

LEGAL AND FINANCE COMMITTEE MINUTES
Rapid City, South Dakota

June 01, 2022

A Legal and Finance Committee meeting was held at the City Administration Center in Rapid City, South Dakota, on Wednesday, June 01, 2022, at 12:30 p.m.

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

(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.

GENERAL PUBLIC COMMENT

None

CONSENT ITEMS

Motion was made by Weifenbach second by Lehmann and carried to approve Items 1 - 17 as they appear on the Consent Items with the exception of Item Nos. 3, 7, 10, 12 and 16.

CONSENT ITEMS -- Items 1 – 17

Public Comment opened – Items 1 – 17

Public Comment closed

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

- 1) Approve Minutes for May 11, 2022

MAYOR’S ITEMS

- 2) LF060122-10 – Authorize Staff to Apply for and Accept if Awarded the FY22 Office of Justice Programs Community Based Violence Intervention and Prevention Initiative Grant in the Amount of \$2,000,000

HUMAN RESOURCES

- 3) LF051122-13 – Human Resources Director Nick Stroot provided a brief summary of the request for a wage study for non-union employees to be completed this year. His summary included the process of choosing the consultant and the \$80,000.00 cost for the study. Weifenbach asked what happened to the “Condrey Study” that was done years ago in which the City paid hundreds of thousands of dollars to create a platform that was very comprehensive and then somewhere along the line it disappeared. Stroot said the structure from the Condrey Study completed in 2014 is still the same and there was another wage study done in 2018, completed in 2019 that tweaked that study. It has since been determined that it is time to take a look at another study to keep up with the market and to ensure the City is offering competitive wages. Strommen asked if it is necessary to have an outside firm look at this or if it is something that could be done internally. Stroot said it is important to have an expert in this area doing the work since the City does not have a compensation expert on staff. Nordstrom moved to Authorize Staff to Negotiate with Gallagher Consulting to Enter into an Agreement for a Non-Union Compensation Study, to be Completed in 2022 (continued from the May 11, 2022 Legal and Finance Meeting). Second by Drew. A substitute

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motion was made by Lehmann to move this item to council without recommendation. Second by Weifenbach. Motion carried 4-1 with Drew, Strommen, Weifenbach and Lehmann voting yes; Nordstrom voting no.

POLICE DEPARTMENT

- 4) LF060122-13 – Authorize Staff to Apply for and Accept if Awarded the FY 22 COPS Recruiter Grant in the Amount of \$106,450.00

FIRE DEPARTMENT

- 5) LF060122-09 – Authorize the Mayor and Finance Director to Sign Agreement between the International Association of Fire Fighters Local 1040, and the City of Rapid City for the Period of January 1, 2023 through December 31, 2026
- 6) LF060122-11 – Authorize the Mayor and Finance Director to Sign Great Plains Co-Response Services Contract in the Amount of up to \$114,000 in a Calendar Year
- 7) LF060122-12 – Drew asked how many people are out in the community on a typical evening doing this work. Police Chief Don Hedrick said he does not have all the numbers as to who is out every single night because it varies but can report that since December, Journey On has handled over 3,000 calls for service that would have normally been handled by a police officer or someone from the Fire Department. He believes that there has been very significant progress in this program. Fire Chief Jason Culberson said this money will be for the Director of Journey On to take care of the coordination and making sure the right number of staff are on at the right times. Culberson also clarified that this is all grant funded and there is no money being used from the City. Nordstrom moved to Authorize the Mayor and Finance Director to Sign Journey-On Co-Response Services Contract in the Amount of \$113,360.00. Second by Strommen. Motion carried with Lehmann abstaining.

FINANCE DEPARTMENT

- 8) Acknowledge the Following Volunteers for Worker's Compensation Purposes: Renee Bisgaard (RSVP+), John Kieffer (RSVP+), Todd Smith (RSVP+), Merna Schirber (RSVP+)
- 9) LF060122-01 – Approve Resolution No. 2022-048 a Resolution Declaring Miscellaneous Personal Property Surplus
- 10) LF060122-08 – Rebecca Kidder from Peebles Kidder Bergin & Robinson, Legal Counsel for Rural America Initiatives (and Bruce Long Fox Executive Director of Rural America Initiatives), spoke on this item. Kidder began by saying RAI (Rural America Initiatives) was created in 1986 as a non-profit organization and runs the "Head Start" program (pre-kindergarten education for students). RAI acquired property in 2017 on which they built a facility and is the subject of the abatement. When the deeds were filed in 2017, all of the divisions that are supposed to send tax notices did not send the notices to the address listed on the deeds but instead sent them to an old address they had not been located at since 2016. RAI has since met with the County and the County has since approved non-profit status to RAI belatedly, but RAI was then sent back through this process for abatements. Kidder reiterated that no notices were ever given all the way through February of this year, (2022) and were still being sent to an old address. Because of the lack of due process and lack of notice, RAI never had noticed that there were taxes being assessed which is a requirement under South Dakota law. The way RAI found out that there were unpaid taxes and taxes being assessed is RAI's accountant and banking services notified them the property was up for tax sale, which again, RAI did not receive notice. The minute they figured all of this out, RAI went and paid all the taxes this year. Lehmann moved to approve Request for Property Tax Abatements as follows: Rural America Initiatives (Tax ID 68003) 2019, \$88,625.66; Rural America

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Initiatives (Tax ID 68003) 2020, \$119,288.90; Rural America Initiatives (Tax ID 68003) 2021; [Total for City of Rapid City: \$326,092.76]. Second by Weifenbach. Motion carried unanimously.

- 11) LF060122-14 – Approve Request for Property Tax Abatements as follows: Dustan Gilyard (TAX ID 65397) 2021; \$1579.18; James Cerone (TAX ID 59284) 2021; \$939.74; Foothills Homes Inc. (TAX ID 8011696) 2020; \$673.10; [Total for City of Rapid City: \$3,192.02]

PARKS & RECREATION

- 12) LF060122-03 – Lehmann moved to Authorize Mayor and Finance Director to Sign Resolution No. 2022-043 a Resolution to Enter into a Concessionaire Agreement with Canyon Lake Resort. Second by Nordstrom. Motion carried unanimously.

COMMUNITY DEVELOPMENT

- 13) LF060122-05 – Approve the FY21 CDBG Consolidated Annual Performance and Evaluation Report (CAPER)
- 14) LF060122-06 – Authorize the Mayor and Finance Director to Sign the Community Development Block Grant FY22 Application for Federal Assistance SF-424, SF424D, and Certifications
- 15) LF060122-07 – Authorize the Mayor and Finance Director to Sign the Professional Services Agreement for the Preparation of the U.S. Department of Housing and Urban Development (HUD) 2023-2027 CDBG Consolidated Plan, 2023 Annual Action Plan and Analysis of Impediments to Fair Housing Choice between the City of Rapid City and MSA Professional Services, Inc.

CITY ATTORNEY'S OFFICE

- 16) LF060122-02 – Drew asked the City Attorney's Office why the bylaws needed to be revised. Assistant City Attorney Jennifer Utter said the revised by-laws have been updated to match the changes that City Council approved a few months ago regarding some of the requirements for Youth City Council, such as all expenditures now needing approval by City Council. Weifenbach moved to Approve Revised Youth City Council By-Laws. Second by Lehmann. Motion carried unanimously.
- 17) LF060122-15 – Approve Expenditure Request from Youth City Council in the Amount of \$150.00 to have a Table at the Pride in the Park Event being Held on July 10, 2022

END OF CONSENT CALENDAR

NON-CONSENT ITEMS – Items 18 – 20

Public Comment opened – Items 18 – 20

Public Comment closed

CITY ATTORNEY'S OFFICE

- 18) LF051122-08 – Lehmann moved to approve the Second Reading and Recommendation of Ordinance No. 6539 – An Ordinance Amending Section 15.04.030 of the Rapid City Municipal Code Regarding the Authority of the Building Official. Second by Weifenbach. Motion carried unanimously.

ALDERMAN ITEMS

- 19) LF060122-04 – Lehmann made a motion to move this item to discuss Adjusting Some of the Vision Fund toward Increasing Infrastructure Funding-Jason Salamun to the next Legal and Finance Committee Meeting on June 15, 2022. Second by Strommen. Motion carried unanimously.

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- 20) LF060122-16 – Lehmann informed the committee that there were several council members that asked for this item to be brought forward for discussion. Weifenbach said that he believes it would be appropriate to approve this item to give people that serve on the council an opportunity and it could possibly attract a larger pool of people to run for City Council. Nordstrom said there is a Health Committee meeting coming up next week and he is sure this will be a part of the discussion and there should be some harder numbers to look at after that meeting. He said there are some recommendations for premium costs and what the City would pick up but he would like the Health Committee to have some input because they can look at it in depth. Drew also voiced her support for this item. Weifenbach moved to Allow City Council Members and their Beneficiaries to be Included on the City's Health Insurance Plan-Lance Lehmann. Second by Strommen. Motion carried unanimously.

ADJOURN

There being no further business to come before the Committee at this time, motion was made by Nordstrom second by Weifenbach and carried to adjourn the meeting at 1:25 p.m.