

LEGAL AND FINANCE COMMITTEE MINUTES
Rapid City, South Dakota

May 30, 2018

A Legal and Finance Committee meeting was held at the City/School Administration Center in Rapid City, South Dakota, on Wednesday, May 30, 2018, at 12:30 p.m.

A quorum was determined with the following members answering the roll call: Amanda Scott, Steve Laurenti, Laura Armstrong, Becky Drury, 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 Drury to add item number 11 from the Police Department, (*LF053018-07, Authorize Mayor to Sign Joint Powers Agreement Between the Department of Public Safety, Division of State Radio Communications and Pennington County and the City of Rapid City*). Second by Armstrong. Motion carried.

GENERAL PUBLIC COMMENT

None.

CONSENT ITEMS

Motion was made by Lewis second by Laurenti and carried to approve Items 1-7 as they appear on the Consent Items.

- 1) Approve Minutes for May 16, 2018

MAYOR'S ITEMS

- 2) LF053018-05 – Approve the Reappointment of Shawn Gab and New Appointment of Rod Pettigrew to the Rapid City Regional Airport Board of Directors
- 3) LF053018-06 – Approve the Appointments of Marty Miracle and Laura Dyer to RSVP Advisory Council

FINANCE DEPARTMENT

- 4) Acknowledge the Following Volunteers for Worker's Compensation Purposes: Angie Boeve (RSVP+), Dawn Hagan (RSVP+), Georgianna Little Bull (RSVP+), Jo Mundaniohl (RSVP+), Marnie Mutascio (RSVP+), Debra Torgerson (RSVP+), Jasmine LeMaire (Police Department), Abbee Hall (Police Department),
- 5) LF053018-01 – Acknowledge April 2018 General Fund Cash Balance Report
- 6) LF053018-02 – Approve Resolution No. 2018-036B a Resolution Levying Assessment for Cleanup of Miscellaneous Property

COMMUNITY DEVELOPMENT

- 7) LF053018-03 – Authorize Mayor and Finance Officer to Sign Amendment #2 to the State of South Dakota Historic Preservation Allocation Award (SD 17-027) between the State of South Dakota and the Rapid City Historic Preservation Commission, Extending the Grant End Date from May 31 to July 15, 2018

END OF CONSENT CALENDAR

NON-CONSENT ITEMS – Items 8 - 11

Public Comment opened – Items 8 - 11

Kaylie Sterud from Smokin Hot Catering, LLC discussed item number 9. The first sentence in section one is extremely vague and over generalized. She asks that the City remove that statement or specify which State or Federal guidelines they are referencing as these guidelines vary. The second sentence in section one she would like to add “and City” because that is what this is pertaining to. The next item she would like to see changed is under section A, number 5, she feels requiring a trash receptacle is unnecessary especially if they are on private property. Most establishments already have receptacles on the premises and she feels it is unnecessary for the food trucks to have additional receptacles.

Kia Smith also spoke regarding item number 9. She feels that section B, number 3 is too vague regarding vendor permits and when they are necessary. She also spoke regarding number 6 regarding amplified music or sound to attract attention to the mobile food truck. She thinks this prohibits an ice cream truck from attracting customers.

Public Comment closed

PARKS AND RECREATION

- 8) LF053018-04 – Drury thanked ACME Bicycles for giving the Council the opportunity to ride the e-bikes Scott pointed out that an e-bike is a semi-motorized bike but is not a motorcycle. She wants to make everyone aware that you still cannot take a motorized bike on the bike paths. Laurenti moved to approve Introduction and First Reading of Ordinance No. 6261 an Ordinance to Amend Rapid City Municipal Code Section 12.24.050 to Allow E-Bikes on City Bicycle and Pedestrian Trail Systems. Second by Armstrong. Motion carried.

COMMUNITY DEVELOPMENT

- 9) 18OA012 – Scott asked Assistant City Attorney Carla Cushman to point out the changes that occurred between First and Second reading of this ordinance. Cushman listed section A(5) regarding private trash bins which was reduced from 30 gallon bins to 13 gallons. It was also added that trash bins must be anchored. The other change was to section B(5) to the signage provision. The first ordinance allowed for signage on the truck only but it was changed to say you can have two additional banners or signs within 100 feet of the truck. Lewis was concerned about allowing ice cream vendors to play music. Cushman explained that the City has a separate ordinance that regulates ice cream vendors. Laurenti asked Cushman her opinion on the speaker’s concerns of vagueness of the sections listed. Cushman explained the language is similar to other ordinance. Whether it is listed in our ordinance or not it is still something they have to comply with. It is intended as a heads up to the vendors that there may be other rules that apply to you but these are the ones that the City is imposing and it is up to them to take it upon themselves to know those laws. Drury moved to approve Second Reading and Recommendation of Ordinance No. 6250 an Ordinance Amendment to Adopt Regulations Concerning Mobile Food Vendors by Adopting Provisions in Title 17 of the Rapid City Municipal Code (*Continued from the May 16, 2018, Legal and Finance Committee Meeting*) Second by Laurenti. Motion carried.

ATTORNEY’S OFFICE

- 10) LF051618-03 – Scott asked Cushman regarding the sale of alcohol sold on Sunday. Cushman deferred the question to Finance Officer Pauline Sumption. Sumption stated we used to have to have an ordinance that allowed Sunday sales. This legislative session is what you will see in this ordinance. The primary change that occurred was they removed the package malt beverage license which is considered an off-sale and now it is an on off-sale and not just package. There will be some restrictions that occur internally where the City will notify the licensees when it is time for renewal that even though they are an on off-sale now because they had to apply for it, their location is only authorized for off-sale. If they choose to do on-sale they would have to go through the

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conditional use permit process and there is no guarantee that they would be approved for that site. Laurenti moved to approve Second Reading and Recommendation of Ordinance No. 6257 an Ordinance to Amend Chapter 5.12 of the Rapid City Municipal Code to Incorporate Changes to State Law Regarding Alcoholic Beverages. Second by Drury. Motion carried.

POLICE DEPARTMENT

11) LF053018-07 – Chief Karl Jegeris explained why this item is being added to the agenda at the last minute. Three years ago there was an initial joint powers agreement between the City and County dispatch center which allowed the State to join us and we started providing services to highway patrol and other State agencies. Over the past three years we have evaluated the personnel costs and the time resources needed for each agency and we discovered the State was requiring more resources and it would be fair for them to provide a larger contribution. So in the past year the dispatch director and deputy director have been negotiating with the State to increase their contribution. The State has agreed to increase their contribution by more than \$60,000. This item is being walked on to the agenda because there is a time factor. The State operates under a fiscal year budget that ends at the end of June and the State would like to make payment prior to their year-end. Which means this agreement must be signed prior to June 11, 2018 in order to ensure it is approved and signed by all parties involved. Lewis moved to approve Authorize Mayor to Sign Joint Powers Agreement Between the Department of Public Safety, Division of State Radio Communications and Pennington County and the City of Rapid City. Second by Laurenti. Motion carried.

ADJOURN

There being no further business to come before the Committee at this time, motion was made by Drury second by Armstrong and carried to adjourn the meeting at 12:54 p.m.