

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota  
January 30, 2006

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, January 30, 2006 at 7:00 P.M.

The following members were present: Mayor Jim Shaw and the following Alderpersons: Mike Schumacher, Ray Hadley, Tom Johnson, Bob Hurlbut, Malcom Chapman and Sam Kooiker. The following Alderperson arrived during the course of the meeting: Karen Olson and Deb Hadcock; and the following were absent: Bill Okrepkie and Ron Kroeger.

Staff members present included City Finance Officer Jim Preston, City Attorney Jason Green, Growth Management Director Marcia Elkins, Assistant Public Works Director Ted Vore, and Administrative Assistant Jackie Gerry.

Foster Sawyer, Acting Chairman of the Safe Drinking Water Protection Committee indicated the joint meeting with Rapid City, Pennington County and the Safe Drinking Water Protection Committee is an informational meeting regarding the proposed ordinance on septic tanks. Sawyer introduced the panel members as Dr. Perry Rahn, SDSM&T, Dr. Alvis Lisenbee, SDSM&T, and Ted Vore, Public Works Department.

Sawyer explained that the Committee completed a draft ordinance that outlines an inspection program for septic systems within the City Limits and the one-mile jurisdiction. He reported the City Council approved first reading of the ordinance, with suggested changes to be revisited by the Committee. He reported that the question of jurisdiction within the one-mile radius was answered by the City Attorney as being within City control, by State statute. Sawyer indicated that it became obvious that the County and the City could both be charging fees within the one-mile area, which would not be fair to the residents. He suggested that it is necessary for the City and County to meet to discuss the one-mile issue, as the City is prepared to approve second reading.

Sawyer explained that an Aquifer Sensitivity Map is incorporated into the ordinance. He explained that it is a generalized map showing the more sensitive aquifer recharge areas in the Rapid City area, and an area west of Rapid City where water resources recharge the aquifers. He indicated that the map is based on the approach that was designed by the State of South Dakota during the Environmental Protection Agency's source water assessment and protection program. The State Department of Environment had to delineate source water areas, and source water protection areas, all public water supplies in the entire Black Hills, and the approach had to be approved by the EPA.

In response to a request from Mayor Shaw on the ramifications of the jurisdiction issue, Assistant Public Works Director Vore explained that the City Attorney has indicated that the City has the jurisdiction within the one-mile area. It is the desire of the City, that the residents within the one-mile not pay two separate and different fees. He explained that in a situation where a septic tank failed and it needed to be renovated, the City would require that it to be done and a fee would be charged. The County could also charge a fee for a failed septic system.

Responding to a question from Mayor Shaw, City Attorney Green advised that the City, by statute, has the authority to enforce police power ordinances within one-mile of the City Limits. This falls within the authority that the City has because it is for the protection of the health, safety, and welfare of the community. He explained that it does not mean the County's jurisdiction goes away. The County still has the right to enforce their ordinances in the same one-mile area, as well. Green indicated a way to resolve the potential conflicts, is an agreement. Responding to a question from Alderman Olson, Green indicated there is no need to have a joint powers agreement. It would be an agreement as to whose ordinances would be superior within the one-mile area.

At the request of the City Attorney, Sawyer explained that the ordinance is an inspection program; and would require that every three years septic tanks would be inspected and pumped. There is also a permit system that would apply to new home construction.

Ken Davis, Pennington County Commission Chairman indicated the County performs its duty, questioned why the City is getting involved, and questioned whether the assumption is being made that the County is not performing this function well within the one-mile area of the City. Commissioner Davis asked if the City will address the leaking pipes within the City, and contaminating aquifers, water tables, etc. He indicated that he understood that the City has about forty percent more watering going through the treatment plant, than what goes through the meters. Sawyer commented that the County performs their function well, when addressing the septic tank issues in the County, but that the ordinance takes it one step further in doing a better job in managing septic tanks.

Dr. Rahn explained that the City's drinking water is obtained from the Madison Aquifer. He reported the USGS performed a dye test in Box Elder Creek and the dye was detected in a City owned water well within a period of one month. Rahn shared some information on the water quality in the City's drinking water wells. The information indicated the nitrate concentration over a thirteen year period. Rahn indicated those numbers are going up. He suggested the increase could be attributed to septic tanks in the outskirts, or other recharging streams. Rahn indicated the numbers are still well below the drinking water limit.

With the aid of a map, Dr. Lisenbee outlined the formations of the Madison Aquifer, Minnelusa Aquifer, and Inyan Kara; and explained that the area of west of Rapid City is the recharge area for the City's drinking water.

In response to a question from Alderman Olson, Sawyer described the oversight in the one-mile area of the City. He explained that unless an actual problem occurs that causes a complaint to be filed, no septic tank inspections are performed. He indicated informational packets are available to help educate the public on how to maintain a septic system properly. Sawyer explained that under the proposed ordinance there would be a septic tank inspection program. Septic tanks would be inspected every three years. A professional septic cleaning service would pump and visually inspect the tank, test for leaks, and spot for other potential problems. Also, under the proposed ordinance there is a fee associated with the inspection. Vore explained that the fee would go to the entity that is performing the inspection. He outlined the fees associated with a septic tank system: \$80 for existing systems and renewals; \$120 for new systems; and \$90 for repaired or modified systems.

In response to a request from Alderman Kooiker, Vore explained the inflow / infiltration (I & I) of the City's sewer system. He explained that it is less expensive to treat the infiltration of ground water than it is to seal and / or replace the sewer mains; but mains experiencing excessive infiltration are scheduled for replacement. Vore indicated that the City has an extensive I & I program that is being followed.

Hani Shafai, Dream Design suggested that what is going to protect the aquifers is a cooperative effort to standardize the procedures; and regardless if they are controlled and paid by the City or County, it is all for the protection of the aquifers that feed water to the entire community. Shafai explained that the recharge points for the aquifers are outside the City Limits and the one-mile radius, and in the City Limits, the highest number of septic tanks exists. He indicated that if properly designed, a septic and drain field system may be the proper solution for developments west of Rapid City. Shafai explained that at the recharge points, the microstructure of the formation itself is different than a formation that is east of Rapid City. He explained that the Madison Aquifer gets deeper further east of Rapid City and is protected by layers of sandstone and shale, which act as filters. Shafai reported the .016 Committee is allocating \$1 Million from 2012 dollars to expand the City sewer service to eliminate some of the septic tanks; and suggested the \$1 Million is very small compared to the needs of the community. Shafai offered support for the fee concept.

Dan Jennissen, Pennington County Planning Department explained that the County has an inspection service for new drain fields and charges \$125 for the permit. Within the Madison Aquifer, the City and County inspect the soil profile holes. Jennissen indicated the County does not inspect existing septic systems, unless they are failing and a complaint is filed.

Alderman Johnson indicated there is a common goal to ensure the safety of the drinking water. He encouraged the County to adopt an ordinance similar to the City's ordinance. He pointed out the City provides services outside the City Limits, such as water service.

Eugene Solseth, Rapid City indicated that the proposed City ordinance is a step in the right direction.

Commissioner Davis pointed out that the federal government is appropriating funds for rural water systems and wondered whether they would appropriate funds for rural septic systems. Mayor Shaw indicated that as part of a discussion, there should be an investigation of what is available in terms of regionalizing the wastewater treatment plant in Rapid City.

As there was no further business to come before the Council at this time, the meeting adjourned at 8:25 P. M.

CITY OF RAPID CITY

ATTEST:

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Mayor

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Finance Officer

(SEAL)