LEGAL AND FINANCE COMMITTEE MINUTES
Rapid City, South Dakota

April 13, 2022

A Legal and Finance Committee meeting was held at the City Administration Center in Rapid City, South Dakota, on Wednesday, April 13, 2022, at 12:32 p.m.

A quorum was determined with the following members answering the roll call: Darla Drew, Lance Lehmann, Jason Salamun, Ritchie Nordstrom and Ron Weifenbach 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 Salamun second by Weifenbach and carried to adopt the agenda with a change requested by Drew adding community comments from members present at the end of the agenda.

GENERAL PUBLIC COMMENT
Carla Schanzenbach of 40 St. Francis Street spoke on a Food Forest Abundance grant that she has been informed of. She explained that an organization called Food Forest Abundance is trying to build food forests within communities across the United States. There is a survey for people who might be interested which must be submitted by April 18th, 2022. She has sent an email to the committee with the information and asks the committee to forward it to anyone who might be interested. She mentioned the opportunity is open to parks, cities, individuals and churches. She has worked with this organization and has been very satisfied. Nordstrom said he has already forwarded the information to Parks and Recreation and he received a response from the Urban Forester and they are not able to take advantage of this opportunity at this time.

Mark Millar of 1133 Northeast Drive voiced his concerns regarding issues going on in North Rapid City. He is wondering if the City is making any direct movements toward addressing the problems that seem to be escalating. He has been a business owner in that area for approximately eight years. Millar said the City had a real active graffiti program. He has called the City several times in the past regarding the bridges close to his property and the City came out quickly and painted over the graffiti. He has now noticed in the last year that this program has fallen off completely. He addressed the graffiti, gang shootings and the vandalism with rocks being thrown through people’s windows and cars. He is not sure if some of the crimes are even being reported anymore. He would like to see the City paint over the graffiti and address the declining environment in the north Rapid City area.

CONSENT ITEMS
Motion was made by Nordstrom second by Lehman and carried to approve items 1 – 12 as they appear on the consent Items with the exception of Item Nos. 6, 7, 8, 9, 10 and 12

CONSENT ITEMS  Items 1 – 12

Public Comment opened – Items 1 – 12
Public Comment closed

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

1) Approve Minutes for March 30, 2022

POLICE DEPARTMENT
2) LF041322-04 – Authorize Staff to Purchase 4 Ford SUV Interceptors ($43,415.00) for a Total Amount of $173,660.00 from Lamb Motors in Onida, SD
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3) LF041322-05 – Authorize Staff to Purchase 2 Ford Explorers ($28,947.00) for a Total Amount of $57,894.00 from McKie Ford in Rapid City, SD

4) LF041322-06 – Authorize Staff to Purchase a 2021 Chrysler Pacifica AWD for a Total amount of $42,000.00 from Liberty Superstores in Rapid City, SD

FINANCE DEPARTMENT

5) Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Ricky Eckhart (RSVP+), Barry Furze (RSVP+), Sharon Herr (RSVP+), Darleen Plunkett (RSVP+)

6) LF041322-02 – Finance Director Pauline Sumption clarified that as an electric utility the cooperative does not pay property tax but pay a gross receipts tax and they are requesting that it be the 1% level which would equate to about the same amount if they were to pay property taxes. The City can charge up to 2% but has historically just charged the 1% since it is equivalent to the property tax they would have paid. Lehmann moved to Authorize Mayor and Finance Director to Sign Electric Cooperative Revenue Agreement for 2023. Second by Nordstrom. Motion carried unanimously.

7) LF041322-07 – Nordstrom pointed out that there are some frequent flyers on the abatement lists and said that an escalated administrative fee schedule is currently being worked through. He also wanted to make sure the committee is aware that the City is starting to see some complications arriving with out of state property owners regarding the nuisances on their property. Weifenbach added that the City is getting to the point where Code Enforcement is getting overwhelmed. He would like to see some sort of policy that gives Code Enforcement a better opportunity to deal with these issues along with the equipment and tools to handle them. Drew believes this issue needs further discussion and may need a new solution to improve the abatement process of nuisances. Nordstrom moved to Approve Resolution No. 2022-028 a Resolution Levying Assessment for Abatement of Nuisances. Second by Salamun. Motion carried unanimously.

8) LF041322-08 – Lehmann moved to Approve Resolution No. 2022-036 a Resolution Levying Assessment for Abatement of Nuisances. Second by Nordstrom. Motion carried unanimously.

9) LF041322-09 – Finance Director Pauline Sumption explained the reason for this item is that because the property is owned by the City, city ordinance requires the Minneluzahan to request permission from City Council to serve alcohol which will be given away, not sold. Drew asked Sumption if they have to pay for a license or temporary license of some kind. Sumption said that technically they do not as long as they do not charge for either the beverage or to come to the event. It is her understanding that this is a closed door event, not open to the public, not selling tickets, and there are no costs involved whatsoever; so it would be completely free. Lehmann moved to Approve Consumption (not sale) of Alcohol on City Property by Approval of Closed Door Meeting on April 20, 2022 at Minneluzahan Senior Citizens Center, 315 N. 4th Street. Second by Nordstrom. Motion carried unanimously.

10) LF041322-10 – Salamun reminded everyone that even though sales tax revenue is up, operating costs and the costs of doing business are also up. Sumption said sales tax is up a little over 11% through February. Lehmann moved to Acknowledge February 2022 Sales Tax Report. Second by Nordstrom. Motion carried unanimously.

CITY ATTORNEY’S OFFICE

11) LF041322-01 – Assistant City Attorney Kinsley Groote explained that this item is simply an amendment to the agreement due to an ownership change during the agreement period. Approve Amendment to Agreement between the City of Rapid City and Pyrotechnic Display, Inc. for Annual Fireworks Displays to Transfer Rights and Duties to J&M Displays, Inc.
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12) LF041322-11 – Assistant City Attorney Justin Williams explained that this item is a standard agreement following the vision funds that were awarded at the January 10th 2022 City Council meeting. The purpose of the award was to help with some workforce housing. Salamun asked if there are any conditions or will there be any follow up on the effectiveness of the program. Williams said that there are some conditions in the agreement by which the City has some ability to review the progress on the purpose for which the funds have been allocated. There is some language in the agreement that the Black Hills Area Foundation would be required to provide some sort of update on the progress of the project upon request. It would not be automatic, but if Council wanted a progress report, it could request to do so. Nordstrom would like Williams to request that report to be provided to Council. Salamun moved to Authorize Mayor and Finance Director to Sign Agreement with Rapid City Strategic Housing Trust Fund/Black Hills Area Community Foundation to Outline the Conditions and Requirements Regarding an Award of Vision Funds in the amount of $5 million dollars. Second by Nordstrom. Motion carried unanimously.

END OF CONSENT CALENDAR

NON-CONSENT ITEMS – Item 13

Public Comment opened – Item 13
Public Comment closed

FIRE DEPARTMENT

13) LF041322-03 – Lehmann asked Fire Division Chief Tim Behlings to explain this ordinance. Behlings said this is a basic amendment to an existing ordinance. He went on to say that the central station monitoring services monitor a number of fire alarms throughout the city and the locations that are approved to do that are often times out of the city. The ordinance requires them to license through the City to conduct that activity. Those facilities are certified through Underwriter Laboratories to ensure they have the appropriate equipment. There is currently only one facility in Rapid City that is not UL licensed but the City exempts local facilities from that licensing because the City is able to conduct those inspections. The licensing gets a bit confusing because it had combined the Police and Fire functions but only the fire monitoring part of it required certification of the receiving entity, the Central Service portion of it. This ordinance change removes the police component but does not change any of their existing requirements, just moves it to a different chapter. Regarding the Central Station part of it, it opened up some opportunities for some local companies to do more monitoring if they would like. The ordinance also changes the certification date to coincide with Underwriter Laboratories, who often issue their certificates of inspection in March. The City was issuing licenses in January which technically the certification expired three to four months into the City’s licensing time period. The ordinance also changes the fact that it refers to the fee resolution for the cost of that permitting. Nordstrom moved to approve the Introduction and First Reading of Ordinance No. 6463 an Ordinance to Revise the Regulations Relating to Alarm Monitoring Services by Amending Chapter 5.24 and creating a New Chapter 5.26 of the Rapid City Municipal Code. Second by Weifenbach. Motion carried unanimously.

Drew reported on the Human Relations Commission and provided a summary of a tour that was taken Thursday, April 7th on the Pine Ridge Reservation.

Drew gave an update on the Library including that the bookmobile has been paid off.

ADJOURN
There being no further business to come before the Committee at this time, motion was made by Salamun second by Lehmann and carried to adjourn the meeting at 1:02 p.m.