

LEGAL AND FINANCE COMMITTEE MINUTES
Rapid City, South Dakota

July 31, 2019

A Legal and Finance Committee meeting was held at the City/School Administration Center in Rapid City, South Dakota, on Wednesday, July 31, 2019, 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, 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 Nordstrom and carried to approve Items 1- 12 as they appear on the Consent Items.

- 1) Approve Minutes for July 10, 2019

MAYOR'S ITEMS

- 2) LF073119-01 – Confirm the Reappointment of Lynzie Montague to the Hotel BID Board
- 3) LF073119-08 – Confirm the Appointments of Mark Bachman, Casey Peterson, Erin Krueger and Tony DeMaro to Three Year Terms and Frank Morrison and Michelle Carr to Two Year Terms to the Public Parking Advisory Board

FINANCE DEPARTMENT

- 4) Acknowledge the Following Volunteers for Worker's Compensation Purposes: Torence Ndolo (Rapid Transit System), Kayla Schimmel (Police Department), Joshua McElroy (Police Department)
- 5) LF073119-02 – Approve Resolution No. 2019-060 a Resolution Levying Assessment for Abatement of Nuisances
- 6) LF073119-03 – Acknowledge June 2019 General Fund Cash Balance Report
- 7) LF073119-06 – Approve Resolution No. 2019-061 a Resolution Declaring Miscellaneous Personal Property Surplus to be Crushed
- 8) LF073119-07 – Acknowledge Report on Retail (on-off sale) Malt Beverage Licenses Eligible for Video Lottery
- 9) LF073119-09 – Set for Hearing August 19, 2019 – Resolution No. 2019-063 A Resolution of Intent to Enter into Lease of Land with Cortez LLC (Hotel Alex Johnson)

LEGAL AND FINANCE COMMITTEE

July 31, 2019

- 10) LF073119-10 – Authorize Mayor and Finance Officer to Sign Additional Purchase Agreement with IPS for 20 Additional Meters, Sensors and Housing Units, Including Warranty, for Downtown Parking Plan
- 11) LF073119-11 – Approve Resolution No. 2019-066 A Resolution Declaring Miscellaneous Personal Property Surplus to be Traded

CITY ATTORNEY’S OFFICE

- 12) LF073119-05 – Accept Property (Tax ID 36699) Donated by Andrew Severson and Jane Severson Cary and Authorize the Mayor and Finance Officer to Sign All Documentation Related to the Donation

END OF CONSENT CALENDAR

NON-CONSENT ITEMS – Items 13 – 15

Public Comment opened – Items 13 – 15
Public Comment closed

MAYOR’S OFFICE

- 13) LF071019-04 – Drew moved to approve the Second Reading and Recommendation of Ordinance 6345 an Ordinance to Repeal the Compass Internal Audit Program by Repealing Chapter 2.95 of the Rapid City Municipal Code. Second by Nordstrom. Motion carried.

CITY ATTORNEY’S OFFICE

- 14) LF073119-04 – Drew conveyed her comments on the success of this program in other areas and asked Jeff Biegler, Director of Parks and Recreation, when the program will be launched and how the licenses will be selected. Biegler said if approved, it is anticipated to go into effect this September and the selection process will be conducted and administered by the South Dakota Game Fish and Parks. He added that the draft resolution attached will be coming to the committee during the second reading of the ordinance and outlines how the process will occur and how the applications will be accepted and approved. Drew asked Biegler to consider some kind of Lakota preference for two of the licenses because they were the first bow hunters in our area and this would be a way to honor and respect that type of tradition. Biegler will pass those comments on to Game Fish and Parks. Nordstrom added that he supports Drew’s suggestion regarding the licenses and asked Biegler to address questions the public has asked relating to the use of the meat once the game is processed. Biegler believes it is the choice of the hunter to either keep the meat or to voluntarily donate it to Feeding South Dakota. Nordstrom also asked Biegler to share the fees or costs for this program that is being adopted. Biegler explained that individuals will need an actual archery hunting license which they will purchase through SD Game Fish and Parks and the access permit through the City will have no fee to it. The individuals will be following all the rules and regulations of the hunting division of Game Fish and Parks. There will be a maximum this season of 21 hunters and the hope is there will be 21 fewer deer to include in the regular deer harvest that is administered through the Parks and Recreation department at the end of the year. It is Biegler’s understanding that SD Game Fish and Parks will administer a draw (lottery process) for access permits through its online license system. Drury asked Assistant Chief of Police Don Headrick, how the City will be able to determine who is a licensed hunter with a bow and arrow. Headrick said from what he understands, the tag they have to obtain will be worn around their neck while hunting and there’s a plan for a permit (tag) to be placed in the window of the vehicle. Lewis moved to approve the Introduction and First Reading of Ordinance No. 6347, An Ordinance to Amend Section 9.28.020 of the Rapid City Municipal Code Relating to Throwing Stones and Missiles. Second by Drew. Motion carried. Second by Drew. Motion carried.

July 31, 2019

- 15) LF073119-12 – Nordstrom explained the reasons the City is wanting to remove the runoff process. His research indicates that since 2009 there have been four runoffs and the people who have won the initial election have also won the runoff election. He added that voter turnout has been significantly low, turning out to be less than 16% and also found that initial voter turnout in the regular elections has been less than 30% with the highest election just being a little over 37% which was an election that included Hill City and Rapid Valley. Nordstrom feels low voter turnout overall should be a concern to the citizens of Rapid City. Drew pointed out the cost savings and time savings to the City by removing the runoff process and how runoffs impact the Council. Finance Officer Sumption added that there has only been one exception to runoff elections which was in 2007 when there were eight people running for Mayor and the initial election winner did not win the runoff election. Sumption shared the runoff election cost from a few years ago was \$26,000 for only one ward and the invoice received from the County for this year's runoff was \$23,000; however, the County has cut back on costs by hiring less people as well as ordering less stock based on historic voter turnout. Assistant City Attorney Kinsley Groote explained the state law changed in approximately 2009 that gave municipalities a choice to have runoffs, before that, they were required under state law. The City chose at one point to have runoffs but now feel it is no longer needed. Lehmann moved to approve the Introduction and First Reading of Ordinance No. 6352, An Ordinance Removing the Requirement to have a Runoff Election for Municipal Offices by Repealing Section 1.16.030 of the Rapid City Municipal Code. Second by Nordstrom. Motion carried.

ADJOURN

There being no further business to come before the Council at this time, motion was made by Lewis second by Drew and carried to adjourn the meeting at 12:49 p.m.