

LEGAL AND FINANCE COMMITTEE MINUTES
Rapid City, South Dakota

May 13, 2020

A Legal and Finance Committee meeting was held at the City/School Administration Center in Rapid City, South Dakota, on Wednesday, May 13, 2020, at 12:30 p.m.

A quorum was determined with the following members answering the roll call: Becky Drury, Darla Drew, Lance Lehmann, Chad Lewis (telephonically) and Ritchie Nordstrom. 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 Drew second by Lehmann to adopt the agenda. Roll call vote taken with Drury Drew, Nordstrom, Lehmann and Lewis voting “yes”. Motion carried unanimously.

GENERAL PUBLIC COMMENT

None.

CONSENT ITEMS

Motion was made by Lehmann, second by Nordstrom to approve Items 1-11 as they appear on the Consent Items with the exception of Items No. 6, 7 and 8. Roll call vote taken with Drury, Drew, Nordstrom, Lehmann and Lewis voting “yes”. Motion carried unanimously.

CONSENT ITEMS -- Items 1 – 11

Public Comment opened – Items 1 – 11

Public Comment closed

Remove Items from the “Consent Items” and Vote on Remaining Consent Items

- 1) Approve Minutes for April 29, 2020

FINANCE DEPARTMENT

- 2) Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Shirley Aman (RSVP+), Marilyn Halse (RSVP+), Marcia Smith (RSVP+), Amanda Wessels (Police Department)
- 3) LF051320-01 – Approve Resolution No. 2020-035 a Resolution Declaring Miscellaneous Personal Property Surplus to be Donated and/or Sold
- 4) LF051320-02 – Acknowledge March 2020 Sales Tax Report
- 5) LF051320-06 – Approve Resolution No. 2020-036 a Resolution Levying Assessment for Abatement of Nuisances

COMMUNITY DEVELOPMENT

Motion was made by Drew, second by Nordstrom to approve Items 6, 7 and 8 as they appear on the Consent Items. Roll call vote taken with Drury, Drew, Nordstrom, Lehmann and Lewis voting “yes”. Motion carried unanimously.

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- 6) LF051320-03 –CDBG Program Division Manager Michelle Schuelke clarified that the original contract was for a lower amount but have received more money than anticipated for fiscal year 2020, so the amount has been increased to just over \$60,000.00. She pointed out the money will be used to replace windows at the domestic violence shelter. Authorize the Mayor and Finance Officer to Sign the Community Block Grant for Working Against Violence, Inc. for FY20.
- 7) LF051320-04 – CDBG Program Division Manager Michelle Schuelke explained that HUD has requested an update to the SF-424 to include the Revolving Loan Fund balance which is just over \$50,000.00. Schuelke said it is something new but is for a neighborhood restoration loan program (direct loans to owner-occupied homes). Authorize the Mayor and Finance Officer to Sign Amended SF-424 for Community Block Grant for FY20
- 8) LF051320-05 – CDBG Program Division Manager Michelle Schuelke reported that this is a contract for CD funds in the amount of \$390,000.00 the City will be receiving relating to COVID-19, which will be used specifically to prevent, prepare for, and respond to, COVID-19 activities. Authorize the Mayor and Finance Officer to Sign the FY20 Community Block Grant-CV (CDBG-CV) SF-424, SF-424D and Certifications
- 9) LF051320-07 – Approve Amendment to Resident Participation Plan (CDBG)
- 10) 20TI003 – Approve Resolution No. 2020-021 a Resolution to Approve TID No. 70 Project Plan Amendment #1 to Reallocate Project Plan Costs for Property Generally Described as Being Located Catron Boulevard from 5th Street to South US Highway 16, then South Along US Highway 16 to Sammis Trail and East to the Proposed Hyland Crossing Subdivision
- 11) 03TI001 – Approve Resolution No. 2020-30 a Resolution to Dissolve Tax Increment District #38 for Property Generally Described as Being Located at the Intersection of Eglin Street and Elk Vale Road

END OF CONSENT CALENDAR

NON-CONSENT ITEMS – Items 12 – 14

Public Comment opened – Items 12 - 14
Public Comment closed

COMMUNITY DEVELOPMENT

- 12) 19OA006 – Drew asked Community Development Director Ken Young what triggered this ordinance change. Young explained that a couple of years ago when reviewing the land use plan and the zoning, and how they were matching up, it was noticed that there were a lot of applications and development occurring for residential development in the Office Commercial District. As it was studied further, it was determined that the problem was found where the City allows multiple family housing in an Office Commercial District, which normally is applied in a mixed-use type of an arrangement; but multiple family development has with it an associated conditional uses list that includes single-family houses; therefore, the City was seeing single family houses being developed in an Office Commercial Zone. It was decided that it is probably not appropriate and looked at where that is occurring and how it could possible occur into the future; and determined if indeed the demand for single-family housing is occurring in some of those areas, then the zone should be changed to reflect that. He went on to say that in other areas where it was determined it is not an appropriate use, the City will maintain that zone but will amend the uses list so that single-family homes will no longer be permitted in the Office Commercial District. There were several properties that were affected based on that. The City then invited all of the affected property owners to attend “Coffee with the Planners” and “special public hearings” to get their feedback. The information

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received from those meetings then led to this ordinance proposal and there will also be some zone changes following soon. Young emphasized that there is opportunity for multifamily development to occur on its own in the Office Commercial Zoning, but the City is simply trying to prevent development of single-family homes without any other provision. Young added that the City is looking at best practices for appropriate zoning when viewing where development is occurring, how it is occurring and what the best way is for that to occur. Lehmann moved to approve the Second Reading and Recommendation of Ordinance No. 6294 an Ordinance Amendment Amending chapter 17.40 to Revise Permitted and Conditional Uses in the Office Commercial District. Second by Nordstrom. Roll call vote taken with Drury, Drew, Nordstrom, Lehmann and Lewis voting “yes”. Motion carried unanimously.

CITY ATTORNEY’S OFFICE

- 13) LF051320-08 – Nordstrom asked City Attorney Joel Landeen to discuss what is transpiring with this ordinance and following resolution. Landeen made clear that this ordinance simply allows the City to implement regulations through the end of July. He said with the peak of COVID-19 being predicted for some time in early June, the ordinance makes sure there is the ability to act quickly if the situation changes but also does not require that any restrictions are imposed. He explained the resolution being brought forward is to make sure the current regulations that go through the end of the original ordinance (May 31, 2020), do not lapse, ending up in a situation where there is a week or so when the original emergency ordinance is still in effect, because essentially that means businesses would have to close again since what is allowing them to stay open are the changes that were made in the resolution, sinking up the resolution with the current ordinance. If the reading of this ordinance (extending the ordinance through July) is approved, then Landeen will bring back a second resolution along with the second reading of the ordinance so the Council can address extending the regulations either through the end of July or however long they determine. (Second reading is June 1, 2020). Drew moved to send the Introduction and First Reading of Ordinance No. 6424 an Emergency Ordinance Extending the Date by which the City can Implement Measures Necessary to Slow the Community Spread of Coronavirus (COVID-19) to City Council without recommendation. Second by Nordstrom. Roll call vote taken with Drury, Drew, Nordstrom, Lehmann and Lewis voting “yes”. Motion carried unanimously.

- 14) LF051320-09 – Lehmann moved to send Resolution No. 2020-037 an Emergency Resolution Extending Resolution No. 2020-034 to City Council without recommendation. Second by Drew. Roll call vote taken with Drury, Drew, Nordstrom, Lehmann and Lewis voting “yes”. Motion carried unanimously.

ADJOURN

There being no further business to come before the Council at this time, the meeting was adjourned by Drury at 12:43 p.m.