

LEGAL AND FINANCE COMMITTEE MINUTES
Rapid City, South Dakota

May 1, 2019

A Legal and Finance Committee meeting was held at the City/School Administration Center in Rapid City, South Dakota, on Wednesday, May 1, 2019, at 12:30 p.m.

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

(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 Drury, second by Laurenti and carried to adopt the agenda.

GENERAL PUBLIC COMMENT

None.

CONSENT ITEMS

Motion was made by Laurenti second by Drury and carried to approve Items 1-9 as they appear on the Consent Items with the exception of Item No 8.

- 1) Approve Minutes for April 10, 2019

FINANCE DEPARTMENT

- 2) Acknowledge the Following Volunteers for Worker's Compensation Purposes: Trevor Phillips (Parks and Recreation), Alexia Hodgson (Police Department),
- 3) LF050119-01 – Acknowledge March 2019 General Fund Cash Balance Report
- 4) LF050119-07 – Acknowledge FY2018 Annual Financial Report
- 5) LF050119-11 – Approve Resolution No. 2019-036 a Resolution Declaring Miscellaneous Personal Property Surplus to be Traded

COMMUNITY DEVELOPMENT

- 6) LF050119-05 – Authorize the Mayor and Finance Officer to sign the FY2019 Community Development Block Grant Contract with Pennington County Health & Human Services
- 7) LF050119-06 – Authorize the Mayor and Finance Officer to sign the FY2019 Community Development Block Grant Contract for Behavior Management Systems

FIRE DEPARTMENT

- 8) LF050119-08 – Drury has questions on what the break-even point would be on this agreement and if it is not a viable project, would we renew it if we are not making any money after the one year trial period. Laurenti's questions pertain to increased costs, such as: are we buying additional vehicles to cover that area and those costs involved. These questions will be brought to the City Council meeting on Monday night. Drury moved to send to Council without recommendation, to Authorize the Mayor and Finance Officer to Sign Agreement for Ambulance Services Between the City of Rapid City and the City of Summerset. Second by Modrick. Motion carried.

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- 9) LF050119-09 – Authorize the Mayor and Finance Officer to Sign Agreement with South Dakota Department of Agriculture, Wildland Fire Division, for Wildland Fire Suppression Assistance

END OF CONSENT CALENDAR

NON-CONSENT ITEMS – Items 10 – 15

Public Comment opened – Items 10 – 15

Diane Roberts, owner of Fifth and Main Furniture, addressed the committee regarding the new parking ordinance changes. Their business would like to respectfully request three things: Permit parking delayed until we have a feel of how the dynamics will change in the periphery; delineate between the paid parking in the metered areas and free parking all day on Saturday in the periphery; monitor and charge for all parking on Saturday or nothing.

Curt Small, owner of the Elks Theatre, addressed his biggest concerns with the proposal: the \$25.00 fine, which he understands is now proposed at \$15.00 but recommends keeping it at \$10.00 for a period of time for customers to adapt to all of the changes in the downtown parking. He also feels the two hour parking limit is not reasonable and would like to see this remain at three hours.

Public Comment closed

FINANCE DEPARTMENT

- 10) LF050119-03 – Laurenti moved to approve the Introduction and First Reading of Ordinance No. 6327, an Ordinance Regarding Supplemental Appropriation #3 for 2019. Second by Drury. Motion carried.

CITY ATTORNEY'S OFFICE

- 11) LF050119-02 – Laurenti asked the City Attorney to verify that this ordinance repeals any limitations by the municipality in regards to the carrying of firearms. City Attorney Kinsley Groote clarified that once approved there will be no limitations that are against state statute and will be compliant with state statute. Groote will attend the City Council meeting to address any questions regarding situations where the City is able to make limitations. Drury moved to approve the Introduction and First Reading of Ordinance No. 6325, An Ordinance to Amend Section 9.28.030 and Repeal Section 9.28.040 of the Rapid City Municipal Code Relating to Firearms. Second by Laurenti. Motion carried.
- 12) LF050119-04 – Laurenti moved to approve the Introduction and First Reading of Ordinance No. 6328, An Ordinance Amending Section 5.12.080 and Adding Section 12.20.110 of the Rapid City Municipal Code Regarding the Consumption, Mixing or Possession of Alcoholic Beverages in Public Places. Second by Modrick. Motion carried.
- 13) LF032719-09 – Modrick asked City Attorney Joel Landeen to address some of the points regarding the parking ordinances made by the business owners and asked if the feedback given here today has any bearing on the outcome of the public meeting tomorrow night or on the second reading of the two ordinances. Landeen explained that the resolution can be amended on Monday night but if significant amendments are made to the ordinances that change the intent of the ordinance, the second reading of the ordinance amendment would potentially have to be continued. He went on to say if you approve the ordinance, you do not have direct say in a lot of the policies because changing things becomes very cumbersome and takes a lot of time. He asks the committee to be very careful before trying to micro manage the parking because there are lessons learned and very specific reasons why all of the regulations are being taken out of the parking ordinance. Landeen believes the City should rely on the parking committee and give the recommendations of the

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parking consultants a chance to work before changing them. Modrick values the opinion but her concern is with the body selected to manage the parking as the Council is in charge of policies/rates/charges and they need to be the voices of those that have concerns. She expressed that had they not been a voice a couple of weeks ago, we would not have the business owners/property owners that are being affected by the change coming before us now and having another public meeting tomorrow night. Therefore, she feels it is important that it has come before the council so the conversations are opened, discussed and there is public comment. She wants to make sure if we go forward with any ordinance that has a piece of the Council's job of policies/rates/charges, that we are not having exclusion of City Council because the Council is the voice of the people. She asked how this will be addressed with these two recommendations and how will changes in policy come back to the Council. Landeen reiterated that council will not be included in all of the day to day policy changes and management of the downtown parking but if there are recommendations that involve and ordinance change, it would come back to the Council. Modrick has reservations regarding rushing an ordinance that maybe still needs some additional work. Drury asked Sarah Hanzel from Long Range Planning how long the City has been working on the parking proposal, if citizens can bring concerns to the Parking Board, and if she could answer Ms. Alberts and Mr. Small's concerns. Hanzel explained the downtown master plan was adopted in 2016 which began a year-long study and public engagement. One of the major concerns coming out of that study from the downtown community as a whole, was the downtown parking and how to address it. There were over a thousand people who participated in the study. In 2017, the City contracted Walker Parking Consultants to help develop the parking plan and recommendations. Throughout 2018, staff and the Advisory Board that is currently serving, has been building on those recommendations. The plan has been worked on directly for over two years and three years indirectly. Hanzel defined the Parking Board which will hold public meetings that citizens may attend to discuss the occupancy data collected or to voice issues or concerns. Hanzel addressed the concerns brought today along with what the Council asked them to re visit after the first reading of the amendments, specifically relating to the \$25.00 violation fee, which they have proposed at a reduced rate of \$15.00. This fee is set by resolution which would always come back to Council as well as the parking meter rate of \$1.00. She reiterated that the purpose of a fine is to affect behavior so if it does not affect behavior, it would not stay at \$15.00. Time zone limits of two hours versus three hours were also re-evaluated, looking at best practices on managing time limited areas and taking into consideration the parking consultants continued advisement of two hour limits working better than three hours. Lt. Bock from the Police Department, described the software the City has been using which has collected nine months of data. Jim Gilbert, Director of IT, shared what the technology provided using 147 days of data with 45,000 identifiable plates scanned. Looking at the data and frequency of the same plates being downtown at 25%, the data for high frequency number of day's downtown shows only 80 unique plates. If expanded out to 20%, it shows 195 unique plates. The data indicates that a lot of the people that are parking downtown are parking for a small percentage of the 147 days. The problem is that even at 195 cars when you are only talking about the 500 to 700 of the core spaces, this is a large portion of the core. In addition, the average period of time any one particular car is parked in the downtown area is 1.7 hours. On average when looking at all 45,000 plates, data is seeing 1.7 to 1.8 hours people stay in the downtown area but When looking more specifically at the cars that are downtown a lot, such as the first 80 or 195 then the average goes up to approximately 4 to 6 hours. The data shows high frequency with longer time and low frequency with lower time downtown. Drury mentioned there has been some suggestions to test it for three or six months and then implement it later and asked if this is a feasible option or is it something that makes it more confusing. Hanzel addressed this by saying she's not sure we can do that because many employees who park downtown currently, do have hang tags and have a place to park when they cannot shuffle conveniently, but there is anywhere from a hundred to two hundred people on wait lists who do not have a place to go. By installing the new meters, those employees "shuffling" will only have the options of feeding a meter, get parking tickets every day, or find unmonitored areas, which is really far to walk, which then concentrates all of those employees on a handful of block faces. In an ideal scenario, we wouldn't need to have any on street

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permit parking and all employees would have an off street place to go, but that is not the case. Fortunately, Rapid City has some streets downtown that have a lot of excess capacity. The City understands the concerns on over saturating employees on any given block face which is what happens now and what the City is trying to get away from. Hanzel expressed that we don't expect that it will get out of the gate perfectly on day one, but we will have a lot more ability to understand the balance between employees and visitors on any given block face. Drury asked if the fine is \$15.00 if she stays all day or \$15.00 every time they come around and check the vehicle. Landeen communicated it is every time they check your vehicle which is the way it has been enforced. He raised the question regarding how many times they get around and should it be \$15.00 for the entire day or how often. He detailed that one of the reasons the staff has been flexible with the ordinance regarding the fines is that we can go down to \$15.00 rather than start out at \$25.00 but if it is determined that it is not altering people's behavior and have the data to show that, they can bring it back to the Parking Committee and the Council for reconsideration. He gave an example: we have proposed eleven hour enforcement on the meters so technically, you could pay a meter all day for \$11.00 and if the fine was kept at \$10.00 as Mr. Small proposed, you could park all day and pay a fine of \$10.00 or pay \$11.00 for the meter; therefore, we could not keep the fine the same as it has been. The City felt \$15.00 is as low as they could go to keep it as a deterrent so as not to encourage people to receive violations verses pay the fee. Lt. Bock informed the Committee the ordinance as written today, you receive a ticket for every time zone violation, meaning if it was a three hour zone we could come back every three hours and issue another ticket. This was put into place to de incentivize people from using the one ticket as an all-day pass. This does not apply to meters. Laurenti commented that the current process does not work at all and the new ordinances, with drawing the policies out of it, will let the data dictate how the parking is managed, which is how decisions should be made and not by those who voice their opinions the loudest. Landeen stated it is important to implement the permits the same time we roll out the meters because it will stop some of the shuffling and free up spots in the most desirable areas of Main and St. Joe so when customers come downtown, they have a place to park. The permits will also help from inundating the block faces closest to the core, which is where the shufflers would move to. The whole point of the permit is to more efficiently use our off street resources. Landeen then addressed Saturday enforcement and asked everyone if turnover is important on Main and St. Joe on Saturday? If turnover is important, then the meters need to be enforced otherwise the employees and residents will take a lot of those spaces which they may or may not already be doing. The data doesn't currently show there is justification in enforcing the 2 hour parking periphery when there are only one or two cars on a lot of the block faces. If we have a specific issue using an example of Freed's or another close block face to the core, then these areas would definitely be looked at to determine a solution such as loading zones, or if they need to be included in the first expansion of the meters, but not sure that will be a need yet. The final item Landeen touched on is the debate between the two hour and three hour periphery. Statistics show that Rapid City is no different than any other City with the data showing the average stay downtown is less than two hours. The more time we add, the more it encourages people to shuffle. His concern is allowing three hours in the periphery just moves the shuffling problem there and reminds everyone that part of the goal is to change people's behavior. Modrick believes there are still some things to be looked at before the Monday night meeting and feels we may be shifting the problem to the periphery and wants everyone to recognize the core has expanded. She also added that there may be other ideas that come to the May 2nd meeting. Finance Officer Sumption pointed out, for everyone to please keep into consideration, that all leased lots are free on weekends, holidays, and evenings after 5:00 pm. Drury moved to approve the Second Reading and Recommendation of Ordinance No. 6321 An Ordinance Allowing the Installation of Parking Meters and Revising the Existing Time Zones in Downtown Rapid City by Amending Chapter 10.44 of the Rapid City Municipal Code (RCMC). Second by Laurenti. A roll call vote was taken with Armstrong, Laurenti and Drury voting yes. Modrick voting No. Motion carried.

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- 14) LF041019-11 – Drury moved to approve the Second Reading and Recommendation of Ordinance No. 6324 An Ordinance Updating and Revising the General Parking Regulations of the City of Rapid City by Amending Chapter 10.40 of the Rapid City Municipal Code (RCMC). Second by Laurenti. A roll call vote was taken with Armstrong, Laurenti and Drury voting yes. Modrick voting No. Motion carried.

- 15) LF050119-10 – Laurenti moved to Approve Resolution 2019-035, A Resolution Amending Certain Fees to be Charged in 2019 for Various Licenses, Permits and Applications. Second by Drury. A roll call vote was taken with Armstrong, Laurenti and Drury voting Yes. Modrick Voting No. Motion carried.

ADJOURN

There being no further business to come before the Council at this time, motion was made by Drury second by Laurenti and carried to adjourn the meeting at 1:22 p.m.