

LEGAL AND FINANCE COMMITTEE MINUTES
Rapid City, South Dakota

January 11, 2017

A Legal and Finance Committee meeting was held at the City/School Administration Center in Rapid City, South Dakota, on Wednesday, January 11, 2017, at 12:30 p.m.

A quorum was determined with the following members answering the roll call: John Roberts, Jerry Wright, Lisa Modrick, and Steve Laurenti. Absent: Amanda Scott.

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

GENERAL PUBLIC COMMENT

None.

CONSENT ITEMS

Motion was made by Wright, second by Modrick and carried to approve Items 1-11 as they appear on the Consent Items with the exception of Item No. 11.

- 1) Approve Minutes for December 28, 2016

MAYOR'S ITEMS

- 2) LF011117-05 – Confirm the Appointment Faye Bice to the Rapid City Library Board of Trustees
- 3) LF011117-09 – Confirm the Re-Appointment of Donna Winkler to the Civic Center Board of Directors
- 4) LF011117-10 – Confirm the Mayoral Re-Appointment of Donna Fisher and the New Mayoral Appointment of Megan Reder-Schopp to the Museum Alliance of Rapid City (MARC) Board of Directors

FIRE DEPARTMENT

- 5) LF011117-06 – Approve Two Change Orders for Purchase of Fire Apparatus

FINANCE DEPARTMENT

- 6) Acknowledge the Following Volunteers for Worker's Compensation Purposes: Tom Tolman, Felipa DeLeon, Monique Mousseau, Carissa Dachtler
- 7) LF011117-03 – Approve Resolution No. 2017-006A a Resolution Fixing Time and Place for Hearing on Assessment Roll for Cleanup of Miscellaneous Property
- 8) LF011117-04 – Approve Resolution No. 2017-007 a Resolution Establishing 2017 Encumbrances
- 9) LF011117-07 – Authorize Mayor and Finance Officer to Sign 2017 Corporation for National Community Services (CNCS) Grant Application and to Accept if Awarded

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COMMUNITY RESOURCES

- 10) LF011117-08 – Approve Change Order for Chevy Traverse for IT Purchased from State Contract Due to Pricing Error by Vendor

CITY ATTORNEY’S OFFICE

- 11) LF011117-01 – Wright moved to approve Authorize Mayor and Finance Officer to Sign Assignment Agreement for Tax Increment District Number Seventy-Eight Between Yasmeeen Dream, LLC, Bank West, and the City of Rapid City. Second Modrick. A vote was taken with Modrick, Wright and Roberts voting “yes” and Laurenti voting “no”. Motion carried.

END OF CONSENT CALENDAR

NON-CONSENT ITEMS – Items 12 – 18

Public Comment opened – Items 12 – 18

Tony Marshall, President of Park Hill Development was present and available for questions on Item No.12.

Erik Braun was present and available for questions on Item No. 13.

Public Comment closed

ITEMS FROM THE PUBLIC

- 12) LF011117-11 – Tony Marshall, President of Park Hill Development presented photos and information regarding the TIF application for Park Hill. He explained the economic benefit of allowing the items typically not allowed in a TIF application. He will be seeking a TIF to develop this 13 acre site into townhomes and one level duplexes. Wright requested further information on the soil/grading plan for this project to be available at the Council meeting. Modrick is glad to see more developers looking at affordable housing and she feels we should find a way to make these developments happen. Wright moved to take Request from Tony Marshall for City Council Authorization to Allow Tax Increment Financing Funds to be Used for Landscaping, Grading & Excessive Excavation Costs for Anticipated Park Hill Residential TIF Application to Council without recommendation. Second by Modrick. Motion carried.

- 13) LF011117-13 – Erik Braun spoke regarding their anticipated East St. Charles Street affordable housing TIF application. The apartment housing project focuses on creating affordable housing. The plan is to build four buildings over two phases creating 123 apartments. Their goal is to keep the rent costs for tenants in that 25% percent of income range to allow someone the mobility to save money for their next home. Wright asked that they be prepared to answer questions at the Council meeting due to the unusual request of items not normally included in a TIF. Modrick feels this a great project and it fits the needs of affordable housing customers. Wright asked how much they will be asking for in the TIF, the valuation of the project and have the TID boundaries been established. Bruan stated they will be asking for approximately \$750,000. The finished valuation of the project will be close to \$7 million dollars. The TID boundaries will be the existing parcel. Wright moved to take Request from James Letner for City Council Authorization to Allow Tax Increment Financing Funds to be Used for Land Acquisition; On-site Professional Fees for Architecture, Mechanical/Electrical Engineering Structural Engineering and Soils; and On-site Drainage and Utility Improvements for Anticipated East St. Charles Street Affordable Housing TIF Application to Council without recommendation. Second by Laurenti. Motion carried.

COMMUNITY PLANNING AND DEVELOPMENT SERVICES

- 14) 16AN006 – Long Rang Planner, Sarah Hanzel pointed out this item has two parts for consideration. The first is the resolution itself and the second is regarding payment to the Rapid Valley Rural Fire District. Wright asked if the payment to the Rapid Valley Rural Fire District is for the annual assessment or is it a lump sum payment. Hanzel stated the Council has the choice on how they

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would like to handle it but the Finance Office has indicated a lump sum payment is preferred. Modrick would like to know if this pay-off is already coming out of their tax assessment now. Hanzel explained it is currently coming out of the taxes that they already pay as a County resident. The question is if the City removes this property from the County's jurisdiction, do we pay off that debt or does the County continue to levy that to the property owners. If the City pays off the debt, we only levy our municipal taxes which already includes fire protection. Laurenti moved to Approve Resolution No. 2016-103 a Resolution Declaring Intent to Annex for Property Generally Described as being Located East of Elk Vale Road, North of Twilight Drive, West of Reservoir Road, South of Homestead Street. Second by Wright. Motion carried.

MAYOR'S ITEMS

- 15) LF011117-14 – Wright moved to Authorize Mayor and Finance Officer to Sign an Agreement with the Center for Public Safety Management for a Comprehensive Analysis of the Rapid City Fire and EMS Services. Second by Modrick. A vote was taken with Modrick, Roberts and Wright voting “yes” and Laurenti voting “no”. Motion carried.

PARKS AND RECREATION

- 16) LF011117-02 – Wright asked for confirmation that this process is only for events on City owned property and right of way areas. Parks & Recreation Director, Jeff Biegler confirmed this permitting process is only for City owned property and right of ways. Wright moved to Approve Special Event Permitting Process. Second by Modrick. Motion carried.

CITY ATTORNEY'S OFFICE

- 17) LF113016-10 – Modrick asked for clarification on the annual disclosure form option for this policy. Assistant City Attorney Wade Nyberg stated that if you adopt the policy as it is attached, the policy does not require annual forms. If you chose to include the forms, it would need to be added. Laurenti asked what added effect the annual form would add to this resolution. Assistant City Attorney Carla Cushman stated the form would be an annual check in with all appointed and elected officials for enforcement of the policy. The Attorney's office does not have a preference to include it or not, it is just an added option for the Council to consider. Laurenti asked for further reasoning from the Attorney's office one way or the other for Council meeting. Modrick moved to Approve Resolution No. 2016-096 – A Resolution Adopting a Conflict of Interest Policy for Elected and Appointed Officials (*continued from the December 19, 2016, City Council Meeting*) Second by Laurenti. Motion carried.
- 18) LF011117-12 – Wright moved to approve Introduction and First Reading of Ordinance No. 6153 an Ordinance to Amend Provisions Concerning Permitting for Parades and Special Events by Amending Chapter 12.20 of the Rapid City Municipal Code. Second by Modrick Motion carried.

ADJOURN

There being no further business to come before the Council at this time, motion was made by Laurenti, second by Wright and carried to adjourn the meeting at 12:59 p.m.