

LEGAL AND FINANCE COMMITTEE MINUTES  
Rapid City, South Dakota

October 2, 2019

A Legal and Finance Committee meeting was held at the City/School Administration Center in Rapid City, South Dakota, on Wednesday, October 02, 2019, at 12:30 p.m.

A quorum was determined with the following members answering the roll call: Becky Drury, Darla Drew, Lance Lehmann, Ritchie Nordstrom 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 Nordstrom, second by Drew and carried to adopt the agenda.

**GENERAL PUBLIC COMMENT**

None.

**CONSENT ITEMS**

Drew conveyed that she would like to see the meetings again televised.

Motion was made by Lewis, second by Drew and carried to approve Items 1-18 as they appear on the Consent Items with the exception of Item Nos. 7 and 17.

- 1) Approve Minutes for September 11, 2019

**MAYOR'S ITEMS**

- 2) LF100219-08 – Confirm the New Appointments of Alan Solano and Liz Hamburg and the Reappointment of Judy Duhamel and Jamie Toennies to the Community Investment Committee.

**POLICE DEPARTMENT**

- 3) LF100219-07 – Authorize the Mayor and Finance Officer to Sign and Accept the SAMHSA Garrett Lee Smith/Tribal Youth Suicide Sub-Award

**FIRE DEPARTMENT**

- 4) LF100219-09 – Authorize Staff to Apply for and Accept if Awarded the Fire Adapted Communities Learning Network Grant

**FINANCE DEPARTMENT**

- 5) Acknowledge the Following Volunteers for Worker's Compensation Purposes: Danielle High Bear (Parks and Recreation), Lynne Enochson (Parks and Recreation), Ashley Vincent (Parks and Recreation), Bruce Conger (Parks and Recreation)
- 6) LF100219-01 – Approve Request for Property Tax Abatement as follows: Bruce Nerison on Behalf of Daylight Investment III LLC; 2017, \$3,351.90; and 2018, \$3,438.52 [Combined Total for all Rapid City: \$6,790.42] Assessed Value Based on 9.7 Acre Site, 1.7 Acres is the Actual Size
- 7) LF100219-02 – Nordstrom pointed out the early dip in the general fund cash balance on the report that is normally seen in September and October, but is now seen here in August. Finance Officer Sumption clarified that there was only one sales tax check received in August but have since received the second payment, bringing the general fund right at 8 million. Sumption added that there have been three payments received in September which should even it out at that point.

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Nordstrom made a motion to acknowledge the August 2019 General Fund Cash Balance Report. Second by Lehmann. Motion carried.

- 8) LF100219-03 – Acknowledge July 2019 Sales Tax Report
- 9) LF100219-11 – Approve Resolution No. 2019-082 a Resolution Authorizing the Issuance and Sale of Airport Revenue Refunding Bonds, Series 2019A (PFC Supported)

**COMMUNITY DEVELOPMENT**

- 10) LF100219-04 – Authorize the Mayor and Finance Officer to Sign the FY2019 Community Development Block Reallocation Grant Contract for Abbott House, Inc.
- 11) LF100219-05 – Authorize the Mayor and Finance Officer to Sign the FY2019 Community Development Block Reallocation Grant Contract and the Indenture of Restrictive Covenants for Feeding South Dakota
- 12) LF100219-06 – Authorize the Mayor and Finance Officer to Sign the FY2019 Community Development Block Reallocation Grant Contract and the Indenture of Restrictive Covenants for JB Holdings
- 13) LF100219-10 – Approve the Proposed Amendments to the FY2018 Annual Action Plan and 30-Day Comments if Applicable
- 14) 19TP022 – Approve the 2020 Unified Planning Work Program – Final Report
- 15) 19TP023 – Approve the Agreement between the City of Rapid City and the South Dakota Department of Transportation for Accomplishing the Rapid City Area Transportation Planning Process in the Amount of \$533,684.62
- 16) 19TP024 – Approve the 2019 Unified Planning Work Program Amendment #19-03
- 17) 19TP025 – Drew asked for the approximate start date of the study and what prompted the request for the study. Kip Harrington from Long Range Planning stated that once the contract is signed, it should start by the end of October, expecting the study to take six to eight months to complete. He explained that the study derived from the downtown masterplan which identified the desire for a better connection between downtown, Memorial Park and the Civic Center. There is anticipation of increased traffic between downtown and the new event center as the Civic Center is redeveloped. The City is looking for ways to improve that area as a pedestrian and bicycle walkway for people to utilize downtown without having to drive back and forth. He expressed the difficulty in crossing Omaha Street due to the volume of traffic and with it being a divided six lane road, pedestrians do not feel safe crossing it a majority of the time. The pedestrian signal is also difficult to coordinate with the traffic signals at both 5<sup>th</sup> Street and Mt. Rushmore Road and the Department of Transportation is very supportive of removing another signal from their system. The City is looking at possibly creating a grade separated intersection in which Omaha Street would be lowered in grade below the normal roadway surface and Sixth Street would continue over the top of that to provide that opportunity for pedestrians to cross over Omaha Street without any conflicts with vehicular traffic. The study will look at Sixth Street from the Performing Arts Center on the south to the Civic Center at the north, examining all of the different bicycle and pedestrian connections along with looking at how to reroute the bus system if the Sixth and Omaha intersection were to be closed off. The study will answer a lot of these questions. The Department of Community Development Director, Ken Young will be at the City Council meeting Monday night to answer any questions. Lewis moved to authorize the Mayor and Finance Officer to Sign the Professional Services Agreement for the Sixth and Omaha Street Pedestrian and Bicycle Crossing Study and

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Sixth Street Promenade Corridor Master Plan with Felsburg Holt & Ullevig in an Amount not to exceed \$125,097.00. Second by Nordstrom. Motion carried.

**PUBLIC WORKS**

- 18) LF081419-08 – Authorize Mayor and Finance Officer to Sign Agreement Between the City of Rapid City and Yasmeen Dream, LLC, for Construction of Drainage Channel on Johnson Ranch Property  
*(Continued from August 14, 2019 Legal and Finance Committee Meeting)*

END OF CONSENT CALENDAR

**NON-CONSENT ITEMS** – Items 19 – 20

**Public Comment opened** – Items 19 – 20

**Public Comment closed**

**FINANCE DEPARTMENT**

- 19) LF091119-07 – Lewis moved to approve the Second Reading and Recommendation of Ordinance No. 6348 Regarding Supplemental Appropriation #6 for 2019. Second by Drew. Motion carried.

**COMMUNITY DEVELOPMENT**

- 20) 19OA005 – Drew asked Assistant City Attorney Carla Cushman to explain the ordinance amendment. Cushman explained that this ordinance amendment clarifies that the City does not regulate small cell facilities through its zoning code but instead requires that an agreement must be executed between the provider/company and the City before these (small cell facilities) can be placed on public property, including the right-of-way. Verizon recently entered into an agreement with the City which came before the City Council and this is what the City wants other companies coming in to do before they use public space for these types of small cell facilities. Cushman said some cities have decided to use their ordinances to regulate these and other cities such as Sioux falls, Spearfish and Sturgis have passed an ordinance regulating small cells with agreements. Rapid City has decided to go the route of negotiating with each company individually through an agreement. Nordstrom asked if there is availability to go to 5G. Cushman pointed out that small cells provide 4G as well as 5G and the City has been told by Verizon, that they are not promising 5G at all, they are increasing the quality of the 4G network. She also noted that these small cell facilities provide 5G elsewhere, so in the future, these will become more and more common everywhere, including Rapid City. She added that the Federal government makes the distinction between microcell and small cells and federal law defines small wireless facilities as technology generally attached to existing poles in the right of way; they are generally less than fifty feet in height, the antenna is less than three cubic feet in volume, and the associated equipment is a small size also. The large towers are continuing to be regulated under the zoning code and no changes are being made to that. Lewis moved to approve the Introduction and First Reading of Ordinance No. 6355 An Ordinance Amendment Amending Title 17 of the Rapid City Municipal Code to Exempt Small Wireless Facilities from the Definition of Microcell Wireless Communication Facilities. Second by Lehmann. Motion carried.

**ADJOURN**

There being no further business to come before the Council at this time, motion was made by Lewis second by Drew and carried to adjourn the meeting at 12:49 p.m.