

LEGAL AND FINANCE COMMITTEE MINUTES
Rapid City, South Dakota

January 10, 2024

A Legal and Finance Committee meeting was held at the City Administration Center in Rapid City, South Dakota, on Wednesday, January 10, 2024, at 12:30 p.m.

A quorum was determined with the following members answering the roll call: Josh Biberdorf, Bill Evans, Kevin Maher, Lindsey Seachris, and Greg Strommen. 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 Seachris, second by Maher and carried to adopt the agenda.

GENERAL PUBLIC COMMENT

None.

CONSENT ITEMS -- Items 1 – 9

Public Comment opened – Items 1 – 9

Public Comment closed

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

- 1) Evans moved to approve the minutes for December 27, 2023. Second by Biberdorf. Motion carried unanimously.

MAYOR’S OFFICE

Seachris moved to approve Item No. 2. Second by Evans. Motion carried unanimously.

- 2) [LF011024-08](#) – Confirm the Appointment of Jami Battochio and Jennifer Seifert-Brenna to the Hotel BID Board

FINANCE DEPARTMENT

Finance Director Daniel Ainslie provided a summary for item numbers 3-8.

Evans moved to approve Item Nos. 3-8 with the exception of Item No. 4. Second by Seachris. Motion carried unanimously.

- 3) [LF011024-01](#) – Approve Resolution No. 2024-002, a Resolution Declaring Property Surplus
- 4) [LF011024-02](#) – Biberdorf moved to Approve Resolution No. 2023-086, a Resolution Levying Assessment for Abatement of Nuisances. Second by Maher. Motion carried, 4-1 with Evans voting no.
Evans stated this particular item comes up every year and he understands why we do this but there are a couple that are life changing amounts of money. One for \$6,500 and one for \$4,900 and in both of those cases, he does not know the history of those properties or the homeowner’s situation. He cannot vote in good conscience to effect a person’s life that way when it could actually really disrupt their entire existence. Until he can find out the story behind these, he will have to vote against this until he has more facts. Community Development Director Vicki Fisher noted that when Code Enforcement receives numerous complaints from neighbors on items such as these, they become safety issues for the neighborhood. Code Enforcement does door hangars, they knock on

doors, and provide written notices. If there is a situation that they cannot get things removed, health, traveling, family member is sick, we give them significant time to the extent that then we get harassing emails from the neighbors asking why we aren't doing our job, we should be fired, it's a no win situation for them. In these instances, we try to work with them so they can avoid the abatement fee. At the end of the day, when nothing moves and the commitment is they are going to do it and it doesn't happen and there are safety issues involved, then we have to do the work. The first property discussed on Blaine Avenue, it was their first offense but there was a huge amount of material that had to be removed from the property. The second property on Central Boulevard, it was their fourth offense. After so many months, we got the calls again and had to go out there over and over again. These are not easy positions, they take great care to try to work with the homeowners. Evans understands all of that but he has seen people purposely violating the common sense rules of what our code enforcement people should be concerned with. For example, when the person paved their entire front yard with asphalt so they can park a 40 foot trailer or when a person paved their entire front yard with concrete so they can park 5 or 6 business vehicles, which does not receive any attention from our code enforcement people. He is still going to vote against this because it seems that we are picking and choosing what we are going after. He is not going to vote to pile on these people, it feels inappropriate. Seachris feels differently than Evans, she has worked with Code Enforcement officers in her ward and found the officers are extremely compassionate and considerate of the individual's circumstances. She does question how the abatement fees established? Fisher explained that the amount is determined by the contractor who does the work. It is determined by the number of people on site, the hours, equipment used, and dump fees. Anything over \$5,000 needs to be sent out for bid. Fisher also noted, that the current ordinance allows anyone with a residential lot to pave, rock or grass their lot. There is nothing that limits them from doing that. It would take an ordinance amendment in order for us to prevent someone from concreting their front yard to park vehicles on it. Evans feels we need to do something about the paving ordinance because that effects runoff into the street.

- 5) [LF011024-03](#) – Acknowledge the November 2023 Treasury and General Fund Update
- 6) [LF011024-04](#) – Approve Resolution No. 2024-003, a Resolution Establishing 2024 Encumbrances
- 7) [LF011024-06](#) - Approve FY24 Community Development Block Grant Annual Action Plan
Seachris wanted to thank Community Enrichment Manager, Michelle Schulke for all of her work on the CDBG Action Plan, it was a lot of information and a lot of data that was very well articulated. This is an important and valuable resource for the Council. Seachris did notice a reoccurring theme throughout the document of identified planning and zoning barriers to affordable housing as affordable housing is low and middle income earning housing availability is very limited. Seachris is wondering what our plan is or if the Planning Department has an idea of how we can consider options of what we can do to decrease some of these barriers that have been identified. Community Development Director Vicki Fisher stated the ordinance amendment that removed the requirement to secure a plan development for an apartment use, it gives the newbies the opportunities to say they don't want it. Other things that can be done to lower the cost, is look at density, reducing the minimum lot size for a single family home, a townhome lot. We can also look at increasing the height, many districts stop at three stories. They are keeping this in consideration and they will be bringing more ordinance amendments forward for consideration to try to reduce these barriers. Seachris asked Schulke how the funding amount is determined, is there a need to increase the amount? Schulke confirmed it does hover around \$500,000. We are an entitlement community, we are one of two in South Dakota. The amount comes down from HUD based on a formula. There is one of two formulas, the factors considered are poverty, population growth as well as the age of the housing. Once they do those calculations, whichever amount is the most, is what is allocated. Schulke believes most jurisdictions could benefit from more money. The allocation from Congress continues to either be steady or decline, the number of jurisdictions eligible continues to increase thus each allocation continues to decrease. Bottom line, we have to do more with less.

- 8) [LF011024-07](#) – Approve FY24 CDBG Additional Funding Recommendation – Black Hills Works Strommen asked Community Enrichment Manager, Michelle Schulke if she can explain what the CDBG funding for Black Hills Works is for? Schulke explained that this funding is for the development of a new duplex for eight individuals who are living with disabilities or traumatic brain injuries. The proposed project will be on the corner of East Oakland and Cambell Street.

POLICE DEPARTMENT

Captain Christian Sigel provided a summary for item number 9. This is an agreement that has been in place for many years. There are only a few minor changes that reflect the increase in salary and costs for training. One other addition was the separation between the law enforcement duty and the administrator role of a principal or dean of students.

Seachris questioned the funding identified for the officer, she asked how that amount was determined. Sigel explained that they take the average of the current eight officers and averaged their wage and benefits, multiplied that by ¾ since school is only in session for 9 months and then split it in half so that we are paying for half and the school pays for half. Maher asked if during the summer they are assigned back into the pool of officers. Sigel stated that ever year is different, it depends on the needs. Last year we focused on the homeless population and getting them services, others go to Street Crimes Unit and some will go into the investigations division.

Biberdorf moved to approve Item No. 9. Second by Seachris. Motion carried unanimously.

- 9) [LF011024-09](#) – Authorize Chief of Police, Mayor, and Finance Director to Sign the Rapid City Area School District School Resource Officer Program Agreement

END OF CONSENT CALENDAR

NON-CONSENT ITEMS – Item 10

Public Comment opened – Item 10

Public Comment closed

FINANCE DEPARTMENT

Finance Director Daniel Ainslie provided a summary for Item No. 10.

- 10) [LF122723-04](#) – Biberdorf moved to approve Second Reading and Recommendation of Ordinance No. 6600, an Ordinance Regarding Supplemental Appropriation #1 for 2024. Second by Seachris. Motion carried unanimously.

ALDERMAN ITEMS

Council members to discuss items regarding their committee assignments/updates.

Strommen reminded everyone that the City Council meeting next week will be on Tuesday due to the Martin Luther King, Jr. holiday.

Evans spoke on the Elevate mixer and what is going on out in Box Elder. He said they have created something amazing out there and we need to be looking over our shoulder. They have built a beautiful complex out there that is an ideal location to host groups and events. They have the waterpark, dining and the facility. We need to be aware that they are direct competition to The Monument and we have already lost one week long event to them.

ADJOURN

There being no further business to come before the Committee at this time, motion was made by Seachris second by Biberdorf and carried to adjourn the meeting at 1:04 p.m.