

**FINAL**  
**LEGAL AND FINANCE COMMITTEE MINUTES**  
Rapid City, South Dakota

March 13, 2024

A Legal and Finance Committee meeting was held at the City Administration Center in Rapid City, South Dakota, on Wednesday, March 13, 2024, at 12:30pm.

A quorum was determined with the following members answering the roll call: Josh Biberdorf, Bill Evans, Kevin Maher, Rod Pettigrew (sitting in for 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**

Evans moved to adopt Agenda. Second by Biberdorf. Motion carried unanimously.

**GENERAL PUBLIC COMMENT**

None.

**CONSENT ITEMS** – Items 1-9

**Public Comment opened** – Items 1-9

None.

**Public Comment closed**

- 1) Evans moved to Approve Minutes for [February 28, 2024](#). Second by Maher. Motion carried unanimously.
- 2) Law requires these assessment notices to be mailed by March 1<sup>st</sup>, and his office began mailing the 27<sup>th</sup> of February. This assessment can be appealed until March 14<sup>th</sup>. If an assessed value is appealed and the Board of Equalization believes an assessment is inaccurate, the Board will relay this information.  
[CC031824-01](#) – Acknowledge Board of Equalization Presentation by Shannon Rittberger

**MAYOR'S OFFICE**

Biberdorf moved to approve item 3-9. Second by Evans. Motion carried unanimously.

- 3) This is an MOU that the Sherriff's office has asked the City to sign. It has many components, one of which is a work release program for City projects. This is more of an effort for the City to help support this program. There is no need to find any funding for this program because the budget is already in place.  
[LF031324-05](#) – Authorize Mayor and Finance Officer to Sign Memorandum of Understanding between the City of Rapid City and Pennington County Sheriff's Office Regarding IGNITE Community Work Program

**FINANCE DEPARTMENT**

**Director Ainslie provided the summaries for**

- 4) Acknowledge the Following Volunteers for Worker's Compensation Purposes: Jordan Taylor, Hannah Taylor, Shon Hanczyc, Sophia Muir, Tigh Livermont, and Sonni Jimenez with Parks & Recreation Adopt-a-Park, and Odessa Eddie, Bonnie Engebretson, and Connie Hyde with RSVP+
- 5) This resolution is for nine (9) different properties to be abated.

[LF031324-03](#) – Approve Resolution No. 2024-005, a Resolution Levying Assessment for Abatement of Nuisances

- 6) This Resolution is for a 2009 Backhoe to be disposed of by trade-in.  
[LF031324-08](#) – Resolution No. 2024-011, a Resolution Declaring Property Surplus

**PARKS & RECREATION**

- 7) Director Biegler provided the summary for item 7. This is a standard resolution of intent for the Black Hills Lacrosse Association to lease property at 1615 Sedivy Lane. The team has been using these fields for quite some time.  
[LF031324-02](#) – Approve Resolution No. 2024-009, a Resolution of Intent to Enter into a Lease with Black Hills Lacrosse Association for property located at 1615 Sedivy Lane

**FIRE DEPARTMENT**

- 8) Division Chief Brent Long provided the summary for item 8. This is another resolution to write off uncollectable accounts. All accounts are past their statutes of limitations, and the total amount to be written off is \$648,106.00.  
[LF031324-04](#) – Approve Resolution No. 2024-013, a Resolution Writing Off Uncollectable Ambulance Patient Accounts

**POLICE DEPARTMENT**

- 9) Assistant Chief Scott Sitts provided the summary for item 9. This is a request to purchase practice ammunition to use throughout the year. The ammunition is budgeted for and also purchased by monies on a State bid.  
[LF031324-07](#) – Authorize Purchase of Practice Ammunition from Sunset Law Enforcement for \$40,655, per the State of Missouri Contract Used by the State of South Dakota

END OF CONSENT CALENDAR

**NON-CONSENT ITEMS** – Items 10-13

**Public Comment opened** – Items 10-13

None.

**Public Comment closed**

**ITEMS FROM THE PUBLIC**

- 10) He Sapa Otipi’s Executive Director Cante Heart and Director of Design & Planning Bobbie Koch provided the summary for item 10. He Sapa Otipi is a non-profit organization aiming to construct a Native American Community Center. At the time the Vision Fund monies were awarded, He Sapa Otipi had no land for a Native American Community Center. Land has since been donated by NDN Collective. Now that the land has ben acquired, He Sapa Otipi requests that the contingencies be removed so that the money may be released in order to develop the land. Evans is concerned that there hasn’t been the right briefing before this item has been brought before the Council. City Attorney Joel Landeen does not have any objection to remove the contingencies. The reality is that getting a deal and consensus with the federal government will take years. At the time the contingency was put in place by the Vision Fund Citizens Committee, there was the hope that this could be done. His concern now is that if the contingency is not removed, the project will not come to fruition. If the Council votes to remove the contingency, it’ll allow him to start meeting with the group and getting funds in place. Pettigrew’s only concern is that if the Council removes the contingency, it will set a precedent for future projects and changing the rules. Landeen responded that most of the other Vision Fund project did not have contingencies like this. Is the Council setting a precedent? Perhaps, but it’s not a binding precedent. Maher motioned to approve lifting the contingency and requested the floor. He explained that he was on the Vision Committee with 9

other voting members back when these monies were awarded. This, he said, was the committee’s number one project. At the time, the committee felt that the land issue was not “their wheelhouse” so they resisted lifting the contingency on the land. Having said that, there are still more hurdles that need to be overcome, and he thinks now is the time to resurrect the project.

Maher motioned to approve, second by Biberdorf, and carried unanimously.

[LF031324-09](#) – Request from He Sapa Otipi to Remove the Contingency Requiring an Agreement Resolving the West Rapid City Lands Issue in Order to Access the \$9 Million in Vision Funds Which Have Been Previously Allocated to Construct a Native American Community Center in Rapid City

**ATTORNEY’S OFFICE**

- 11) Assistant City Attorney Kinsley Groote spoke on item 11. Ordinances typically go through the Legal & Finance Committee, except for rezone ordinances. This change would keep the procedure of rezone ordinances going through Planning Commission, but in addition to the rezones, it would allow for zoning and subdividing ordinances to also go through Planning Commission as well. Biberdorf moved to approve, second by Evans, and carried unanimously.  
[LF031324-01](#) – Introduction and First Reading of Ordinance No. 6604, an Ordinance Amending Section 2.28.060 of the Rapid City Municipal Code Regarding the Review of Ordinances

**PUBLIC WORKS**

- 12) Lysann Zeller gave presentation on EPA CPRG Program. Some costs that it covers would be activities, supplies, salaries, etc. There are some required deliverables. Evans asked if there is a reason the City asked *only* for \$40 million when there is \$4.3 billion to be allocated. Zeller said that grant program has different tiers, and for the lower dollar amount tiers, they plan to give more awards, so there was strategy involved in the City’s ask of \$40 million. There were also some capacity considerations for what the City can achieve in 5 years. The EPA asked for shovel-ready projects.  
Evans moved to acknowledge, second by Biberdorf, and carried unanimously.  
[PW031224-16](#) – Update on EPA Climate Pollution Reduction Grant and Presentation of the Draft of Rapid City Community Climate Resiliency Plan
- 13) Jamie Toennies provided the summary on item 13. She echoed much of what Zeller presented, including that the City strategically kept monies asked under \$50 million in its application. She listed what this grant would include, i.e., energy efficiency building improvements such as HVAC, windows, and doors installations, energy efficiency LED lighting improvement, including for traffic lights, The Monument facility, and sports fields, solar installation at the water reclamation facility, a school site, methane conversion to heat the MERF building at solid waste, etc. Approximately 50% of the funds will also be used to support low-income and disadvantaged communities, and about 40% will be used to lower operating costs for the City and City facilities.  
Biberdorf moved to approve, second by Evans, and carried unanimously.  
[LF031324-06](#) – Authorize Staff to Apply for, and Accept if Awarded, the EPA Climate and Pollution Reduction Implementation Grant in the Amount of up to \$50 Million

**ALDERMAN ITEMS**

None.

**ADJOURN**

There being no further business to come before the Committee at this time, motion was made by Biberdorf, second by Pettigrew and carried to adjourn the meeting at 1:35pm.