

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
November 29, 2010

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, November 29, 2010 at 5:30 P.M.

The following members were present: Mayor Alan Hanks and the following Alderpersons: Bonny Petersen, Ron Weifenbach, Dave Davis, Ron Kroeger, Sam Kooiker, Bill Waugh, Gary Brown and Jordan Mason; and the following Alderpersons arrived during the course of the meeting: None; and the following were absent: Deb Hadcock and Aaron Costello.

Staff members present included Finance Officer Pauline Sumption, City Attorney Jason Green and Administrative Coordinator Sharlene Mitchell.

The following companies submitted bids for (No. CC112910-02.1) - Main Street Square Site Development, Project No. PR10-1901/CIP No. 50839 opened on November 19, 2010: SECO Construction, Inc., Dean Kurtz Construction, Gustafson Builders, R.C.S. Construction, Inc., and J. Scull Construction Services, Inc. Staff reviewed the bids and recommends bid award of the total Base Bid plus Alternates 1, 2, 3, 4, 5, 6, 7, 8, and 9 to SECO Construction, Inc. in the amount of \$3,920,680.00. Motion was made by Weifenbach, second by Kooiker and carried to approve the bid award for Main Street Square Site Development to the lowest responsible bidder, SECO Construction, Inc., in the amount of \$3,920,680.00 for the Total Base bid plus Alternates 1, 2, 3, 4, 5, 6, 7, 8, and 9.

Motion was made by Mason, second by Kroeger to acknowledge the Jackson Boulevard & Mt View Road Intersection report by the South Dakota Department of Transportation.

Joel Jundt, South Dakota Department of Transportation, presented the report noting that the South Dakota Department of Transportation was seeking the City's concurrence with the removal of the on-street parking located in the Jackson Boulevard right-of-way. Jundt briefly reviewed the project background information and design proposal noting the existing intersection ADA pedestrian access issues. Jundt indicated that the goals for the new intersection include squaring of the intersection, improving traffic signal visibility, signalizing all turning movements, and providing ADA pedestrian crossings. Jundt indicated that the improvements would be completed without creating a negative effect on nearby intersection operations. Jundt addressed the anticipated accident reductions as a result of the new intersection design. Jundt stated that of the ten design options proposed; only options 3 and 6 are still being considered. Jundt stated that the preferred option, Option 6, requires the removal of five parking stalls from the public right-of-way. Jundt presented the findings of the On-Street Parking study conducted between May and June of 2010 and requested City Council approval of the removal of the five parking stalls. Jundt stated that the State cannot financially compensate the adjacent property owners for the removal of the parking located in the public right-of-way. Jundt briefly addressed the remaining project schedule including landowner meetings, appraisals and negotiations and construction traffic meetings, start date and project duration.

In response to a question from Mayor Hanks, Jundt clarified the on-street parking that would be retained under Options 3 and 3a.

Randy Downey, Audio Video Solutions, voiced concern with the loss of on-street parking in front of the business and with the potential opening of the alleyway as a street. Downey stated that the alleyway provides the service access to the businesses and opening the alleyway as a street would adversely impact that use. Downey voiced support for the small business operator and his desire that none are damaged by the project. Downey requested that the affected business owners be treated fairly noting that his business and the adjacent business will be the most affected by the loss of the on-street parking.

Downey stated that the loss of parking will adversely impact property valuations and business income with the possible loss of a building tenant.

Chuck Rausch, Rausch Monument, requested that the City delay action on the request to vacate the right-of-way parking for 60 days to allow him sufficient time and opportunity to negotiate with the State. Rausch indicated that he has not had sufficient time to review the State's proposal on his property. Rausch indicated that the delay would allow him and the adjacent property owner sufficient time to review and finalize their negotiations with the State and would motivate the State to work with the property owners.

Albert Gonzalez, Albert's Small Engine Repair, indicated that the majority of his business comes through the front door which requires adequate parking on Jackson Boulevard. Gonzalez indicated that the loss of the on-street parking would adversely impact his business and the alleyway traffic. Gonzalez indicated that any increase in the alleyway traffic would adversely impact those businesses which use the alley for service deliveries. Gonzalez expressed concern that the State has not provided any solution to the parking issues and requested that the City retain the on-street parking.

Terry Krnsak, Audio Video Solutions, stated that his main interest is the retention of the on-street parking and voiced support for Option 3a as it retains one additional parking space. Krnsak stated that Option 6 would be a viable option with design changes. Krnsak voiced concern that the State's claim that Option 6 would push traffic to Mt View Road was designed to create contention between the east and west business owners. Krnsak expressed concern with the disposition of the Rausch Monument and Advance Chiropractic properties noting that the State has indicated the properties would be sold at public auction. Krnsak indicated that this process would put new businesses in those locations with no access other than the alleyway which would impact traffic flows, snow removal and business access. Krnsak stated that the State had assured him that the interchange project would not affect the property at 1104 Jackson Boulevard prior to his purchase of the property. Krnsak indicated that the project as presented will result in property devaluation, lost revenue due to loss of the tenant, and lost income due to increased customer inconvenience. Krnsak encouraged the Council to retain all the on-street parking and to request that the South Dakota Department of Transportation provide an interchange design that addresses the parking issue.

Craig Tieszen, District 34 State Senator, indicated that the motorists that utilize the Jackson Boulevard and Mt View Drive intersection are the silent majority in this discussion. Tieszen encouraged careful consideration in determining the final configuration of the intersection noting that it will serve the community for approximately forty years. Tieszen encouraged the City to consider Option 3 as proposed by the State noting the time and effort both the City and State have invested in the project. Tieszen addressed the deterioration of Jackson Boulevard and the need for the reconstruction of the intersection. Tieszen indicated that Option 3 makes the best use of the public right-of-way in that area.

Camille Wood, Advanced Chiropractic, indicated that the State presentation fails to address the access to her business parking lot leaving her with little option. Wood encouraged the City to support Option 6 and to retain the on-street parking. Wood indicated that she does not wish to relocate noting the time, effort and money she has invested in re-establishing her business. Wood expressed hope that something else can be done that will keep her business viable and operating at the Jackson Boulevard location.

Waugh stated that he did not support either of the proposed options. In response to a question from Waugh, Jundt indicated that the intersection cannot be separated from project. Jundt indicated that failure to reconfigure the intersection to current design standards would result in loss of federal funding for both phases of the Jackson Boulevard project.

A substitute motion was made by Kooiker, second by Davis to continue the request for removal of on-street parking from City right-of-way on Jackson Boulevard to the January 18, 2011 City Council meeting

to allow the South Dakota Department of Transportation to continue discussions with the affected landowners and that the Executive Summary, design options and public comment be linked to the agenda item.

In response to a question from Mason, Jundt addressed the timeframe to complete the property appraisals and landowner negotiations noting that the valuations are based on the fair market value of the property. Jundt addressed the association between the removal of the on-street parking, completion of the landowner negotiations and the start of construction. In response to a question from Mason, Rausch indicated that he could move forward once negotiations with the State have been finalized.

In response to a question from Davis, Green expressed concern with the viability of the City making the removal of the on-street parking contingent upon the State's negotiations with private landowners. In response to a question from Davis, Jundt addressed the disposition of the Rausch and Advanced Chiropractic properties should the State acquire them in negotiations. Jundt indicated that the State would place a controlled access lien on the properties prior to their being placed for auction. Davis expressed concern that the City could be required to convert the alley to a street to compensate for the loss of the Jackson Boulevard access. Davis recommended that the South Dakota Department of Transportation work with the Growth Management Department to explore the expansion of the alley to a street. Davis encouraged the South Dakota Department of Transportation to consider demolishing the Rausch building and constructing a parking lot for the use of the remaining businesses.

In response to a question from Petersen, Jundt indicated that the alignment of Option 3 provides the safer intersection. Jundt clarified that the parking stalls in question are located on the City maintained portion of Jackson Boulevard. In response to a question from Petersen, Elkins indicated that the corner parking stall was removed and signed as "no parking" due to safety issues at that location. In response to a question from Petersen, Jundt indicated that the project is contingent upon the removal of the designated on-street parking stalls.

In response to a question from Weifenbach, Green clarified that the Council decision is restricted to the removal of the on-street parking spaces. In response to a question from Weifenbach, Jundt indicated that redesign of the project would re-initiate the public input process. Jundt indicated that relocation of the interchange to the west impacts park land and results in a reverse curve which tends to increase vehicular accidents.

In response to a question from Waugh, Jundt indicated that the State would look to the City to purchase the Rausch site and create the parking lot. Jundt indicated that the parking stalls are in the City right-of-way and therefore not eligible for financial compensation. In response to a question from Davis, Jundt indicated that the Rausch site cannot be traded to the City for the parking stalls removed from the public right-of-way.

In response to a question from Mason, Elkins indicated that the alley is a twenty foot city right of way noting that a survey would be required to determine the existence of any encroachments. Discussion followed regarding use and access of the alley right of way.

In response to a question from Mayor Hanks, Jundt addressed the intersection ADA pedestrian access requirements. Discussion followed regarding modification of Option 3a to retain three parking stalls. Kooiker requested that the State visit with all the affect property owners to insure that their concerns are addressed prior to the January meeting. Jundt stated that the property appraisals must be completed before the State can enter into negotiations with the property owners. In response to a question from Kooiker, Jundt indicated that the City would be notified if adequate discussions with the property owners had not been achieved by the January meeting date.

Davis expressed concern with the elimination of the approach to the Rausch and Advance Chiropractic businesses and the reduction of the on-street parking stalls. Davis requested that the State consider the impact to the businesses should the alleyway become the primary access to the businesses.

Upon vote being taken the motion carried.

There being no further business to come before the council, motion was made by Davis, second by Weifenbach and carried to adjourn the meeting at 7:03 p.m.