



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701

Public Works Department
Engineering Services Division


300 Sixth Street

Telephone: (605) 394-4154 FAX: (605) 355-3083

Web: www.rcgov.org

MEMORANDUM

TO: Public Works Committee, City Council, Mayor Hanks

FROM: Dale Tech PE/LS, City Engineer 

SUBJECT: St. Patrick Street Sidewalk Construction, Hansen Addition

DATE: February 3, 2010

At the May 18, 2009 City Council Meeting, the two property owners that were to have installed sidewalk along St. Patrick Street were given until December 31, 2009 to submit development plans. No development plans have been received by the City and the sidewalk has not been installed. Attached are the letters sent to the property owners notifying them that this item will be heard at the February 9, 2010 Public Works Committee meeting as well as the City Council minutes from May 18, 2009 and August 17, 2009.



EQUAL HOUSING
OPPORTUNITY

EQUAL OPPORTUNITY EMPLOYER

Item #4



PW020910-01
CITY OF RAPID CITY

Engineering Services

300 Sixth Street

Rapid City, SD 57701-2724

Telephone: (605) 394-4154 FAX: (605) 355-3083

Direct Phone: (605) 394-5377 Ext. 255 Email: dale.tech@rcgov.org

February 1, 2010

Timothy & Marilyn Norberg
4927 Enchanted Pines Dr.
Rapid City SD, 57701

**RE: ST. PATRICK STREET SIDEWALK CONSTRUCTION: HANSEN ADDITION; LOTS 9 & 10
REVISED.**

Dear: Mr. & Mrs. Norberg,

This letter is to inform you that the installation of sidewalk, at the above location, will be discussed at the Public Works meeting, on February 9th, 2010. The City of Rapid City Common Council, at its May 18th, 2009 meeting, delayed the order to install sidewalk along the North side of St. Patrick Street, between Robbins Drive and Hawthorne Avenue. The order was delayed until December 31st, 2009 to allow time for the property owners to submit a development plan. As of this time neither the Public Works Department, nor Growth Management have received any development plans.

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

Sincerely,

CITY OF RAPID CITY

Dale Tech PE/LS
City Engineer

cc: File - PAF MIP09-1805



EQUAL OPPORTUNITY EMPLOYER

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February 1, 2010

Sidney A. & Norman Hansen
4446 Anderson Road
Beaverton MI, 48612

RE: ST. PATRICK STREET SIDEWALK CONSTRUCTION: HANSEN ADDITION; LOTS 1 THROUGH 8 AND 11 & 12 REVISED.

Dear: Mr. & Mrs. Hansen,

This letter is to inform you that the installation of sidewalk, at the above location, will be discussed at the Public Works meeting, on February 9th, 2010. The City of Rapid City Common Council, at its May 18th, 2009 meeting, delayed the order to install sidewalk along the North side of St. Patrick Street, between Robbins Drive and Hawthorne Avenue. The order was delayed until December 31st, 2009 to allow time for the property owners to submit a development plan. As of this time neither the Public Works Department, nor Growth Management have received any development plans.

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

Sincerely,

CITY OF RAPID CITY

Dale Tech PE/LS
City Engineer

cc: File - PAF MIP09-1805



EQUAL OPPORTUNITY EMPLOYER

Item #4

located along the east lot line shall be renamed and the plat document shall be revised to show the approved street name; 6. Prior to submittal of a Final Plat application, the plat document shall be revised to show "Anamosa Street" as "E. Anamosa Street"; 7. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; 8. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and, 9. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.

Motion was made by Kooiker and seconded to approve (No. 09SE003) A request by Hills Alive Festival for a **Special Exception to the Flood Area Construction Regulations to allow temporary structures in the floodway** on Tract 20 less Lot H1 of the Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Omaha Street between North Mount Rushmore Road and Fifth Street in Memorial Park with the following stipulations: 1. That the event will be stopped and the structures removed if ordered by the Police Chief, Fire Chief, Mayor, Emergency Management Director or the Public Works Director; and, 2. That the structures for the event be removed that evening after the event has ceased. Kathy Cook, a representative from Hills Alive, confirmed that they are aware of the stipulations. Motion carried.

Legal & Finance Committee Items

Motion was made by Kooiker and seconded to (No. LF051309-28) Confirm appointment of Mike Kenton, Aaron Costello and Pat Tlustos to the Consultant Oversight Committee. Responding to a question raised by Costello, Green clarified that he does not need to abstain from voting on this item. Mayor Hanks said as soon as the committee members are appointed they will meet within a week, and he explained that Alderman Costello will still serve until at least July 1, 2009 if his opponent should win the upcoming election. Motion carried.

Public Works Committee Items

Motion was made by Kroeger and seconded to recommend that City Council withdraw the order to install sidewalks on that portion of E Saint Patrick Street described as follows: Lots 1-8; Lot 16; Lots 9-12 Revised; Hansen Heights, Sec 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Green stated that it is his opinion that the process was appropriately followed by the City as notice was given to property owners, and at this time, sidewalks have not been installed. Kooiker said this has been an issue for a while, and this is an opportunity for the Council to address this matter. If it is going to be delayed, he said it should only be done for a short period of time to allow for development plans to be brought forward.

Substitute motion was made by Kooiker and seconded to stay the order to install sidewalks until December 31, 2009 to allow for the development plans to be brought forward and start installation on January 1, 2010 weather permitting. Olson indicated that both sides of the street should have adequate walkways, and LaCroix said that there are many other areas of town that need sidewalks too. He also suggested pedestrian friendly walkways and said there are other options to consider, such as bike lanes. Kroeger said Mr. Hanson contacted him several months ago about the issue. He said he does not see a need for a sidewalk on that side of the street. Costello agreed that there are several areas that need sidewalks and is in favor of an effort to install sidewalks there and ADA accessible curbs on the other side of the street. Okrepkie said right now the sidewalks would not connect to anything, and he felt it would be more appropriate to put in a sidewalk as the development happens. Green clarified that the effect of the motion would be to stay the City's application of the process until December 31, 2009. If this motion passes, the issue should come before the council before December 31, 2009, and if a suitable

plan is presented, the installment could be stayed to allow the plan to be implemented. Green said the additional action for an assessment would take place after the sidewalks are installed. Olson asked to see a map of the proposed sidewalks, but due to technical issues, a map could not be presented. Okrepkie stated his concern that the sidewalks will go in as opposed to having the development naturally progress, and Mayor Hanks indicated that they can stay the action to a specific date if the developer submits a plan. Costello pointed out that there are several buildings in the area, and this property is a noticeable gap. Mayor Hanks clarified where the sidewalks were ordered in, and Kroeger said if the entire area is not required to put in sidewalks then he is not interested in forcing this property owner to put them in. Upon roll call vote, the following voted AYE: Costello, Hadcock, Martinson, Weifenbach, Chapman, Kooiker, Olson; NO: Kroeger, LaCroix and Okrepkie. Motion carried.

Bids

The following companies submitted bids for (No. CC051809-02) One (1) New Current Model Year Articulating Motor Grader for the Solid Waste Division opened on May 12, 2009: RDO Equipment Co., Sheehan Mack Sales and Equipment, Inc., and Butler Machinery Co. Staff reviewed the bids and recommends bid award to Sheehan Mack Sales and Equipment, Inc. Motion was made, seconded and carried to approve the bid award to the lowest responsible bidder meeting specifications, Sheehan Mack Sales and Equipment, Inc., for a total contract amount of \$207,950.00 without the trade-in.

Mayor's Items

Motion was made by Kooiker, second by Hadcock, to set a special Council meeting for July 27, 2009 at 6:30 p.m. in Council Chambers to hear presentations for the parking ramp. Chapman asked if it would be expected that they have financing in place, and Mayor Hanks said that, until the design group has a commitment from the City, he would expect they will only have soft commitments. Chapman also mentioned some Council members already have commitments for that date. Weifenbach reminded the Council that one group requested 90 to 120 days to prepare for their presentation.

Substitute motion was made by Weifenbach, second by Chapman, to set the meeting for August 24, 2009. LaCroix said he cannot commit to a date yet as he is not sure of his work schedule during that time. He said it is important that everyone can be there. Hadcock suggested forming a committee as she felt that would be a fair and more efficient process. Elkins explained the process that was used last time proposals were taken and said the process took approximately 4 to 6 weeks.

Second substitute motion was made by Olson and seconded to issue an RFP, appoint a task force and ask the task force to come back with recommendations no later than July 22, 2009. Elkins confirmed that the previous RFP can be revised with new dates. Chapman spoke about the goal of the task force and Council, and he briefly discussed tax credits. Martinson stated her support for the motion as it is a good middle ground. Okrepkie said it is not in the best interests of Council or community to create a task force because some Council members will be out of the loop. He indicated it will be easier, quicker and more effective to have the entire Council involved. Kooiker pointed out that this motion would cause presentations to happen in the next few weeks, and this will not allow enough time. If a task force is created, he would like to make sure the meetings are open to the public, minutes kept and meetings recorded. Responding to Weifenbach, Schlimgen stated that he would prefer to present to the entire Council, and Weifenbach said it is important to allow at least 90 days if they want to include Mr. Schlimgen in the process. LaCroix said we can do this in 30 days. He said we need to pick a project and decide on the preferred project before the businesses look for financing. Chapman said he is comfortable with Council leadership and Mayor sitting down to iron out the process, and Hadcock said she did not see a problem with the process last time. Weifenbach mentioned that Mayor Hanks gave the presenters ground rules at the last meeting so that the project can be moved forward.

Question was called by Olson. Upon vote being taken, motion failed.

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The following companies submitted bids for (No. CC081709-02.1) Milo Barber Transportation Center Improvements opened on August 11, 2009: Rangel Construction Co., Heavy Constructors, Mac Construction and SECO Construction Inc. Staff reviewed the bids and recommends bid award to SECO Construction Inc. Motion was made by Waugh, second by LaCroix, to approve the bid award to the lowest responsible bidder meeting specifications, SECO Construction Inc., for a total contract amount of \$907,895.00 for Base Bid plus Alternate 2. Ellis said that they received \$1.3 million in grant funds to offset the costs for this and future improvements. He explained that there is a 20% match required so the local match will be over \$181,000 and the grant will cover about \$726,000. Motion carried.

The following companies submitted bids for (No. CC081709-02.2) Elm Avenue Reconstruction – Phase 3; Project ST09-1759 / CIP 50130 opened on August 11, 2009: Simon Contractors of SD Inc., Heavy Constructors, Mainline Contracting and Hills Materials Co. Staff reviewed the bids and recommends bid award to Heavy Constructors. Motion was made by Waugh and seconded to approve the bid award to the lowest responsible bidder meeting specifications, Heavy Constructors, for a total contract amount of \$1,598,970.72. Chapman pointed out Items 11 and 12 on the agenda which were change orders for Heavy Constructors for a decrease. Ellis explained they were a result of liquidated damages for projects going beyond completion date. He said he has no reason to believe that they will not complete the next project on time. Motion carried.

Mayor's Items

Mayor Hanks reported that they will bring forward a recommendation at the next Public Works meeting regarding the intent for West Main Street. Motion was made by Waugh, second by Chapman and carried to acknowledge the report.

Alderman LaCroix announced that the budget break out sessions will be held August 31 and September 1, 2 and 3 with dinner at 5:00 P.M. and the meeting starting at 5:30 P.M. Motion was made by Chapman, second by Costello and carried to acknowledge the report.

Alderman Chapman pointed out an item to ask the Mayor to draft a proclamation for an event on August 28, 2009 at the band shell. Mayor Hanks said that the proclamation has been drafted and he will forward a copy to the Council. Motion was made by Chapman, second by Olson and carried to acknowledge the report.

Council Items & Liaison Reports

Alderman Kroeger addressed (No. CC081709-03) A Request from Sid Hansen to reconsider an order to install sidewalks on that portion of E Saint Patrick Street described as follows: Lots 1-8; Lot 16; Lots 9-12 Revised; Hansen Heights, Sec 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota and expressed his disappointment that action cannot be taken on this item. Green explained that the Council took up the item on May 18, 2009, and the Council's action was to stay enforcement until the end of the year unless a development plan comes forward. He said it would be inappropriate to act on this as an Alderman's item. Kroeger stated that a majority of the area does not have sidewalks, and he asked why we would force one property owner to put in sidewalks. Responding to Chapman, Green explained that the substitute motion means to strike the entire previous motion and insert something new. Therefore, consistent with practice, the Council disposed of this item with the substitute motion on May 18th. Green also clarified that the applicant now has three options: install the sidewalks, come forward with development plan that addresses sidewalks or come back to council after the 1st of the year and request more time. Green explained that the Council already ordered sidewalks in but stayed the enforcement of the order. Chapman said after reading more information he has concerns and wants to give the applicant an opportunity to come back. Green suggested that the applicant start at the committee level, and he also said there will be plenty of time before the

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second meeting in January if that works better for the applicant. Costello described the sidewalks in the area and pointed out that they are installed on the north side of the street. Motion was made by Olson, second by Chapman, to acknowledge the report. Motion carried with one NO from Kroeger.

PUBLIC HEARING ITEMS – Items 62 – 73

Motion was made by Chapman, seconded and carried to open the public comment for Items 62 – 73.

Troy Erickson represented MG Oil in reference to a Conditional Use Permit for an alcohol license transfer and indicated he is available for questions.

George Brown addressed Item 70 regarding a fence height exception and asked the Council to consider the health risks as there have been several people with cancer in the area. Kevin Lewis explained that Black Hills Power wants to acquire his home and said he will not be putting up a fence unless this project goes through. He indicated he has lived there for 12 years and asked the Council to approve the exception. Steven Dunn, Black Hills Power, said that the approval process has narrowed the design to the proper functionality and aesthetics. He described the design and upgrades and reviewed the reasons for needing the upgrade. Terri Charest stated that she is not in favor of the fence and said it will take away from the residential area. She is also concerned for safety and the effects it could have. Ed Thompson said he and most of his neighbors are against the fence and asked Council to consider that. Mark Sarda, Black Hills Power, said they worked with City staff and considered neighborhood concerns in the design of the project. He explained that they were not approved for alternate sites. They plan to purchase low noise transformers so the new facility will have lower noise level. He said they are also trying to make it low profile, and he described the proposed landscaping. Aida Compton stated that they are a neighborhood, not an industrial area. She said that she is a cancer survivor and does not wish to go through that again. Corey Singsaas indicated he is against the fence as it is a stepping stone to a huge substation in the neighborhood. Peggy (last name unknown) said she is opposed to the plan. She pointed out that traffic is busy there, and the fence and trees will obstruct the view. She suggested putting the substation on Minnesota Street.

Richard Horton stated that he is concerned with drainage and dust control regarding a proposed parking lot in his neighborhood. He said they need to pave the alley so drainage goes from Meade to Flormann and down. He indicated that he has no problems with the proposal otherwise. Edward Lynch said he owns the property where they are trying to get additional parking, and he indicated that many neighbors are patients of his. He said he wants to remain in the neighborhood but needs to expand. They have done a PCD to ensure the property is used for parking. He has met with neighbors and adjacent landowners, and they have come to an agreement to pave a segment in order to address drainage and dust concerns. Michael Stanley, Dream Design International, said they are working with Dr. Lynch on the project, and he indicated that he and Hani Shafai are available for questions.

Mario Rangel indicated that he is an owner of the property across the street from the proposed on-sale liquor establishment. He said they see a lot of potential for this area but indicated there is concern that intoxicated individuals will walk through their establishment. He said the neighboring property owners take pride in the area.

CONTINUED PUBLIC HEARING CONSENT ITEMS – Items 62 – 64

Motion was made by Olson, second by LaCroix and carried to approve the following items as they appear on the Continued Public Hearing Consent Items:

Continue the following items until September 8, 2009: