

LEGAL AND FINANCE COMMITTEE MINUTES  
Rapid City, South Dakota

July 01, 2020

A Legal and Finance Committee meeting was held at the City/School Administration Center in Rapid City, South Dakota, on Wednesday, July 01, 2020, at 12:30 p.m.

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

**GENERAL PUBLIC COMMENT**

None.

**CONSENT ITEMS**

Motion was made by Lewis, second by Lehmann and carried to approve Items 1- 15 as they appear on the Consent Items.

- 1) Approve Minutes for June 10, 2020

**MAYOR'S ITEMS**

- 2) LF070120-03 – Confirm the Appointment of Kelly Arguello to the Planning Commission to Fill the Unexpired Term Vacated by Galen Hoogestraat and Confirm the Appointment of Haven Stuck to the Planning Commission to Fill the Unexpired Three-Mile Representative Term Vacated by Kelly Arguello

**AIRPORT**

- 3) LF070120-12 – Approve Rapid City Airport Rates and Charges for FY2020 Revision 1

**FIRE DEPARTMENT**

- 4) LF070120-01 – Authorize Staff to Apply for and Accept if Awarded the Western States Fire Managers Wildfire Mitigation Grant
- 5) LF070120-04 – Authorize the Mayor and Finance Officer to Sign MAP Agreement and the RC Approved Addendum Agreement Between Marco Technology and the Rapid City Fire Department for print/copy/scan/fax Machine Maintenance for Fire Stations 1, 2, 3, 4, 5, 6 , and 7

**FINANCE DEPARTMENT**

- 6) Acknowledge the Following Volunteers for Worker's Compensation Purposes: Danielle HighBear (Parks and Recreation), Ashley Vincent (Parks and Recreation), Lynne Enochson (Parks and Recreation), Vince Barun (Parks and Recreation), Mary Benz (Parks and Recreation), Kris Norlin (Parks and Recreation), Jan Gustin (Parks and Recreation), Don Gustin (Parks and Recreation), Tamara Pier (Parks and Recreation), Pat Roseland (Parks and Recreation), Ryan Burke (Parks and Recreation), Laura Armstrong (Parks and Recreation), Becky Drury (Parks and Recreation), Jeanette Hurlor (Parks and Recreation), Priscilla Bade (Parks and Recreation), Larry Beezley (Parks and Recreation), David Holland (Parks and Recreation), Rebecca Holland (Parks and Recreation), Tami Applegarth (RSVP+), Judy Adam (RSVP+), Mieko Bluhm (RSVP+), Thomas

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Bluhm (RSVP+), Patty Golz (RSVP+), Esther Lux (RSVP+), Donna McLoughlin (RSVP+), Mary Mead (RSVP+), Michelle Morin (RSVP+), Donna Page (RSVP+), Jay Pearson (RSVP+), Sian Young (RSVP+)

- 7) LF070120-02 – Acknowledge May 2020 General Fund Cash Balance Report
- 8) LF070120-05 – Authorize the Mayor and Finance Officer to Sign Life Safety Loan Agreement with Tom L. Odom, Jr., Vicki Odom and Joseph Graziano
- 9) LF070120-10 – Approve Resolution No. 2020-059 A Resolution Authorizing the Execution of Contractual Documents with the State of South Dakota for the Receipt of CARES Act Funds to Address the COVID-19 Public Health Crisis

**COMMUNITY DEVELOPMENT**

- 10) LF070120-11 – Authorize the Mayor and finance Officer to Sign the FY20 Community Development Block grant Contract for Rural America Initiatives, Inc., and the Indenture of Restrictive Covenants
- 11) LF070120-06 – Authorize the Mayor and Finance Office to Sign the FY19 Community Development Block Grant Amended Contract for Behavior Management Systems, Inc.
- 12) LF052720-02 – Authorize the Mayor and Finance Officer to Sign the FY20 Community Development Block Grant (CDBG) Contract for Behavior Management Systems, Inc. that was Continued from the May 27, 2020 Legal and Finance Meeting
- 13) LF070120-07 – Approve Resolution No. 2020-058 a Resolution Declaring Surplus Property and Appointing Three Real Property Owners to Appraise the Property at 248 Curtis Street
- 14) LF070120-08 – Authorize the Mayor and Finance Office to Sign the FY20 Community Development Block Grant/Neighborhood Lift Contract for Black Hills Works, Inc., and Indenture of Restrictive Covenants, Quit Claim Deed, Mortgage, Promissory Note and Associated Documents
- 15) LF070120-09 – Approve the Preliminary FY19 Consolidated Annual Performance and Evaluation Report (CAPER)

END OF CONSENT CALENDAR

**NON-CONSENT ITEMS** – Items 16 – 19

**Public Comment opened** – Items 16 – 19  
**Public Comment closed**

**POLICE DEPARTMENT**

- 16) LF070120-13 – Lewis moved to table the Introduction and First Reading of Ordinance No. 6430 an Ordinance to Change the Permissible Hours of Sale of Alcohol Beverages for Off-Premises Consumption by Amending Section 5.12.060 of the Rapid City Municipal Code. Second by Lehmann. Motion carried unanimously.

**COMMUNITY DEVELOPMENT**

- 17) 200A002 – Lewis moved to approve the Second Reading and Recommendation of Ordinance No. 6428 an Ordinance to Clarify the Retail Sales Component of Microbreweries as Conditional Uses in the Light Industrial District by Amending Section 17.22.030N of the Rapid City Municipal Code. Second by Nordstrom. Motion carried unanimously.

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- 18) 20OA003 – Drew asked Sarah Hanzel from Long Range Planning, how this ordinance change came about. Hanzel, who is also the staff liaison to the Historical Preservation Commission, gave a little bit of background on this ordinance amendment which looks at the section of the code that establishes the commission, assigning powers and duties, and is published in the zoning section of the code in chapter 17. It was put in chapter 17 in 2015 because that general part of the code describes the process for historic preservation; but today they are looking at changing just the membership requirement so it is more of just the administrative procedural portion. When some revisions to the preservation review process were made back in 2015, a consultant's recommendation was to make sure to have stakeholders from historic districts serving on the commission. They wanted to give a clear direction on who is eligible to be a member of the commission and the way it was written was a pretty strict category, with three members having to be from West Boulevard, three people who must be from downtown, and three who must serve from the professional preservation planning standpoint. Over time they have found it is difficult to keep up with everyone initially approved to be on the commission because they fit those strict categories but then they move to a new neighborhood within the City and then suddenly they do not fall into the same category, leaving the categories sort of messed up. The amendment brought forward today gives a little more stakeholder flexibility for persons who move to different areas of the City and it also helps maintain compliance with the ordinance. Hanzel said there has not been a full membership on the commission since the ordinance was adopted back in 2015. This amendment will also reduce the number of members on the commission from nine members to seven (5 voting members plus 2 alternates), who she believes serve two-year terms and then can renew a certain number of times. Nordstrom asked Hanzel to give a brief overview of what the commission is currently doing for the community. Hanzel said one of the projects they are working on with grant funding is updating the historic preservation plan and part of that is updating the historic context document. The last time the historic context document was created for Rapid City was 1989 so they have started looking at updating that document in the first phase and then updating the preservation plan. They have been having community meetings, exploring some internal visioning and goal setting, looking at what has been accomplished and where to go with the preservation program, and also examining priorities for the community. Hanzel said part of what the commission does is assist the city with historic reviews but several years ago they had a more active role in that process actually taking the lead on reviewing every building permit in the historic district. The Commission has since switched to more of an administrative process and generally only reviews a couple of projects a year; usually those that have potential for there to be damage to a historic building. Hanzel did not have immediate percentages on the number of historic buildings in the city but indicated that Rapid City does have one of the largest historical districts in the state. Nordstrom moved to approve the Introduction and First Reading of Ordinance No. 6423 an Ordinance Amendment to Recodify Establishment and Organization of the Historic Preservation Commission by Removing Section 17.54.010E and Adding Chapter 2.62 to the Rapid City Municipal Code. Second by Drew. Motion carried unanimously.
- 19) 20OA004 – Nordstrom moved to approve the Introduction and First Reading of Ordinance No. 6434 an Ordinance Amendment to Revise the Requirement for a Planned Development Overlay by Amending Section 17.50.050 of the Rapid City Municipal Code. Second by Lewis. Motion carried unanimously.

## **ADJOURN**

There being no further business to come before the Council at this time, the meeting was adjourned by Drury at 12:44 p.m.