

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota

May 3, 2004

Pursuant to due call and notice thereof, a special 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 3, 2004 at 6:30 P.M.

Mayor Jim Shaw and the following Alderpersons were present: Jean French, Alan Hanks, Ron Kroeger, Bill Waugh, Ray Hadley, Martha Rodriguez, Jeff Partridge and Sam Kooiker. The following arrived during the course of the meeting: None; and the following were absent: Tom Murphy and Rick Kriebel.

Mayor Shaw 'Presentation by the Department of Corrections on the planned trustee unit in the vicinity of the Visitor Information Center along Elk Vale Drive', north of Rapid City. So that will be the only agenda item. No action is anticipated during this special Council meeting, and when this is concluded, we will go into our regular Council meeting starting at 7:00 P.M. tonight. So with that let's move right into our informational meeting here tonight and I'd like to introduce the Secretary of Corrections from Pierre, Secretary Tim Reisch and he will introduce the other people with him and go through the presentation. Mr. Secretary.

Tim Reisch Thank you Mayor Shaw, good evening and other Council members and guests. I'd like to just start by introducing some of my staff that I brought along here. My Deputy Secretary Laurie Fieler (sp?) over here; and she's going to be handing you some handouts while I introduce the rest of our staff. Darwin Wildreyer (sp?), and Darwin is the director of Community Service, and he's also overseeing our construction projects. And, Michael Winder (sp?) is our Information Manager for the department.

So what we've done is prepared some slide presentation and hopefully if we can get through the slides it will lay out the project for you and give a basis of information and might preclude some of the questions that people might have upfront. If it's okay Mayor to go through the slide presentation ahead of time and we'll have time at the end to answer any question that you have?

I want to start out saying that we've been quite publicly about our plan to build permanent unit in Rapid City for sometime. Start out back in February, of last year, when we passed a bill in the legislature; we're adding a total of 792 beds to the prison system in three different locations. One hundred ninety-two beds in Sioux Falls, of maximum custody; 400 beds in Springfield, of low medium; and a 200 bed Trustee in the Black Hills. That bill was passed in February of 2003.

In June of last year, the Council approved the lease of a property adjacent to the Rapid City Landfill; and that's where our initial site was going to be. We'd planned on starting to build as soon as the winter weather broke, and as you know they found when they did the test holes out there, they found methane gas on that particular parcel; and so then we had to look for another site.

We looked at about thirteen different sites around the Black Hills, and around Rapid City. And we compared each one against the other, looking for the right place to build. The reason why we gravitated toward Rapid City

was a number of reasons. First of all, we need to access the necessary utilities for a facility of this nature. A housing unit requires sprinklers, and so forth, other safety devices when you're going to house individuals when sleeping overnight, and so forth. We wanted to locate near the jobs that the inmates would be working in the communities. Our inmates have been working in Rapid City for years; however, with the added numbers we really do need to be near the jobs. And the other issue is transportation to work and from work. If we were to locate in a Box Elder or a place like that for instance, we would find it necessary to probably hire additional staff to run buses back and forth to Rapid City, beside where the bulk of the jobs will come from.

The central hills, Rapid City area, provides an excellent platform to fight fires. One of our main jobs in the summertime is to provide 80 trained fire fighters to the Division of Forestry. And previously we've been in Custer, and when we had fires in the central-northern hills, it did have an impact on our response time.

As a result of going through these various properties and looking, we settled on a piece of property last December. Approximately a mile north of the Flying J Truck Stop on Elk Creek Road. It's a fifteen acre parcel. And then, in just this past legislative session, we introduced legislation that passed to appropriate money to buy the property out there.

February 24<sup>th</sup> we opened up a temporary unit in Rapid City, South Dakota. We plan to just use this for a period of time, as necessary to get the permanent unit on line; and a number of you were out and visited that particular facility on Creek Drive. And it is our plan to vacate that facility when we get our permanent unit established.

Let's take a look at some numbers. About 11.9% of the State's population lives in Pennington County. But 23% of the inmates we have currently in the Penitentiary system were sentenced out of Pennington County. And so, we get a lot of inmates from here. We've got 708 Pennington County inmates in our prison system right now. Only 39 of those are currently housed in Pennington County at our temporary unit. With the exception of the lifers, of those 700 some, we've got 30 lifers that were sentenced from Pennington County. With exception of those folks, all the rest of those inmates that were sentenced from Pennington County will eventually come back to the community. And it's important to prepare when an inmate comes into our Penitentiary system, we are already looking forward, looking ahead, to try to give them the skills they will need to do a better job of functioning as a productive member of society upon their release. And a big part of that is ties to the community, work, a job, a place to live. And having a unit, a permanent unit here in Rapid City will provide for that. Just in comparison, the Minnehaha County, accounts for about 20% of the State's population and they are just slightly up under represented in our prison system with 19% of the inmates. And of that population, 51% of the folks that they sent to prison are sentenced in Minnehaha County. Incidentally, we have about 1,400 inmates in Sioux Falls.

Just a quick look at the temporary unit; some of you have been out there. Here are some pictures of the exterior, the interior, a couple interior shots of the unit.

We currently have 81 inmates at this facility, all of them are minimum custody inmates, there are no sex offenders. There we do not have any plan to put sex offenders in the Rapid City trust unit, the permanent trust unit, either. We keep those all in one spot in Sioux Falls at the unit down there. The vast majority of the inmates are within a year of their release date. They are going to be coming out into the community; 83% within one year, and all of them are within two years of release.

Let's go ahead and let this whole slide down here. This slide will show where the inmates are currently working; 27 of them are on work-release. Work-release inmates work normal jobs in the community. They're not the working for nonprofits, governmental work and so forth. They're actually employed with private employers out in the community. And we've got 27 of those right now stationed at the temporary unit. The other 50 to 65 of the inmates in the current arrangement are available for community service. Those are the inmates that work for 25 cents an hour; and you could see the listing there of various places where we do have community service inmates working at the current time. We're getting ready to fire up a fire mitigation crew. For a long time, we had crews out in the Forest Service cutting down timber to mitigate the danger of fire with the current dry situations that we are experiencing in South Dakota; and more specifically in the Black Hills, we see that as a real threat; and so Darwin Wildryer (sp?) is in the process of finalizing the agreement with the Forest Service to put some of those crews out in the Black Hills right now. And we see that coming on in the next week or so. We are trying to find some temps to hire to supervise those crews; and so if you know of anybody that's a trained fire fighter that's lookin' for work, we'd sure to like to interview them.

Go ahead to the next slide. This slide shows a little bit of impact we think we'll have on the economy. Currently we have twelve full time employees at the temporary unit. Some of the employees that were previously working at the unit when it was down in Custer, have either moved to Rapid City, or traveling to Rapid City, and working, and undoubtedly spending some more money in the Rapid City area. I already talked about hiring additional staff. The payroll, when we get up and fully going, is going to be in that half million dollar range annually. And the bottom bullet there shows the impact that we can have work-release inmates, over a hundred thousand dollars, last paid toward obligations that the inmates have incurred prior to their incarceration. So it kind of gives them a leg up on keeping up with some of their responsibilities; be it their attorney's fees or restitution for crime victims, child support, and other things,

The next slide kind of shows that we've had inmates in the Black Hills for years. Our numbers did drop off at the end of last year during that early winter timeframe, when we completely some of the fire mitigation efforts with the Custer State Park, and with the United State Forest Service. As I mentioned earlier, we are getting ready to fire up a couple of those crews again, and then so that's an important piece of what we do. Again, a fire crew is comprised of 20 trained inmates and we have a current plan of keeping three fire crews trained and ready to go in Rapid City; and then the other 20 man crew is, would be comprised of units located East River. In the past five years, inmates have logged a lot of hours in and around Rapid City; 36,519 hours for the City of Rapid City for the past five years; and then Rapid City School District was a recipient of 34,542 hours when we wired the schools here several years back. Fire fighting 167,420 hours of fire fighting work was done in the Black Hills over the last five years. Fire

mitigation, again we're just getting ready to start on this, but we logged almost 300,000 hours doing that in the past five years.

Now just a couple of slides on the site of the permanent unit, before I finish up and open the questions you might have. We're out in kind of the middle of open fields located just north of Exit 61 on Elk Vale Road. This slide shows the interstate and Exit 61 where the Flying J Truck Stop is at; and we're approximately a mile north of there, 15.3 acres. It shows up as I think a rectangle on this particular slide. This one's a little difficult to see, I apologize, but it's just the way it turned out. This, the 15.3 acres is the large rectangle and the proposed building site is in the southwest corner of that 200 feet long by a 144 feet wide building. There had been some discussion about floodplain at previous meetings; and there is some 100 Year Floodplain in the area, but that was that shaded area just in the northeast corner. We do not have any intention of building in the floodplain. Before we get the green light to build, we are using 90% federal dollars on this project and there's a lot of oversight and scrutiny on the whole project and we are experiencing a lot of that right now, but I can assure you there's no intention of, we will not be building in the floodplain.

Just to summarize, initially we were going to be south on, along Highway 79 next to, adjacent to the landfill. Right now, we're on Creek Drive in Rapid City; and that's temporary. We do not want to stay in right downtown Rapid City, we want to be up here in the very, almost off the map of the top right corner, where you can see the Exit 61 exchange there, approximately a mile north there. We think that it's close enough to the interstate that we can get to the fires for response. The inmates can find a way to work, that we support the community with community service efforts. But it's far enough away to provide most people with the level of comfort that they really have come to expect, I think in other communities where we're at.

The last slide is our Mission Statement. The most important part is right up front - "To protect the people of South Dakota". We have around 3,100 inmates in the Penitentiary system today. We have approximately 2,000 inmates, former inmates that are out on parole. And it's a huge responsibility, but we are comfortable with the classification system and the risks of mitigation that we do within our department. Occasionally there is an inmate that walks away from a trustee unit. Trustee units do not have fences, concertina around them. The inmates that make up a trustee unit are transitioning from prison to a community. And they are out working in the community all day long; they just happen to come back to the unit at the end of the day to clean up, to shower, get fed their evening meal, do some programming, and prepare for the next day's activities. During the first nine months of the current fiscal year, we received 1,653 inmates into the Penitentiary system and released 1,607. In other words, almost 180 inmates walk out the door every month that we operate our Penitentiary system. That's a lot. They're comin' in and they're going out. Our goal is to do the kinds of things necessary to facilitate their success on the outside. Big part of that is to get into the habit of working; to maybe find a job that they can continue the day that they are released from the Penitentiary system. It really gives them a leg up. When inmates are released to the community, they've got huge barriers, huge opportunities for failure; and a unit like this is something that can give them a leg up, if you will. I think the Pennington County inmates and their families; I wish I had a dollar for every time I had a family member say, "We ought to have a unit out here." We hear it on the adult side, we hear it on the juvenile side. We have most of

our juvenile programs in Custer; and people in Sioux Falls say, "Hey, why can't we have something here?" Hear the same thing on the adult side for Pennington County, because there are several hundred families out there that are finding it very difficult to make arrangement to visit and support their loved ones that are in prison. A unit like this is something that would help at least a third, or almost a third of the inmates that are sentenced from Pennington County.

The last couple of pages that you have in your hand are just a couple of letters from communities where we do have trustee units currently going - Yankton, Sioux Falls, and um, I don't know where the other one's was - Redfield. We got a letter from the Mayor of Hot Springs. We're doing a lot of work down there right now. And Redfield is location for our other trustee unit. Most of those trustees work right on the Development Center Campus in Redfield.

So Mr. Mayor, members of the Council that concludes my prepared comments subject to any further questions or any questions that you may have.

Mayor Shaw Thank you Mr. Secretary. Are there questions or comments Council members first? We do have a couple of lights. Let me go first in order, first is Alderman Sam Kooiker.

Alderman Kooiker Thank you Mayor. First of all I want to thank Secretary Reisch and his staff and I see three State Senators out there, and I just appreciate all of you guys coming tonight. I just have one, excuse me, I just have one question. For the 15 acre site, it looks like there's some room for expansion and I guess what I'm wondering is; is at what point does DOC foresee running out of room in Sioux Falls with the Jamison Annex in the Sioux Falls facility; and if so, would this site be the place for maximum security facility. And you know, that you and I kind of talked about this and we can't commit, you know, future governors, and secretaries, and legislators; but I guess I'm wondering if, it's in the cards right now to put maximum security prisoners at this site?

Tim Reisch Thank you Councilman Kooiker for that question. Um, no it is not. We are getting ready to bring the initial bill, a little over a year ago. We based our plans on a projection; and the projection was that we would, had we not done anything, we would be approximately 200 maximum beds short by the year 2010. As I state earlier, we are going to build 192 maximum, specialized beds in Sioux Falls. The other thing that's not accounted for, so this should take us, by 2010 adding those new beds, if our projections are right, and those were, we've backed a little bit away from those cause our growth has subsided a little bit. Um, 2010 we might find ourselves back in the position we are right now. The other thing is, we do have high medium bed space that we're not short. As a matter of fact, we are long some high medium bed space in Sioux Falls. It's the same campus, if you will, as the maximum unit. And so, the way we're taking care of issues right now with the shortage as to take a look at the various risks associated with a prisoner by prisoner basis, and back into the old Penitentiary. And so, we don't have any plans. Our ultimate goal is to stop building prisons and I think the Governor's Corrections Work Group is kind of laying the ground for that; and we're going to probably have to start thinking of things a little differently in the State. But we want to stop building prisons. But the current project will take care of our needs past 2010; and quite honestly I probably won't

be around then and 2010 I think Governor Rounds' administration, if he's elected a second time; and so that'll be for the other people to decide. Right now, we just want to put a minimum unit here.

Mayor Shaw Other questions from Council members for Mr. Secretary? I don't see any additional lights at this time. Any of guests in the audience wish to comment? If you'd identify yourself for the record please.

Audience member Certainly, Brenda Daygen-Whiting (sp?), I live on the south fence line of this proposed prison. If I could ask the gentlemen to put the slide back up with the shaded area, I have a very significant question. Next one. Where it shows the proposed prison and up in the upper left-hand corner, the little square up there; is Doctor Frank and Bev Maxson's (sp?) Veterinarian Clinic. Where the shaded area goes up to the dark line, up on the top, that is my pasture land and I'm all in the flood zone. So are Doctor Maxson and his wife, and is Virg Roscamp (sp?), who's also in the audience, who's behind the shaded line, going to the east. I'd like to know why the shaded line does not go all the way to the road, because it's all floodplain. And the FEMA lady, when I talked to her, agreed with that. When I had a building put up a year ago, I had to build a foot above the floodplain and have it surveyed. And that is at least ten feet lower than I am.

Mayor Shaw Does anyone wish to respond to that?

Audience member Good evening Mayor and Council members. My name is Hani Shafai with Dream Design and we are assisting the State and the owner of the property in studying the floodplain. The floodplain analysis was performed by our engineers, indicates the same thing as the lady as mentioned a few minutes ago. There's a lot of floodplain to the north and to the east and to the south of this area. We have prepared the map based on the extensive study of that whole area. The current existing status of the floodplain as defined by FEMA is this whole area is Zone A of floodplain; which means that there is no documented studies, or regional studies of the area to define exactly where the floodplain limits are. Our study has gone all the way to Bennett Road and further downstream. And the study went further north and northwest into Meade County to make sure that we analyzed the main creek channel and also any overflows that may result from flows exceeding the capacity of the channel. There are several tributaries that come into Box Elder Creek in that area, and the creek relationship, as far as elevation, relative to the ground surroundin' it and the flow comin' into the creek is what dictates the floodplain. And the map that we prepared, I will put it up, just to show the audience what kind of floodplain analysis, and what kind of floodplain we came up with, as far as, based on that study. That study basically, (not audible) this study is, or the purpose of this study is actually to study the floodplain within the property itself; and then to study the major channels that are leading to this property. It did not analyze properties beyond this study extensively, but the detail study and topography was done on the area that is being owned by the property owner who is selling to the State. The topographic map that you see is based on actual surveying of the 114 acres out of which the State is looking at buying a site. And takin' cross-sections at critical areas of the channel, those critical areas go basically into Meade County where we surveyed some cross-sections and the areas shaded in blue, which are basically shown on the map, are basically the floodplain areas as resulted from this study. Notice that the areas within the property is basically, as shaded by the map, shown by the DOC. As far as north, past 225<sup>th</sup> Street there's a split in the flow, and that

was tremendous effort in determining that flow that is coming into the creek and the flow that is bypassing the creek. And the shaded grayish areas are basically areas, which water has been transferred from the creek into the overflow channels. This is what has been submitted to the City as the, that determines the floodplain and is being reviewed by the City staff; and very soon approval will be granted for, as far as the limits of the floodplain. There could be some minor adjustments, but I really doubt it. The study might be approved and revisions as needed will be done at the next, hopefully two week or so. Thank you.

Mayor Shaw Thank you Mr. Shafai. We do have one Council light. Let's go to Alderman Alan Hanks.

Alderman Hanks Thank you Mayor. Actually it's more procedural. It's seven o'clock, the time that we normally start our City Council meeting. So I'm not sure if you need a motion, but I think we need to extend this discussion, so if you need a motion I would move that we continue this meeting for the next fifteen minutes. And I don't know Jason, do we even need a motion or just acknowledge that we're going to go over?

Mayor Shaw I'll recognized Jason Green our City Attorney.

Jason Green Thank you Mr. Mayor. Just an acknowledgement that you're going to extend is fine.

Mayor Shaw Is that suitable with the Council people here? Any objections? Hearing none, we'll continue this special Council meeting for another fifteen minutes or so, and begin the regular Council meeting, for those of you in the audience for that, starting at 7:15. We do have a couple of more folks who do wish to speak, and we'll go next to the gentleman, if you'd state your name please.

Audience member My name is Robert Hidgkrin (sp?). I'm a life-long resident of Box Elder Creek Valley. I live about five miles upstream from this site. And I rent the ground right across the road, the entire Section 21 minus the northwest corner. Everything but this quarter right here, that I don't rent. All of this I do. In 1972 everything from the east side here, to clear over into here, was under water. The whole thing. Almost the entire section that I rent, was under ground, under water. There's no old fence on that property. Everything was rebuilt after '72. Everything but the very south edge where it was up on top of a substantial hill where it comes up south of, on the south side of the creek bank there by Flying J. I can't tell you how much water came down that creek. There was one and half times, by the Corp of Engineers standard, what came down Rapid Creek. It didn't split like he shows here. This whole thing was under water. The whole thing. And it was on the west-side of the creek, too; where it came out. The creek abandoned the creek channel, it didn't flow there at all. Well it did flow there, but it didn't flow there with the force of the flood. The flood was out and turned by the big hills on that creek. It did it through our property. When it came through our property it was extremely deep. The valley is considerably narrower up another four or five miles north and west. It doesn't show on this map. But when it got down here, it hit these big, wide flats is where it lost its momentum; where it deposited its trash and silt and started to slow down and regain the creek channel. And by the time it got on the other side of Box Elder and on to New Underwood and Owanka, it was back down in the creek channel. But it used those big flats there to lose that energy. And just

like Rapid Creek, once it got out into the Valley, and that's not right where that floodplain is. It was much more substantial than that. Much more.

Mayor Shaw Thank you for your comments Mr. Hidgkrin (sp?). Next.

Audience Member My name is Marvin Kammerwin (sp?). I live over that ridge to the north on the Elk Creek side. And as Bob just got through stating here, you people are not correctly designating where this floodplain was. And about eleven o'clock the next morning, a neighbor and I not being able to locate my father-in-law or brother by phone, we decided we'd try that road coming toward the truck stop. You could tell where the road was by the way the water run. We were in a '56 International and those suckers were pretty substantial with seventeen inch tires, four wheel drive. We went down through there, but you could feel the water push on us every once in awhile. That was eleven o'clock the next day. All those fences on both sides are gone. I mean it is ridiculous to present that as a floodplain; that is a terrible plan. That is my main objection. You're buying a pig in a poke. You're buying pig in a poke. In my calculations about \$15,000 an acre. I might say just opposite to the northwest, last spring, just about a year ago there was a piece of property that sold for about \$8,000 with two barns and a house on it. Eight Thousand an acre. I don't believe, personally, that we need to be building more prisons. I know there's a need for a facility out here because a lot of people come from this area to the prison system. But that is not the place. Hell, way 'til they close Ellsworth down, and have 'em there. It'll make more sense to me. And that might happen. Anyway, I know where the water went, fellas. It was there. Any I don't care what these experts try to tell you, I was there. You know, I dad recalls water coming down before they had Rapid Creek full of things and obstacles, up on Main Street. He was born in '88. So there are some personal people; and then the next thing, the last thing I have to say, I don't like the way you came in, these people came in and set this thing up without contacting the people in the area. That is not being respectful at all. We are part of this community, not just when our culture comes to town to help you and you use our culture to present events every year at the Range Days or at the winter show. We are still here. We are the backbone of this community, whether you want to recognize it or not. And we deserve better, you could've come out and said "Hey, we got this plan, what do you think?" That's just common decency, people. It's all you got to do. We'll talk to you. We might not like it, but we don't like the arrogance that we feel with the way they've conducted their operations. And I hope, that you don't accept this project because it's in the floodplain, and it's dangerous. Thank you.

Mayor Shaw Thank you Mr. Kammerwin (sp?). Yes sir?

Audience member (not audible) I live just east of that proposed site for that proposed prison. If they say they're not going to build that prison in the floodplain, then they're not going to build it there. Because I'll tell you what, the night of the flood when I got up, heard the water splashing up against the house, pulled my gates open and (not audible) across water, and I was eighteen inches above the ground, the water that came across my place and washed my house out, we lost livestock, my cars floated away, that water came over that property first, those fifteen acres where you're going to put that prison. It came over that first. Bob Hidgkrin says that he rents that section to the west, that was totally submerged in water. It was the middle of the next day when my wife's cousin came with a motor boat and got us the hell off my house roof. We set up on the house roof, and why it didn't float away was

just an act of God, because the northeast corner was locked behind a cement porch, and it set there and floated with the west-end of house being six foot off the ground. All night we set there and prayed to God, we weren't going to get down. Like I said, the next day at noon, my wife's cousin came with a boat and got us out of there. And anybody who goes in there with a bunch of fancy equipment, and does a bunch of measuring, and comes out and tells me that that's not in the floodplain, is crazy as hell because that was all under water; and I mean under water, not just knee deep. (not audible) you know dog-gone well there was water there. Like the rest of them, I think this thing has been shoved down our throat, kind of. But you talk to people, and they say, what floodplain? If you weren't there, of course you wouldn't know, but they go out there and measure this land and they say that floodplain map of area, is like Marv said, is actually a joke. I mean, they should show the whole last section across the road and on up should be showed as being under water, and it doesn't. But I swear to God fellas, I was there and it was under water. And a lot of water, and I mean we're not talking about four foot, five foot, six foot deep, eight foot of water goin' across there when the front went through there. Anybody, I can't even visualize the State wanting to build on that property. Or anybody building on that property is got to be a little bit kook-kook. In order to rebuild my house, on the same site, we had to raise the dirt four and half feet (not audible) foundation under that house. And then, the only reason they let me build there was because the house was previous to the flood. If there hadn't been, we'd never been able to build the house. Any idea of building a structure of any kind is plum crazy. Thank you.

Mayor Shaw Thank you sir. Yes sir.

Audience member Todd McPherson and I realize time is short, I'll keep my thoughts to a tee here. Couple of things come to mind. I travel that road every day, at least once, more like three or four times a day. We live just a mile and half just straight north of there. My first question is the line of site problem that we already exists, or that already exists, just on the north side of the Flying J Truck Stop on the Elk Vale Road going north. There has already been a number of accidents, people turning into the Visitors' Center, blindly not seeing over the line of sight problem. So my first question is, is that part of this project? Is that going to be shaved down, readdressed and taken care of so that is not a problem, because if we throw that many more people coming in and out of that facility every day, along with the other things that I've understood or at least I've heard are a part of this area that's going to be developed, that's a concern for me. As we're driving that everyday, day in and day out. It's already, it's a 35 zone, but if you're not doing 20 when crest the top of that hill during tourism season, we're going to lay on the breaks at least a time or two during the year. Um, another question that I've got. I understand from the Director, that there wouldn't be any fencing of any type around the facility. That worries me even though it is a minimum security or a transitional facility. They're still in prison. If someone does walk away from that, I guess if I was to try to put myself in a criminal state, what would I do? The truck stop is just a quick hot foot away. Would I go there to get into a truck? Would I go there to steal a truck? Or steal a car from somebody that's in the restaurant? Probably, but then I might go north to, because once you get a mile and half north, two miles north, you're out in the country. So if I had someone help me, or if I was going to find somebody along the way, that had left their keys in a vehicle, I'd go north. Um, and of course, that's going to be an issue for wherever you put any kind of a facility, a containment facility, I understand that. But I do question

that. I wonder if this is the best place for it. I realize that there's a growth issue, that there's many other things that factor into the decision making process as far as the DOC is concerned. But what about house arrest? What about the anklets? What about the bracelets? Are there other avenues that can be looked at, that would relatively offset the costs of developing this property; putting this facility together? And not only that, taking it off the tax rolls? We'd have another fifteen acre site that wouldn't be taxed. I'm not sure that Pennington County could stand a lot more of that. We are already paying a lot in tax dollars if we take that many more acres off the tax rolls. Have we done the right job? We've got a four or five million dollar facility setting right directly to the south of that, in the Visitors' Center. The Heartland Express is going to empty right out into the interstate, right in this one half mile south, a mile south. I don't know that's a place, obviously the fence would be something that would make that facility stand out as prison or containment unit. But I'm not sure that's something we want to have people as they journey into Rapid City or past Rapid City, if they're aware of that facility being there, is that a place that they want to go or feel comfortable about. I think there is a lot of things to consider and I realize you folks are going to do the best job you can possible can. And thank you for the time, but please let's have some more open forum on this; let's have some more injection from the people that will be affected in the area, not only in this vicinity of residential area, but the whole Rapid City area too. So thanks for your time.

Mayor Shaw Thank you Mr. McPherson.

Audience member Mr. Mayor, members of the Councils, Senator Bill Napoli, and I know we're very, very short on time so I'll make my remarks brief. I've heard every, I've been to every meeting and I've read every report that's been brought on this since I serve on appropriations, and all the dollars that are involved and every where we were going and I gotta share this with the Council, so I'll only take the time. Please look to the future. Every time I come to a Council meeting, we talk about the future. This Council, this Mayor, this city has talked about the future. There's not a day that goes by that someone from City of Sioux Falls does not lament where they put the prison. And the boys from Sioux Falls, and I'm talking about the legislators, I'm talking about the Mayor and City Council, if they had their chance to do it all over again, they'd never put that prison where they put it. And they have vowed, they have vowed that they will never be any more maximum security prisons put in the Sioux Falls area. Its coming west. I have been against this project since it's started; simply because of its location. I want to say this, out of all the bureaucracy that's in Pierre, the Department of Corrections is the most straight-up, honest department there is. They give the best presentations, they give you both sides of the story, they're a great outfit to deal with, and I haven't got a single negative word to say about 'em. But I'm asking you to look to the future. Because the future is, there's fifteen acres of land there and ten years from now, when we're hurtin' for prison space again, you're going to be wrestling with the position, is that where I want a maximum security prison; because that's where it goin' to go. I was against it being at the City dump, I'm against it being here and it should be north, out in the country somewhere, where the City folk and the folk in the future will not have to deal with it. And you parked it less than a mile and half away from the interstate. I'm sorry, not you. The presentation put a mile and half away from the interstate. That's not future planning. Stop and think. Tens years down the road, the people in the future are going to look at you and say, what did this City Council do. When we come from Pierre and say, we need

to put a maximum security prison, and that's where we need put it; because the facility is there, there's fifteen acres of land to put it on, and that will be the best site. This thing's got wheels on it and I'm sure its going to move forward; and I'm begging you, please think about the future. This is not locked in stone. We've got time to move out further. And Secretary Reisch, and I like this guy, of all the people and bureaucrats in Pierre, he's one of the few I really like, I'll say that; he'll work with us, he'll work with the people in this City, he'll work with you and the Council to move it out a little bit further. And he just mentioned a few seconds ago, we can bus. That's why he was talking about Box Elder, bussing into Rapid City. When we've got fire crews to bus into the Black Hills, we do it all the time. There's absolutely no reason that we couldn't park this prison two or three or four miles north, further north out in the middle of nowhere and bus if we have to. And I'd rather fight that battle to get that funding to bus those people into those areas where a prison that's off the interstate four or five miles, than come to you and say we going to put a maximum security prison, ten years from now, a mile and a half from the interstate. So please, all I'm asking, think to the future.

Mayor Shaw Thank you Senator. Further comments from the audience?

Audience member Thank you Mr. Mayor, members of the Council. My pleasure to be here today. I'm Senator J. P. Duniphan, I'm Chairman of the State Corrections Commission, and Chairman of the Interstate Compact of Prisoners Commission. While I agree with my respected and learned colleague, it is all about the future; and the future is we need to find a facility for these people who are transitioning out, who can work with their families, who can move into the community. We have just as many bright, aggressive legislators in the Rapid City, Black Hills area that would fight a prison coming out here as our respected colleagues in the Sioux Falls area. I believe, firmly believe, this will be and will always be a minimum security facility. We need it. It is about the future. Thank you.

Mayor Shaw Thank you Senator.

Audience member (Unknown) One last comment. If Mr. Shafai would like to give us those maps, we'd like to come down to the City and get my property out of the floodplain, as well. Because that line doesn't go very far into my property right now. I can't build anything unless it's a foot above. Right now, when you go down Elk Vale Road and it's a wet spring, we drive through three or four inches of water across the road. So what's goin' to happen if they put something there; are they going to fix the road? That was my question to start with a month a half ago. And when we went down to the City and asked, the answer I got was that nobody new anything about this yet, then. Well, if it's been in the works since last December, somebody should've known something about it.

Mayor Shaw We'll go, we've got a couple of Council lights, I'd like to remind those in the audience that this is a special Council meeting for the purpose of discussion of the proposed DOC facility. We've obviously gone beyond our seven o'clock time, the normal start time for the Council meeting. We'll take just a few more minutes for follow up comments from the Council, so those of you who are here for the regular Council meeting, we appreciate your patience. And within five minutes or so, we should be ready to begin. Let's go to the Council and first Alderman Hanks.

- Alderman Hanks Thank you Mayor. Couple of things, I just want to respond to what Senator Napoli said and you know, the problem the City Council has is the fact that we really don't have control whether this facility goes in or not. State statute 11619 basically lets any other governmental entity trumpet whatever decision we make anyway. So, we can make a decision, and similar thing happened with the work release just here in Rapid City. And so, if you're looking for the City of Rapid City to weigh in and stop this process, quite honestly we don't have the means to do it. The other thing I'd like to do is, and I saw Mr. Shafai approaching the podium, I think there's been some confusion talking about floodplain. I think we all need to understand the basic definitions here – flood way, there's floodplain, and there's a five hundred year floodplain. And I guess I'm looking for Mr. Shafai to clarify exactly what we're seeing here, because these folks are right. A lot of this was under water. But that doesn't necessarily mean that it's unbuildable. So Mayor, if I may I guess I'd yield the floor to Mr. Shafai to explain what this map really is.
- Mayor Shaw Yes, Mr. Shafai.
- Hani Shafai I apologize for taking too much of your time, too much of the audience time. The map that is before you is showing the One Hundred Year Floodplain limits. The map as you go south, shows not only the houses to the north, or some of the houses to the north and to the east in the floodplain, which are the gentleman's and the lady's house in the floodplain. We have not done exact surveying of those houses to really analyze them specifically. The Elk Vale Road as you see the two blue channels crossing the 117 acres, which is being studied; Elk Vale Road has few culverts underneath the road; and it is true, when there is some rain events, even probably potentially a 25-year event, the Elk Vale road culverts or the culverts underneath the Elk Vale Road line up with those channels may not be adequate to handle the flow. It does not mean that the property down stream from those culverts is in the floodplain; because the channel has more capacity than those culverts. As far as the 1972 flood, if you look at some of the literature that has been documented, and the studies that have been done on the '72 flood, the last study I could find was done in 1996, which actually indicates that the 1972 flood was close to a 500-year flood, which is not shown, which is not being shown on this map; and the reason that it's not being shown on this map, is our requirements as government agency or the requirements that the government agency has for design of buildings or what have you, is a 100-year floodplain analysis, You have to be one foot above the base flood elevation, which is based on the 100-year flood analysis. The occurrence or potential, 1972 flood, based on that information is basically .2 or two tenths of a percent of this occurring in a year. So, therefore, you 'd ask why the government agency do not use the 500-year flood for the design criteria, but they use the 100-year floodplain, which is the one shown here, which complies with the requirements that are being applied. We hope that answers your questions.
- Mayor Shaw Thank you Mr. Shafai. Anything further?
- Alderman Hanks No.
- Mayor Shaw We'll go next to Council member Jean French.
- Alderman French Thank you Mr. Mayor. Actually I have a question for Secretary Reisch. Sir, we do appreciate your comin' down. But you've heard the concerns from

the folks here. Is there anyway the DOC could possibly entertain moving this facility out further, north out of the floodplain, out away from a development center, where we've got a Visitor Center and Heartland Express. We do want to help the folks that need to come back into our society. But we also are up here to represent those folks there. Would you, would you, would the DOC consider moving the facility?

Mayor Shaw

Secretary Reisch?

Tim Reisch

Thank you. Um, we've signed a Purchase Agreement to buy the land. It was contingent on appropriation by the legislature; and so the State is bound to purchase that land. Um, we would, we could probably get out of the purchase if it was deemed to be a foolish venture. But the requirement to put up a facility like this, as I mentioned in my earlier slides, we need the utilities. We need to have water. Really we need to have water. That's the biggest thing. Um, big water mains that we could sprinkle the building when you have people in there; and unless someone wants to extend the City utilities out several more miles, that's probably unfeasible. The original location we were going to down by the landfill, it was going to cost the State a couple hundred thousand dollars just to extend the utilities to that location because we were beyond the end of the City utilities. And so, when we looked at this proposition, where we would get fifteen acres and utilities delivered to the site, that was a part of this agreement, it made sense to us because basically we were going to have the same amount of money into the property and we would own the land as opposed to leasing the land next to the landfill. It's an expensive business. Even running utilities, you guys are in a better position to say how much it would cost to extend your utilities another mile, two or three. It'd be huge. Are you willing to do that?

Alderman French

Well, I can't speak for everybody up here, but I would say, and I know you're the big boys on the block, and I know you're goin' to call the shots, and that's just how it is. But in the interest of being as neighborly as possible, it would make sense to me to drill a well and get yourself a water tower and then you'd have the water pressure you needed in case of an emergency. But maybe I'm just a little bit simple on that one. Um, I'm just, as you heard the concerns, and it's just, that's just how it is; and I know that Custer's had some walk aways, it's just a concern. It's just really is, but if that's what has to do, then you know we'll, we'll just put the best face on it and we'll pitch in, we'd sure like to make it safe as possible, and effective as possible; but if there was any way to move this site and to come up with another plan, I think everybody sitting here would appreciate that. Thank you.

Mayor Shaw

See no further Council lights at this time, and as you know this is an informational meeting, no action is being taken at this time. There's no action in terms of approvals on the agenda tonight. I think anything, there was one item on the agenda related nearby, but that was probably be continued if I understand what is anticipated. Okay? So that in any rate, this item is not up for a vote here this evening. Are there any final comments, first of all from anyone that has not spoken, yet? And if not, Mr. McPherson appears to have another closing comment.

Todd McPherson

Thank you Mr. Mayor and Council members. Brings up a good point. Who does continue those utilities to the north to this property? Is that expected of the City of Rapid City or the Pennington County tax payers? I think that will cost a great deal of money to get that done. Where does the waste go, the

sewage? Does that go into a lagoon system, or does that pump across and come into the pumping station from up over the hill and go into the system? There's a lot of money that's going to be spent. Do we have any idea, acquisition costs, plus development costs, what this project will cost the tax payers of South Dakota?

Mayor Shaw I think Mr. Shafai's prepared to answer that.

Hani Shafai This project is in conjunction with the development with the rest of the 117 acres and to some houses. And the cost of extending the utilities to the minimum security prison and to those houses is being paid for by the developer; and the estimated cost for those is approximately \$790,000 and all of that, other than the extension or the oversize cost, are typically paid by the City; it would be paid for by the developer. As far as the size of the lines, the lines are being extended are designed to handle the sewer that is coming up from the north, which includes a twelve inch sewer line extended to the north end of the property, and also includes a twenty-four inch coming to half way through the property and then also a twelve inch water main to provide the necessary fire flow. As far as the disposal of the sewer, the sewer will be gravity into the south to an existing lift station, which is the Visitor Information Center lift station and that will pump the sewer over the hill into a twelve inch sewer main I believe by the Rushmore Industrial Park. Thank you.

Mayor Shaw So the simple answer to the question is the developer's paying the cost of the utility extensions.

Hani Shafai Yes sir.

Mayor Shaw Okay.

Todd McPherson What about the road in that area? Has there been any work done on that as far as, it's already too narrow, too rough, it's wore out, it's way past its prime. Has there been any discussion as far as the development area for the road system out there?

Hani Shafai I believe, sorry I apologize. I believe there are several projects going into that area, you know, which include some commercial and industrial facilities; and some of those projects include some turn lanes and widening of the Elk Vale Road, especially in the vicinity between the interstate, further north up to, I believe the lift station; and I think City staff may have some ideas about those. As far as in the vicinity of this project, there is no anticipated work to be done on Elk Vale Road. We have not done any traffic analysis, but there might be some need for turn lanes added at the entrance of the facility. That design will be done at the time the site plan is completed by the State; and at that time, turn lanes, right turn in and left turns into the facility will be designed in conjunction with that site plan, if needed. Thank you.

Mayor Shaw Thank you Mr. Shafai.

Todd McPherson If needed. Okay, so that there's the out.

Mayor Shaw Let me go next to Alderman Sam Kooiker.

- Sam Kooiker Thank you Mayor. I have a quick question for our Planning Director Growth Management Director. Marcia my understanding is, is that the next step in the process or really the final step in the process as far as the City is concerned, is the 11619 review, which is a non-appealable action under State law, by the Planning Commission unless the Planning Commission would deny it. Am I correct in that, or are there still some other things that's coming before the City. Can you just outline where we're at in terms of this process.
- Mayor Shaw Let me go to our Growth Management Director, Marcia Elkins.
- Marcia Elkins You are correct that an application for an 11619 needs to be submitted, and that would be submitted to the Planning Commission for review. In addition, there is a plat item that is on the agenda tonight. I believe item 25, that is being recommended to be continued to May 17<sup>th</sup>. This is just a part of the development process. Those are the two items that relate directly or indirectly to the DOC request.
- Mayor Shaw Alderman Kooiker?
- Alderman Kooiker Is what this gentleman's bringing up, could those issues regarding the road, can those be addressed by the, can you take it under consideration and address that during the 11619 process? Or is that beyond the scope of that process?
- Mayor Shaw Marcia?
- Marcia Elkins It is an offsite improvement that certainly would be an issue that would be discussed by the Planning Commission when it considered the 11619 review.
- Mayor Shaw Any further comments of discussion necessary at this point in time? Anything further Mr. McPherson?
- Todd McPherson Has there been any talk yet as far as the road is concerned in that area, with not only this project, but the potential for the future projects that you're dealing with now within that same block of land?
- Mayor Shaw We'll go back to Marcia Elkins.
- Marcia Elkins This item is going through the plat review process. The developer is only responsible to build up to a collector status. They're not required to expand beyond that, so any further expansion or reconstruction of the road would be a cost that would come to the City and County depending on the various boundaries between the jurisdictions.
- Mayor Shaw Thank you Marcia. Thank you Mr. McPherson.
- Todd McPherson Thank you Mr. Mayor. Thank you Council.
- Mayor Shaw Any final comments?
- Audience member (Unknown) I have one question and comment for the gentleman from Pierre, Correction. We heard rumors and have talked to several people, there is a location over by Box Elder that had been already settled and okayed and plans were made to build the prison there. And if so, why has it

been moved, or is that just a rumor? Was it ever a plan to build in, by Box Elder?

Mayor Shaw Secretary Reisch.

Tim Reisch We did look at a couple of sites over there and one of them turned out they want a million dollars just for the land. And the other one was a site of a former lagoon. It was quite small, but when we looked all the options, you know with the bussing and some of those problems, plus some of the issues that we dealt with, with the municipality over there, this site was settled on here came to the top of our list when we compared them.

Audience member Okay.

Mayor Shaw Thank you Mr. Secretary.

Audience member And one last comment I guess. Quite a while back, I was talked with Doyle Estes, the owner of the property and he was talking, and he told me, he says (not audible) you might just as well sell me your place because I'm going to build a prison on that fifteen acres, then I'm going to put two rental units on each side of your driveway and put 400 trailer houses down in the south. And he said, that's not just a gesture, he said that's a done deal. Then later we were talking, shootin' the bull a little bit, and he told me what he was doing to do and I said it must be nice, he says, told me, he says well if you've got enough money (not audible) you can do anything you want to. And then the Board of Corrections comes over here from Pierre and says they're already committed to buying the property. Kind of answers my question, I guess he was right.

Mayor Shaw Thank you sir and we thank everyone in the audience, our State legislators who are on hand, and of course Secretary Reisch and the others from the Department of Corrections. Thank you for the presentation tonight, the good discussion and we appreciate the interplay between the Council and all the individuals here tonight. Thank you all for being here for this special Council meeting, again we obviously did extend past the scheduled time. We have our regular Council meeting coming up. We are going to take a five minute recess to allow all this presentation material to be collected up and we'll readjourn with our regular Council meeting in five minutes. We would entertain a motion to adjourn the special Council meeting.

Motion was made (not audible), second by Waugh to adjourn the special Council meeting.

Mayor Shaw Moved and seconded for adjournment. Is there discussion? Hearing none, all in favor signify by saying AYE, those opposed? Motion carried. Special City Council meeting is adjourned at 7:37 P.M.

CITY OF RAPID CITY

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Finance Officer

(SEAL)