

LEGAL AND FINANCE COMMITTEE MINUTES
Rapid City, South Dakota

September 16, 2020

A Legal and Finance Committee meeting was held at the City/School Administration Center in Rapid City, South Dakota, on Wednesday, September 16, 2020, at 12:30 p.m.

A quorum was determined with the following members answering the roll call: Darla Drew, Pat Jones, Lance Lehmann, Laura Armstrong, and Jason Salamun. 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 Jones, second by Armstrong and carried to adopt the agenda.

GENERAL PUBLIC COMMENT

Name: Jeffrey Frink

Address: 916 Ridgeview Court

Rapid City, SD 57701

Agenda Item: Backyard Hens

Comment:

Please vote yes to get the backyard hens on the agenda items for a vote. I know that there has been negative comments on social media regarding this but as most know the squeaky wheel gets the grease. There are many in support of this and other cities have been doing this for years. I noticed a lot of the negative comments were geared to smell, noise, small lot sizes etc. this will not be a problem if people keep them within the bounds of the rules. If anything, consider requiring larger lots for example over one acre. Currently I believe that you can own them on more than 3 acres. Reduce that to one acre and it would be a great compromise.

Name: Betty Backus

Address: 3505 Cypress Ct

Rapid City, SD 57701

Agenda Item: Backyard Hens

Comment:

I am not in favor of changing city ordinances to allow backyard hens in the city of Rapid City. I am primarily concerned for the potential risk of injury to people and pets. Predators will be drawn to the homes that are keeping backyard hens. There isn't any ordinance that can keep predators such as skunks, coyotes, mountain lions, snakes, racoons, mice, etc from roaming our neighborhoods in search of any easy meal. It is also known that backyard flocks have caused diseases such as salmonella and coccidiosis to be transmitted to humans

CONSENT ITEMS -- Items 1 – 14

Motion was made by Jones, second by Lehmann to approve Items 1-14 as they appear on the Consent Items with the exception of item numbers 5, 6, 9 and 13. Motion carried unanimously.

Public Comment opened – Items 1 – 14

Public Comment closed

Remove Items from the "Consent Items" and Vote on Remaining Consent Items

- 1) Approve Minutes for September 2, 2020

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MAYOR'S ITEMS

- 2) LF091620-03 – Confirm the Appointment of Dustin Dale to the Rapid City Regional Airport Board of Directors
- 3) LF091620-05 – Confirm the Reappointment of Karen Bulman, John Herr, Eirik Heikes and Vince Vidal to the Planning Commission
- 4) LF091620-06 – Confirm the Reappointment of Jamie Toennies to the Community Investment Committee
- 5) LF091620-11 – Salamun asked City Attorney Joel Landeen who the executive director will report to and who will have the authority to hire, terminate and develop the position. Landeen explained that this position will be considered a City employee but he does not believe that those details have been discussed. This will be a unique position and more details will be finalized later when the ordinance and bylaws are revised. Salamun would like to have a good working relationship and wants to have an ultra-clear reporting relationship and chain of command. Jones asked if this will be a City employee. Landeen confirmed it will be a City employee, the funding sources for the salary is to be determined. Armstrong clarified that she has been working closely with the HRC Taskforce and Assistant City Attorney Jessica Rogers and she stressed they really need the MOU in place first so they can move forward with the plan to establish funding, their name, the structure, and their policies and procedures. She also pointed out that they are actively working on obtaining grants up to \$250,000. Salamun agrees that this has potential to be a wonderful relationship. He does believe that this executive director position would be best to report to the City, he feels that if the person reports to the committee it would be a mistake. He would like to see that reporting relationship stay in the City structure. Salamun moved to Authorize the Mayor and Finance Officer to Sign a Memorandum of Understanding Between the City of Rapid City and the Mniluzahan Okolakiciyapi Ambassadors (MOA) to Create a Public-Private Partnership to Continue the Work Begun by Both MOA and the former Human Relations Commission. Second by Lehmann. Motion carried.

FINANCE DEPARTMENT

- 6) Salamun moved to Acknowledge the Following Volunteers for Worker's Compensation Purposes: Rapid City Youth Council/Common Council: Kristin Kiner (Parks Department), Dusty Kiner (Parks Department), Sean Binder (Parks Department), Grace Bradley (Parks Department), Hannah Churchill (Parks Department), Lance Lehmann (Parks Department), Rylan Barnett (Parks Department), Carrie Churchill (Parks Department), Jeff Churchill (Parks Department), Cathy Thrash (Parks Department), Amanda Hill (Parks Department), Tim Caron (Parks Department), Jordyn Kokesh (Parks Department), Lysann Zeller (Parks Department), Bailey Suhl (Parks Department), Kelli Suhl (Parks Department), Darla Drew (Parks Department), Genesis Matthews (Parks Department), Alan Anderson (Parks Department); Central High School Girls Basketball Team: Jessalyn Noyes (Parks Department), Jaylee Noyes (Parks Department), Jim Noyes (Parks Department), Presley McCamly (Parks Department), Beth Young (Parks Department), Adriana Young (Parks Department), Laura Roybal (Parks Department), Fil Roybal (Parks Department), Leila Roybal (Parks Department), Scott Nelson (Parks Department), Lindsey Nelson (Parks Department), Tia Jiron (Parks Department), Teila Jiron (Parks Department), Allan Bertram (Parks Department). Second by Jones. Motion carried with Drew and Lehmann abstaining.
- 7) Set a Special Council Meeting for December 28, 2020 at 12:00 p.m. to Pay the Final Bills of the Year
- 8) LF091620-04 – Approve Resolution No. 2020-070 a Resolution Cancelling Checks or Warrants Not Presented for Payment within One Year of Date of Issuance

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- 9) LF091620-07 – Drew asked Parks and Recreation Director Jeff Biegler to clarify exactly what we are purchasing. Biegler explained we are purchasing three mowers, all riding mowers, specialty mowers used for golf maintenance. One is a fairway mower that has a wider cut, one is a rough mower which grooms all the areas outside of the areas of play and the last one is a greens mower, specialized to cut the grass short. The other item being purchased is a utility cart that the maintenance crew will use. The current mowers will be surplus, they are approximately 30 years old and were actually handed down from another golf course. Jones moved to Authorize the Mayor and Finance Officer to Sign Loan Documentation with Black Hills Community Bank for Executive Golf Course Division Equipment. Second by Armstrong. Motion carried unanimously.
- 10) LF091620-09 – Approve Resolution No. 2020-074 a Resolution Levying Assessment for Abatement of Nuisances
- 11) LF091620-10 – Acknowledge July 2020 Sales Tax Report

COMMUNITY DEVELOPMENT

- 12) LF091620-01 – Authorize the Mayor and Finance Officer to Sign FY20 Youth & Family Services, Inc. Contract and Indentures of Restrictive Covenants
- 13) LF091620-02 – Drew asked Community Development Director Ken Young why we have an Air Quality Program, is it something that we are required to do? Young explained it is a State requirement to have the program. There is Federal funding that feeds into that, our program is subsidized at 70%. Drew asked if there is a place that we do an air quality report to let the citizens know that the air quality is poor. Young stated no that we do not have anything in place for that, we usually rely on other news/weather sources to get that message out but it may be something to look into. Drew feels it would be important to look into. Armstrong noted there are resources out there on weather apps, news and such, she also supports the idea of the City being more proactive with that. Salamun also likes the idea that the City being a central hub for getting the air quality statuses out. Lehmann moved to Authorize the Mayor and Finance Officer to Sign the State of South Dakota Agreement/Letter of Agreement for the Air Quality Program. Second by Armstrong. Motion carried unanimously.
- 14) LF091620-08 – Authorize the Mayor and Finance Officer to Sign the Community Development Block Grant/Neighborhood Lift Contract for Black Hills Area Habitat for Humanity and Indenture of Restrictive Covenants, Quit Claim Deed, Mortgage, Promissory Note and Associated Documents

END OF CONSENT CALENDAR

NON-CONSENT ITEMS – Items 15 – 16

Public Comment opened – Items 15 – 16
Public Comment closed

FINANCE DEPARTMENT

- 15) LF090220-06 – Jones move to approve Second Reading and Recommendation of Ordinance No. 6440 Regarding Supplemental Appropriation 6 for 2020. Second by Armstrong. Motion carried unanimously.

COMMUNITY DEVELOPMENT

- 16) 200A007 – Salamun asked Community Development Director Ken Young what problem or challenge is this solving by this ordinance change. Young explained that a lot of the utility companies and operations that are based in residential areas have guidelines and requirements

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on their end to have security fencing and access regulations for their facilities so they are looking to increase those or improve those where it is possible. Currently our ordinance does not provide for that so this is our way to correct that and have our ordinance allow for those exceptions. Lehmann moved to approve Introduction and First Reading of Ordinance No. 6439 an Ordinance Amendment to Amend Fence Height Provisions by Amending Section 17.50.340 of the Rapid City Municipal Code. Second by Jones. Motion carried unanimously.

ADJOURN

There being no further business to come before the Council at this time, motion was made by Jones second by Armstrong and carried to adjourn the meeting at 12:51 p.m.