

LEGAL AND FINANCE COMMITTEE MINUTES
Rapid City, South Dakota

February 28, 2018

A Legal and Finance Committee meeting was held at the City/School Administration Center in Rapid City, South Dakota, on Wednesday, February 28, 2018, at 12:30 p.m.

A quorum was determined with the following members answering the roll call: Amanda Scott, Steve Laurenti, Laura Armstrong, and Becky Drury. Absent: Chad Lewis

(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 Armstrong and carried to adopt the agenda.

GENERAL PUBLIC COMMENT

None.

CONSENT ITEMS

Dorothy "Rowdy" Brewick and Susan Nolan from Democracy in Action and Cities for Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). CEDAW is a treaty and they are asking that the principles of this treaty be resolved by the City Council as a way of operating in Rapid City. CEDAW was passed in 1979 by the United Nations and signed by Jimmy Carter but it never made it to the Senate floor. 194 members of United Nations and 189 countries have in some capacity ratified CEDAW. Even though it was recommended by the Senate Foreign Relations Committee it never made it to the Senate floor so the movement Cities for CEDAW was established. Cities across the nation are in the process of implementing this document. Scott clarified that the resolution listed in in item number 2 is a resolution in support of the principles, not that we are adopting the principles.

Motion was made by Armstrong, second by Drury and carried to approve Items 1-9 as they appear on the Consent Items with the exception of Item No. 2.

- 1) Approve Minutes for February 14, 2017.

MAYOR'S ITEMS

- 2) LF022818-06 – Drury asked Human Resources Director Nick Stroot to confirm that the City already practices this already. Stroot confirmed the City does already follow all applicable Federal laws regarding discrimination. The City also establishes a Safe Harbor environment where someone can bring forward a complaint without fear of retaliation. Drury asked Rowdy if any other city in South Dakota has adopted or support CEDAW. Rowdy stated no, as of right now no other city is listed. Rapid City would be the first. Armstrong asked Rowdy and Susan what CEDAW's vision would be for Rapid City. Rowdy listed the proclamation occurred first on Women's Equality Day. Next, the resolution before you today is a document that will bring these issues to the forefront. Their hope is to see future gender studies that would show an increase of women in leadership positions and an increase in salaries to be the same as men. They want women who are looking at opening a business in Rapid City to see that our city lifts women up to this level. Drury moved to approve Resolution No. 2018-021 a Resolution Supporting the Principles of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Second by Armstrong. Motion carried.

FINANCE DEPARTMENT

- 3) Acknowledge the Following Volunteers for Worker's Compensation Purposes: Jami Carpenter (Parks & Recreation), Demetrius Ross (RSVP+)
- 4) LF022818-01 – Acknowledge December 2017 Sales Tax Report
- 5) LF022818-02 – Approve Resolution No. 2018-017A a Resolution Fixing Time and Place for Hearing on Assessment Roll for Sidewalk Repairs SWK16-2344
- 6) LF022818-03 – Acknowledge January 2018 General Fund Cash Balance Report
- 7) LF022818-07 – Acknowledge FY2017 Annual Financial Report

COMMUNITY RESOURCES

- 8) LF022818-04 – Approve Resolution No. 2018-018 Creating New Positions of Civic Center Scheduling Coordinator, Civic Center Technician Assistant, and Assistant Public Works Director

COMMUNITY DEVELOPMENT

- 9) 18TP010 – Authorize Mayor and Finance Officer to Sign the Professional Services Agreement with KLJ, Inc. for the East Rapid City Traffic and Corridor Analysis Study in an Amount not to Exceed \$183,066.05

END OF CONSENT CALENDAR

NON-CONSENT ITEMS – **Items 10 – 20**

Public Comment opened – **Items 10 – 20**
Public Comment closed

COMMUNITY DEVELOPMENT

- 10) LF022818-05 – Division Manager of Bulding Services and the City's Building Official Brad Solon explained the history of this ordinance and the current changes proposed. As the Building Official, he hears grievances or appeals as they are presented. Last summer a similar ordiance was brought forward that was approved by the Building Board but failed 5-5 at City Council. If the ordinance stays the same any citizen or contractor who files a griveance presents it to him and files a complaint. He then makes the decision whether or not to revoke the person's license or not. This ordinance would allow any person who would like to file a grievance to do so to him the same as before. However, the issue lies when a person comes in and would like to file a complaint a year later after we have issued a permit, did all the inspections and gave them a CO and they come in and say the contractor did not complete the warranty work and asks the City to revoke their license. This puts the City in a bad position to revoke someones license for something that we approved. The County is facing similar challenges. Chairman of the Building Board of Appeals David Asbridge expressed his support for this amendment as it has been well thought out and thouroughly reviewed by the Board. The Board unanimously supports this amendment. The board has experienced in the past that they are a grievance board. The board does not feel this is their purpose. When a grievance between a contractor and client is brought forward many times it is a contractual disagreement or over workmanship, which is not a code violation. The Board specializes in the City's code and they are not here to be the judge and jury over a contractual issue. The Board encourages the Council to suppor this amendment. Scott asked Communtiy Development Director Ken Young what specifically is different this time. Young deferred Scott's question to Assistant City Attorney Carla Cushman. Cushman noted the changes in the ordinance as a clarification on the timing of an appeal and when they have to have a hearing. Another subject clarified is when a

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dispute between the homeowner and contractor actually relates to the code that is something that can be appealed to the board. It still puts the Board in the middle of these types of disputes but they are the experts on our code which makes the qualified to hear those disputes. Laurenti asked Solon if citizens are being cut out of the process? Is there still a process for a citizen who has what they believe is a code violation. Solon confirmed there is still a process for a citizen to file a code violation complaint and he would thoroughly investigate the complaint and determine how to rectify it. Laurenti explained that the City does not want to get involved in private disputes but we will hear code violations. Scott asked Ken Young what happens if the Board of Appeals also denies the appeal. Young stated either party can then appeal to the Council. The restriction is that it has to be a building code violation, if it is a contractual dispute the civil courts are better suited to handle those type of cases. Drury moved to approve Introduction and First Reading of Ordinance No. 6225 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.

- 11) 18OA001 – Laurenti moved to approve Second Reading and Recommendation of Ordinance No. 6228 an Ordinance Amendment to Title 17 of the Rapid City Municipal Code by adding Chapter 17.66, Urban Commercial District. Second by Armstrong. Motion carried.

Drury moved to approve the following ordinances listed in item numbers 12 – 20 on the agenda. Second by Armstrong. Motion carried unanimously. Scott further explained that these items are ordinances and will be read in and considered separately at the Council meeting on Monday night.

- 12) 18OA002 – Second Reading and Recommendation of Ordinance No. 6229 an Ordinance to Include Definitions for the Urban Commercial District by Amending Section 17.04 of the Rapid City Municipal Code
- 13) 18OA003 – Second Reading and Recommendation of Ordinance No. 6230 an Ordinance Amendment to Title 17 of the Rapid City Municipal Code by amending Chapter 17.06
- 14) 18OA004 – Second Reading and Recommendation of Ordinance No. 6231 an Ordinance to Amend Section 17.50.050 of the Rapid City Municipal Code to Allow for Administrative Dissolution of Planned Developments
- 15) 18OA005 – Second Reading and Recommendation of Ordinance No. 6232 an Ordinance Amendment to Modify Section 17.50.070 of the Rapid City Municipal Code
- 16) 18OA006 – Second Reading and Recommendation of Ordinance No. 6233 an Ordinance to Amend the Sign Code to Incorporate On-Premises Signage Rules for the Urban Commercial District by Amending Section 17.50.100 of the Rapid City Municipal Code
- 17) 18OA007 – Second Reading and Recommendation of Ordinance No. 6234 an Ordinance to Establish Parking Requirements for the Urban Commercial District by Amending Section 17.50.270 of the Rapid City Municipal Code
- 18) 18OA008 – Second Reading and Recommendation of Ordinance No. 6235 an An Ordinance to Amend Landscape Regulations to Incorporate the New Urban Commercial District by Amending Section 17.50.300 of the Rapid City Municipal Code
- 19) 18OA009 – Second Reading and Recommendation of Ordinance No. 6236 an Ordinance to Amend Chapter 12.08 of the Rapid City Municipal Code to Accommodate Goals for Pedestrian Oriented Streets in the Urban Commercial District

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- 20) 18OA010 – Second Reading and Recommendation of Ordinance No. 6237 an Ordinance to Amend Section 12.12.110 of the Rapid City Municipal Code to Authorize the City to Maintain Parkways in Downtown Areas

ADJOURN

There being no further business to come before the Council at this time, motion was made by Laurenti second by Armstrong and carried to adjourn the meeting at 1:05 p.m.