



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

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March 15, 2016

Rapid City Common Council

300 Sixth Street

Rapid City, SD 57701

Re: Rushmore Plaza Civic Center ADA Repairs

Rapid City Municipal Code 3.16.090 Rapid City Capital Improvements and Vision Fund

Dear Council Members:

I have two important issues to bring to your attention. I would like your feedback on these issues as I will be preparing agenda items for your future consideration.

The first issue is regarding ADA repairs within the Rushmore Plaza Civic Center, in areas outside the Barnett Arena. I'm sure you'll remember that late in 2015 you transferred \$65,000 in council contingency funds to the Rushmore Plaza Civic Center to manage ADA modifications. An attached spreadsheet shows that this money was spent along with an additional \$59,585 from Civic Center funds to solve ADA related problems.

The Civic Center ADA project is now at a point where funding is needed for design and reconstruction of Civic Center bathrooms and the parking lot, as well as handrail replacements. The estimated cost to accomplish this is \$1,338,585. Since this is merely a cost estimate it seems reasonable to add an additional 10% for contingency bringing the anticipated expense to \$1,472,443. The good news is, this will complete the ADA modifications within the Civic Center excluding the Barnett Arena.

City staff and their contractors are laying the groundwork for preparing bid solicitations for this work, therefore there is a current need for funding of these projects. I am requesting that you authorize funding this through the Vision Fund by adding \$1,472,443 to the Civic



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Center line item within the Vision Fund. There is a sufficient undesignated cash balance in the fund to allow this transfer.

The second item is related to Rapid City Municipal Code 3.16.090 Rapid City Capital Improvements and Vision Fund.

This ordinance details the process by which the Vision Account is used; the establishment of a citizen committee; public notice and taking public proposals, and the requirements for a five-year plan.

The general message within the ordinance is that there must be a five-year plan and a citizen committee of nine members to hear proposals. It also provides direction outlining the current and future five-year plans. There is an exception in the ordinance for establishing the citizen committee and presumably the process of public presentations and selection processes. The exception is "If the replacement or refurbishment of the Rushmore Plaza Civic Center is approved, and the Vision Fund account is the primary source of money used to finance the project, the City Council may adopt a five-year plan without appointing the citizen committee."

To me, this sounds like the perfect opportunity to utilize this exception. We have a new Civic Center Task Force which is tasked with identifying a plan for ADA improvements, evaluating other building modifications to enhance safety and marketability, and studying the current and future space needs within the Don Barnett Arena. As indicated above, there is a current \$1.4 million need for funding related to ADA issues at the Civic Center, and by every imaginable scenario a long-term funding need of tens of millions of dollars for building modifications at the very minimum. There is no question that modifications will have to be made, and as the new task force is already learning these modifications will be significant.

On one hand, this appears to be the perfect situation to utilize the exception outlined in the ordinance; however, the ordinance may be written in a way to disallow it at this point in time. The ordinance uses the specific language "If the replacement or refurbishment of the Rushmore Plaza Civic Center is approved..." This indicates to me that the timing requirement to establish the committee and initiate a five-year plan will come before any Council action officially approving replacement or refurbishment of the Civic Center. Realistically, we are at a minimum of 90 days away from having any official price tag on the ADA modification phase. It doesn't seem to make much sense to establish a citizen committee, take public proposals, and then discount the majority of the proposals because we need to save Vision Funds for pending repairs at the Civic Center. I believe a more honest approach to this whole process would be to either:

1. Modify the ordinance timeline for initiating the citizen committee and public proposals. It appears logical that we would be ready to entertain this process sometime in 2017.

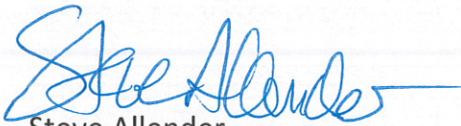
-Or-

2. Declare by resolution that significant modifications to the Barnett Arena are needed in the near future and that the Vision Fund will be a primary funding source for these modifications. You should also acknowledge that this meets the criteria in the ordinance. This will allow us to continue our work assessing the issues and planning for a solution at the Civic Center.

I am requesting your consideration on this matter and will prepare for its future placement on the Council's agenda.

If you have further questions, or require further information, please do not hesitate to contact me.

Sincerely,



Steve Allender
Mayor of Rapid City

cc: Craig Baltzer
Pauline Sumption
Joel Landeen

**RUSHMORE PLAZA CIVIC CENTER
DOJ - ADA SETTLEMENT MODIFICATION REQUIREMENTS
CITY FUNDS HISTORY**

DATE	PAY REQUEST	DESCRIPTION	APPROVED BY RPCC/ROD JOHNSON	REQUESTED AMOUNT	RETAINAGE	PAID AMOUNT	BALANCE TO FINISH PLUS RETAINAGE
12/31/2015		CITY TRANSFERRED MONIES TO RPCC TO MANAGE FOR ADA-DOJ MODIFICATIONS					\$ 65,000.00
							<u>\$ 65,000.00</u>
1/4/2016	1	ARCHITECTURE INC	X	4,250.00		4,250.00	\$ 60,750.00
11/18/2015		Haggerty's Music Works (add'l hearing devices)	X	5,120.00		5,120.00	\$ 55,630.00
Various 2015		Misc - Club ADA door, hardware, closures, signage		4,722.70		4,722.70	\$ 50,907.30
2/1/2016	2	ARCHITECTURE INC	X	2,550.00		2,550.00	\$ 48,357.30
		TOTALS		\$ 16,642.70	\$ -	\$ 16,642.70	\$ 48,357.30

DATE	DESCRIPTION	AMOUNT	REVISION CONTRACT	BALANCE TO FINISH PLUS RETAINAGE
2/23/2016	Architecture Inc	17,200.00		\$ 31,157.30
2/23/2016	FMG	86,943.00		\$ (55,785.70)
2/23/2016	Chamberlin Architects	3,800.00		\$ (59,585.70)
	TOTALS			\$ (59,585.70)

PROJECTED ADDITIONAL DESIGN/CONSTRUCTION PROJECT COSTS	AMOUNT	BALANCE TO FINISH PLUS RETAINAGE
X-XX-2016 Chamberlin Architects	50,000.00	\$ (109,585.70)
X-XX-2016 Unknown	500,000.00	\$ (609,585.70)
X-XX-2016 Unknown	700,000.00	\$ (1,309,585.70)
X-XX-2016 Unknown	29,000.00	\$ (1,338,585.70)
GRAND TOTALS		\$ (1,338,585.70)

PROJECTED GRAND TOTAL COST OF ADA MODIFICATIONS PER THE DOJ SETTLEMENT - UNDETERMINED FUNDING SOURCE \$ 1,338,585.70