMMENT**

Gene Tyon, Director of Oeye Luta Okolakiciye, spoke regarding an application he previously submitted for Community Development Block Grant funds which was not recommended for funding. He is requesting the application be reconsidered. Mr. Tyon shared a handout out and presented an overview of the program. The program is a non-profit cultural based recovery program dedicated to healing traumatic behavioral issues affecting the Rapid City Native American community with the focus on cultural identity development that covers many areas. Oeye Luta Okolakiciye is currently working with Hani Shafi and has office space located at 201 Kansas City Street.

**CONSENT ITEMS**

Motion was made by Lewis, second by Drury and carried to approve Items 1-10 as they appear on the Consent Items.

- 1) Approve Minutes for January 16, 2019

**MAYOR'S OFFICE**

- 2) LF013019-06 – Confirm the Appointment of Bradley H. Estes to the Civic Center Board of Directors
- 3) LF013019-07– Confirm the Appointment of Dawn Claymore to fill a vacant term on the Downtown Business Improvement District (BID) Board through August 1, 2020
- 4) LF013019-08 – Confirm the Appointment of Dr. Judy Sneller to the Library Board of Trustees

**FIRE DEPARTMENT**

- 5) LF013019-04 – Authorize Mayor and Finance Officer to sign the South Dakota Department of Agriculture Wildland Fire Division Cooperative Agreement extension

**FINANCE DEPARTMENT**

- 6) Acknowledge the Following Volunteers for Worker's Compensation Purposes: Jason Phillips (Airport), Felicia Sauceman (Police Department), Jamil Abourezk (RSVP+)
- 7) LF013019-03 – Approve Request for property tax abatements as follows: American Legion Home Assoc., 2018, \$8,204.92; Thomas E. Graslie, 2018, \$3,110.96; Fay E. Bice Trustee, 2018, \$3.76; Beverly or Carolyn Maxson, 2018, \$80.28; 819 Corp, 2018, \$241.84; Wilma Cottier, 2018, \$251.30; Rosario S. Pepper, 2018, \$371.84; [Total for Rapid City: \$12,264.90]; And David Rohrer, 2016, \$138.32; David Rohrer, 2017, \$137.06; David Rohrer, 2018, \$145.82; [Total for Rapid City:

\$421.20]; Peter Hart, 2018, \$406.70 [Total for Rapid City: \$406.70]; [Combined Total for all Rapid City: \$13,092.80]

**COMMUNITY DEVELOPMENT**

- 8) LF013019-02 – Approve Resolution No. 2019-012 a Resolution Authorizing the Mayor and Finance Officer to Sign Documentation Required for Environmental Reviews Associated with Projects Funded by Community Block Grant Funds
- 9) LF013019-05 – Authorize the Mayor and Finance Officer to sign the FY2018 Community Development Block Grant Contract and the Indenture of Restrictive Covenants – Rural America Initiatives (RAI)

**METROPOLITAN PLANNING ORGANIZATION**

- 10) 19TP008 – Approve Letter of Support for South Dakota Department of Transportation’s INFRA Grant Application

END OF CONSENT CALENDAR

**NON-CONSENT ITEMS – Items 11 – 19**

**Public Comment opened – Items 11 – 19**  
**Public Comment closed**

**CITY ATTORNEY’S OFFICE**

- 11) LF011619-14 – Salamun moved to approve the Second Reading and Recommendation of Ordinance 6277, an Ordinance to Amend Title Two and Corresponding Sections of the Rapid City Municipal Code to Accurately Reflect Current Departmental Organization. Second by Laurenti. Motion carried.

**COMMUNITY DEVELOPMENT**

- 12) LF013019-01 – Drury asked Brad Solon, Division Manager, from Building Services for an update on this ordinance. Brad explained the previous four building code ordinances passed second reading recently and this ordinance was initially among those; however, after the Board had approved this ordinance, it was later pulled due to some opposition during the public comment session that was held. There were quite a few references to the energy code in this ordinance, so changes were then made, delaying it approximately a month for that refinement. Lewis moved to approve the Introduction and First Reading of Ordinance No. 6265, an Ordinance to Amend Chapter 15.26 of the Rapid City Municipal Code to Adopt the 2018 International Mechanical Code. Second by Drury. Motion carried.
- 13) 18OA016 – Salamun asked Sarah Hanzel, Long Range Planner, from Community Development for an overview on what this amendment entails. Hanzel shared a few slides to give some background on the ordinance. The amendment is to make changes to the procedures currently in use for historic sign review. She gave a brief summary of the purpose of the Historic Sign Review Committee, which is made up of a five person committee, appointed by the City Council, to review proposals for new signage in the historic district. The committee, in the review process, based on the ordinance, considers such factors as size, position, projection, color, message, texture, materials, illumination and lettering style. Hanzel presented examples of applications they have reviewed over the past few years and went through the application process. The process begins when an applicant submits an application to the sign code technician who then forwards it to Hanzel, which is then prepared for the next Historic Sign Board agenda. The Historic Sign Board meetings occur on the second and fourth Wednesday of each month; therefore, depending on

when the application is submitted, there may be up to a two week delay or more until the permit is reviewed. She shared the current sign parameters that are in place today and described the detail that is lacking in the information the committee is looking for when reviewing signs in the historical district. In 2018, there were 23 historic sign applications. All were approved with the average meeting being about five to fifteen minutes long taking considerable time to prepare for such short meetings. A few issues in the process included the difficulty in establishing quorums and having to reschedule meetings, recruiting new members to the sign board, and the criteria itself lacked description or explanation of the goals of the Sign Board. This amendment also grants authority to city staff to review applications and gives the Sign Board the opportunity to adopt design guidelines so over time they can adapt and create more guidance to the community on the goals and objectives for signage in historic districts. The changes made regarding the criteria and guidelines are now more specific and detailed giving the applicants more information upfront and making the expectations clear. If a staff member doesn't feel comfortable making a decision on an application it can be referred to the committee and they can meet on an as needed basis. All decisions made by staff can be appealed to the committee as well. This amendment also creates a historic sign register, which would be a new tool for Rapid City to help preserve some of the old signage that may not conform with the sign code today. Lewis moved to approve the First Reading and Introduction of Ordinance No. 6295—an Ordinance to Allow the Historic Sign Review Committee to Adopt Guidelines for Administrative Approval of Sign Permit Applications by Amending Subsection 17.50.080Q of the Rapid City Municipal Code. Second by Drury. Motion carried.

- 14) 18OA017 – Lewis moved to approve the First Reading and Introduction of Ordinance No. 6296 - An Ordinance to Update and Clarify the Criteria and Procedure for Granting Variances to the Zoning Code by Amending Section 17.54.020 of the Rapid City Municipal Code. Second by Salamun. Motion carried.
- 15) 18OA018 – Ken Young, Director of the Department of Community Development shared that items 15-19 are considered housekeeping updates to these codes. Young deferred to Fletcher Lacock, Planner, from the Department of Community Development to give a brief introduction of each item to explain the purpose and what each amendment is to accomplish. Lacock explained the purpose of the ordinance amendment is to clarify that townhomes are allowed as a conditional use in the low density residential district for everyone to be able to interpret it correctly. Lewis moved to approve the First Reading and Introduction of Ordinance No. 6297 - An Ordinance to Amend the LDR-1 Zoning District to add Townhouses as a Conditional Use by Amending Section 17.10.030 of the Rapid City Municipal Code. Second by Drury. Motion carried.
- 16) 18OA019 – Lacock defined that townhomes and duplexes are identified as a permitted use in medium density residential which supports higher density development. The wording was refined and additional language added to update this ordinance. Salamun moved to approve the First Reading and Introduction of Ordinance No. 6298 - An Ordinance to Revise the Conditional Uses in the Medium Residential Zoning District by Amending Section 17.12.030 of the Rapid City Municipal Code. Second by Drury. Motion carried.
- 17) 18OA020 – Lacock described the language change that was needed to clarify screening fences. The change was made from adjacent (meaning it can share right of way with a residential property) to abutting (meaning a commercial property would have to be touching a residential property in order to require a screening fence). Salamun moved to approve the First Reading and Introduction of Ordinance No. 6299 – An Ordinance to Amend Screening Requirements between Zoning Districts by Amending Sections 17.18.080, 17.20.080, 17.30.070, 17.32.070, 17.36.080 and 17.40.070 of the Rapid City Municipal Code. Second by Laurenti. Motion carried.

- 18) 18OA021 – Lacock reported a reference to manufacturing of firearms and ammunition had been identified twice in the ordinance. The amendment replaces one with allowing utility substations as a permitted use provided they are not within 250 feet of a residential district or a residential dwelling. If there is a dwelling or residential use within 250 feet, the utility substation will be reviewed as a Conditional Use Permit. Drury moved to approve the First Reading and Introduction of Ordinance No. 6300 - An Ordinance to Revise the Uses Permitted in the Light Industrial Zoning District by Amending Section 17.22.020 of the Rapid City Municipal Code. Second by Laurenti. Motion carried.
- 19) 18OA022 – Lacock explained ordinance amendment allows carwashes as a permitted use in the General Commercial District provided it meets the criteria of not being within 250 feet of a residential zoning district or dwelling, rather than going through the conditional use permit process. Salamun moved to approve the First Reading and Introduction of Ordinance No. 6301 - An Ordinance to Allow a Car Wash as a Permitted Use in the General Commercial Zoning District by Amending Section 17.18.020 of the Rapid City Municipal Code. Second by Drury. Motion carried.

**ADDENDUM NO. 1**

**FINANCE OFFICE**

- 20) LF013019-09 – Laurenti moved to Approve Resolution No. 2019-010–Resolution Levying Assessment for Abatement of Nuisances. Second by Drury. Motion carried.

**ADJOURN**

There being no further business to come before the Committee at this time, motion was made by Laurenti second by Drury and carried to adjourn the meeting at 12:54 p.m.