

LEGAL AND FINANCE COMMITTEE MINUTES  
Rapid City, South Dakota

September 14, 2016

A Legal and Finance Committee meeting was held at the City/School Administration Center in Rapid City, South Dakota, on Wednesday, September 14, 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 Wright, second by Laurenti and carried to adopt the agenda.

**GENERAL PUBLIC COMMENT**

None.

**CONSENT ITEMS**

Motion was made by Modrick, second by Laurenti and carried to approve Items 1-11 as they appear on the Consent Items.

- 1) Approve Minutes for August 31, 2016

**POLICE DEPARTMENT**

- 2) No. LF091416-02 – Approve Festival of Lights’ Special Event Permit for the 2016 Festival of Lights Parade
- 3) No. LF091416-06 – Acknowledge Invitation to RCPD Community Advisory Committee’s First Public Forum

**FINANCE DEPARTMENT**

- 4) Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Autumn Anderson, Ailsa Snyder
- 5) No. LF091416-03 – Resolution No. 2016-067A a Resolution Fixing Time and Place for Hearing on Assessment Roll for Cleanup of Miscellaneous Property
- 6) No. LF091416-04 – Resolution No. 2016-057B a Resolution Levying Assessment for Cleanup of Miscellaneous Property
- 7) No. LF091416-07 – Acknowledge July 2016 Sales Tax Report

**COMMUNITY RESOURCES**

- 8) No. LF091416-08 – Authorize Mayor to Sign Midco Service Orders for Nine Locations

**OPPORTUNITY CAPTURE FUND COMMITTEE**

- 9) No. LF091416-01 – Acknowledge Update from the Opportunity Capture Fund Committee

September 14, 2016

**COMMUNITY PLANNING & DEVELOPMENT SERVICES**

- 10) No. 16TP019 – 2017 Unified Planning Work Program – Draft
- 11) No. LF091416-09 – Approve the 2017 Air Quality Pass Through Agreement – Final

END OF CONSENT CALENDAR

**NON-CONSENT ITEMS** – **Items 12 - 17**

**Public Comment opened** – **Items 12 - 17**  
**Public Comment closed**

**COMMUNITY PLANNING & DEVELOPMENT SERVICES**

- 12) No. LF083116-07 – Laurenti moved to approve Second Reading and Recommendation 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 Wright. Motion carried.
- 13) No. LF083116-08 – Laurenti moved to approve Second Reading and Recommendation 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 Wright. Motion carried.
- 14) No. LF083116-09 – Laurenti moved to approve Second Reading and Recommendation 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 Wright. Motion carried.

**FINANCE DEPARTMENT**

- 15) No. LF083116-02a – Scott moved to approve Second Reading and Recommendation of Ordinance No. 6137 Regarding Supplemental Appropriation #3 for 2016. Second by Laurenti. Motion carried. Scott asked Finance Officer, Pauline Sumption if she knew the total dollar amount change between the first reading and the second reading. Sumption stated the amount went from approximately \$11,710,000 to \$30,067,000 so it went up about 18 million. Scott clarified if the majority of that amount is from the CIP funds that are typical for us to carry over in a supplemental. Sumption confirmed that there is approximately \$15 million additional in CIP carryover that was not in the first reading and there are others from the utility support fund that are brought over when Public Works is ready to begin working on a project. Wright asked for clarification on what is included in the CIP money. Is it the half cent CIP money or is it all of the capital improvement money? Sumption stated the original supplement had \$11 million of STP funds and \$6 million Federal highway funds and then there is now an additional \$2 million so it is those funds along with the half CIP account.

**ITEMS FROM THE CITY ATTORNEY'S OFFICE**

- 16) No. LF091416-05 – Wright moved to approve Introduction and First Reading of Ordinance No. 6138 an Ordinance Amending the Code Enforcement Appeal Procedure by Repealing Chapter 8.01 of the Rapid City Municipal Code, Adopting Section 2.24.065 of the Rapid City Municipal Code, and Amending Sections 2.24.020, 8.16.050, 10.56.060, and 10.56.065 of the Rapid City Municipal Code. Second by Laurenti. Motion carried. Scott asked Attorney Nyberg (in his opinion), if the City Council stays firm to the code enforcement as it has been implemented in the past, do you foresee a lot of people bringing their cases past the administrative decision to the City Council? Nyberg feels there may be a few to start with but if you hold firm to the code, those will probably not come to Council as often.

LEGAL AND FINANCE COMMITTEE

September 14, 2016

- 17) No. PW083016-16 – Laurenti moved to approve Second Reading and Recommendation of Ordinance No. 6139, An Ordinance to Clarify Requirements for Installation of Sidewalks by Amending Chapter 12.08 of the Rapid City Municipal Code. Second by Wright. Motion carried.
- 18) No. LF091416-09 – Wright moved to take Direction to staff regarding Master Development Agreement and all addendums thereto, including the Contract for Private Development for TID #73 with President’s Plaza L.L.C. to council without recommendation. Motion died due to lack of second. Laurenti asked City Attorney Joel Landeen what staff is looking for as far as direction, if the direction is to end the agreement. Landeen stated if the Council takes action to terminate the agreement, then the City Attorney’s office would draft a written letter to Presidents Plaza, L.L.C. indicating the Council has taken action to terminate the agreement and that legally the agreements are terminated. Landeen stated the agreement makes it optional, the agreement did not automatically terminate on July 1<sup>st</sup> when the six months had expired. It is a policy decision for the Mayor and the Council to make whether they want to see that agreement terminated, you are not required to terminate this agreement at this point. Since it is now several months past the deadline, it is an appropriate time to bring it forward and get the Council’s input on if they want to terminate. If you decide not to terminate, the agreement will continue in effect until you decide to terminate or they decide to perform under the agreement. After further discussion, Scott moved to direct staff to terminate all agreements regarding Master Development Agreement and all addendums thereto, including the Contract for Private Development for TID #73 with President’s Plaza L.L.C. Second by Laurenti. After further discussion a vote was taken and the motion carried with Laurenti, Scott and Modrick voting “yes” and Wright and Roberts voting “no.”

**ADJOURN**

There being no further business to come before the Council at this time, motion was made by Scott, second by Modrick and carried to adjourn the meeting at 12:50 p.m.