

LEGAL AND FINANCE COMMITTEE MINUTES
Rapid City, South Dakota

June 28, 2017

A Legal and Finance Committee meeting was held at the City/School Administration Center in Rapid City, South Dakota, on Wednesday, June 28, 2017, at 12:30 p.m.

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

GENERAL PUBLIC COMMENT

None.

CONSENT ITEMS

Motion was made by Laurenti, second by Scott and carried to approve Items 1-13 as they appear on the Consent Items with the exception of Item Nos. 9 and 12.

- 1) Approve Minutes for June 14, 2017

MAYOR'S ITEMS

- 2) LF062817-11 – Confirm the Appointment of Bob DeMersseman to the Opportunity Capture Fund Committee

FINANCE DEPARTMENT

- 3) Acknowledge the Following Volunteers for Worker's Compensation Purposes: Michael Sexton, Chelaine Asscherick, Marie Romano, Larry Romano, Travis Bolt, Lucille Humphries
- 4) LF062817-01 – Approve Resolution No. 2017-053 a Resolution to Update Change Funds
- 5) LF062817-02 – Acknowledge April 2017 Sales Tax Report
- 6) LF062817-04 – Acknowledge May 2017 General Fund Cash Balance Report
- 7) LF062817-13 – Approve Resolution No. 2017-037B a Resolution Levying Assessment for Downtown Business Improvement District 2017

COMMUNITY RESOURCES

- 8) LF062817-03 – Approve Resolution No. 2017-054 a Resolution to Create Positions of Utility Field Chief – Water and Utility Service Chief – Water
- 9) LF062817-06 – Scott asked Administrative Assistant Rae Carlson to explain the amendments to this plan. Carlson explained this is the same as the Citizen Participation Plan for the Community Development Block Grant but it has been renamed to the Resident Participation Plan per HUD

June 28, 2017

standards. Modrick moved to Approve Amended Resident Participation Plan. Second by Wright. Motion carried.

- 10) LF062817-09 – Authorize Mayor to Sign FY2016 SF-424 and Certifications on Previously Approved Consolidated Annual Performance and Evaluation Report CAPER

COMMUNITY PLANNING & DEVELOPMENT SERVICES

- 11) 12TI003 – Approve Resolution No. 2017-052 a Resolution Dissolving Tax Increment District #73 for Property Generally Described as Being Located South of Saint Joseph Street, East of 6th Street and North of Quincy Street
- 12) LF062817-10 – Wright moved to Authorize Mayor and Finance Officer to Sign Professional Services Agreement with Walker Planning Consultants for the Downtown Parking Study and Strategic Plan in an Amount not to Exceed \$95,000. Second by Modrick. A vote was taken with Scott, Wright and Modrick voting “yes” and Laurenti and Roberts voting “no”. Motion carried.

OPPORTUNITY CAPTURE FUND COMMITTEE

- 13) LF062817-08 – Acknowledge Update from the Opportunity Capture Fund Committee

END OF CONSENT CALENDAR

NON-CONSENT ITEMS – Items 14 - 16

Public Comment opened – Items 14 - 16
Public Comment closed

MAYOR’S ITEMS

- 14) LF062817-07 – Scott asked City Attorney Joel Landeen if this is the process the City must go through in order to declare it surplus and to know the value of the property. Landeen confirmed this is the process to declare the property surplus. Scott moved to Approve Resolution No. 2017-056 a Resolution Declaring Lots 1-12, Block 19, Original Town of Rapid City Surplus and Appointing Freeholders to Appraise the Property. Second by Laurenti. Motion carried.

CITY ATTORNEY’S OFFICE

- 15) LF062817-05 – Scott asked Assistant City Attorney Carla Cushman if this ordinance amendment is to streamline the items anticipated to be brought before the Building Board of Appeals. Cushman agreed with Scott’s statement generally. This amendment is clarifying the language so that not anyone who has a complaint with a contractor has a right to appeal it to the building board they must first file their complaint with the Building Official. The ordinance still allows an appeal if someone’s license has been revoked or if someone’s business license has been removed. Laurenti asked to clarify the process for a citizen who would like to file a complaint against a contractor. Cushman stated the process for a resident would be to file the complaint to the Building Official. The Building Official is the one who issues the licenses and also can revoke or suspend them. The resident would also have additional civil remedies if they chose to pursue them. Laurenti asked what verification process the Building Official must go through in order to validate the complaint. Cushman explained there is an investigation completed by the Building Official. Laurenti then asked if that investigation is then shared with the Building Board of Appeals. Cushman stated there is nothing dictated by ordinance but there is communication between the Building Official and the Building Board of Appeals related to status of licenses when there is action taken against a license. Laurenti is uncomfortable with this process when there is no link between the Building Official and the Building Board of Appeals when they are reissuing or issuing licenses. He does not feel this protects the resident. City Attorney Joel Landeen further explained the process and issues with the current process. The problem is people are using this as an avenue to gain leverage on a contractor

LEGAL AND FINANCE COMMITTEE

June 28, 2017

versus taking legal action. Building Official Brad Solon stated it is not required to conduct a criminal background check and or civil judgment check on applicants. Wright feels the most important thing in this is communication. Decisions made by the Building Official should be documented by letter and placed in the file so when renewals or other issues come up the information is available. Scott moved to approve Introduction and First Reading of Ordinance No. 6186 an Ordinance to Amend Provisions Concerning Appeals to the Building Board of Appeals by Amending Sections 15.04.120 and 15.04.130 of the Rapid City Municipal Code. Second by Laurenti. Motion carried.

- 16) LF062817-12 – Scott asked Finance Officer Pauline Sumption if this updates grant spending tracking. Sumption confirmed this ordinance change makes sure we follow the requirements for purchasing products with grant money. Scott moved to approve Introduction and First Reading of Ordinance No. 6188 an Ordinance to Update Requirements for Purchases by Amending Section 3.04.030 of the Rapid City Municipal Code. Second by Wright. Motion carried.

ADJOURN

There being no further business to come before the Council at this time, motion was made by Laurenti, second by Scott and carried to adjourn the meeting at 12:57 p.m.