

CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

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VETO OF RESOLUTION

To: James F. Preston, Finance Officer
Members of Rapid City Council

From: Mayor Jerry Munson

Date: September 25, 2001

Re: Special Exception Granted to Bill Caldwell



Dear Mr. Preston and Members of the City Council:

I hereby veto the Council's resolution taken by motion of the Council on September 17, 2001, granting Bill Caldwell a special exception under Rapid City Municipal Code 15.32.240 to the City's flood hazard requirements.

The special exception permit should not be approved because:

1. The Council did not give proper consideration to the factors that need to be considered in granting a special exception permit.
2. By granting the special exception permit, the Council has endangered public health, safety, welfare, and property due to the potential for increased flood heights or velocities caused by encroachments and due to the danger that materials may be swept into other lands or downstream injuring persons and property.
3. That the Council's action creates a dangerous precedent allowing encroachments into the floodway that could endanger not only lives but also the citizens' opportunity to obtain favorable rates for flood insurance through FEMA.



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4. *Based on our engineering analysis, it is certain that the proposed facility and its contents will flood at some point in the future.*

For these reasons, I would ask that the City Council provide a careful reconsideration of their action to grant this permit and allow the veto to stand.

Since South Dakota law allows a Mayor only 10 days from the date of passage of an ordinance to exercise the right to veto, I may supplement these objections with more information when the Council meets on October 1, 2001.

I respectfully request that you concur with my action.

Respectfully submitted,


Jerry Munson, Mayor