

LEGAL AND FINANCE COMMITTEE MINUTES  
Rapid City, South Dakota

December 1, 2021

A Legal and Finance Committee meeting was held at the City Administration Center in Rapid City, South Dakota, on Wednesday, December 1, 2021, at 12:33 p.m.

A quorum was determined with the following members answering the roll call: Lance Lehmann, Darla Drew, Ritchie Nordstrom Ron Weifenbach 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 Nordstrom second by Lehmann and carried to adopt the agenda.

**GENERAL PUBLIC COMMENT**

Joel Hart spoke on behalf of his mother Maria Holy Eagle who lives at property address 150 Patton Street. Hart explained that his mother was in a nursing home doing physical rehab and received a notice from the City to remove weeds and garbage out of the backyard. His mother called the City and they were going to give her time to do that. Right before she got out of the nursing home, a landscape company came and everything was removed out of her back yard and his brothers van was also towed from her yard. The brother has paid for the towing but they would like to dispute the landscape company charge for the other removals.

Director of Community Development Vicki Fischer explained the process for appealing abatements. Hart said they did not receive two of the three notices supposedly sent out. Fischer will look into this matter and bring the information forward to City Council. Fischer asked that this item be added to the next Legal and Finance meeting on December 15<sup>th</sup>, 2021.

**CONSENT ITEMS**

Motion was made by Weifenbach second by Lehmann and carried to approve Items 1- 5 as they appear on the Consent Items with the exception of Item Nos. 1, 4 and 5.

**CONSENT ITEMS** -- Items 1 – 5

**Public Comment opened** – Items 1 – 5

**Public Comment closed**

Remove Items from the “Consent Items” and Vote on Remaining Consent Items

**ALDERMAN ITEMS**

- 1) LF120121-02 – Salamun asked Lehmann to give a summary of this resolution. Lehmann explained the main premise of this resolution is to amend the term limits so they align with the school year for those going off to college. Nordstrom asked for an annual report from the Youth City Council to be presented to City Council. Nordstrom would also like to see some representation from the Youth City Council at the National level, at State events and at the Municipal League event. Lehmann informed the committee that six youth and two adult mentors will be attending the National League of Cities on-site event this year. Salamun moved to Approve Resolution No. 2021-099 a Resolution Regarding changes to the Rapid City Youth City Council (Lehmann). Second by Nordstrom. Motion carried.

**FINANCE DEPARTMENT**

- 2) Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Monte Monger (Police Department), Susan Keller (Police Department), Amy Roose (Police Department)

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- 3) LF120121-01 – Acknowledge September 2021 Sales Tax Report
- 4) LF120121-05 – Salamun asked Deputy Finance Director Tracy Davis what internal controls are in place to ensure the process is being done responsibly. Davis walked through the daily process of the civic center staff having to balance out each event or each location where the change is being used, with deposits done daily. She said the Finance Office also conducts a yearly audit as well. Nordstrom asked why there was an increase in the petty cash fund. Davis explained the change from two separate funds to having just one change fund which is one of the reasons for the increase. They believe it is better to have the one change fund to be used throughout the entire facility. Another reason for the change and the increase, is that more people are paying with cash as opposed to credit cards. Salamun moved to Approve Resolution No. 2021-103 A Resolution to Update Petty Cash Funds and Change Funds. Second by Lehmann. Motion carried.

**COMMUNITY DEVELOPMENT**

- 5) LF120121-03 – Drew asked if the deadline for the applications is December 7, 2021. CDBG Manager Michelle Schuelke said the application deadline was late October 2021 and these are the recommendations from those applications. The next round of 2023 funding will be announced in the fall of 2022 and the application period will close on October 1, 2022. Weifenbach asked how the funds are approved and why the list shows Pennington County Housing as “unknown/deferred”. Schuelke explained that the Community Investment Committee makes the recommendations but final approval is through City Council. The application Pennington County Housing and Redevelopment Commission submitted had no dollar amount requested/indicated and the City did not receive a response from them when the information was requested. Therefore, the Community Investment Committee has deferred action on making a decision. The committee will reconvene on January 4<sup>th</sup> and Schuelke expects that they will have a recommendation by then that she will bring forward to this committee again. She pointed out another group on the list “Common Bond Communities” is seeking additional CDBG funds of \$200,000 above the \$340,000 that was already requested. Nordstrom moved to Approve Preliminary Community Development Block Grant FY2022 Funding Recommendations. Second by Salamun. Salamun, Lehmann, Nordstrom voting yes. Weifenbach and Drew voting no. Motion carried 3-2. Council requests item to be moved to non-consent for City Council.

END OF CONSENT CALENDAR

**NON-CONSENT ITEM** – Item 6

**Public Comment opened** – Item 6

**Public Comment closed**

**ALDERMAN ITEMS**

- 6) LF120121-04 – Nordstrom said he understands that there is limited support for this item but he would like to see a little additional information and the final amendment. Salamun asked Drew and staff how this proposal is different from ones that were brought up in the past. Drew said ordinance brought up before was about allowing chickens but also had all kinds of restrictions and permissions along with multiple regulatory items which would involve a lot of staff time. Salamun asked City Attorney Joel Landeen what his thoughts are on this process. Landeen said that previous discussions regarding chickens was very regulatory, with licensing and included a lot of staff involvement, whereas this proposal would require very little staff. He said chickens and other fowl are currently treated as livestock in the ordinance and livestock are prohibited; so essentially you are changing it so they would not be treated as livestock assuming there was a minimum lot size and there was some separation of 50 feet from any occupied structure that was not your occupied structure. Looking at the ordinance there are other animals where there were exceptions made, such as a miniature pot-bellied pig for example, so this would be treating chickens and fowl in the same manner with the lot size and 50 feet separation restrictions. Landeen did not feel the previous

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proposals were workable due to all of the regulatory factors and would more likely cause more problems, but he believes staff would not object or would support this change because there is limited staff involvement. The changes brought forward today would basically just legalize most of the people who already have chickens without having to go through the process of applying for a license, paying a license fee, etc. He does not know if any discussion has taken place with the Humane Society but they may have some concerns regarding the regulatory aspects. Landeen pointed out that we do not currently get many complaints about chickens but occasionally when a complaint does come in, it is difficult to resolve because some neighbors care and some do not. He clarified that having neighbors sign off on people having hens is not part of this proposal and he is not sure how that could be regulated. He explained why requiring permissions could also cause problems with people who already have chickens, such as neighbors who never really thought about it but are now asked to sign a permission who start to think they really don't want chickens in their neighborhood and do not want to sign it, which then leaves the people who have chickens now, having to get rid of them. Salamun asked Fisher to describe what is being seen by Community Development. Fisher said chickens are currently not allowed because it is not a legal land use, so if they receive a call about someone not taking care of the chickens properly/had too many/coop too close to the property, etc., the City has to contact the Humane Society to get the chickens removed from the property. The Humane Society has to make special arrangements because they do not have any place on site to keep them. Fisher made clear that the keeping of animals is not a zoning issue but rather an animal regulation issue. Fisher brought up a license option where the hens would have to be licensed such as dogs and cats and limit the number of them on a property. Salamun would like to see a comprehensive plan brought forward in order to support a change to the current ordinance. Weifenbach voiced that he has never had an issue with anyone who has chickens but also reiterated that chickens in Rapid City are legal right now, as long as you have 3 acres, abide by the setbacks, are zoned general agriculture and follow the current ordinance. He said there needs to be a discussion with the Humane Society. Weifenbach will not support this item at this time but is not closed to further conversation. Drew does not want anything changed on the current proposal and would like to see it go forward as clean as it is, otherwise she will not be carrying this forward. Fisher restated that the two things alderman Drew is requesting is: 1) to have chickens and fowl be deemed domestic animals and 2) to implement the minimum size lot and the separation. Lehmann asked Landeen if these two items are the only changes. Landeen said he cannot guarantee there would be no additional changes as it is being worked through since there may need to be a change to the definition to make it clear it fits under a domestic animal. There are some provisions in the zoning code where it refers to livestock versus domestic animals so there may have to be a tweak just to fulfill the intent, but there would not be any substantial changes. Nordstrom moved to approve A request from Alderman Drew to have staff bring forward to the City Council for its approval an amendment to Section 6.08.020 of the Rapid City Municipal Code reducing the minimum distance for the keeping of chickens or other fowl from an occupied structure from 150 feet to 50 feet and reduce the minimum lot size from 3 acres to .25 acres. Second by Drew. Roll call vote taken with Drew and Nordstrom voting yes. Salamun, Lehmann and Weifenbach voting no. Motion fails 2-3.

## **ADJOURN**

There being no further business to come before the Committee at this time, motion was made by Lehmann second by Nordstrom and carried to adjourn the meeting at 1:16 p.m.