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December 3, 2002

Mr. Jason Green
Assistant City Attorney
300 Sixth Street
Rapid City, SD 57701

Dear Jason:

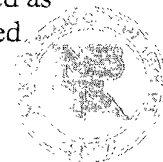
Our law firm represents I-90 Amoco located at 2213 N. LaCrosse Street which is owned by Rod and Kathy Pederson. We wish to respond to the Staff Report and submit additional clarification for the Planning Department in the hopes that the matter can be tabled or postponed as our client is making a good faith attempt to come into compliance with the Rapid City Municipal Code.

At the outset, we would like to mention that a large impediment for our client was litigation with the contractor. I had conversations with Stanton Fox, Assistant City Attorney and had advised that we were cautiously optimistic that we would reach a settlement with the contractor whereunder the contractor would correct or resolve the itemized matters that the city inspectors had brought to our attention. While we resolved the case with the contractor, our client was left with the burden of coming into code compliance. As indicated below, a number of the matters have been corrected and addressed. We hope this is indicative of our client's good faith efforts in this regard. In those area which need completion, we have made arrangements to bid the work and have made our best efforts to provide a date when those matters can be completed.

In the Staff Report dated December 5, 2002, we note that the Building Inspection Division has identified several building codes that have not been met. . For ease of reference, we have listed each point below with the action taken. In addressing the thirteen enumerated bullet points of the Staff Report, we would respond as follows

- **“Providing 16 striped parking stalls including one signed van accessible stall.”**

This work has not been performed. However, we have contacted Clemmons Seal Coating & Asphalt Products, 343-6966 to obtain a bid for this work. Likewise, we have been in touch with Traffic Safety Services, Inc. (See letter attached as Exhibit #1) We expect, weather permitting that this work can be completed within 45 days.



- **“The ramp into the building is too steep. The maximum slope is 1:12.”**

This work has not been performed. We have contracted two concrete contractors, Randy Seidel, 393-2190 Seidel Concrete of Rapid City and Loren Doyle, Doyle Concrete of Rapid City 343-7450. Weather and scheduling of the contractor permitting, we expect that this work can be performed within 60 days.

- **“Complete the required landscaping or provide a surety”**

The landscaping is done. Jolly Lane provided the shrubs and plants. (See Attached invoice for plants and shrubbery. (See Exhibit #2)

- **“The firewall as shown and required on the plans has not been completed.”**

Steve Malon of Malon Insulation Service Inc. 1051 Kennel Drive, Rapid City 343-5625, has sprayed fire retardant on the existing firewall. A copy of Mr. Malon's bid is attached. (Exhibit #3) There is a gap which needs to be completed in the garage area located in the attic and we have asked Horst Acoustical 1140 Deadwood Avenue, Rapid City, 343-7404 for a bid to complete this work. Horst was the original subcontractor on the project and we anticipate having a bid on the work within the next 30 days. Depending upon the contractor availability, we intend on requesting that performance of the work be completed on or before March 31, 2003.

- **“Correct the drainage problem on east side of the building. It needs to drain away from the building.”**

This matter was corrected by Gustafson Builders in connection with the settlement of the above-referenced case. Rock and gravel were hauled in and this matter has been corrected.

- **“Water Closet Stalls in Men's and Women's Bathrooms are too narrow. There is a minimum of 60 inches in width.”**

Larry Hermanson, of Hermanson Egge Engineering, 2324 Huntington Place Rapid City 342-0680 has provided a rough sketch of a possible corrective solution for the existing stalls. (See Exhibit #4) Mr. Hermanson was formerly an engineer with Dunham & Associates who was originally involved with the project. We plan to submit this to the city to see if the concept meets with code and plan to work with Mr. Hermanson and the City to reach a final plan. Thereafter, we will submit the plan for bid.

- **Mirrors in Men's and Women's Bathrooms are mounted too high. There is a maximum of 40 inches to bottom edge of reflecting surface.**

We would like to see if a full length mirror next to the sink is an acceptable solution to the problem. Currently the walls are tiled. If this solution is workable, we could correct within 7 days.

- **"The building permit has expired, and the applicant needs to obtain a new one."**

Once we have estimates for the work referenced herein, we will obtain a building permit such that the work can move ahead.

- **"The building is being occupied and used without a Certificate of Occupancy."**

Once a building permit is obtained, the work can be performed to code and a certificate will presumably issue.

- **An auto shutdown feature is not in place.**

We have contacted Gary at Grimms Pump Service, Rapid City 343-3629 for assistance as we are not familiar with this particular code section. It is our understanding that this is a gas pump issue and so long as the station is manned on a 24 hour per day basis, this may not be a required feature. Our gas station is open 24 hours per day and we question the necessity of an auto shutdown feature.

- **The development needs sheet metal fire stops on two unit heater vents. Type B vent installed per manufacturer's specifications.**

These were completed by Malon Insulation Service, Inc. See Exhibit #3, item: "Replace and seal open grates and openings in firewall w/18 gauge steel."

- **Rooftop access may be required.**

Our understanding was that rooftop access was not required. This appears to be somewhat ambiguous. If required, we can complete within 45 days.

- **Install proper backflow prevention on water supply to car wash equipment.**

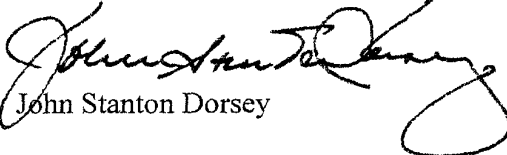
This work was done by Western Mechanical of Rapid City.

Mr. Jason Green
December 3, 2002
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Please advise if we can work out an acceptable resolution of this matter prior to the Planning and Zoning meeting scheduled for December 5, 2002. I appreciate your prompt attention.

Sincerely,

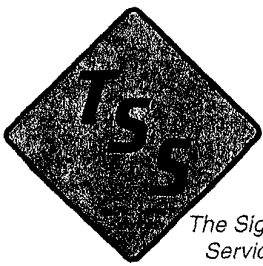
WHITING, HAGG & HAGG



John Stanton Dorsey

JSD/smk

cc: Rod and Kathy Pederson



The Sign of Service!

TRAFFIC SAFETY SERVICES, INC.

A Division of



Fargo Office: 4202 14th Ave. NW • P.O. Box 310 • Fargo, ND 58107-0310 • 701-282-2110 • FAX 701-281-1400

Wednesday, February 16, 2000

Amoco - I90
2113 North Lacrosse Street
Rapid City, South Dakota 57701

Attention: Manager

I am sending this letter with regards to your customer parking area. Did you know that both the Rapid City and Federal requirements dictate that your parking area must have a minimum of 1 disabled parking stall? Did you also realize that this stall must display a sign showing the universal symbol of accessibility, and if more than one disabled space is required (based on your total parking area), that a percentage of those spaces must be marked "van accessible"? Well, if you didn't, don't feel bad. A lot of businesses are either unaware of the requirements or unsure of the correct procedures to follow.

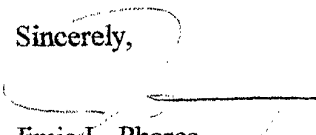
So for your convenience, I have enclosed a couple of pages from the federal rules and regulations pamphlet regarding the proper placement of disabled parking signs.

I would also like you to know that Traffic Safety Services, a company known throughout the upper Midwest for quality traffic control and pavement marking, manufactures and supply's the signs that your firm may require. We would be pleased to do business with you by providing not just disabled parking signs, but any other sign(s) that your parking area(s) may require. We pride ourselves on the quality of our products and I am sure you will find our prices VERY REASONABLE. So please, give us a call.

There is no obligation and you may be surprised at just how little it would cost you to bring your parking area up to code.

I look forward to doing business with you.

Sincerely,


Jimie L. Phares
Sales/Marketing

Branch Offices

Bismarck, ND
1507 Continental Ave.
Bismarck, ND 58504
701-258-4770
FAX 701-258-8002

Sioux Falls, SD
1812 K Avenue N.
Sioux Falls, SD 57104
605-373-1202
FAX 605-335-7050

Rapid City, SD
3455 Eglin St.
P.O. Box 226
Rapid City, SD 57709
605-341-4823
FAX 605-341-3634

Casper, WY
1396 N. Derrick Dr.
P.O. Box 534
Casper, WY 82602-0534
307-266-5113
FAX 307-266-1520

Sioux City, IA
2200 Floyd Blvd.
P.O. Box 1686
Sioux City, IA 51102-1686
712-252-1399
FAX 712-252-1297

WE ARE AN EQUAL OPPORTUNITY EMPLOYER

EXHIBIT #1

Jolly Lane Greenhouse Inc.

Our business is blooming.



2962 East 39th Street • Rapid City, SD 57701 • (605) 393-1700



ORDER DATE		DELIVERY DATE		PICKUP DATE	
DELIVER TO I 10 Anaco		DELIVERY DATE		PICKUP DATE 7/7	
ADDRESS 2212 N. LaCross		S M T W T F S		A.M. P.M.	
CITY R.C.	STATE SD	ZIP 57701	PHONE 342-7673		
ORDER TAKEN BY Linda	ORDER FILLED BY Becky	TIME ORDER TAKEN A.M. P.M.			
DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT		
3 Ambrosia Kale - 2 gal	3	20.99	62.97 62		
5 W. Spire - 1 gal	5	20.19	100.95 102		
3 Kale - 1 gal	3	11.99	35.97 39		
4 Ruby Red - 1 gal	4	11.99	47.96 45		
3 Kale - 1 gal	3	22.99	68.97 62		
6 Russian Spire - 1 gal	6	7.29	43.74 42		
BIRTHDAY ANNIV. BABY HOLIDAY SYMPATHY SPEEDY RECOVERY OTHER					
ORDERED BY			DELIVERY		
CHARGE TO			SUBTOTAL	357.06	
ADDRESS			TAX	21.42	
CREDIT CARD NO.			TOTAL	378.48	
EXP. DATE					

CASH C.O.D. CHARGE NEW ACCOUNT

26262	DELIVERED BY	TIME	<input type="checkbox"/> AM <input type="checkbox"/> PM
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EXHIBIT #2

Malon Insulation Service Inc.
1051 Kennel Drive
Rapid City, SD 57703
605-343-5625

FP-I-90 AMOCO
Fireproofing
Proposal

No.91208-FP

Proposal Submitted To:
Kathy Peterson-I-90 AMOCO
Street:

Phone:
342-7673
Job Name:
I-90 Amoco store and service station

Date:
12/8/99

City, State and Zip Code:
Rapid City, SD 57701

Job Location:
I-90 and LaCrosse St. North side

Architect:
Dunham and Associates-Dave St.Pierre

Date of Plans: Job Phone:

We hereby submit specifications and estimates for: Fireproofing Spray-On, UL Design U-804

1 Hour Rating, Cafco Blaze Shield Type II with galvanized wire mesh for support EP-601S fire caulking (estimate 20 tubes) —	Upper wall spray in attic area Spray Support steel framing on firewall Smoke seal joints at metal panels	\$1,528.00 \$125.00 \$549.00
Lower wall: blown-in rockwool insulation 3.5" Top of wall joint sealing	666 s.f.	\$566.00 \$80.00
Replace and seal open grates and openings in firewall w/18 gauge steel		\$70.00

Sub Total \$2,918.00
Sales Tax \$87.54
Total \$3,005.54

Considering the Scope of Work to be performed a
MINIMUM of 3 Days will be needed for application
of Fireproofing Materials.

We propose hereby to furnish material and labor, complete in accordance with above specs., for the sum
Three Thousand Five and 54/100*****
\$3,005.54

Payment to be made as follows:
Full Payment within 30 days of completion of Insulation work.

Authorized Signature: Steven G. Malon
Steven G. Malon
President

NOTE: This proposal may be withdrawn by us if not accepted within 30 days.

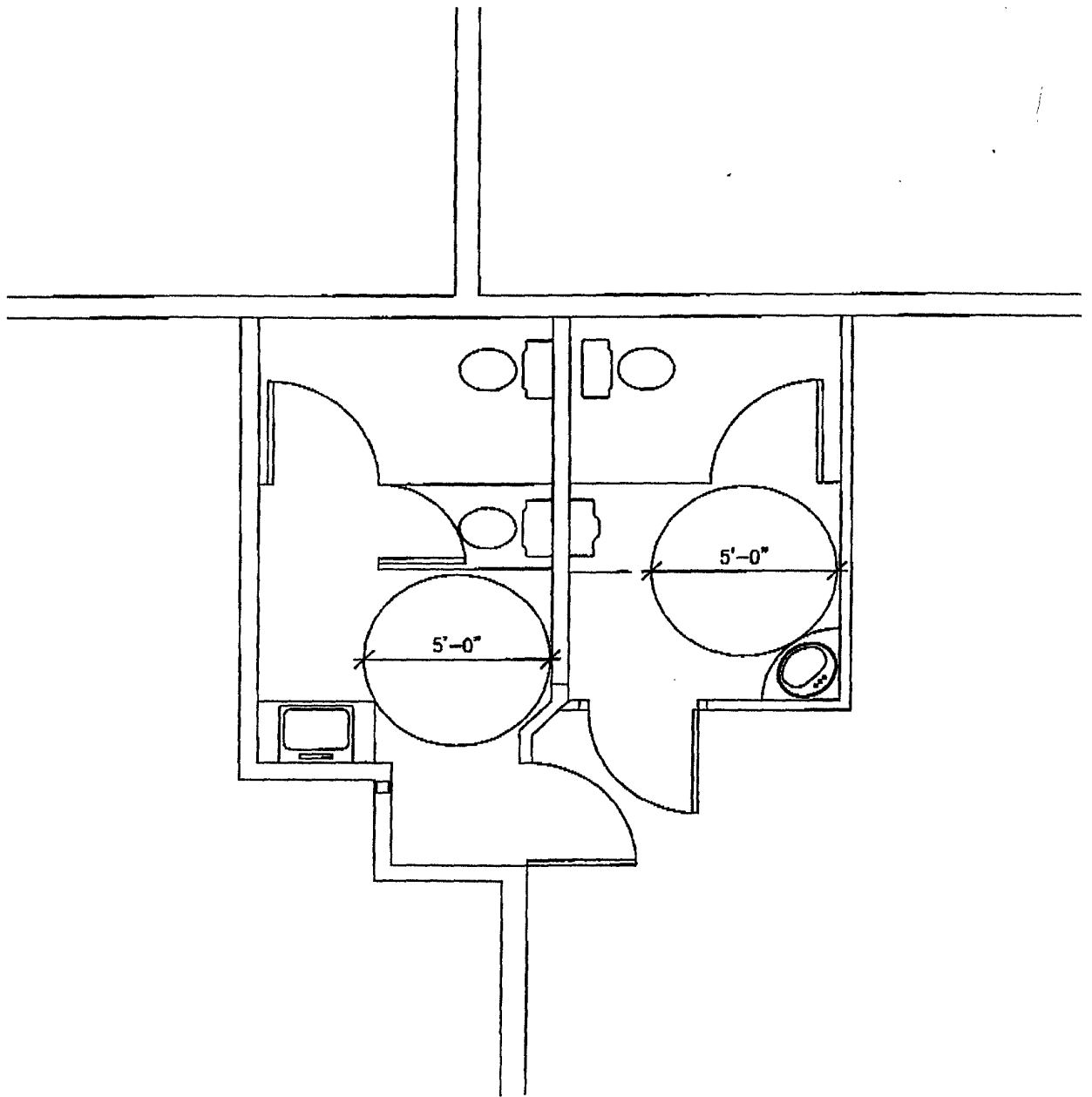
All material is guaranteed to be as specified. Job is to be done in a workman like manner, according to standard practices. Any alterations or deviations from specifications involving extra costs will be done only upon written orders, and will become an extra charge, over and above the estimate. All agreements pending upon strikes, accidents, or delays beyond our control. Owner is to carry fire, tornado, and all other necessary insurance.

Our workers are fully covered by Liability and Workmen's Compensation Insurance.

ACCEPTANCE OF PROPOSAL - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: _____ Signature: _____
Page 1

EXHIBIT #3



SCALE: 1/4" = 1'-0"

EXHIBIT #4