

LEGAL AND FINANCE COMMITTEE MINUTES
Rapid City, South Dakota

September 13, 2017

A Legal and Finance Committee meeting was held at the City/School Administration Center in Rapid City, South Dakota, on Wednesday, September 13, 2017, at 12:30 p.m.

A quorum was determined with the following members answering the roll call: Amanda Scott, Steve Laurenti, Laura Armstrong, Becky Drury and Chad Lewis. 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 Drury, second by Armstrong and carried to adopt the agenda.

GENERAL PUBLIC COMMENT

None.

CONSENT ITEMS

Motion was made by Drury, second by Lewis and carried to approve Items 1-13 as they appear on the Consent Items with the exception of Item No. 13.

- 1) Approve Minutes for August 30, 2017

MAYOR'S ITEMS

- 2) LF091317-09 – Confirm the Reappointments of Jerry Schmidt and Erik Braun and the New Appointments of Chance Whelchel, Trevor Johnson and Jon Machacek to the Downtown Business Improvement District (BID) Board
- 3) LF091317-11 – Confirm the Reappointment of Merton B. Tice, Jr. and the New Appointment of Shad Storm to the Human Relations Commission

POLICE DEPARTMENT

- 4) LF091317-10 – Authorize Staff to Apply and Accept if Awarded the 2017 JAG Grant in the Amount of \$92,618 to be Evenly Split Between RCPD and the Pennington County Sheriff's Office

FINANCE DEPARTMENT

- 5) Acknowledge the Following Volunteers for Worker's Compensation Purposes: Lois Besmer (RSVP+), Larry Oswald (RSVP+), Dorothy D. Thompson (RSVP+)
- 6) LF091317-04 – Approve Resolution No. 2017-071B a Resolution Levying Assessment for Cleanup of Miscellaneous Property
- 7) LF091317-07 – Approve Resolution No. 2017-083A a Resolution Fixing Time and Place for Hearing on Assessment Roll for Cleanup of Miscellaneous Property

COMMUNITY RESOURCES

- 8) LF091317-05 – Authorize Mayor and Finance Officer to Sign FY2016 Community Development Block Grant Contract with Rapid City Supportive Housing, Inc. (Nonprofit affiliate of Accessible Spaces, Inc.)

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- 9) LF091317-06 – Authorize Mayor to Sign the Environmental Review and Findings of No Significant Impact and Notice of Intent to Request for Release of Funds and Certificate Form for the Property Located at 248 Curtis Street

COMMUNITY PLANNING & DEVELOPMENT SERVICES

- 10) LF091317-13 – Authorize Mayor and Finance Officer to Sign the State of South Dakota Agreement/Letter of Agreement with the Department of Environment and Natural Resources for the Air Quality Program

HISTORIC PRESERVATION COMMISSION

- 11) LF091317-02 – Authorize Mayor and Finance Officer to Sign Amendment #1 to the State of South Dakota Historic Preservation Allocation Award (SD 17-027) Between the State of South Dakota and the Rapid City Historic Preservation Commission

METROPOLITAN PLANNING ORGANIZATION

- 12) 17TP015 – Authorize Mayor and Finance Officer to Sign Amendment 2017-02 of the 2017 Unified Planning Work Program

PUBLIC WORKS DEPARTMENT

- 13) LF091317-12 – Laurenti asked Public Works Director Dale Tech if the City has the ability to auction the home for any value. Tech explained the reason for the City acquired the property was to accommodate the construction of the Anamosa and Maple Street project. The City attempted to obtain easements from the homeowner but they were not interested in giving an easement but they were agreeable to selling the property. The project is nearing completion so it is time for us to sell the property. Laurenti moved to approve Authorize Mayor and Finance Officer to Sign Resolution 2017-084 a Resolution to Declare Real Property Located at 103 East Anamosa Street as Surplus and Authorize Disposal According to Law. Second by Drury. Motion carried.

END OF CONSENT CALENDAR

NON-CONSENT ITEMS – Items 14 - 19

Public Comment opened – Items 14 - 19
Public Comment closed

ITEMS FROM THE PUBLIC

- 14) LF091317-08 – Greg Riley requested a refund of an abatement fee because he feels the mowing was premature and unnecessary. Riley provided a history of this issue. Ten years ago he received approval from the City to do zero-scaping or natural landscaping. Last year was the first year he received a code violation, he worked through that violation with Code Enforcement and they discussed the possibility of an ordinance change. He then received another code violation this year. After that was received he asked for a formal variance to allow for natural landscaping. He volunteered his property as a test site. Before he received a response on his request for variance, his property was trespassed upon and poisoned. Scott’s understanding is that the administrative fee and late fee has already been waived and that the remaining balance of \$140 is for the actual mowing costs. Scott asked Assistant City Attorney Kinsley Groote if proper notice was given throughout and Groote confirmed it was. Laurenti moved to deny Greg Riley – Request for Refund of Abatement Fee in the Amount of \$140.00 for Property Located at 4789 Summer Set Drive. Second by Lewis for discussion. Motion carried 5-0.

ALDERMAN ITEMS AND COMMITTEE REPORTS

- 15) LF091317-03 – Lewis moved to send the Human Relations Commission – Semi-Annual Update to Council without Recommendation. Second by Armstrong. Motion carried.
- 16) LF091317-14 – Laurenti hopes his colleagues will see through to support an initiative by our citizens to bring something forward on this property tax increase. Whether you voted for it or against it, we should all support citizens wanting to petition their government to bring something to the ballot so they can have a voice in it because that is truly what government is all about. Lewis moved to send Steve Laurenti – Resolution of Support for an Initiated Measure to put the CPI Property Tax Increase on the Ballot for Rapid City Voters to Council without Recommendation. Second by Armstrong. Motion carried.

FINANCE DEPARTMENT

- 17) LF083017-07 – Scott confirmed with Finance Officer Pauline Sumption that there have been no changes to this ordinance since first reading. Laurenti moved to approve Second Reading and Recommendation of Ordinance No. 6189 Regarding Supplemental Appropriation #3 for 2017. Second by Lewis. Motion carried.

CITY ATTORNEY'S OFFICE

- 18) LF091317-01 – Laurenti moved to approve Introduction and First Reading of Ordinance No. 6200 an Ordinance Amending Chapter 8.28 of the Rapid City Municipal Code Relating to Grass, Weeds, and Noxious Matter. Second by Drury. Motion carried.
- 19) LF083017-09 – Lewis stated he has not changed his mind on this one, he feels it is imperative to keep the Vision Fund protected. He hopes to change a few minds before Monday night. City Attorney Joel Landeen wanted to point out that the approved budget is based on this so if you do not approve this ordinance, you have blown a hole in your budget and you will have to revisit the budget and make significant cuts or find additional revenue. Lewis reiterated that he has been against this since the beginning. He has heard from citizens who does not want the Vision Funds cut and he is voicing his personal opinion that he is against it. Scott explained this ordinance change is the reallocation that will put a full penny of the two cent sales tax into the General Fund and redistribute the Vision Funds and the CIP amounts for our capital improvement. Laurenti moved to approve Second Reading and Recommendation of Ordinance No. 6195 an Ordinance to Change the Allocation of the Revenue Raised by the Retail Occupational Sales and Service Tax by Amending Section 3.16.060 and Section 3.16.090 of the Rapid City Municipal Code. Second by Armstrong. A vote was taken with Scott, Laurenti, Armstrong and Drury voting “yes” and Lewis voting “no”. Motion carried 4-1.

ADJOURN

There being no further business to come before the Council at this time, motion was made by Laurenti, second by Drury and carried to adjourn the meeting at 12:48 p.m.