

circle of life and where food comes from and would like to pass down that to his children. He believes this pilot program will help him do that. Presley Crowe stated the hen group has done everything they can the past two years to educate the public and the council and now they are at a turning point to implement this pilot program to see if it will work in Rapid City. She encourages council to make an educated vote and not an emotional vote.

Carmen Timmerman (PW102814-16) spoke of the street right-of-way management guide that the City has but that the City has no policy on destruction of property in the right-of-way. It's her understanding that the home owner has to maintain upkeep on the right-of-way, but the City is allowed to do any construction they want in that same right-of-way. She was told in a preliminary hearing that about 20 feet of her property would be affected by construction but instead it ended up being about 95 feet. She requested that her sprinkler system be replaced as a cause of the destruction by the construction company.

Ordinances

Ordinance No. 6014 (No. LF101514-16) Supplemental Appropriation No. 3 for 2014 having passed its first reading on October 20, 2014 motion was made by Lewis, second by Laurenti, that the title be read the second time. Upon vote being taken, the following voted AYE: Scott, Drew, Lewis, Doyle, Wright, Estes, Nordstrom, Roberts, Weifenbach and Laurenti; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 6014 was declared duly passed upon its second reading.

Ordinance No. 6002 (No. LF102914-21) An Ordinance to Amend Chapter 15.14 of the Rapid City Municipal Code to Adopt the 2012 International Property Maintenance Code. Motion was made by Lewis, second by Estes and carried that Ordinance No. 6002 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, November 17, 2014.

Ordinance No. 6011 (No. LF102914-22) An Ordinance to Amend the Rapid City Gas Code by Amending Certain Provisions in Chapter 15.20 of the Rapid City Municipal Code. Motion was made by Lewis and second by Wright and carried that Ordinance No. 6011 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, November 17, 2014.

Ordinance No. 6017 (No. LF102914-23) An Ordinance to Adopt the 2012 International Building Code by Amending Chapter 15.12 of the Rapid City Municipal Code. Motion was made by Lewis and second by Estes and carried that Ordinance No. 6017 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, November 17, 2014.

Public Works Committee Items

Scott introduced (No. PW102814-16) Discussion on Street Right-of-Way Improvements Made By Adjacent Property Owners and the Responsibility for Replacing these Improvements when Removed or Damaged During City Projects. This item was brought forward by Aldermen Jerry Wright and Ritchie Nordstrom. In response to a question from Laurenti, Tech said that Title 12 of the Rapid City Municipal Code addresses the public right-of-way. There is nothing in the Municipal Code that addresses sprinkler systems. Staff has discussed private items in the ROW and determined when construction was done then it was the property owner's responsible to replace their items. There is no direct policy with regard to sprinkler systems. In response to a question from Laurenti, regarding precedence, Tech speculates there may have been a past incident when a property owner was compensated for a sprinkler system, for example if an easement was obtained. In response to a question from Laurenti regarding the City's responsibility to inform land owners regarding items in the ROW, Tech explained their practice is to send notices to property owners asking if they have items such as sprinkler systems in the ROW. He said their department also has public meetings explaining the projects they are working on. Motion was made by Wright, second by Estes, to repair damages to original status. Wright stated there are trees, mailboxes, etc that are replaced when removed with construction projects, why shouldn't sprinkler systems be replaced as well. He said his motion includes directing staff to prepare a policy on what will or will not be

paid for when there is damage during City construction. Doyle noted the items that require a permit to be placed in the ROW and supports the motion. In response to a question from Tech, Wright said the sprinkler system should be restored to how it was originally. In response to a question from Weifenbach, Tech explained the construction was for water main line repair and to complete reconstruction of the street. Nordstrom supports the motion and feels the previous working systems should be replaced. In response to a question from Estes, Tech stated they will do the best they can with the information available to repair the damaged systems. Laurenti is concerned that the motion establishes a policy and how the citizens will be informed. Tech said the questionnaires give guidance that ROW will be affected by the project. Laurenti wants a final policy that avoids the city making exceptions going forward. Tech said staff has had discussions on the issue already and thinks they can come up with a comparable policy to the one they have for the pressure reducing valves. His staff will work on a policy. Roberts supports the motion. In response to a question from Roberts, Tech said the policy will include verifying if a system was functioning or non-functioning at the time each ROW project is being constructed. In response to a question from Scott, Tech said that the pressure reducing valve has a specific dollar limit and the sprinkler systems would be calculated differently. Tech addressed the cost issues resulting from the sprinkler system repair and said a possible future solution would be to have the property owner get their own bids for repair and the City would reimburse them if damage is incurred. Tech said those specifics would be addressed in the policy. In response to a question from Kooiker, Tech said he'd need 60 days to bring policy forward. Kooiker clarified the motion, which is to approve replacement of preexisting working sprinkler system as determined by staff for St Charles street area and staff to bring forward a policy regarding replacement or reimbursement of damaged sprinkler systems when in the public ROW within 60 days. Motion carried unanimously. In response to a question from Laurenti, Tech said he would talk with the contractor first about fixing Ms. Timmerman's sprinkler system and if that fails, he will talk to the owner about reimbursement.

Legal & Finance Committee Items

Motion was made by Lewis, second by Scott to (No. LF102914-19) deny Request from Rapid City Hens' for Proposed Pilot Program. Lewis voiced his disappointment with the lack of respect for law enforcement as noted in the cartoon handed out to the council. Wright stated that the council is responsible for all rights of citizens in Rapid City, not just those of the Rapid City Hens group. He said they have the responsibility to listen to those individuals that don't want hens as well as the ones that do. He urged the use of the initiated measure to determine if the public support is there for this request. Weifenbach does not concur with the issue of disrespect for the law. He thought the cartoon was of a satirical nature. He feels the council has disrespected the Rapid City Hens group by not giving them proper direction. He said the group was here in 2011 and 2013 and they haven't asked for a lot except for a chance. He doesn't believe the initiated measure is the solution. He is in favor of the pilot program. Laurenti wants to see this item brought forward as an initiated measure. He doesn't believe the Civic Center project and this pilot program fall in the same category, as some citizens have referenced. But he would like to see the Civic Center project and the hen project governed the same. He feels the pilot program violates the rights of the adjacent property owners that don't want hens. Doyle noted the pilot program and ordinance are attached to the agenda. She has read the proposed ordinance multiple times and feels the ordinance is incomplete. In response to a question from Doyle, Landeen said an ordinance amendment would be needed in order to do a pilot program. He said the Attorney's Office along with the Planning Department would bring forth some recommendations if council decided to allow the pilot program. Doyle noted the responses from people just in her ward and there were 35-7 against. She spoke of both the positive and negative responses from the people she polled. She referenced a letter from the Human Society stating they currently don't have funds to monitor the hen issues. Mayor Kooiker did clarify that the City Attorney's Office did not work on the attached ordinance, that what was drafted came from the Sustainability Committee and the hens group. Motion was made by Scott to call the question, second by Nordstrom. Motion to call the question, failed 6 to 4, with Wright, Nordstrom, Roberts and Scott voting yes. Estes said he understood what the hen group is trying to accomplish. He also said that he has to represent the people who elected him and they don't want hens. Drew said that the people who contacted her were more in favor of the hens. She thinks a pilot program is a good start. She trusts the