

LEGAL AND FINANCE COMMITTEE MINUTES  
Rapid City, South Dakota

August 31, 2016

A Legal and Finance Committee meeting was held at the City/School Administration Center in Rapid City, South Dakota, on Wednesday, August 31, 2016, at 12:30 p.m.

A quorum was determined with the following members answering the roll call: John Roberts, Amanda Scott, Steve Laurenti, Lisa Modrick and Jerry Wright. 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 Laurenti, second by Modrick and carried to adopt the agenda.

**GENERAL PUBLIC COMMENT**

None.

**CONSENT ITEMS**

Motion was made by Scott, second by Laurenti and carried to approve Items 1-8 as they appear on the Consent Items.

- 1) Approve Minutes for August 10, 2016

**MAYOR'S ITEMS**

- 2) No. LF083116-04 – Confirm Appointment of Doris Ann Werlinger to the RSVP Advisory Board

**POLICE DEPARTMENT**

- 3) No. LF083116-03 – Authorize Mayor and Finance Officer to Sign Agreement with Vigilant Analytics for Crime Analysis Services

**FINANCE DEPARTMENT**

- 4) Acknowledge the Following Volunteers for Worker's Compensation Purposes: Mamur Kodirov, Jordan Mills
- 5) No. LF083116-01 – Acknowledge June 2016 Sales Tax Report
- 6) No. LF083116-05 – Resolution No. 2016-061 a Resolution Declaring Miscellaneous Personal Property Surplus
- 7) No. LF083116-06 – Acknowledge July 2016 General Fund Cash Balance Report
- 8) No. LF083116-10 – Authorize Mayor and Finance Officer to Sign an Amendment with Tyler Technologies for \$106,610 for the Fleet, Facilities, and Work Orders Module

END OF CONSENT CALENDAR

**NON-CONSENT ITEMS** – Items 9 - 14

**Public Comment opened** – Items 9 - 14

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**Public Comment closed**

**FINANCE DEPARTMENT**

- 9) No. LF083116-02 – Scott moved to approve Introduction and First Reading of Ordinance No. 6137 Regarding Supplemental Appropriation #3 for 2016. Second by Laurenti. Motion carried.

**COMMUNITY PLANNING & DEVELOPMENT SERVICES**

- 10) No. LF083116-07 – Wright moved to approve Introduction and First Reading of Ordinance No. 6104 an Ordinance to Amend Certain Provisions in the Rapid City Plumbing Code by Amending Chapter 15.24 of the Rapid City Municipal Code. Second by Scott. Motion carried.
- 11) No. LF083116-08 – Wright moved to approve Introduction and First Reading of Ordinance No. 6105 an Ordinance to Amend Certain Provisions in the Rapid City Electrical Code by Amending Section 15.16.020 of the Rapid City Municipal Code. Second by Laurenti. Motion carried.
- 12) No. LF083116-09 – Wright moved to approve Introduction and First Reading of Ordinance No. 6106 an Ordinance to Amend Certain Provisions Regarding Contractor Licenses by Amending Section 15.04.140 of the Rapid City Municipal Code. Second by Laurenti. Motion carried.

**CITY ATTORNEY'S OFFICE**

- 13) No. LF081016-11 – Wright moved to approve Second Reading and Recommendation of Ordinance No. 6141, an Ordinance to Update the Regulations Related to Purchases Made by Department Directors by Amending Section 3.04.030 of the Rapid City Municipal Code. Second by Laurenti. Motion carried.
- 14) No. LF083116-12 – Laurenti moved to approve Request to Remove Stipulation Requiring the Applicant to Sign a Waiver of Right to Protest for a Variance to Install Sidewalks Adjacent to 3515 Seger Drive Granted by the City Council on July 18, 2016 (PW071216-12). Second by Wright. Modrick asked Assistant City Attorney Wade Nyberg to give a brief explanation on this item. Nyberg stated this relates to a waiver that was given to install sidewalks at 3515 Seger Drive. The motion was made and approved by the Council to authorize the variance as long as the owner signs a WORP. The issue is the property owner believes it would be a cloud on their title and the City Attorney's office agrees with that. The other issue is that the WORP does not have any significance as it pertains to sidewalks. The Council can order them in at any time. The Waiver of Right to Protest (WORP) is really related to a legal protest of a special assessment and it is applicable to street assessments as opposed to other assessments. Modrick questioned how this effects all the other WORPs that have been approved. Should there be a process to reverse all of them? Nyberg stated this would be something to discuss with the Public Works staff. Wright questioned the enforcement of sidewalk installation and particularly the sidewalk and bicycle plan. He feels this process should be looked into and it should be fair. Scott feels there is nothing that needs to be done to reverse the old WORPs because they really don't carry a lot of weight and it was basically a document that puts people on notice that a sidewalk was going to come in at some point in the future and they were just waiving their right to protest at that time. After further discussion, the motion carried.

**ADJOURN**

There being no further business to come before the Council at this time, motion was made by Scott, second by Laurenti and carried to adjourn the meeting at 12:40 p.m.