

LEGAL AND FINANCE COMMITTEE MINUTES
Rapid City, South Dakota
October 1, 2003

A Legal and Finance Committee meeting was held at the City/School Administration Center in Rapid City, South Dakota, on Wednesday, October 1, 2003, at 1:15 p.m.

A quorum was determined with the following members answering the roll call: Alan Hanks, Tom Murphy, Ray Hadley, and Bill Waugh. Absent: Jeff Partridge.

(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.)

Approve Minutes of September 10, 2003

Motion was made by Murphy, seconded by Waugh, and carried to approve the minutes of the September 10, 2003, Legal and Finance Committee.

Adoption of the Agenda

Motion was made by Waugh, seconded by Murphy, and carried to amend the agenda to include the following changes and additions.

- 9a. Time spent researching requests made by Council members to staff
- 9b. Move 48 to the beginning of the agenda as 9b
- 9c. Move 49 to the beginning of the agenda as 9c
- 41a. Move 14 after 41 as 41a
- 23a. Change in polling locations (information)
- 32a. Request for guidance on lease/leaseback
- 32b. Funding for Catron Boulevard project
- 32c. Information on parking revenue bond

General Public Comment

None.

SPECIAL ITEMS FROM THE PUBLIC (citizen requested to be placed on agenda)

No. LF100103-01 – Jason Green told the Committee that our office reviewed the materials submitted by Ms. Bonner. Ms. Maule responded to Ms. Bonner, and he concurs with the contents of that letter. Hadley moved to table Hazel Bonner - Report on Status of Land in Sioux Addition. Second by Waugh. Motion carried.

No. LF100103-02 - Michael Sirbola told the Committee that the City is presently using the education and government access channels. However, there is no available channel for public access. He said South Dakota is the only state in the Midwest region that does not have actual community access television. He said the City can have control over what is actually aired on the community channel. The City is actually benefiting the cable companies by allowing them to bring their products to the community. He thinks the City should feel empowered to reach out for a community channel for the express purpose of targeting some of the ills of our social

community. Mayor Shaw said public access channels are entirely different from government and educational channels. He thinks Mr. Sirbola should visit with the cable companies to see if they are interested in a public access channel. If the cable companies are not willing to discuss this, then Chairman Hanks said this could be discussed at an informational meeting.

No. LF100103-03 - Todd Rigione said he would like to know what the process is to obtain a permit to paint the back of the buildings in the downtown alleys. He is starting a residency program and would like to have the opportunity to meet with the Council and show images that could be painted on the buildings. Jason Green told the Committee this would be considered a mural, and murals are not allowed under the present sign ordinance. Hadley moved to request the City Attorney's office to prepare an ordinance amendment allowing murals and bring it before the full Council on November 3, 2003, for discussion. Second by Murphy. A vote was taken with Waugh voting "no."

ITEMS FROM MAYOR

No. LF100103-04 - Hadley moved to approve appointment of Bob Scull to the Parks & Recreation Subcommittee as a Ward 3 representative. Second by Waugh. Motion carried.
Place item on consent calendar

ITEMS FROM ALDERMEN AND COMMITTEE REPORTS

Joe Kampa, representative for the United Downtown Association, told the Committee that after reviewing the current city policy regarding parking of maintenance service vehicles in loading zones, he concurs with them and would like to withdraw his recommendation for a change to the ordinance. Hadley moved to table this item. Second by Waugh. Motion carried.

Hadley moved to continue campus type signage discussion (information only) to the January 14, 2004, Legal and Finance Committee meeting. Second by Waugh. Motion carried.

Hadley moved to continue discussion on videotaping of Public Works & Legal and Finance Committee meetings to the November 12, 2003, Legal and Finance Committee meeting. Second by Waugh. Motion carried.

Hadley moved to table request to change committee structure back to committee of the whole. Second by Murphy. Motion carried.

No. LF100103-24 – Jason Green reviewed with the Committee the changes made in Section 3.16.020 of the Rapid City Municipal Code regarding use of the funds deposited in the 2012 Fund. Half of the funds will be used for municipal infrastructure, 25% of the funds must be used for municipal improvements, and 25% of the funds will be used for economic development and they be dedicated for a specific construction project or loaned for specific construction projects. Murphy said he would like clarification on the maintenance and construction of the streets under the 50% for infrastructure. He thinks we should be looking at expanding what we have and building new infrastructure versus maintenance on the old. Hadley moved to recommend approval of Introduction and First Reading of Ordinance No. 3988 Modifying the Regulation of the Rapid City Economic Development and Civic Improvements Fund by Amending Section

3.16.020 of the Rapid City Municipal Code to the full Council at the October 6, 2003, Council meeting. Second by Waugh. Motion carried.

Waugh told the Committee that time spent researching requests from Council members is taking staff away from their regular duties. Requests that are going to take a considerable amount of time should be funneled through Council leadership and the Mayor. At that time, if Council leadership and the Mayor don't know the amount of time the project will take, it can be referred to the whole Council. Waugh moved to place on the October 6, 2003, Council agenda under items from aldermen discussion on time spent researching requests made by Council members to staff. Second by Murphy. Motion carried.

GOLF DEPARTMENT

Wes Storm told the Committee that the Golf Committee is close to an agreement with the YMCA for their use of LaCroix Links. He thinks the course will be better used by the YMCA than the City. The areas that still need discussion are: a) the equipment that will be included in the lease; b) the subsidy that the City will give them for a three-year period; c) water to keep the course in good condition; and d) the playing conditions. The City will deal directly with the YMCA, and they will deal with First Tee. Hadley moved to continue update on YMCA/First Tee Proposal for the use of LaCroix Links to the October 15, 2003, Legal and Finance Committee meeting and ask that a copy of the agreement be given to the Committee members prior to the meeting. Second by Waugh. Motion carried.

No. LF100103-22 – Jim Preston said the agreement with PAJO Properties, LLC is not a construction agreement. It is a project management/financial agreement. PAJO would oversee the construction of an 80-cart barn. The project would still go out for bids, but PAJO would upfront the funds to construct the barn. The project will cost \$128,000. There would be a 5% construction management cost to the City, and 10% per year for 15 years on the amount of funds that are upfronted. These amounts would be repaid by the golfers that rent the cart barn. Wes Storm said they have had responses from 39 individuals who would be interested in renting space in the barn. PAJO will guarantee that the barn will be complete by March 1, 2004. Waugh moved to authorize Mayor and Finance Officer to sign Agreement with PAJO Properties, LLC for construction of a cart barn and parking area at Meadowbrook Golf Course. Second by Hadley. Motion carried. ***Place item on consent calendar***

POLICE DEPARTMENT

No. LF100103-05 - Murphy moved to authorize Mayor and Finance Officer to sign Memorandum of Understanding Extended Test Period for Modified Work Schedule. Second by Hadley. Motion carried. ***Place item on consent calendar***

Murphy moved to approve Travel Request for Police Department to hold annual meeting for planning and goal setting on January 7-9, 2004, in the amount of \$500. Second by Hadley. Motion carried. ***Place item on consent calendar***

No. LF100103-06 – Murphy moved to authorize Mayor and Finance Officer to sign Joint Powers Agreement between the State of South Dakota Office of Attorney General Division of Criminal Investigation, the Pennington County Sheriff's Office and the City of Rapid City. Second by Hadley. Motion carried. *Place item on consent calendar*

No. LF100103-07 – Hadley moved to approve Travel Request for two officers to attend a two-week field training officer Train-the-Trainer Program in the approximate amount of \$2,042. Second by Murphy. Motion carried. *Place item on consent calendar*

PLANNING DEPARTMENT

No. 03OA007 – Hadley moved to approve Second Reading and Recommendation of Ordinance No. 3967 Increasing the Spacing Requirements for Adult Oriented Businesses from 400 Feet to 1000 Feet and to Clarify the Prohibition of Adult Oriented Businesses in the Central Business District by Amending Chapter 17.50 of the Rapid City Zoning Ordinance. Second by Murphy. Motion carried.

No. LF091003-05 – Hadley moved to continue Infrastructure Development Partnership Loan – Doyle Estes and Kathryn Johnson for Homestead Street/Timmons Boulevard/Berniece Street to the October 15, 2003, Legal and Finance Committee meeting. Second by Murphy. Motion carried.

No. 03OA006 – Murphy moved to approve Introduction and First Reading of Ordinance No. 3986 Authorizing Administrative Approval of Certain Plats by Adding Section 16.08.035 to the Rapid City Municipal Code. Second by Hadley. Marcia Elkins told the Committee that this ordinance amendment went through the Planning Commission and first reading previously and was killed at second reading. This would allow final plats to be approved administratively. At the time of final plat approval, staff looks to see if the improvements are in or if they have been secured, if all signatures are on the mylar and if it has been submitted, and if all of the owners are in agreement with the improvements. Those are things that can be taken care of by staff. The application can come in at any time and staff would review it within 15 working days. This would reduce the amount of time that an application takes to go through the process and will streamline the process. Elkins said the cons to this process would be that the Council would not see final plats unless there is an appeal to the Council. If there are any changes made to the plat or if there is a request for a variance, the plat has to go back through the entire process. This would put more pressure on the staff to get the application reviewed within 15 days. After further discussion, a vote was taken with Hadley voting "no."

No. 03TI011 – Waugh moved to approve request by the City of Rapid City to consider an application for a **Resolution Creating Tax Increment District #43** on property described by metes and bounds as beginning at the NW corner of Section 29, T1N, R7E, BHM, Pennington County, South Dakota; which shall be the true point of Beginning; Thence east along the Section line a distance of 2147.50 feet; thence north a distance of 233.00 feet; thence west a distance of 2180.51 feet; thence south a distance of 233.00 feet; thence east a distance of 33.01 feet, more or less, to the true point of Beginning; lying within the SW1/4 of Section 20 and the SE1/4 of Section 19, T1N, R7E, BHM, Pennington County, South Dakota; Beginning at the NW corner of Section 29, T1N, R7E, BHM, Pennington County, South Dakota; which shall be the true point of Beginning; Thence south along the Section line a distance of 4000.00 feet;

thence west a distance of 250.00 feet; thence north a distance of 1090.00 feet; thence east a distance of 216.99 feet; thence north a distance of 2910.00 feet; thence east a distance of 33.01 feet; more or less, to the true point of Beginning; lying within the NE1/4 and SE1/4 of Section 30, T1N, R7E, BHM, Pennington County, South Dakota; Lots 1-11 of Block 1, Lots 1-19 of Block 2, Lots 1-3 of Block 3, Lot 1 of Block 4, Lot 1 of Block 5, Lots 7-9 of Block 7, Lots 1-6 and Outlot G-1 of Block 10, Lots 1-37 of Block 11, Lots 1-13 of Block 12, Lots 1-5 of Block 13, Lot 1A, Lot 1B and Lots 2-6 of Block 14, Outlot 1, Outlot G, Lot P (Utility Lot) and dedicated streets, all in Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6, 7, 8, 9, 10A, 10B, 11A, and 11B of Block 6, Red Rock Estates Phase 1A, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lots 4-16 of Block 3, Lot 2 and Lot 3 of Block 4, Lots 1-6 of Block 7, Lots 1-3 of Block 8, all in Red Rock Estates Phase 2, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Outlot A of Tract A, Countryside Sub, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Well Lot, and Balance of Picardi Ranch Road, and Balance of Tract 1 less Red Rock Estates and less ROW, all in Red Ridge Ranch, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and Unplatted W1/2 NW1/4 NE1/4 less Red Ridge Ranch, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted E1/2 NW1/4 NE1/4 less Red Ridge Ranch and ROW, SW1/4 NE1/4 less Red Ridge Ranch, less Red Rock Estates, less Red Rock Estate Phase 1A, and Less Row, E1/2 NW1/4 less Red Rock Estates and Less ROW, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted N1/2 NW1/4 SW1/4 less Red Rock Estates and less Countryside Sub; N1/2 NE1/4 SW1/4 less Red Rock Estates & Less Countryside Sub; E1/2 NE1/4, and W1/2 NW1/4 less Red Rock Estates and less ROW, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north and west of Sheridan Lake Road and Muirfield Drive and north of Countryside Subdivision. Second by Murphy. Jason Green advised the Committee that it is the opinion of the City Attorney's office that the statutory prerequisite that 25% of the land to be included within the district be blighted is not satisfied in this case. A vote was taken with Hadley voting "no."

No. 03TI012 – Waugh moved to approve request by the City of Rapid City to consider an application for a **Tax Increment District #43 - Project Plan** on property described by metes and bounds as beginning at the NW corner of Section 29, T1N, R7E, BHM, Pennington County, South Dakota; which shall be the true point of Beginning; Thence east along the Section line a distance of 2147.50 feet; thence north a distance of 233.00 feet; thence west a distance of 2180.51 feet; thence south a distance of 233.00 feet; thence east a distance of 33.01 feet, more or less, to the true point of Beginning; lying within the SW1/4 of Section 20 and the SE1/4 of Section 19, T1N, R7E, BHM, Pennington County, South Dakota; Beginning at the NW corner of Section 29, T1N, R7E, BHM, Pennington County, South Dakota; which shall be the true point of Beginning; Thence south along the Section line a distance of 4000.00 feet; thence west a distance of 250.00 feet; thence north a distance of 1090.00 feet; thence east a distance of 216.99 feet; thence north a distance of 2910.00 feet; thence east a distance of 33.01 feet; more or less, to the true point of Beginning; lying within the NE1/4 and SE1/4 of Section 30, T1N, R7E, BHM, Pennington County, South Dakota; Lots 1-11 of Block 1, Lots 1-19 of Block 2, Lots 1-3 of Block 3, Lot 1 of Block 4, Lot 1 of Block 5, Lots 7-9 of Block 7, Lots 1-6 and Outlot G-1 of Block 10, Lots 1-37 of Block 11, Lots 1-13 of Block 12, Lots 1-5 of Block 13, Lot 1A, Lot 1B and Lots 2-6 of Block 14, Outlot 1, Outlot G, Lot P (Utility Lot) and dedicated streets, all in Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6, 7, 8, 9, 10A, 10B, 11A, and 11B of Block 6, Red Rock

Estates Phase 1A, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lots 4-16 of Block 3, Lot 2 and Lot 3 of Block 4, Lots 1-6 of Block 7, Lots 1-3 of Block 8, all in Red Rock Estates Phase 2, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Outlot A of Tract A, Countryside Sub, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Well Lot, and Balance of Picardi Ranch Road, and Balance of Tract 1 less Red Rock Estates and less ROW, all in Red Ridge Ranch, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and Unplatted W1/2 NW1/4 NE1/4 less Red Ridge Ranch, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted E1/2 NW1/4 NE1/4 less Red Ridge Ranch and ROW, SW1/4 NE1/4 less Red Ridge Ranch, less Red Rock Estates, less Red Rock Estate Phase 1A, and Less Row, E1/2 NW1/4 less Red Rock Estates and Less ROW, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted N1/2 NW1/4 SW1/4 less Red Rock Estates and less Countryside Sub; N1/2 NE1/4 SW1/4 less Red Rock Estates & Less Countryside Sub; E1/2 NE1/4, and W1/2 NW1/4 less Red Rock Estates and less ROW, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north and west of Sheridan Lake Road and Muirfield Drive and north of Countryside Subdivision. Second by Murphy. A vote was taken with Hadley voting "no."

FINANCE DEPARTMENT

Waugh moved to request the City Attorney's office to prepare an ordinance amendment authorizing the City Finance Officer to add annexed areas to wards and precincts without an ordinance change. Second by Murphy. Under the current ordinance, if an area is annexed it is added to the map. We then check with the county to see how this affects the legislative district and then the ordinance is amended to include the annexed area. This is a long process. This needs to be done in a more timely manner so that the citizens in the newly annexed areas can vote. After further discussion, a vote was taken with Hadley voting "no."

Hadley moved to table confirmation of election date of June 1, 2004. Second by Waugh. Motion carried.

Jim Preston told the Committee that at the last election, there were voters that wanted to vote absentee and they were unable to because the ballots couldn't be printed, mailed to them, and returned prior to the election day. The Council requested staff to explore moving the deadline for petitions so that absentee voters could vote in a timely manner. This was addressed at the General Government Policy Committee in August and was placed as the number two priority as far as legislative action. The state as a whole has approved this, and it will be addressed again at the Municipal League Conference in Pierre. It will also be added to the legislative breakfast in December.

Jim Preston said Rapid City is the only entity required by state law to have a run-off election. State law requires that all cities with a population of over 25,000 have a run-off election. Sioux Falls is not required to do this because of the home rule. Hadley said he doesn't have a problem with the current situation. His recommendation would be not to bring it up at a legislative breakfast or to the Black Hills Council of Local Government. Waugh concurred.

Jim Preston said the City is working with the county in moving some poll locations. South Middle School (1-1) will be moved to Highway 16 at First of Assembly of God Church; 1-2 will go to the Bible Fellowship Church on East Fairmont; 2-3 will go to the Knights of Columbus on Fifth Street; 3-4 will go to the Canyon Lake Methodist Church; 4-3 will go to the Civic Center entrance. These polling locations are being changed by the county because it is their goal to have 1,000 voters per precinct and they want to be able to have sufficient parking and less confusion.

No. LF100103-09 – Waugh moved to approve Resolution Declaring Property Surplus. Second by Murphy. Motion carried. ***Place item on consent calendar***

No. LF100103-10 – Jim Preston said the Task Force met on September 9, 2003, to review the Requests for Proposals. After reviewing those proposals, it is the recommendation of the Task Force that the City of Rapid City not get into a landlord business by leasing either property but rather that both properties be declared surplus and authorize staff to start the process to select a real estate agent to sell the properties. This recommendation is fair to all parties involved. Representatives from Unity of the Black Hills and WAVI addressed the Committee with their proposed use of the properties. After further discussion, Hadley moved to take the recommendation from the Property Disposal Task Force on proposals to lease Maple and Wood Avenue properties to the October 6, 2003, Council meeting without recommendation. Second by Waugh. Motion carried.

No. LF100103-11 – Waugh moved to approve Resolution to Amend the City of Rapid City Healthcare Benefit Plan – Plan Amendment No. 21. Second by Murphy. Motion carried. ***Place item on consent calendar***

No. LF100103-12 – Jim Preston explained the items on the Supplemental Appropriation No. 5 for 2003. He handed out a spreadsheet from the golf courses. Hadley moved to take Introduction and First Reading of Ordinance No. 3985 Regarding Supplemental Appropriation No. 5 for 2003 to the October 6, 2003, Council meeting without recommendation. Second by Waugh. Motion carried.

No. LF100103-13 – Murphy moved to approve Resolution to Amend the Non-Union Position of Director of Public Works. Second by Waugh. Motion carried. ***Place item on consent calendar***

No. LF100103-14 – Waugh moved to approve Resolution to Establish the Non-Union Position of Director of Parks and Recreation. Second by Murphy. Motion carried. ***Place item on consent calendar***

No. LF081303-17 – Waugh moved to table Resolution to Establish the Non-Union Position of Community Planning Coordinator. Second by Murphy. Motion carried.

No. LF100103-15 – Waugh moved to approve Resolution of the City of Rapid City Authorizing Establishing a Payroll Deduction for Delta Dental. Second by Hadley. Motion carried. ***Place item on consent calendar***

No. LF100103-16 – Waugh moved to approve Resolution Giving Approval to Certain Drinking Water Facilities Improvements; Giving Approval to the Issuance and Sale of a Revenue Bond to Finance, Directly or Indirectly, the Improvements to the Facilities; Approving the Form of the Loan Agreement and the Revenue Bond and Pledging Certain Revenues and Collateral to Secure the Payment of the Revenue Bond; and Creating Special Funds and Accounts for the Administration of Funds for Operation of the System and Retirement of the Revenue Bond. Second by Murphy. Motion carried. ***Place item on consent calendar***

Jim Preston asked for guidance from the Committee on the lease/leaseback option for the wastewater treatment plant. The Council denied the initial paperwork. Mr. Scofield advised the Council that this paperwork was a very rough draft and should not have been set. They have come back to the Council and said they will do this lease/leaseback using government backed securities. This would be essentially risk free but would reduce the amounts of funds the City would receive from this transaction. They want to know if the City is interested in proceeding; and if so, they would like this verification in written form. The City has put considerable effort in this over the last several years, and he would recommend that the Council authorize him to send a letter stating that the City is still interested in looking at this option. Hadley said he is not interested in dealing with these people. Murphy said he is open to information that can bring money back into the City. He is not in favor of throwing this option out. Waugh moved to take guidance on lease/leaseback to the October 6, 2003, Council meeting without recommendation. Second by Murphy. A vote was taken with Hadley voting “no.”

Jim Preston told the Committee that in December of 2000 there was a 2012 resolution to add \$514,500 to the plan to fund Catron Boulevard. In 2001, \$34,000 was spent on Catron Boulevard, and in 2002 the project was closed. January of 2001 to December of 2002 there were a number of adjustments made to the plan. In May of 2003 there was advertising authority for Catron Boulevard improvements prepared in the sum of \$514,500. The Finance Office did not sign off on this authority. This project has no funding source. Preston asked if this should be placed on a 2012 committee meeting to move projects around to find funding for this project or if we should look in the CIP for funding. Hadley asked how this happened. Preston said there is no signature from the Finance Office, and he therefore cannot answer that question. Somewhere along the lines a process was skipped. Hadley said this is not how we do business. This was discovered when it came back for payment. Ted Vore said in August the amount was reduced and he signed the amendment at that time. He does recall the City having considerable trouble with this project due to negotiations with Dr. Bendt. Vore said there is an allocation in the 2012 of \$300,000 a year for the water reclamation facility. That amount of money is not included in the funding package and has not been obligated. Hadley said his concern is not how to fix the problem but rather how this problem came about. Preston said he has to assume that his office did not see this advertising authority since there is no signature from his office on it. Waugh said we need to figure out how to fix the process so this doesn't happen again. After further discussion, Hadley moved to take funding for Catron Boulevard project to the October 6, 2003, Council meeting without recommendation. Second by Waugh. Motion carried.

Hadley moved to request staff to notice a 2012 meeting to be held on Monday, October 6, 2003, at 7:00 p.m. Second by Waugh. This meeting will be held immediately after the Council meeting is called to order. Motion carried. ***Place item on consent calendar***

Jim Preston gave the Committee an update on the parking revenue bonds. These bonds were given an A-3 rating due to the strong financial statement of the City, our records, and the tenacity of our underwriter. This will save the City approximately \$40,000 over the life of the bond.

ITEMS FROM CIP COMMITTEE

No. LF100103-17 – Jim Preston reviewed with the Committee the actions taken at the last CIP Committee meeting. Hadley asked if the changes made to the CIP spreadsheet were noticed 10 days in advance to the public. Preston said it was not. Jason Green said the 10 day notice requirement is only applicable when the City Council considers changes to the plan. It's not applicable when the CIP meets to consider changes. It is only required before the Council takes action on a change recommended by the CIP Committee. Hadley disagreed with this interpretation of the ordinance.

Murphy moved to authorize the allocation of \$60,000 from the 2003 CIP Roof Replacement Line Item and \$19,250 from the CIP Contingency Fund to the Library Air Handling/AC Project. Second by Waugh. A substitute motion was made by Waugh, seconded by Murphy, and carried to continue this item to the October 15, 2003, Legal and Finance Committee meeting.

Waugh moved to approve recommendation that the City Council Allocate \$25,000 from the General Fund to be used for construction of offices and meeting rooms in the lower level of Fire Station No. 6, with the understanding that these funds will be repaid from the EMS Enterprise Fund. Second by Murphy. Motion carried. ***Place item on consent calendar***

Murphy moved to approve recommendation that staff be directed to move forward with the platting and selling of surplus land located adjacent to the Highway 16 Fire Station, have the property declared surplus, and authorize staff to rezone the property in accordance with the land use plan. Second by Waugh. Motion carried. ***Place item on consent calendar***

Hadley moved to continue allocation of \$95,000 from the 2003 CIP Contingency Fund for design of the East Mall Drive Project from East North Street to Dyess Avenue to the October 15, 2003, Legal and Finance Committee meeting. Second by Waugh. Motion carried.

Waugh moved to request staff to amend the CIP Operating Procedures as follows: delete the position of Community Development Director from the membership; add the position of Parks & Recreation Director to the membership; and change the title from Planning Director to City Growth Management Director. Second by Murphy. Motion carried. ***Place item on consent calendar***

Murphy moved to request staff to amend the CIP Operating Procedures, Reporting Procedures, to read as follows: "...shall provide an update to the Legal & Finance Committee monthly". Second by Waugh. A vote was taken with Hadley voting "no."

No. LF100103-18 – Waugh moved to request that staff prepare an ordinance amendment to implement the CIP Operating Procedures as amended. Second by Murphy. A vote was taken with Hadley voting "no."

Waugh moved to request the Finance Officer to develop a funding source spreadsheet for all city projects. Second by Hadley. Motion carried. ***Place item on consent calendar***

FIRE DEPARTMENT

No. LF100103-08 – Hadley moved to continue authorization for the Mayor and Finance Officer to sign Agreement with Skyline Engineering for the Mechanical and Electrical Design for the Lower Level of Fire Station #6 not to exceed \$5,000 to the October 15, 2003, Legal and Finance Committee meeting. Second by Murphy. Motion carried.

PUBLIC WORKS

No. LF100103-19 – Murphy moved to authorize Mayor and Finance Officer to sign Roosevelt Ice Arena Ice Rental Contract with The Hooligans. Second by Waugh. Motion carried. ***Place item on consent calendar***

CITY ATTORNEY'S OFFICE

No. LF091003-11 – Waugh moved to approve Second Reading and Recommendation of Ordinance No. 3976 Amending the Property Known as Rapid City Regional Airport by Amending Section 13.12.080 of Chapter 13.12 of the Rapid City Municipal Code. Second by Murphy. A vote was taken with Murphy voting “no.” Item referred to Council without recommendation.

No. LF091003-12 – Waugh moved to approve Second Reading and Recommendation of Ordinance No. 3975 to Eliminate Water Impact Fees by Repealing Sections 13.04.800, 13.04.810, and 13.04.820 of the Rapid City Municipal Code Regarding Impact Fees. Second by Murphy. A vote was taken with Murphy voting “no.” Item referred to Council without recommendation.

No. LF100103-20 – Waugh moved to approve Introduction and First Reading of Ordinance No. 3987 Establishing the Approved Meeting Minutes as the Official Journal of the Rapid City Common Council by Adding Section 2.08.110 to the Rapid City Municipal Code. Second by Murphy. Motion carried.

No. LF100103-21 – Waugh moved to approve Second Reading and Recommendation of Ordinance No. 3984 Creating the Department of Public Works by Repealing Chapter 2.46 of the Rapid City Municipal Code in its Entirety and Amending Chapter 2.44 of the Rapid City Municipal Code. Second by Murphy. Motion carried.

No. LF100103-23 – Jason Green reviewed with the Committee his memo regarding options relating to condemned signs. The three options he set forth are: a) proceed under current ordinance; b) create an exception in the ordinance to allow replacement of condemned signs; and c) re-evaluate the entire sign ordinance. It is his opinion not to proceed with option (b). There is another area that he would like the Committee to consider and that is the appeal procedure for sign permits and variances. There is a problem in identifying which items are variable by the Sign Code Board of Appeals and which are not. A clarification of this would be very helpful and would limit the use of unfettered discretion in the Council. From a legal standpoint, there is potential liability in making some follow the rules and making exceptions to

the rules for others. Murphy said he doesn't want to redo the entire sign ordinance, but he would like to look at the ordinance and tighten it up. Murphy moved to take options relating to condemned signs to the October 6, 2003, Council meeting without recommendation. Second by Waugh. Motion carried.

No. LF100103-25 – Waugh moved to authorize Mayor and Finance Officer to sign Consent to Assignment between Heartland Retail Center, LLC and First Western Bank. Second by Murphy. Motion carried. ***Place item on consent calendar***

No. LF100103-26 – Waugh moved to take authorization for Mayor and Finance Officer to sign Loan and Infrastructure Development Agreement and Promissory Note between City of Rapid City and Lazy P-6 Land Company, Inc. to the October 6, 2003, Council meeting without recommendation. Second by Murphy. Motion carried.

Jason Green set forth the following options regarding 11-6-19: a) repeal the entire section; b) eliminate the override provision; and c) codify a test created by the Supreme Court called the Balancing of Interest Test. This is the option he recommends. This would create a judicial review mechanism for any decision by a county to override the city. Another option would be to change the applicability of the 11-6-19 review. While this may be beneficial in some respects, it won't always solve the problem. Waugh moved to take discussion of 11-6-19 to the October 6, 2003, Council meeting without recommendation. Second by Murphy. Motion carried.

LICENSES

Waugh moved to approve the following licenses: Electrical Apprentice: Cory Fuchs, David Kindvall, Nathan Rojas; Electrical Journeyman: Timothy M. Douglas; Master Electrician: Shawn L. Wiechmann; Electrical Contractor: John Wright, Wright Electric; Mechanical Apprentice: Joshua Ryan Ebel; Mechanical Installer: Lester Miles; Plumber: Mike Hackmeister; Plumbing Apprentice: Brennen Heigh; Residential Contractor: Marvin Forkner, Forkner Contracting; Curtis G. Marcil, Kryptonite Construction. Second by Murphy. Motion carried. ***Place item on consent calendar***

ADJOURN

As there was no further business to come before the Committee at this time, the meeting adjourned at 3:50 p.m.