

LEGAL AND FINANCE COMMITTEE MINUTES
Rapid City, South Dakota

December 12, 2018

A Legal and Finance Committee meeting was held at the City/School Administration Center in Rapid City, South Dakota, on Wednesday, December 12, 2018, at 12:30 p.m.

A quorum was determined with the following members answering the roll call: Laura Armstrong, Jason Salamun, Becky Drury and Chad Lewis. Absent: Steve Laurenti.

(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

Bill Casper spoke on behalf of the Veteran's Honor Banner Project. He has a situation that he hopes the City will be willing to take into consideration. Last year the project hung 90 banners and in the next year they have the potential to add 26 more. As of yesterday, they have 55 people who have applied for banners next year. The problem is we do not have enough hangars right now to accommodate all of those applications. Their request was turned down by the Vision Fund Committee. He proposes a couple of options, 1) the committee purchases the banner hangars and gives them to the City with the agreement that the project gets to use them on certain dates each year or 2) the committee gives the money to the City to buy the banner hangers with the agreement that the project gets to use them on certain dates of each year. They have targeted two areas they would like to see banners. The West Boulevard area is one and the West Boulevard Association is in favor of having them there as well. The second is the area on St. Joseph Street near the School of Mines. They really want to acquire more hangers so we can honor more veterans.

CONSENT ITEMS

Motion was made by Drury, second by Salamun and carried to approve Items 1-9 as they appear on the Consent Items with the exception of Item Nos. 2 and 5.

- 1) Approve Minutes for November 28, 2018

POLICE DEPARTMENT

- 2) LF121218-01 – Salamun asked Assistant Chief Don Hedrick to give additional information on this agreement. Assistant Chief Hedrick stated last year we received a Collective Healing Grant from the International Association of Chiefs of Police. Traditionally law enforcement has become the 24/7 caretakers for the most vulnerable people in our community. We are trying to get individuals connected with resources and care providers in our community to treat some of the underlying poverty or substance abuse issues. Specifically for this item, we are hoping to partner with Collective Impact to create a foundation of care, a service provider network. For example, we work with someone on the streets, we get them out of that immediate crisis and then get them connected with service providers. Collective Impact would be the deciders of which provider each individual needs. Salamun moved to approve Authorize Mayor and Finance Officer to Sign Agreement with Rapid City Collective Impact in Support of the Quality of Life Unit/Collective Healing Initiative. Second by Drury. Motion carried.
- 3) LF121218-02 – Authorize Mayor and Finance Officer to Sign Agreement with the University of South Dakota in Support of the Quality of Life Unit/Collective Healing Initiative

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- 4) LF121218-11 – Authorize Staff to Apply and Accept, if Awarded, the K9s4Cops Grant

FIRE DEPARTMENT

- 5) LF121218-09 – Lewis wanted to clarify for the public why these items are uncollectable. This is not a situation where we are just deciding not to collect. We have gone through all of the processes that we can in order to try to collect these invoices. The law does not allow for us to get paid directly by the insurance company. This is not something the City is doing wrong it is just something legally we are not allowed to do. Lewis moved to Approve Resolution No. 2018-093 a Resolution to Write-off Uncollectable Ambulance Billing Accounts. Second by Drury.

FINANCE DEPARTMENT

- 6) LF121218-05 – Approve Resolution No. 2018-090 a Resolution Declaring Miscellaneous Personal Property Surplus to be Traded
- 7) LF121218-06 – Approve City of Rapid City Uniform Grant Guidance Policies and Procedures
- 8) LF121218-07 – Acknowledge October 2018 Sales Tax Report

METROPOLITAN PLANNING ORGANIZATION

- 9) 18TP043 – Authorize Mayor and Finance Officer to Sign Professional Agreement for the Meade County Corridor Study from Erickson Ranch Road to 143rd Avenue with HDR Engineering, Inc. in an Amount not to Exceed \$199,902.61

ATTORNEY’S OFFICE

- 10) LF121218-08 – Approve Addendum to Agreement between Local 1031, Council 65, American Federation of State, County, and Municipal Employees AFL-CIO (AFSCME) and City of Rapid City Authorizing 2019 Salary Adjustments

COMMUNITY RESOURCES

- 11) LF121218-03 – Approve Resolution No. 2018-092 a Resolution Authorizing 2019 Non-Union Benefited Employee Salary Adjustments

END OF CONSENT CALENDAR

NON-CONSENT ITEMS – **Items 12 - 17**

Public Comment opened – **Items 12 - 17**
Public Comment closed

ITEMS FROM THE PUBLIC

- 12) LF121218-10 – Drury moved to deny Request from Community Health Center of the Black Hills to Use Excess Vision Funds Allocated to Mental Health Pod for Medical Records Storage Facility. Second by Lewis. Motion carried.

FINANCE DEPARTMENT

- 13) LF121218-04 – Salamun moved to approve Introduction and First Reading of Ordinance No. 6293 Regarding Supplemental Appropriation #8 for 2018. Second by Lewis. Motion carried.

COMMUNITY DEVELOPMENT

- 14) 18TI003 – Long Range Planner Patsy Horton provided a history on this particular tax increment district. The district was created in 2007 to address some issues with the neighborhood when Elk Vale was reconstructed and their access from South Valley Drive into the subdivision was removed. Both the Tax Increment Committee and the Planning Commission does recommend approval and

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they request that we also include those fees for the City to recoup those costs associated with the certification. Lewis moved to Approve Resolution No. 2018-086 a Request by KTM Design Solutions, Inc. for SSST, LLC and Zandstra Real Estate Holdings to Consider an Application for a Resolution to Reallocate Plan Costs for TID #65 Amendment #1 for Property Generally Described as Being Located South and West of Elks Country Estates and East of Elk Vale Road. Second by Drury. Motion carried.

- 15) 18OA014 – Salamon asked Community Development Director Young to provide a brief overview on this amendment. Young deferred to Planning Manager Vicki Fisher to provide the overview. Fisher explained the current definition of a garage is not clear it includes all of the accessory structures such as a shed or craft room, do those count extra or is it just garage. We have been calculating that all of those accessory structures go toward the definition of a private garage, this amendment clarifies that. It makes it clear to the property owner and clear for us as we bring these applications forward. Lewis moved to approve Introduction and First Reading of Ordinance No. 6291 an Ordinance Amendment to Update the Requirements for Private Garages by Amending Sections 17.04.315, 17.08.030N and 17.38.030L of the Rapid City Municipal Code. Second by Drury. Motion carried.
- 16) 18OA015 – Drury asked Young if this is a clarification amendment on the setbacks. Young confirmed this amendment is a housekeeping item. There has been some confusion as to how we should set back our townhomes depending on what road it is on and so we wanted to clarify that and base it on a zoning determination. Drury moved to approve Second Reading and Recommendation of Ordinance No. 6292 an Ordinance to Revise the Requirements for Townhouses by Amending Section 17.50.020 and 17.50.030 of the Rapid City Municipal Code. Second by Lewis. Motion carried.

17) 18YE018 – Presentation from Community Development on Department Programs and Development Updates – Information Item, No Action Required. Community Development Director Ken Young presented a new format of the department’s newsletter and members of the department gave a brief overview of some items they are currently working on. Current Planner John Green highlighted three projects that will create jobs, revitalize aging neighborhoods and provide essential services to the community. First a building permit application was received for a Fleet Farm Superstore. This 37 acre property will be located on East Mall Drive, directly East of the Hilton Garden Inn. Approximately 210,000 square feet of retail development, to include a convenience store, carwash, and a retail store. The Black Hills Works Foundation submitted an Initial Planned Development Overlay to provide dwelling units for patients undergoing treatment at the Brain Injury Institute located at 803 Soo San Drive. The proposed dwelling units are intended to provide transitional housing for patients as they progress through treatment at the rehabilitation center. The third project is an Initial Planned Development Overlay for Dakota Market Square, a mixed use development at 1111 East North Street also known as the existing K-Mart property. The proposed development will redevelop the property with new retail, restaurant, and office buildings. Planner Fletcher Lacock discussed some upcoming proposed ordinance amendments. One of the goals of the comprehensive plan is to streamline processes and improve efficiency. Staff has been reviewing the ordinances to improve clarity and to remove conflicting language. Staff is also having discussions with the public through “Coffee with Planners” to identify sections of the ordinances that may need revisions. In order to keep up with future development staff is currently looking into having work sessions on accessory dwelling units and vacation home rentals, reworking the Office Commercial District, and revising the definition of a principal building to allow multiple primary structures in higher density residential districts. Planning Manager Vicki Fisher provided an overview on a few larger project master plan proposals for large acres of property in our community. These projects typically include a mix of residential uses along with supporting commercial components to enhance the live-stay lifestyle encouraged by the City’s Comprehensive Plan. The Shepherd Hills Subdivision is a 700 acre parcel of land located between East North Street and

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South Dakota Highway 44. This is a multi-phased development consisting of an industrial park, commercial corridors, a school site, reserved open space areas and a mix of residential development. The residential development will include a mix of affordable and workforce housing. Some of this housing will be reserved to provide affordable veteran housing and student housing for Western Dakota Tech. The commercial corridors will include medical facilities, retail and hospitality sites. The Freeland Ranch project is a 128 acre parcel of land located northwest of the intersection of Seger Drive and North Lacrosse Street. This will also be a multi-phased project with areas of neighborhood commercial, office commercial, community park/open space and a mix of residential development. The applicant has provided a Letter of Intent describing the development as a multi-socio-economic level, sustainable, affordable housing community that will provide low cost, build-ready lots and apartment sites to make possible the construction of over 360 affordable/workforce dwellings. The Buffalo Crossing West project is a 30 acre parcel of land located in the northwest corner of the intersection of Mount Rushmore Road and Catron Boulevard. The developer has indicated the property will be developed with commercial uses to include medical facilities, restaurants, coffee shops, retail sites, a veterinary clinic, a financial institution, hotel(s) and a convenience store. Long Range Planner Kelly Brennan addressed the City's Comprehensive Plan. The Comprehensive Plan was adopted in June of 2014 and one of the plan's recommendations is to periodically review and amend the plan to respond to changes in the community. Staff has been working on a Plan amendment to clarify the Zoning Districts appropriate for each of the Future Land Use categories. Multiple Future Land Use map changes are proposed to better reflect growth and development within the city. The draft versions of the Plan amendments are expected to be coming forward in March 2019. Long Range Planner Kip Harrington described three projects the Transportation Planning staff has been working on. The analysis of the Sheridan Lake Road Corridor in southwest Rapid City. The study will recommend roadway and intersection improvements along Sheridan Lake Road from Alberta Drive to Corral Drive, with recommendations expected in early 2019 and construction tentatively scheduled for 2021. Next, the East Rapid City Corridor and traffic analysis study in the eastern portion of Rapid City has been effected by recent and ongoing development which has created traffic issues. The study examines East Omaha Street, Cambell Street and East North Street corridors for possible roadway and intersection improvements. The study is slated to be completed in March 2019. The Coordinated Public Transit – Human Services Transportation Plan identifies transportation needs of individuals with disabilities, older adults and people with low incomes. It also provides strategies for meeting local needs, prioritizes funding and identifies strategies to improve coordination between transportation providers. The consultant has completed the public input and data findings and is currently working on the draft report. Lewis asked if on their studies on the Sheridan Lake corridor include incorporating Rapid Ride into this study. Harrington stated, no, this is strictly a traffic study. Long Range Planner Sarah Hanzel presented some updates and projects from the Historic Preservation Commission and downtown. The Historic Preservation Commission is focusing on their education and outreach efforts using the grant funding they received from the state. Last year they developed a walking tour of downtown architecture. This year they are creating a brochure to mail to all property owners of historic property to give them an overview on how historic review is conducted and how to connect them with more information. Sometimes people do not realize they are in a historic district or they are unsure of the process and this will be a good tool to get some of that information out there. We are also working on implementing findings from the comprehensive plan, the downtown plan and the downtown parking study to upgrade our parking meters downtown. Over the summer we tested out different technology to get an idea of what is out there and what companies are working in other cities. We are looking at bringing forward some recommendations in the next couple of months. We are also looking at the future of 6th Street and the connection between the Rushmore Plaza Civic Center and the greater downtown area toward the Performance Arts Center. We have hosted a variety of community conversations and open houses to gather community feedback. They are specifically looking at the pedestrian crossing at Omaha Street. They are looking at a concept of a pedestrian bridge that will go over Omaha that would divert traffic underneath. This will be brought forward early next year. Building Services Manager Brad Solon

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described 2018 as a great year for building permit numbers and permit valuations. As of November, the total permitted valuation put the City of Rapid City at the second best year at \$307,354,989 million, making it the third year in a row to surpass the \$300 million mark. This Building Board approved the 2018 editions of the building code ordinances which will be coming forward very soon for approval. Community Development Block Grant (CDBG) Manager Barb Garcia provided an overview of the CDBG Program. HUD provides CDBG funds for the development of decent housing, a suitable living environment and to expand economic opportunities, for low and moderate income. The City receives approximately \$460,000 per year. Some previous year projects include Youth and Family Services, Canyon Lake Senior Center, WAVI, Cornerstone, and BMS, Public Services, Economic Development and Affordable Housing, and Rehab on existing homes. Code Enforcement Manager Matt Owczarek Code Enforcement stated so far in 2018 the City has had 1,410 cases. The majority of those cases are grass and weed violations along with snow and ice violations. As the season changes, Code Enforcement will be shifting its focus to snow and ice removal. Armstrong thanked Young for the education and communication from him and his staff. Salamun also thanked Young for this presentation. One thing that stands out is the professionalism from the staff and thank you for assisting the public with all of the various projects. Salamun also thanked Barb Garcia, who is retiring in January, for all of her hard work and service to the City. Drury agrees with Salamun, she stressed that you all represent Rapid City very well and we appreciate everything that you do.

ADJOURN

There being no further business to come before the Committee at this time, motion was made by Salamun second by Lewis and carried to adjourn the meeting at 1:18 p.m.