

ORDINANCE NO. 5804

AN ORDINANCE ESTABLISHING TIMEFRAMES FOR THE COMPLETION OF PROJECTS FUNDED THROUGH THE RAPID CITY ECONOMIC DEVELOPMENT AND CIVIC IMPROVEMENT FUND, COMMONLY KNOWN AS THE “VISION FUND,” BY AMENDING SECTION 3.16.020 OF THE RAPID CITY MUNICIPAL CODE.

WHEREAS, the City has established the Rapid City Economic Development and Civic Improvement Fund (the “Vision Fund”) to pay for, or assist in paying for, public projects which support municipal infrastructure, economic development or other facilities or programs which add to the quality of life in Rapid City; and

WHEREAS, the City is required to adopt a five year plan identifying public improvements or programs which will receive money from the Vision Fund; and

WHEREAS, there are still projects from the plan approved in 2005 which have not used the money they were allocated; and

WHEREAS, the citizens, the City, and the organizations and entities receiving funds, need to know what the expectations are for the use of the funds; and

WHEREAS, the funds previously allocated to projects which have not been started within a reasonable amount of time should not remain unused indefinitely; and

WHEREAS, the City Council has determined that it is in the best interests of the City to establish a timeframe by which previously approved projects need to be under contract to complete the project or have the money that was committed to them reallocated; and

WHEREAS, the City Council has determined that it is in the best interests of the City to adopt a policy whereby the organizations or entities receiving funding from the Vision Fund need to enter into a contract with the City which will specify the expectations of the parties and establish a project timeframe.

NOW THEREFORE, BE IT ORDAINED, by the City of Rapid City that Section 3.16.020 of the Rapid City Municipal Code be and hereby is amended to read as follows:

3.16.020 Rapid City Economic Development and Civic Improvements Fund.

There is established the Rapid City Economic Development and Civic Improvements Fund to be used as follows:

A. The Council shall adopt, by resolution, a plan for projects or programs to be funded, in whole or in part, from the Rapid City Economic Development and Civic Improvements Fund. Prior to the adoption of the plan, the Council shall comply with subsections C. and D. of this section. No portion of the Rapid City Economic Development and Civic Improvements Fund

shall be used to fund any project or program not included in the plan. The Council shall at least annually conduct public hearings, after giving notice thereof, to consider proposed amendments to the plan, and may, by resolution, approve amendments to the plan, except as provided in subsection C. to this section. Every fifth year, the Council shall adopt a new plan, following procedures set forth in this section of the Rapid City Municipal Code.

B. The Council shall be authorized to issue revenue bonds, to be paid from the Rapid City Economic Development and Civic Improvements Fund, to fund projects or programs contained in the plan.

C. For the 5-year plan to be prepared in the year 2005, 50% of the funds anticipated to be available within the fund shall be used for municipal infrastructure, 25% of the funds anticipated to be available within the fund shall be used for civic improvements, and 25% of the funds anticipated to be available within the fund shall be used for economic development. Prior to adopting a subsequent plan for projects or programs to be funded from the Rapid City Economic Development and Civic Improvements Fund, the Council shall, by resolution, determine the percentage of the fund to be allocated for municipal infrastructure, civic improvements, and economic development. Upon approval of any 5-year plan, no amendment shall be permitted to the percentages as determined by the Council without a 2/3 vote of the entire Council.

D. The categories identified in subsection C. of this section shall have the following meanings:

1. **MUNICIPAL INFRASTRUCTURE.** The construction or reconstruction of streets, sanitary sewer, storm sewer, water and drainage facilities, municipally owned structures, municipal parking facilities, the acquisition of water and water rights, and the funding of programs that facilitate the construction of infrastructure, as defined in this section.

2. **CIVIC IMPROVEMENTS.** Facilities or programs that add to the quality of life within the community, and have an identified long-term funding source for the operation and maintenance of the improvement or project financed from this source.

3. **ECONOMIC DEVELOPMENT FUNDS.** Funds dedicated to specific economic development project(s) or program(s) or loaned for a specific economic development project(s) or program(s).

a. Any money loaned for economic development projects or programs under this subsection shall be repaid to the city, upon such terms and conditions as shall be determined by the City Council.

b. The recipient of money loaned under this subsection shall make a report of its construction and repayment progress to the Council, at a regular Council meeting, on a quarterly basis or more often if requested by the Council.

E. Prior to the adoption of a 5-year plan and, for 5-year plans to be adopted subsequent to 2005, after approval of the resolution described in subsection C. of this section, the Mayor shall

appoint, with the consent of the Council, a Municipal Infrastructure Committee, a Civic Improvement Committee and an Economic Development Committee. The Council shall, by resolution, determine the number of members of each committee, and all committee members must be residents of the city. Each committee shall elect a chair. Each committee shall hold at least 2 public hearings, giving 10 days notice in the legal newspaper of the city, to take public comment on how the funds identified within the committee's category should be expended. After taking the public input, each committee shall make its recommendation to the Council for the expenditure of the funds within its category within the next 5-year plan. Each committee's recommendation shall consist of a list of projects, with the estimated cost of each project included in the recommendation.

F. After considering the recommendations of the Municipal Infrastructure Committee, the Civic Improvement Committee and the Economic Development Committee, the Council shall adopt a 5-year plan. The Council shall accept, amend or reject the recommendations made by any of the 3 committees.

G. Once a person, group, entity or organization is approved for funding as part of a five year plan, they will enter into a contract with the City which will outline the project scope and expectations of the City with relation to payments from the fund. The contract will include a timeframe by which the project will be completed or by which certain benchmarks will be reached. The contract will include a provision which allows the City to terminate the agreement and reallocate any funds committed to the project if the timeframes or benchmarks are not met. For any projects funded in the five year plan which was approved in 2005, they shall have until December 31, 2013, to either complete the project, be under contract for construction of the project or enter into an agreement with the City that establishes specific completion dates or benchmarks to ensure that the project is completed in a timely fashion. For the projects funded in the five year plan approved in 2010, they shall have five years from the year their project is scheduled to be funded. The five years will be deemed to have expired on December 31st of the fifth year.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer
(SEAL)

First Reading:
Second Reading:
Published:
Effective: