

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

May 7, 2012

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, May 7, 2012 at 6:30 P.M.

The following members were present: Mayor Sam Kooiker and the following Alderpersons: Ritchie Nordstrom, Jordan Mason, Charity Doyle, Ron Sasso, Dave Davis, Bonny Petersen, John B. Roberts, Gary Brown, Jerry Wright and Steve Laurenti; and the following Alderpersons arrived during the course of the meeting: None; and the following were absent: None.

Staff members present included: Finance Officer Pauline Sumption, City Attorney Joel Landeen, Assistant City Attorney Wade Nyberg, Public Works Director Terry Wolterstorff, Community Planning and Development Services Director Brett Limbaugh, Police Chief Steve Allender, Fire Chief Mike Maltaverne, Parks & Recreation Director Jerry Cole and Administrative Coordinator Sharlene Mitchell

CONSENT ITEMS

Motion was made by Davis, second by Sasso and carried to approve Items 4 – 71a as they appear on the Consent Items with the exception of Items 10-13, 34, 36, 38 and 39.

16. No. PW050112-04 – Request Council Authorization to Provide Utility Service Outside the City, Per City Policy 100.009.



PW050112-04

CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701

Public Works Department

300 Sixth Street

Telephone: (605) 394-4165 FAX: (605) 355-3083

Web: www.rcgov.org

MEMORANDUM

TO: Mayor Kooiker and Common Council

FROM: Terry Wolterstorff, Public Works Director *TLW*

DATE: April 25, 2012

SUBJECT: City Utility Services to Property Located Outside the City Limits

The Public Works Engineering Division is currently in the process of extending a second water transmission main (main) to the Rapid City Regional Airport. Banner Associates, Inc. is under contract for the design. The primary purpose for the main is to provide additional fire protection and provide additional capacity for growth and development of the Airport property.

After the main has been installed, a secondary benefit will be the opportunity to provide water service to properties located between the Airport and the City, refer to attached Exhibit A. Banner is currently surveying the proposed main alignment and Public Works is in the process of negotiating easements for the main. With these activities as well as by "word-of-mouth", a number of requests for water service have been received by Public Works staff. There are a number of private properties and small developments with water systems with poor water quality and/or inadequate supply, and there is significant interest in the opportunity to connect to the City water system.

Per attached policy 100.009 titled, "Resolution Establishing a Policy Regulating the Provisions of City Utility Services to Property Located Outside of the City Limits", the Rapid City Council may authorize providing utility services outside the City limits. With the installation of the second main, the City will have the capacity to provide water service between the Airport and the City. Public Works is requesting Council authorization to provide utility service outside the City, per City Policy, for the area shown on the attached Exhibit A.

If you have any questions or concerns please feel free to contact me.



EQUAL OPPORTUNITY EMPLOYER

A RESOLUTION ESTABLISHING A POLICY REGULATING THE PROVISION OF CITY UTILITY SERVICES TO PROPERTY LOCATED OUTSIDE THE CITY LIMITS

WHEREAS the City of Rapid City has established water and sewer systems; and

WHEREAS the City of Rapid City is growing and new property is regularly annexed into the City; and

WHEREAS the City of Rapid City desires to support orderly growth and development and extension of infrastructure; and

WHEREAS the City of Rapid City desires to ensure the beneficiaries of the extension of City utility service bear the cost thereof rather than the utility customers; and

WHEREAS the utility services provided by the City of Rapid City to property located outside of the City limits constitutes an expense to the taxpayers of the City of Rapid City; and

WHEREAS the City of Rapid City determines it is in the best interests of the City of Rapid City to establish a policy that encourages the annexation of property located outside of the City limits that receives City utility service;

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the City hereby adopts the following policy to regulate extraterritorial provision of utility services:


The Rapid City Council will consider providing water and/or sewer utility services to property located outside of the corporate limits when the utility extensions are necessary to serve either existing or proposed development. If utility services are provided to property located outside of the City's corporate limits, it is desirable that both water and sewer services be extended when physically and economically feasible. If the City Council decides to extend utility services outside the corporate limits the applicant will comply with the following requirements:

1. The water and wastewater service shall be sold/provided at 150% of the retail water/wastewater rate charged to customers within Rapid City.
2. If the property is contiguous to the City limits at the time the City utility services are requested, the property shall be annexed prior to services being provided. If the property is not contiguous to the city limits at the time service is requested, the owners of all property served shall, pursuant to SDCL 9-4-4.1, enter into an irrevocable agreement and covenant running with the property. The covenant agreement shall contain the following provisions:
 - A. The property owner will agree to voluntary annexation of the property at such time as the property becomes contiguous to the City limits.

- B. The property owner will agree that should they refuse to consent to annexation at the time that the property becomes contiguous to the City limits that they will pay 300% of the retail water/wastewater rate charged to customers within Rapid City. Prior to the higher rate being imposed the property owner will have 60 days from the date they are requested by the City to agree to a voluntary annexation to consent to the annexation.
- C. The property owner will agree not to join a rural water, sanitary, or any other district that is involved in providing water/sewer services.
- 3. Once the property is annexed into the City, the rate charged for services shall be the same rate as the rate charged to all customers residing within the corporate limits of Rapid City.
- 4. Those requesting service shall pay all of the costs of improvements, including but not limited to the master planning of facilities, as well as the design and oversizing costs required to extend the utility services. All improvements shall be constructed in accordance with the adopted standards of the City of Rapid City and the State of South Dakota. System improvements shall be transferred to the City, at no cost to the City, at the time water or sewer service is provided by the City. No service shall be provided by the City until the system improvements have been donated to the City. If the property is annexed into another municipality, the City of Rapid City shall no longer provide utility services.
- 5. The same conservation standards shall apply to property located outside the corporate limits as those applied to property located inside the corporate limits.
- 6. This Resolution will not apply to any existing contracts unless the existing contracts are expanded on or revised at which time they will become subject to this resolution.

DATED this 16 day of MAY, 2005.

CITY OF RAPID CITY



Mayor


ATTEST:



Finance Officer

(SEAL)

APPROVED AS TO FORM
CITY ATTORNEY'S OFFICE



Attorney

6-14-05

Date

EXHIBIT A







 **PROPOSED AIRPORT WATER TRANSMISSION MAIN SERVICE AREA**


PRESSURE ZONE DATA
 UPPER LIMIT - 3300 FEET (40 PSI)
 LOWER LIMIT - 3100 FEET (135 PSI)

PRESSURE REDUCING VALVE
 UPPER LIMIT - 3200 FEET (40 PSI)
 LOWER LIMIT - 2980 FEET (135 PSI)

Legend




RAPID CITY FUTURE STREET PLAN ROAD CLASSIFICATION

-  COLLECTOR
-  MINOR ARTERIAL
-  PRINCIPAL ARTERIAL
-  PROPOSED COLLECTOR
-  PROPOSED MINOR
-  PROPOSED PRINCIPAL

 RapidCityLimits

SANITARY DISTRICT BOUNDARY

DISTRICT NAME

-  Rapid Valley Sanitary District
-  Long View Sanitary District
-  Green Valley Sanitary District

