Resolution No. 2021-018

A RESOLUTION REPEALING UTILITY CONSTRUCTION FEES
FOR NONCONFORMING SERVICE LINES BY REPEALING
2014-087

WHEREAS, the City is authorized by state law and City ordinance to impose
construction fees on properties seeking to connect to sanitary sewer and water utilities to recoup
costs for construction and maintenance of those utilities; and

WHEREAS, in the past, the City has imposed some construction fees on properties which
were already connected to City water/sewer through nonconforming service lines; and

WHEREAS, for these properties, payment of the construction fee would be due when the
property reconnects to the utility through a new conforming utility service; and

WHEREAS, prior to 2015, R.C.M.C. Chapter 13.12 required properties with non-
conforming water and sewer services to pay a portion of costs to reconstruct the public mains
and bring the properties into conformance with City codes; and

WHEREAS, in 2015 the City amended R.C.M.C. Chapter 13.12 to eliminate this
financial responsibility, on the basis that the properties had been connected to public water
and/or sewer mains and had contributed to the water and/or sewer enterprise funds, and that the
rate payers should therefore pay for reconstruction of these public mains; and

WHEREAS, properties which must pay a construction fee as part of replacing a
nonconforming service line with a conforming service line are discouraged from bringing the
property into compliance, which results in delays in constructing legal conforming service; and

WHEREAS, the City now wishes to repeal the construction fees imposed in these
resolutions which concern properties that were already connected to City water/sewer through a
nonconforming service to allow properties that are already connected to City utilities to construct
a conforming service without having to pay a construction fee; and

WHEREAS, the City believes it to be in the best interests of the public health, safety, and
welfare of its citizens to repeal the construction fee resolutions listed below.

NOW, THEREFORE, BE IT RESOLVED, by the City of Rapid City that the following
resolutions are repealed in their entirety:

1. Resolution #2010-106 Construction Fee Resolution for 6th Street Water Main Project No.
   W08-1742, attached as Exhibit A.

2. Resolution #2010-164 Construction Fee Resolution for 9th Street Water Main Project No.
   W10-1885, attached as Exhibit B.
3. Resolution #2011-001 Construction Fee Resolution for Tomahawk Drive Sanitary Sewer Extension Project SS10-1905, attached as Exhibit C.


5. Resolution No. 2013-031 Construction Fee Resolution for Fulton Street Sewer and Water Extension Project 12-2000 Non-Conforming Sanitary Sewer, attached as Exhibit E.


BE IT FURTHER RESOLVED that City staff are authorized to take all administrative actions necessary to effectuate this Council action.

DATED this ______ day of __________________________, 2021.

CITY OF RAPID CITY

___________________________________
Mayor Steve Allender

Attest:

___________________________________
Finance Director

(SEAL)
RESOLUTION #2010-106
CONSTRUCTION FEE RESOLUTION FOR 6TH STREET WATER MAIN
PROJECT NO. W08-1742

WHEREAS, SDCL 9-47-16 and Section 13.04.095 of the Rapid City Municipal Code (RCMC) authorize the City Council to require properties benefited by the construction of water pipes or mains to pay their proportionate share of the cost to construct such water pipe or main prior to being allowed to connect to the City's water utility; and

WHEREAS, an 8" water main was extended in 6th Street per City Project No. W08-1742; and

WHEREAS, the total cost of constructing this water main was $8,754.78; and

WHEREAS, the City's engineering staff has identified the total area that will benefit from construction of this water main, as shown on Exhibit A, which has been attached hereto and incorporated herein; and

WHEREAS, the City's Public Works Director is recommending the cost to construct this water main be paid by the properties which will benefit from its construction prior to such properties being served by the City's water utility; and

WHEREAS, the City's Public Works Director is recommending the construction fees to the benefiting area shown on Exhibit A be apportioned based on the benefits that accrue to such property, and as such, should be established on a per-property basis; and

WHEREAS, the City Council, having considered the recommendation of the City's Public Works Director and having made such investigation as it finds necessary, determines that it is in the best interests of the City and its water utility that the owners of properties within the benefiting area should pay their proportionate share of the cost to construct this project on a per property basis.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that prior to being allowed to connect to the City's water system, the owners of property in the benefiting area shown in Exhibit A shall be required to pay a proportionate share of the cost of constructing the 8" water main shown in City Project No. W08-1742; and

BE IT FURTHER RESOLVED that the owners of the property shown on Exhibit A shall pay $2,918.26 prior to connecting to the City's water utility; and

BE IT FURTHER RESOLVED that all construction fees collected as established herein shall accrue to the water utility enterprise fund; and

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of the project costs totaling $8,754.78 has been collected, at which time this Resolution and the utility construction fee shall automatically expire.
Dated this ___ day of __________ Sept ___, 2010.

CITY OF RAPID CITY

Mayor

ATTEST:

[Signature]
Finance Officer
(SEAL)
Exhibit A

Sixth Street Water Main Water Construction Fee Benefiting Area

Legend
- Benefiting Area
- Parcels
- 8' Water Main
- Existing Water Main

1 inch = 75 feet
RESOLUTION #2010-164

CONSTRUCTION FEE RESOLUTION FOR 9TH STREET WATER MAIN
PROJECT NO. W10-1885

WHEREAS, SDCL 9-47-16 and Section 13.04.095 of the Rapid City Municipal Code (RCMC) authorize the City Council to require properties benefited by the construction of water pipes or mains to pay their proportionate share of the cost to construct such water pipe or main prior to being allowed to connect to the City’s water utility; and

WHEREAS, an 8” water main was extended in 9th Street per City Project No. W10-1885 and

WHEREAS, the total cost of constructing this water main was $17,162.43; and

WHEREAS, the City’s engineering staff had identified the total area that will benefit from construction of this water main, as shown on Exhibit A, which has been attached hereto and incorporated herein; and

WHEREAS, the City’s Public Works Director is recommending the cost to construct this water main be paid by the properties which will benefit from its construction prior to such properties being served by the City’s water utility; and

WHEREAS, the City’s Public Works Director is recommending the construction fees to be the benefiting area shown on Exhibit A be apportioned based on the benefits that accrue to such property, and as such, should be established on a per-property basis; and

WHEREAS, the City Council, having considered the recommendation of the City’s Public Works Director and having made such investigation as it finds necessary, determines that it is in the best interests of the City and its water utility that the owners of properties within the benefiting area should pay their proportionate share of the cost to construct this project on a per property basis.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that prior to being allowed to connect to the City’s water system, the owners of property in the benefiting area shown in Exhibit A shall be required to pay a proportionate share of the cost of constructing the 8” water main shown in City Project No. W10-1885; and

BE IT FURTHER RESOLVED that the owners of the property shown on Exhibit A shall pay $3,432.49 to connect to the City’s water utility; and

BE IT FURTHER RESOLVED that all construction fees collected as established herein shall accrue to the water utility enterprise fund; and

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of the project costs totaling $17,162.43 has been collected, at which time this Resolution and the utility construction fee shall automatically expire.
Dated this ___ day of December, 2010

CITY OF RAPID CITY

Mayor

ATTEST:

[Signature]

Acting Finance Officer

(SEAL)
Resolution #2011-001
CONSTRUCTION FEE RESOLUTION FOR TOMAHAWK DRIVE
SANITARY SEWER EXTENSION PROJECT SS10-1905

WHEREAS, SDCL 9-47-16 and Section 13.08.365 of the Rapid City Municipal Code (RCMC) authorize the City Council to require properties benefited by the construction of sanitary sewer pipes or mains to pay their proportionate share of the cost to construct such sanitary sewer pipe or main prior to being allowed to connect to the City’s sanitary sewer utility; and

WHEREAS, an 8” sanitary sewer main was extended in Tomahawk Drive per City Project No. SS10-1905 and

WHEREAS, this project was constructed in order to eliminate non-conforming sewer lines pursuant to Section 13.06.020 of the RCMC; and

WHEREAS, the total cost of constructing this sanitary sewer main was $40,865.45; and

WHEREAS, of this amount $31,801.89 is the portion of the total cost which is attributable to elimination of the non-conforming sanitary sewer lines; and

WHEREAS, the City will pay $20,000 of this cost pursuant to Section 13.06.020 of the RCMC; and

WHEREAS, the City’s engineering staff had identified the total area that will benefit from construction of this sanitary sewer main, as shown on Exhibit A, which has been attached hereto and incorporated herein; and

WHEREAS, the City’s Public Works Director is recommending the balance of the cost to construct this sanitary sewer main be paid by the two properties which will benefit from its construction prior to such properties being served by the City’s sanitary sewer utility; and

WHEREAS, the City’s Public Works Director is recommending the construction fees to the benefiting area shown on Exhibit A be apportioned equally on a per-property basis; and

WHEREAS, the City Council, having considered the recommendation of the City’s Public Works Director and having made such investigation as it finds necessary, determines that it is in the best interests of the City and its sewer utility that the owners of properties within the benefiting area should pay their proportionate share of the cost to construct this project on a per-property basis.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that prior to being allowed to connect to the City’s sanitary sewer system, the owners of property in
the benefiting area shown in Exhibit A shall be required to pay a proportionate share of the cost of constructing the 8\” sanitary sewer main shown in City Project No. SS10-1905; and

BE IT FURTHER RESOLVED that the owners of the property shown on Exhibit A shall pay $5,900.95 to connect to the City’s sewer utility; and

BE IT FURTHER RESOLVED that all construction fees collected as established herein shall accrue to the sewer utility enterprise fund; and

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of the project costs totaling $11,801.89 has been collected, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this 18th day of January, 2011

CITY OF RAPID CITY

[Signature]
Mayor

ATTEST:

[Signature]
Acting Finance Officer

(SEAL)
Resolution No. 2012-132
CONSTRUCTION FEE RESOLUTION FOR 12TH STREET ALLEY
SANITARY SEWER EXTENSION PROJECT SS11-1937

WHEREAS, SDCL 9-48-15 and Section 13.04.190 of the Rapid City Municipal Code (RCMC) authorize the City Council to require properties benefited by the construction of sanitary sewer pipes or mains to pay their proportionate share of the cost to construct such sanitary sewer pipe or main prior to being allowed to connect to the City’s sanitary sewer utility; and

WHEREAS, an 8” sanitary sewer main was extended in 12TH Street per City Project No. SS11-1937 and

WHEREAS, this project was constructed in order to eliminate non-conforming sewer lines pursuant to Section 13.12.020 of the RCMC; and

WHEREAS, the total cost of constructing this sanitary sewer main was $48,857.16; and

WHEREAS, of this amount $48,857.16 is the portion of the total cost which is attributable to elimination of the non-conforming sanitary sewer lines; and

WHEREAS, the City will pay $34,184.05 of this cost pursuant to Section 13.12.020 of the RCMC; and

WHEREAS, the City’s engineering staff had identified the total area that will benefit from construction of this sanitary sewer main, as shown on Exhibit A, which has been attached hereto and incorporated herein; and

WHEREAS, the City’s Public Works Director is recommending the cost to construct this sanitary sewer main to be paid by the properties which will benefit from its construction prior to such properties being served by the City’s sanitary sewer utility; and

WHEREAS, the City’s Public Works Director is recommending the construction fees to be the benefiting area shown on Exhibit A be apportioned based on the benefits that accrue to such property, and as such, should be established on a per-property basis; and

WHEREAS, the City Council, having considered the recommendation of the City’s Public Works Director and having made such investigation as it finds necessary, determines that it is in the best interests of the City and its sewer utility that the owners of properties within the benefiting area should pay their proportionate share of the cost to construct this project on a per property basis.
NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that prior to being allowed to connect to the City’s sanitary sewer system, the owners of property in the benefiting area shown in Exhibit A shall be required to pay a proportionate share of the cost of constructing the 8” sanitary sewer main shown in City Project No. SS11-1937; and

BE IT FURTHER RESOLVED that the owners of the property shown on Exhibit A shall pay $3,668.28 to connect to the City’s sewer utility; and

BE IT FURTHER RESOLVED that all construction fees collected as established herein shall accrue to the sewer utility enterprise fund; and

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of the recoverable project costs totaling $14,673.11 has been collected, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this ___ day of December, 2012

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)
EXHIBIT A

12TH STREET ALLEY SANITARY SEWER EXTENSION
PROJECT LOCATION AND BENEFITING AREA

Legend
- Project Location
- Benefiting Area
--- NEW 8" SEWER

1 inch = 50 feet
RESOLUTION 2013-031
CONSTRUCTION FEE RESOLUTION FOR FULTON STREET SEWER
AND WATER EXTENSION PROJECT 12-2000
NON-CONFORMING SANITARY SEWER

WHEREAS, SDCL 9-48-15 and Section 13.16.350 of the Rapid City Municipal Code (RCMC) authorize the City Council to require properties benefited by the construction of sanitary sewer pipes or mains to pay their proportionate share of the cost to construct such sanitary sewer pipe or main prior to being allowed to connect to the City’s sanitary sewer utility; and

WHEREAS, an 8" sanitary sewer main was extended in Fulton Street per City Project No. 12-2000 and

WHEREAS, this project was constructed in order to eliminate non-conforming sewer lines pursuant to Section 13.12 of the RCMC; and

WHEREAS, the total cost of constructing this sanitary sewer main was $25,249.07; and

WHEREAS, of this amount $9,370.35 is the portion of the total cost which is attributable to elimination of the non-conforming sanitary sewer lines; and

WHEREAS, the City will pay $6,559.25 of this cost pursuant to Section 13.12.020 of the RCMC; and

WHEREAS, the City’s engineering staff had identified the total area that will benefit from construction of this sanitary sewer main, as shown on Exhibit A, which has been attached hereto and incorporated herein; and

WHEREAS, the City’s Public Works Director is recommending the cost to construct this sanitary sewer main to be paid by the properties which will benefit from its construction prior to such properties being served by the City’s sanitary sewer utility; and

WHEREAS, the City’s Public Works Director is recommending the construction fees to be the benefiting area shown on Exhibit A be apportioned based on the benefits that accrue to such property, and as such, should be established on a per-property basis; and

WHEREAS, the City Council, having considered the recommendation of the City’s Public Works Director and having made such investigation as it finds necessary, determines that it is in the best interests of the City and its sewer utility that the owners
of properties within the benefitting area should pay their proportionate share of the cost to construct this project on a per property basis.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that prior to being allowed to connect to the City's sanitary sewer system, the owners of property in the benefitting area shown in Exhibit A shall be required to pay a proportionate share of the cost of constructing the 8" sanitary sewer main shown in City Project No. 12-2000; and

BE IT FURTHER RESOLVED that the owners of the property shown on Exhibit A shall pay $2,811.10 to connect to the City's sewer utility; and

BE IT FURTHER RESOLVED that all construction fees collected as established herein shall accrue to the sewer utility enterprise fund; and

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of the recoverable project costs totaling $2,811.10 has been collected, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this / day of April, 2013

CITY OF RAPID CITY

[Signature]
Mayor

ATTEST:

[Signature]
Finance Officer

(SEAL)
FULTON STREET
SANITARY SEWER MAIN
CONSTRUCTION FEE AND BENEFITING PROPERTIES

Legend

- New 8" Sewer Main
- Existing Sewer Main
- BenefitSewer
- Project Location

1 inch = 60 feet
RESOLUTION 2014-086
CONSTRUCTION FEE RESOLUTION FOR FULTON STREET SEWER
AND WATER EXTENSION PROJECT 12-2000
NON-CONFORMING WATER

WHEREAS, Section 13.04.190 of the Rapid City Municipal Code (RCMC) authorizes the City Council to require properties benefited by the construction of water pipes or mains to pay their proportionate share of the cost to construct such water pipe or main prior to being allowed to connect to the City’s water utility; and

WHEREAS, an 8” water main was extended in Fulton Street per City Project No. 12-2000 and

WHEREAS, this project was constructed in order to eliminate non-conforming sewer lines pursuant to Section 13.12 of the RCMC; and

WHEREAS, the total cost of constructing this water main was $74,194.63; and

WHEREAS, of this amount $25,937.11 is the portion of the total cost which is attributable to elimination of the non-conforming water lines; and

WHEREAS, the City will pay $18,155.97 of this cost pursuant to Section 13.12.020 of the RCMC; and

WHEREAS, the City’s engineering staff had identified the total area that will benefit from construction of this water main, as shown on Exhibit B, which has been attached hereto and incorporated herein; and

WHEREAS, the City’s Public Works Director is recommending the cost to construct this water main to be paid by the properties which will benefit from its construction prior to such properties being served by the City’s water utility; and

WHEREAS, the City’s Public Works Director is recommending the construction fees to be apportioned to the benefiting area shown on Exhibit B be apportioned based on the benefits that accrue to such property, and as such, should be established on a per-property basis; and

WHEREAS, the City Council, having considered the recommendation of the City’s Public Works Director and having made such investigation as it finds necessary, determines that it is in the best interests of the City and its water utility that the owners of properties within the benefitting area should pay their proportionate share of the cost to construct this project on a per property basis.
NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that prior to being allowed to connect to the City's water system, the owners of property in the benefiting area shown in Exhibit B shall be required to pay a proportionate share of the cost of constructing the 8" water main shown in City Project No. 12-2000; and

BE IT FURTHER RESOLVED that the owners of the property shown on Exhibit B shall pay $1,556.23 to connect to the City's water utility; and

BE IT FURTHER RESOLVED that all construction fees collected as established herein shall accrue to the water utility enterprise fund; and

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of therecoverable project costs totaling $7,781.14 has been collected, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this 15th day of September, 2014

CITY OF RAPID CITY

[Signature]
Mayor

ATTEST:

[Signature]
Finance Officer

(SEAL)
Exhibit B

FULTON STREET (NONCONFORMING)
WATER MAIN EXTENSION
CONSTRUCTION FEE AND BENEFITING PROPERTIES

Legend
- New Water Main
- Project Location
- Benefiting Area

1 inch = 100 feet
RESOLUTION NO. 2014-087
CONSTRUCTION FEE RESOLUTION FOR FULTON STREET SEWER AND WATER EXTENSION PROJECT 12-2000
WATER EXTENSION

WHEREAS, Section 13.04.190 of the Rapid City Municipal Code (RCMC) authorizes the City Council to require properties benefited by the construction of water pipes or mains to pay their proportionate share of the cost to construct such water pipe or main prior to being allowed to connect to the City's water utility; and

WHEREAS, an 8" water main was extended in Fulton Street per City Project No. 12-2000; and

WHEREAS, the total cost of constructing this water main was $74,194.63 and

WHEREAS, of this amount $5,187.42 is the portion of the total cost which is attributable to extension of new public water lines; and

WHEREAS, the City's engineering staff had identified the total area that will benefit from construction of this water main, as shown on Exhibit A, which has been attached hereto and incorporated herein; and

WHEREAS, the City's Public Works Director is recommending the cost to construct this main was to be paid by the properties which will benefit from its construction prior to such properties being served by the City's water utility; and

WHEREAS, the City's Public Works Director is recommending the construction cost be apportioned to the benefitting area shown in Exhibit A based on the benefits that accrue to such property, and as such, should be established on a front footage basis; and

WHEREAS, the City Council, having considered the recommendation of the City's Public Works Director and having made such investigation as it finds necessary, determines that it is in the best interests of the City and its water utility that the owners of properties within the benefitting area should pay their proportionate share of the cost to construct this project on a per property basis.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that prior to being allowed to connect to the City's water system, the owners of property in the benefitting area shown in Exhibit A shall be required to pay a proportionate share of the cost of constructing the 8" water main shown in City Project No. 12-2000; and

BE IT FURTHER RESOLVED that the owners of the property shown on Exhibit A shall pay $5,187.42 to connect to the City's water utility; and
BE IT FURTHER RESOLVED that all construction fees collected as established herein shall accrue to the water utility enterprise fund; and

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of the project costs totaling $5,187.42 has been collected, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this 15th day of September, 2014

CITY OF RAPID CITY

[Signature]
Mayor

ATTEST:

[Signature]
Finance Officer

(SEAL)
Exhibit A

FULTON STREET
WATER MAIN EXTENSION
CONSTRUCTION FEE AND BENEFITING PROPERTIES

Legend
- New Water Main
- Benefiting Area
- Project Location

1 inch = 100 feet