LEGAL AND FINANCE COMMITTEE MINUTES
Rapid City, South Dakota

April 27, 2022

A Legal and Finance Committee meeting was held at the City Administration Center in Rapid City, South Dakota, on Wednesday, April 27, 2022, at 12:30 p.m.

A quorum was determined with the following members answering the roll call: Laura Armstrong, Ritchie Nordstrom, Lance Lehmann, Jason Salamun and Ron Weifenbach Absent: Darla Drew (Armstrong filled in for Drew)

(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 Lehmann second by Weifenbach and carried to adopt the agenda with the addition of council member comments at the end.

GENERAL PUBLIC COMMENT
None

CONSENT ITEMS
Motion was made by Salamun second by Lehmann and carried to approve Items 1 - 8 as they appear on the Consent Items with the exception of Item No. 2.

CONSENT ITEMS -- Items 1 – 8

   Public Comment opened – Items 1 – 8
   Public Comment closed

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

1) Approve Minutes for April 13, 2022

MAYOR’S ITEMS
2) LF042722-05 – Salamun expressed that since no background or application information is attached to this item, he would like this item moved to council without recommendation until that information is provided by the Mayor’s Office. Weifenbach moved to send the Confirmation of the Appointment of Robert Hall to the Rapid City Regional Airport Board of Directors to council without recommendation. Second by Salamun. Motion carried unanimously.

FIRE DEPARTMENT
3) LF042722-04 – Approve Change Order #2 for purchase of HME Ahrens-Fox Type 34 through Houston-Galveston Area Council (HGAC)

FINANCE DEPARTMENT
4) Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Kyra Butler (Police Department), Katherine Laughton (RSVP+), William Maley (RSVP+)

5) LF042722-01 – Acknowledge FY 2021 Annual Financial Report

6) LF042722-02 – Approve Resolution No. 2022-039 a Resolution Declaring Miscellaneous Personal Property Surplus
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7) LF042722-03 – Approve Resolution No. 2022-040 a Resolution Declaring Miscellaneous Personal Property Surplus

CITY ATTORNEY’S OFFICE
8) LF042722-07 – Request for Authorization for Youth City Council to Expend $200.00 of Previously Budget and Authorized Funds for Community Outreach for the Purchase of Buttons and Bracelets Identifying Mental Health Support Resources for Distribution to Youth in the Community During Mental Health Awareness Month in May

END OF CONSENT CALENDAR

NON-CONSENT ITEMS – Items 9 – 10

Public Comment opened – Items 9 – 10
Bill Casper, Chairman of the Veterans Honor Banner Project spoke on item number 10 regarding the proposed banner light pole policy. He began by sharing the history of the Veterans Honor Banner Program, how it started and how it has evolved. As the program has grown, the need for more light poles and brackets has grown. The program has spent $6,892.30 in the purchase of banner hanging brackets over the last two years and paid the City another $500.00 to install the brackets, not including the sixty additional light poles they will need brackets put on this year. The program intends to hang 300 banners this year. Mr. Casper voiced his concerns with various items in the proposed banner policy pointing out that the Veterans Honor Program is a non-profit organization operating under a 501 C 3 in conjunction with Allied Arts (section 1.1). He is primarily concerned with items in section 2 regarding the banner pole reservations, process, conditions, and time frames. Mr. Casper would like to know if they apply for the banners and another organization comes in and applies for a period of time in between the times that the Veterans Honor Banner Program wants to hang their banners, who gets priority or if they are going to have to take their banners down while another organization puts theirs up. In section 3 he noted the fees of $100.00 for each zone reserved for the initial time period. His organization is requesting the use of twelve zones for five months. He would like the application fees to be waived this year since their budget has already been set for the year. Mr. Casper also mentioned there is an area that includes 120 light poles on Main Street from East Boulevard to West Boulevard and Saint Joseph from West Boulevard to East Boulevard that are not included in the light pole zones and is wondering why they were excluded.

Public Comment closed

FIRE DEPARTMENT
9) LF030222-03 – Lehmann moved to approve the Second Reading and Recommendation 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.

CITY ATTORNEY’S OFFICE
10) LF042722-06 – Weifenbach asked Assistant City Attorney Jennifer Utter to address the questions Mr. Casper raised above under public comment. Utter explained the reason for the first come first serve basis of the proposed policy is to create an available space for this limited public forum that the City has opened as a result of permitting this informal use (section 2.2). She will continue to work with engineering to develop an online form that can be submitted to provide an easy process for people in the community that are requesting this access. Utter reviewed section 2.7 of the policy with regard to reservations and time frames. The time blocks proposed in this policy are 60 days at a time. She gave an example of an organization requesting one 60 day block and then a 60 day absence, but then wanting another 60 days at a later time in the year. The organization would have two options: 1) if they want to keep their banners up, there is a $25.00 renewal fee for each zone; or 2) If they do not want to pay the $25.00 renewal fee, then they would take them down and would
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put them back up at the next block of time they reserved. (There is a $25.00 renewal fee for each 60 day time frame). Utter further clarified that if you want to reserve a 60 day block, you can reserve that up to six months in advance of the first day, but no later than 30 days in advance. City Attorney Joel Landeen interjected that although he is sympathetic to Mr. Casper’s organization, as a government entity, the City cannot pick and choose who has priority or show favoritism to one group over another, which is why it is to be a first come first serve basis. The City has to recognize the possibility that in the future if people see these poles being used, other groups may want to utilize the poles and they should have a realistic opportunity to be able to use them. Finance Director Pauline Sumption added that there have been organizations putting banners on these poles for years, especially downtown. She provided United Way as one example who has been doing it for at least 12 years. She also agrees with Landeen on making sure that other organizations have the same opportunities. Utter addressed the availability of the light poles downtown and said the poles on Main Street and Saint Joseph was simply an oversight and will be added as zone “J”. She also went over section 1.1 explaining the types of groups/organizations that can apply, the eligibility requirements and restrictions. The City Attorney’s Office would review the requests to make sure the group applying fits into the parameters. Nordstrom would like the fees to be a separate discussion. He is also concerned about applications coming in when there are banners currently up. Salamun voiced his concerns with the hundreds of organizations out there that have competing interests, with activism, non-political activism which is tougher to define, along with picking and choosing and putting all of that on City staff and what if there are things up there that really do not represent the community but they have the right to say it. He feels this may be opening a can of worms and is not sure he can move forward with this yet, believing that this item needs more work, time and discussion. Mr. Casper brought up a concern he has from what Finance Director Sumption said earlier regarding banners that have been up for 10 or 12 years in an area he has banners hanging. He has been under the understanding that those poles were controlled by Main Street Square, but is now questioning this. Sumption said she believes Main Street Square has control of the ones on the side of the parking ramp but not the ones that are down Main and Saint Joseph and on the side streets, unless something has changed that she is not aware of. He would like this looked into since his organization has signed a contract the last two years specifically with Main Street Square to hang 18 banners on these poles at a cost of $500.00 a month. Casper said his organization would like to hang their banners July through November this year. He said the cost for putting the banners up and taking them down is going to be $9,000.00 and if they put them up for two months and then have to take them down, he believes the project would die because it would not be affordable. Armstrong asked what happens if there are two entities that apply at the same time. Landeen said that a random generator would be used to determine who was awarded the access. Nordstrom offered a suggestion of continuing this item for 30 days, and continue with a no policy that is currently in place to allow time for more work to be done on the details of this policy. Ownership of the brackets on the poles was brought up by Mr. Casper since his organization purchased the brackets but the City Parks and Recreation Department installed them. As far as Mr. Casper’s group was concerned they were City property, but the item was brought up in a previous conversation where it was determined that technically Mr. Casper’s group owns them so that raises the question if someone else were to put something up on those brackets would they have to go through his organization to ask for permission. Mr. Casper is fine with having a “no policy” policy this year (2022). He also explained the process and coordination of how the banners are put up. Salamun moved to continue the Request to Approve a New Proposed Street Light Pole Banner Policy for Purposes of Adoption by the City, to the July 13, 2022 Legal and Finance Committee Meeting. Second by Weifenbach. Motion carried unanimously.

Alderman Nordstrom made a couple of comments on the Public Works Committee meeting held yesterday, April 26, 2022 regarding what is happening with the West Boulevard and North yard waste pick up. He feels some things may have been taken out of context and felt there was a lot of misunderstanding taking place. He hopes there is an opportunity to hear from the Public Works Department on that issue because he felt that it was all one sided and directors and staff did not have an opportunity to respond.
Nordstrom is supporting a group called “Live Well Black Hills” and the group is working with the planning department on some traffic control near East Middle School as some traffic concerns were raised with the new road that will be opening up in that area the first part of June.

Nordstrom said another group he works with is the Historic Preservation Committee and they will be having conversation over the next couple of months regarding what to do with schools such as “Wilson School” as that structure could qualify as a historic building.

Armstrong shared that last Thursday, April 21st, some council members participated in the city cleanup. She would like the council to add May 21st 2022 to their calendars for the city bike tour.

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 1:30 p.m.