

RECEIVED

AUG 05 2011

MAYOR'S OFFICE

July 28, 2011

Fm: Sidney A. Hansen
Hansen Heights property owner representative
4446 Anderson Drive
Beaverton, Michigan 48612

To: Mayor Sam Kooiker
City of Rapid City
300 Sixth Street
Rapid City, South Dakota 57701-5035

Cc: Public Works Director
City of Rapid City
300 Sixth Street
Rapid City, South Dakota 57701-5035

Subject: Rescind Change Order for ADA Ramps on East St. Patrick Sidewalk Project
(MIP09-1805)

Dear Mayor Kooiker:

Congratulations on your election as Mayor of Rapid City.

The Hansen Heights property owners are requesting your assistance to resolve a Change Order mistake that installed ADA ramps on the East St. Patrick Sidewalk Project, MIP09-1805. Enclosed are a series of letters beginning January 25, 2011 that were not resolved by the previous city administration.

Brief Background

Last summer 2010 new sidewalks were installed on East. St. Patrick Street. The project documentation contained a specific drawing specification note: "DO NOT INSTALL ADA RAMPS" on all driveway entrances.

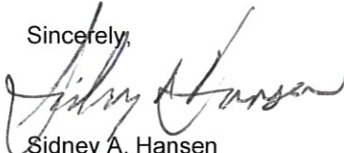
After the contractor installed the new sidewalks the city issued a change order to remove a new sidewalk section with retaining walls on the driveway entrance on our Lot 11R. The property owners were assessed the additional cost for the change order. The city administration has no explanation for this change order error.

Action Sought

1. Rescind the ADA Ramp change order and restore Lot 11R back to the original design documentation at no cost to the property owners.
2. Remove the property tax assessment from Lot 11R tax rolls for the change order (approximately \$2800).

Your personal involvement to resolve this outstanding issue would be greatly appreciated.

Sincerely,



Sidney A. Hansen
Hansen Heights property owner representative

Encl: Letter to Rapid City Mayor same subject dated January 25, 2011
Letter to Rapid City Public Works Director same subject dated March 4, 2011
Letter to Rapid City Finance Office same subject dated March 12, 2011
Letter to Rapid City Finance Office same subject dated April 20, 2011
Letter to Rapid City Mayor same subject dated May 19, 2011

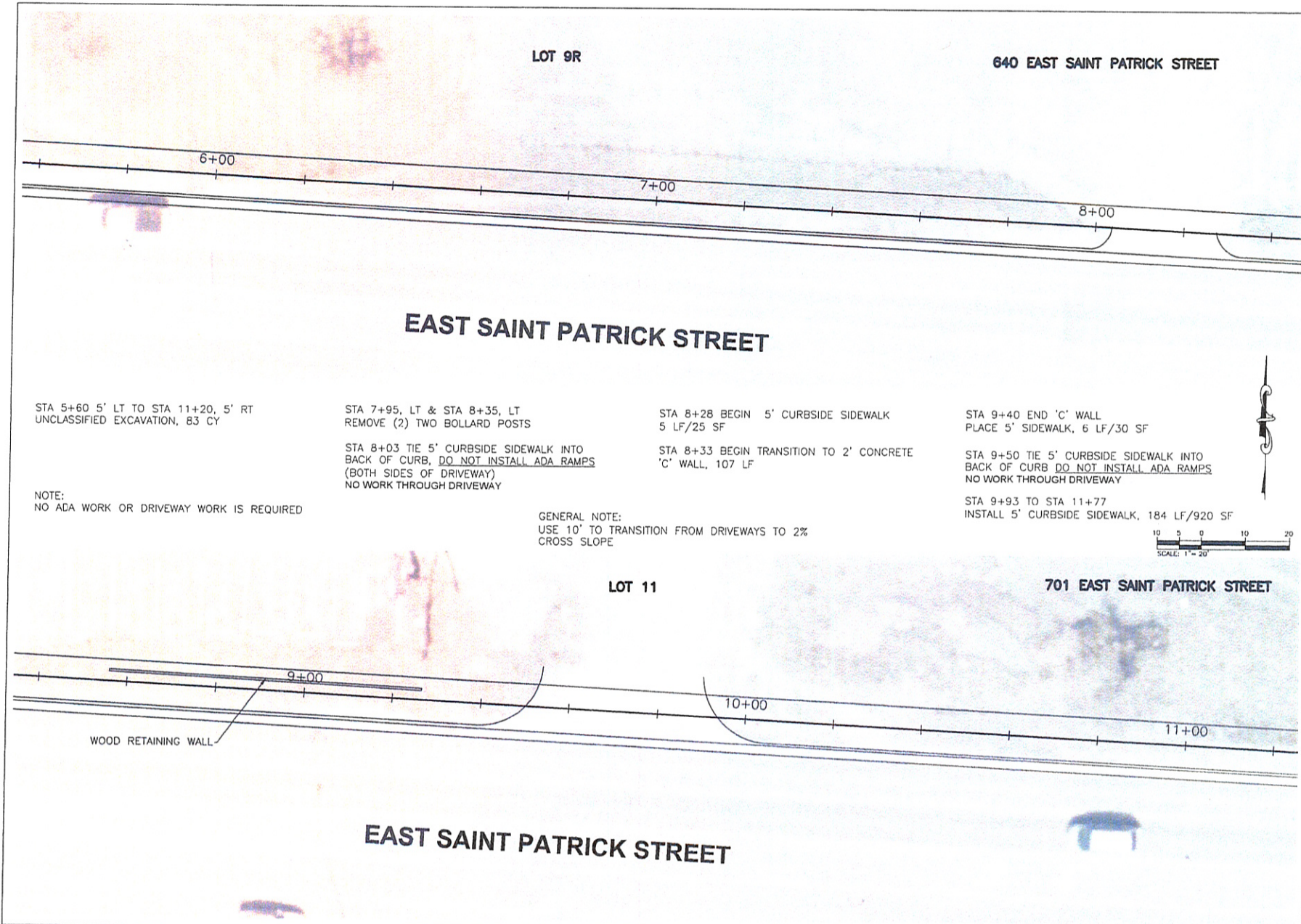


CITY OF RAPID CITY
PUBLIC WORKS DEPARTMENT
ENGINEERING SERVICES DIVISION

Scale	1"=20'
Designed By	Drawn By
Checked By	Field Date
Reviewed By	6/1-10
Internal Job No.	MP2016-1403
Surveyed By	Survey Date
Field	6/8-10
Revisions	

EAST SAINT PATRICK STREET
SIDEWALK

Sheet No.	STA 0+00
	TO
	STA 5+00
Sheet	3 . 2



LOT 9R

640 EAST SAINT PATRICK STREET

6+00

7+00

8+00

EAST SAINT PATRICK STREET

STA 5+60 5' LT TO STA 11+20, 5' RT
UNCLASSIFIED EXCAVATION, 83 CY

STA 7+95, LT & STA 8+35, LT
REMOVE (2) TWO BOLLARD POSTS

STA 8+28 BEGIN 5' CURBSIDE SIDEWALK
5 LF/25 SF

STA 9+40 END 'C' WALL
PLACE 5' SIDEWALK, 6 LF/30 SF

STA 8+03 TIE 5' CURBSIDE SIDEWALK INTO
BACK OF CURB, DO NOT INSTALL ADA RAMP
(BOTH SIDES OF DRIVEWAY)
NO WORK THROUGH DRIVEWAY

STA 8+33 BEGIN TRANSITION TO 2' CONCRETE
'C' WALL, 107 LF

STA 9+50 TIE 5' CURBSIDE SIDEWALK INTO
BACK OF CURB, DO NOT INSTALL ADA RAMP
NO WORK THROUGH DRIVEWAY

NOTE:
NO ADA WORK OR DRIVEWAY WORK IS REQUIRED

GENERAL NOTE:
USE 10' TO TRANSITION FROM DRIVEWAYS TO 2%
CROSS SLOPE

STA 9+93 TO STA 11+77
INSTALL 5' CURBSIDE SIDEWALK, 184 LF/920 SF



LOT 11

701 EAST SAINT PATRICK STREET

9+00

10+00

11+00

WOOD RETAINING WALL

EAST SAINT PATRICK STREET

January 25, 2011

Fm: Sidney A. Hansen
Hansen Heights property owner representative
4446 Anderson Drive
Beaverton, Michigan 48612

To: Mayor Alan Hanks
City of Rapid City
300 Sixth Street
Rapid City, South Dakota 57701-5035

Cc: Finance Officer Pauline Sumption
City of Rapid City
300 Sixth Street
City, South Dakota 57701-5035

Subject: Rescinding Change Order for ADA Ramps on the East St. Patrick Sidewalk Project

Dear Mayor Alan Hanks:

The City Council held an Assessment Roll Hearing on January 3, 2011 regarding the East St. Patrick Sidewalk Project MIP09-1805. The Hansen Heights property owners filed our objections in a letter dated January 1, 2011 drawing attention to errors in the Assessment Roll.

This week, the Hansen Heights property owners learned from the Public Works Department that ADA ramps are not required on the drive way to our vacant Lot 11R or for that matter not even an operating business. Hence, the Southside Tavern and Grill has no ADA ramps on Lot 10R.

The city mistakenly took the driveway to our vacant Lot 11R as a dedicated right-of-way. This right-of-way was vacated many years ago and these lots revised. Hence, there are R's on these lots in question. Had the city worked with the property owners, the change order would have been avoided. Our letter of October 18, 2010 to the city asked for an explanation of this design change with no response.

The Hansen Heights property owners are now seeking correction of this error and that the Hansen Heights property owners of Lot 11R be made whole:

1. Rescind the change order, remove the ADA ramps this spring, and re-install the original new sidewalks at no cost to the property owners.
2. Remove the change order costs (\$2,162.99) from the Assessment Roll so as not to appear on the tax rolls for Lot 11R.

We look forward to working with you to quickly correct this mistake. Please feel free to contact the Hansen Heights property owners in this matter.

Sincerely,



Sidney A. Hansen
Hansen Heights property owner representative

March 4, 2011

Fm: Sidney A. Hansen
Hansen Heights property owner representative
4446 Anderson Drive
Beaverton, Michigan 48612

To: Robert Ellis
Public Works Director
City of Rapid City
300 Sixth Street
Rapid City, South Dakota 57701-5035

Cc: Paul Faiman
Public Works Project Administrator
City of Rapid City
300 Sixth Street
Rapid City, South Dakota 57701-5035

Subject: Rescinding Change Order on East St. Patrick Sidewalk Project

Dear Robert Ellis:

We are requesting your assistance on this matter brought to the attention of Mayor Alan Hanks in our letter of January 25, 2011.

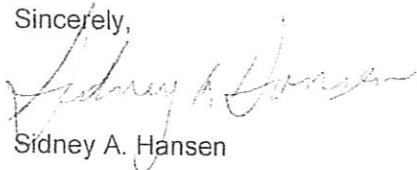
The city of Rapid City installed sidewalks on East St. Patrick Street, Project MIP09-1805, last summer 2010. Your recent e-mail attachment of March 3, 2011 provided the project bid package showing that the new sidewalks were installed with specifications: DO NOT INSTALL ADA RAMPS. However, a subsequent change order installed ADA ramps on Lot 11R unknown to the Hansen Heights property owners where none were required. The easement right-of-way was vacated many years ago and is now only a driveway to Lot 11R.

The Hansen Heights property owners are seeking correction of this error to make whole the owners of Lot 11R:

1. Rescind the change order, remove the ADA ramps, and re-install the original new sidewalk at no cost to the property owners.
2. Remove the change order costs (\$2162.99) from the assessment roll for Lot 11R.

We believe the city is responsible for this error in that the city acted "on their own" without contacting the property owners. The status of the vacated easement would have been readily known.

Sincerely,



Sidney A. Hansen

Encl: Letter to Mayor Alan Hanks subject above dated January 25, 2011

March 12, 2011

Fm: Sidney A. Hansen
Hansen Heights property owner representative
4446 Anderson Drive
Beaverton, Michigan 48612

To: Pauline Sumption
Financial Officer
City of Rapid City
300 Sixth Street
Rapid City, South Dakota 57701-5035

Cc: Robert Ellis
Public Works Director
City of Rapid City
300 Sixth Street
Rapid City, South Dakota 57701-5035

Subject: Rescinding Change Order on East St. Patrick Sidewalk Project, MIP09-1805

Dear Pauline Sumption:

At the late date of March 3, 2011; the Hansen Heights property owners received the requested project bid package documentation in an e-mail from the city after many persistent requests.

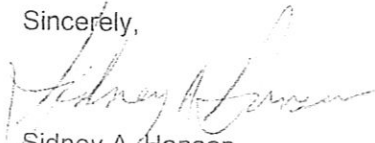
Note, the project bid package specifically highlighted in specifications: DO NOT INSTALL ADA RAMPS. However, a subsequent change order installed ADA ramps on Lot 11R unknown to the Hansen Heights property owners.

From the e-mail exchange that followed, it was determined that a change order had no construction package prepared for the installation of ADA Ramps. Also, the city did not disclose in the e-mail exchange what prompted the change order where no ADA ramps were required.

The Hansen Heights property owners are seeking correction of this error to make whole the property owners of Lot 11R.

We are asking your financial office to assist us in this matter before concluding your review of the Assessment Roll Hearing on January 3, 2011.

Sincerely,



Sidney A. Hansen
Hansen Heights property owner representative

Encl: Letter to Rapid City Public Works Director same subject dated March 4, 2011

April 20, 2011

Fm: Sidney A. Hansen
Hansen Heights property owner representative
4446 Anderson Drive
Beaverton, Michigan 48612

To: Pauline Sumption
Financial Officer
City of Rapid City
300 Sixth Street
Rapid City, South Dakota 57701-5035

Cc: Robert Ellis
Public Works Director
City of Rapid City
300 Sixth Street
Rapid City, South Dakota 57701-5035

Subject: Assessment Roll on East St. Patrick Sidewalk Project, MIP09-1805

Dear Pauline Sumption:

Thank you for your letter of April 14, 2011 summarizing your review of the assessment roll for the East St. Patrick Sidewalk Project. The property owners were disappointed in your findings regarding the confusion in the contractor bid and the subsequent (we believe improper) tax roll assessments as described in our letter of January 25, 2011.

Regarding the January 3, 2011 Assessment Roll Hearing at City Council, our objection letter of January 1, 2011 was sent via e-mail and included in the City Council packet. Our letter was the basis for the line of questions by Council Woman Bonny Pettersen. The property owners' follow-up letter of January 15, 2011 provided our answers to these questions. Our January 1, 2011 letter was also sent in the mail as described in your April 14, 2011 review letter.

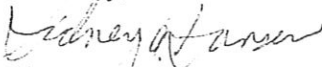
However, your letter of April 14, 2011 did not comment on the Hansen Heights property owners' letter of March 12, 2011 asking for the Change Order to be rescinded. The project specification documentations clearly stated: DO NOT INSTALL ADA RAMPS on all driveways. The City has not provided an explanation to the owners for this Change Order. The simple explanation is the City made a mistake in ordering ADA ramps on a driveway for Lot 11R.

We are asking that the Finance Office assist the property owners:

1. Review the Change Order against the original project scope and specifications
2. Submit a resolution to the City Council to rescind the project change order
3. Direct Public Works to restore the new sidewalk to the original project scope

Thank you for your assistance in resolving this outstanding assessment roll issue.

Sincerely,



Sidney A. Hansen
Hansen Heights property owner representative

Encl: Letter to Rapid City Mayor same subject dated January 25, 2011
Letter to Rapid City Public Works Director same subject dated March 4, 2011
Letter to Rapid City Finance Office same subject dated March 12, 2011

May 19, 2011

Fm: Sidney A. Hansen
Hansen Heights property owner representative
4446 Anderson Drive
Beaverton, Michigan 48612

To: Mayor Alan Hanks
City of Rapid City
300 Sixth Street
Rapid City, South Dakota 57701-5035

Cc: Robert Ellis
Public Works Director
City of Rapid City
300 Sixth Street
Rapid City, South Dakota 57701-5035

Subject: Rescind Change Order for ADA Ramps on East St. Patrick Sidewalk Project
(MIP09-1805)

Dear Mayor Hanks:

The Hansen Heights property owners are requesting your assistance to resolve a Change Order mistake that installed ADA ramps on the East St. Patrick Sidewalk Project, MIP09-1805.


Our correspondence with the Public Works Department and the Financial Officer has not resolved the issue over the last several months. The Hansen Heights property owners' letter of March 12, 2011 asked for the Change Order to be rescinded. The project specification documentations clearly stated: DO NOT INSTALL ADA RAMPS on all driveways. The City has not provided an explanation to the owners for this Change Order. The simple explanation is the City made a mistake in ordering ADA ramps on a driveway for Lot 11R.

We are asking for your personal involvement to resolve our Change Order concerns in the original project scope and specifications:

1. Direct the Public Works Department to submit a second change order to the Public Works Committee rescinding the original Change Order installing ADA ramps on Lot 11R and the associated Tax assessment. This second change order would include removal of the ADA ramps and restoration to the project specifications at no cost to the property owners.
2. Your support on the City Council for approval of the Public Works Committee recommendation would be greatly appreciated.

Thank you for your assistance in resolving this issue.

Sincerely,



Sidney A. Hansen
Hansen Heights property owner representative

Encl: Letter to Rapid City Mayor same subject dated January 25, 2011
Letter to Rapid City Public Works Director same subject dated March 4, 2011
Letter to Rapid City Finance Office same subject dated March 12, 2011
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