

FINAL
LEGAL AND FINANCE COMMITTEE MINUTES
Rapid City, South Dakota

March 27, 2024

A Legal and Finance Committee meeting was held at the City Administration Center in Rapid City, South Dakota, on Wednesday, March 27, 2024, at 12:30pm.

A quorum was determined with the following members answering the roll call: Josh Biberdorf, Bill Evans, Kevin Maher, and Greg Strommen. Absent: Lindsey Seachris

(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.)

ROLL CALL AND DETERMINATION OF QUORUM

ADOPTION OF AGENDA

Motion by Evans to approve the adoption of agenda. Second by Biberdorf. Motioned carried unanimously.

GENERAL PUBLIC COMMENT

A time for the members of the public to discuss or express concerns to the Council on any issue not on the agenda. Action will not be taken at the meeting on any issue not on the agenda, except by placement on the agenda by unanimous vote of the Council members present.

CONSENT ITEMS – Items 1-7

Public Comment opened – Items 1-7

Public Comment closed

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

- 1) Motion by Biberdorf to Approve Minutes for [March 13, 2024](#). Second by Evans. Motion passed unanimously.

Motion by Evans to approve consent items 2-7. Second by Biberdorf. Motion carried unanimously.

FINANCE DEPARTMENT

- 2) Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Luke Cox, Gary Giesler, Mark Hasvold, Pat Jones, Dave Johnson (Meadowbrook Golf Course)
- 3) Director Ainslie provided the summary for item 3, saying that this item is for a few different properties ordered by a circuit court judge to be abated.
[LF032724-06](#) – Approve Abatements from the Director of Equalization

FIRE DEPARTMENT

- 4) Chief Culbertson provided the summary for item 4. This is a grant for 21 personnel in order to reopen Station #2 (just to the south of North Middle School) located at North Maple and Anamosa. The station was closed in 2010 and the staff was relocated to another station. Since that time, there has been continued increase in call volume (by 32%). This district’s call volume has seen a leveling off in the last two years, but has continued to increase in the downtown and Northside district. In order to stay in compliance with the NFPA and some other national programs to include ISO, the fire department is asking add 21 new staff. In this district, from South of the interstate to Star Village, is where the majority of call volume increase happens and has steadily increased over time. Medic

1, one of the busiest fire-based ambulances, not only in the City, but in the country’s top 50, received 3,700 calls. In a 2013 study, the RCFD was advised that after a unit has received 3,000 calls in a district, it is considered to be unreliable to answer additional calls within that district. The RCFD has made some changes to stay ahead of the increase in volume to get it below 3,000, but they are now above the call volume once again and would like to add an ambulance and fire apparatus back to Station 2 in order to deal with the increasing call volume in the district. Strommen asked when the department would find out if the grant is to be awarded. Culbertson said that he believes July 31st is the date to start awarding the grants, but the City would know for sure sometime between July and September. Currently Station #2 houses all the FD’s training staff and recruit academy, and before being moved to the mall, also the medic program. The goal all along has been to reopen the station because of its ideal location.

[LF032724-04](#) – Authorize Staff to Apply for, and Accept if Awarded, the Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the Amount of Approximately \$5.5 Million

IT DEPARTMENT

5) Director Gilbert says this is a standard item asked for every year to renew the City’s Malwarebytes EDR licenses. Because the amount exceeds \$25,000, it must be approved by Council.

[LF032724-02](#) – Authorize the IT Department to Purchase 1,075 Malwarebytes EDR Licenses

PUBLIC WORKS

6) Finance Director Ainslie provided the summary for item 6, saying this is to fulfill the City’s SRF application approved by Council in December 2022. It provides \$11.3 million for the solid waste facility. Important to note that there is a 5% grant up to approx. \$600 thousand that came along with this approval. For those unfamiliar with SRF loans, these loans are subsidized through the federal government and awarded through the State’s Department of Agriculture and Natural Resources (DANR), therefore it is a lower loan rate than otherwise if monies came by way of a conventional loan. In order to effectuate these bond and actually release the monies, the City must pass this resolution. Strommen asked if this is the last cell, or if there is more room for expansion at the current site. John Leahy, engineer with PW, said that this is the second-to-last permitted cell. There is about 5 years on this cell, and approximately another 12 years of life on the next.

[LF032724-03](#) – Approve Resolution No. 2024-018, a Borrower Resolution for Issuance of a Revenue Bond and Pledging Certain Revenues to Secure Payment for a State Revolving Fund (SRF) Loan Relating to Construction of Rapid City Landfill Cell 15 Liner and Leachate Collection

COMMUNITY DEVELOPMENT

7) Director Fisher provided the summary on item 7, saying that this is just a standard budgeted request to replace two vehicles showing significant age and long history of mechanical issues. One if for a building inspector, and another for the parking enforcement division.

[LF032724-05](#) – Authorize Staff to Purchase Two (2) New 2025 4-Door 4x4 Ford Explorers from Lamb Motors with State Contract #17619 in the Total Amount of \$80,100

END OF CONSENT CALENDAR

NON-CONSENT ITEMS – Items 8-9

Public Comment opened – Items 8-9

Public Comment closed

ATTORNEY’S OFFICE

8) Deputy Attorney Cushman provided the summary for item 8. This ordinance would allow for Planning Commission to do the vetting for subdivision and zoning ordinances. Currently, the Planning Commission already approves rezoning ordinances, but this would allow for them to do the vetting for zoning and subdividing ordinances as well. Currently the Planning Commission

doesn't have the option, but because they do a good job with these types of ordinances, and because timing can sometimes be tricky for owners requesting the changes, going through Legal & Finance as well as the Planning Commission can sometimes result in a delay due to publication requirements. This ordinance would streamline the process as an option. Strommen asked if because the City is not eliminating Legal and Finance, but rather just making Planning Commission another option, would it be better to have the proposed language to read, "Either the Planning Commission or Legal and Finance may..." He feels like the language "instead of the Legal and Finance Committee" seems to exclude it. Cushman commented that the ordinance could read as Strommen suggested, though the language already proposed reads as "The Planning Commission may review and approve the ordinance instead of the Legal and Finance Committee." She believes that the option is still open for the Legal & Finance Committee to hear these ordinances, per the first sentence; however, a change in language could be made if desired by Council.

Strommen proposed to amend the language in item 8 to read, "If the ordinance contains subject matter involving zoning or subdividing, Planning Commission or the Legal & Finance Committee may review and approve the ordinance." Evans seconded this motion and was carried unanimously. **Item to be heard at CC meeting 4.1.24.**

[LF031324-01](#) – Second Reading and Recommendation of Ordinance No. 6604, an Ordinance Amending Section 2.28.060 of the Rapid City Municipal Code Regarding the Review of Ordinances

FIRE DEPARTMENT

9) Interim HR Director Leah Braun provided the summary on item 9. The item attachment has the same data presented in the executive session on February 20th. Today's request is for the Council to support this scale. The goal is to retain firefighters by remaining competitive and fair and data-driven. As stated with other bargaining units and ongoing negotiations, the City seeks to honor and take care of their IAFF employees and be good stewards of tax dollars. After researching other communities' and their firefighters, it is believed that this scale is competitive and fair. The scale impacts 151 employees, some of whom are represented in the meeting today. The negotiation process went very well, and the IAFF understands the realities of a future budget. This is part of an overall compensation package. Director Ainslie said that what is being proposed is that the City provide a \$0.50 match for every dollar to the supplemental retirement plan up to a total of \$500. The City will not begin matching until the firefighter has contributed \$500 to the plan, so in order for the firefighter to receive this, the employee would have to put in \$1,000. In addition, there is a proposed 2% wage increase every 6 months in lieu of step increases. This is being done in order to be more fair to several of the City's more senior firefighters. There isn't enough money to do this, however, so in 2025, the total proposal is to increase the General Fund by \$395,000, and to increase the Ambulance Fund is \$65,000. Then in 2026, there would be an increase of another \$459,000 to the General Fund, and \$81,000 to the Ambulance Fund. Though this is a sizable investment, but it is also vital service. The IAFF has also voted to approve the amendment. There is a previously-negotiated pay matrix to include a cost-of-living increase effective on July 1st of this year, but the proposed would be for years 2025 and 2026 and is a third amendment to an already existing agreement.

Motion by Biberdorf, second by Evans to approve item 9. Motion carried unanimously.

[LF032724-01](#) – Approve Third Amendment to the Agreement Between International Association of Firefighters Local 1040 and the City of Rapid City Effective January 1, 2023 through December 31, 2026 to Amend Appendix A

ALDERMAN ITEMS

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

ADJOURN

Motion by Evans, second by Biberdorf, and carried to adjourn at 12:54pm.