

Lazy P6 Land Co. Inc: Request Council Appeal Hearing on Holding Tank Denial
LAZY P6 LAND CO INC REQUEST FOR A HOLDING TANK FOR U11.
3/11/2014

FROM: Lazy P6 Land Co. Inc – Orvil Davis, President

REF: Current City Approved Oversize Agreement- 9.24.2013

The attached chronicles events related to the request for a holding tank.

Additional record documents in support of and for discussion may be presented for the March 11, 2014 PWC meeting.

The attached includes a series of emails. Senior staff members have denied this request. They now suggest P6 pay a non-refundable fee of \$300 for a formal application – which will be denied. The contractors mentioned in Dale Tech's email both claim city staff refused to even give them the application. Oddly, this is one of the rare applications that the city does not make available on-line.

Lazy P6 appeals this denial to the City Council' with the following proposals - Attached.

P6 will agree to amend the annexation limits approved in the current Oversize Agreement (OA). Both the current OA boundaries and the proposed REVISED boundaries are attached.

The oversize triggers will not change: re; prior to receipt of oversize reimbursement.

Citations added to the current OA to reflect changes in the activity and conditions associated with the current project scope – Attached.

NOTE: Lazy P6 has formally challenged the current Draft Future Land Use Plan that makes substantial changes P6 has relied upon for the past several years. Email 2/13/2014.

PDF Attachment

lmk

PWC 3/11/2014 APPEAL
Holding Tank Denial

From: Terry.Wolterstorff@rcgov.org
To: Jerry.Wright@rcgov.org, Ritchie.Nordstrom@rcgov.org, Joel.Landeen@rcgov.org
CC: centrline@aol.com, Sam.Kooiker@rcgov.org, Amanda.Scott@rcgov.org, Brett.Limbaugh@rcgov.org
Sent: 2/11/2014 7:54:51 P.M. Mountain Standard Time
Subj: RE: Public Works Item 22 - P6 Sewer connection

The item was placed on the agenda at Chairman Nordstrom's request. What changed following the meeting last Friday was a review of the boundary of the property in question and the 2005 Resolution. The property is contiguous to the city limits and the resolution requires annexation (both were attached to the agenda item). The resolution was adopted to allow for orderly growth of the city and staff recommends that it be followed. If you read the resolution in its entirety you will see that it is very logical. The path forward is really quite simple. Sign a petition of annexation and receive the service.

Just so everyone is clear, holding tanks or drainfields will not be permitted on this site.

I look forward to more discussions on how to ensure proper development of this area in full compliance with city standards.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Wright Jerry
Date: 02/11/2014 6:43 PM (GMT-07:00)
To: Nordstrom Ritchie, Landeen Joel, Wolterstorff Terry
Cc: centrline@aol.com, Kooiker Sam, Wright Jerry, Scott Amanda
Subject: Public Works Item 22 - P6 Sewer connection

PW Item 22

I might add that I am confused on the direction and action on this item today. It was my understanding at our meeting last Friday, that this be brought to the Public Works Committee with the solution as allowed in Paragraph 2 Item B. of the resolution of 16 May 2005 regarding utility services outside of the city limits. The understanding I walked out of our meeting of last Friday, was to present this item with the 300% of retail price and work for annexation. This approach would have eliminated the chance of a septic tank or holding tank being placed in service for the property concerned. Further, we did discuss we could add a desire to begin the process of an annexation agreement with P6 or for that matter direct staff to initiate discussion about an annexation agreement. I would appreciate a discussion before Monday night's meeting. Jerry

From: Dale.Tech@rcgov.org
To: Centrline@aol.com
CC: proinc11@yahoo.com
Sent: 2/26/2014 4:00:28 P.M. Mountain Standard Time
Subj: RE: Lazy P6 U11 Holding Tank Denial Confirmation

I wasn't there either but I believe what I stated earlier to be true.

No. Hardcopy only available at Engineering Services/PW.

No.
Dale

From: Centrline@aol.com [mailto:Centrline@aol.com]
Sent: Wednesday, February 26, 2014 2:31 PM
To: Tech Dale
Cc: proinc11@yahoo.com
Subject: Re: Lazy P6 U11 Holding Tank Denial Confirmation

I was told Louie would not let them submit a permit app ?? (I wasn't there.)

Is there an online permit app?

Is the \$300 refundable if denied?

Thanks
lmk

In a message dated 2/26/2014 8:24:57 A.M. Mountain Standard Time, Dale.Tech@rcgov.org writes:

City staff has not received a formal application to install an alternate on-site sewer system. Mr. Warax and Mr. Caekaert had both inquired on separate occasions about obtaining a permit and staff verbally told them that a permit would not be issued. If Lazy P6 wishes to make a formal application there is a \$300 permit fee for a new system.

Dale

From: Centrline@aol.com [mailto:Centrline@aol.com]
Sent: Tuesday, February 25, 2014 2:59 PM
To: Wolterstorff Terry; Tech Dale
Cc: Wright Jerry; Nordstrom Ritchie; proinc11@yahoo.com; chino.caekaert@icloud.com
Subject: Lazy P6 U11 Holding Tank Denial Confirmation

Hi

Please confirm your staff has denied a permit / request to Caekaert Construction for a holding tank on U11, Southgate Condos.

Call with questions. Thanks.

lmk

MEETING SUMMARY: Feb. 13, 2014
Lawrence M Kostaneski, PE: Centerline
for Lazy P6 Land Co. Inc

APPEAL: Holding Tank Denial - U11

TOPIC:

Provide water and sewer service connection to U11, Southgate Commercial Condos, Lazy P6 Land Co. Inc. Revised Oversize Agreement Graphic (Exhibit B) Attached.

PRESENT:

Orvil Davis, President, Lazy P6 Land Company, Inc.
Mayor Sam Kookier, Rapid City
Terry Wolterstorff, PE, PW Director, Rapid City
Lawrence M Kostaneski, PE, Centerline for Lazy P6.

SCOPE:

Identify a strategy for U11 to obtain service from water and sewer mains in R1, currently under construction at P6's expense. U11 is currently outside Rapid City corporate limits. A 9.24.13 Council approved Oversize Agreement will require revision.

RESULT:

The attached graphic shows the adjusted boundary. Units 3 thru 6, 11 and included common ground will be attached to Phase 1. The boundary between Ph 1,2 and Ph 3,4 shall be modified as shown, including the removal of a small piece west of R1 and 5th Street.

Oversize Agreement (OA) Revisions: (ADD citations)

A: The City shall design, bid, manage and build all revised surfaces, C&G, signal upgrades, striping and impacted existing features at the 5th and Catron Boulevard intersection, including the sanitary sewer system revisions identified. The work shall extend to the current Catron Blvd right of way (ROW) line. Any additional ROW needed for this work or extensions there from shall be obtained from Lazy P6 prior to bidding. Lazy P6 shall have unimpeded access to all conduits, sewer mains and related for future extension. City shall substantially complete this work at their expense by Dec. 31, 2014.

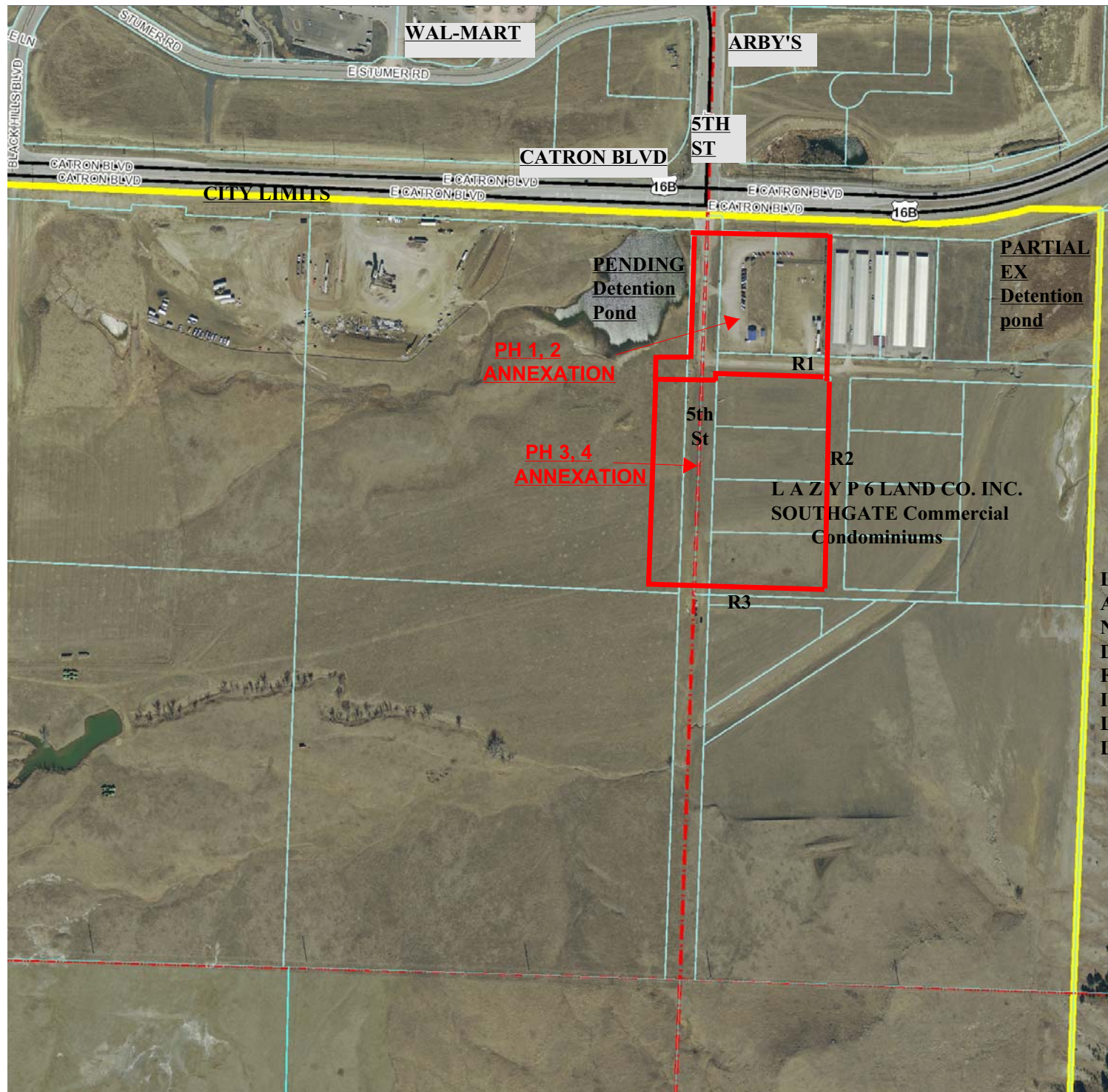
(Discussion: In the past year the city has made 3 unexpected changes to this intersection, the latest of which was instigated by city's current signal consultant. This has become complex and clearly was not anticipated when the Catron Blvd project was initially designed and built by DOT. Lazy P6 believes this is well beyond their scope and responsibility. Moreover, the city will have plans, notes, details and related construction data for the signals already in their possession.)

B: ADD a citation for oversize Design Fees included in the Lazy P6 portion of the 5th St. extension.
(Discussion: This task is covered in a companion email and properly belongs within the body of the OA)

C: REVISE the current language to include monthly reimbursements to Lazy P6 in the event land is annexed prior to completion of the eligible reimbursable improvements.

D: The City shall substantially complete MP203 (NW corner of Landfill property) at their expense prior to Dec. 31, 2014.

**Orvil Davis, President
Lazy P6 Land Co. Inc**

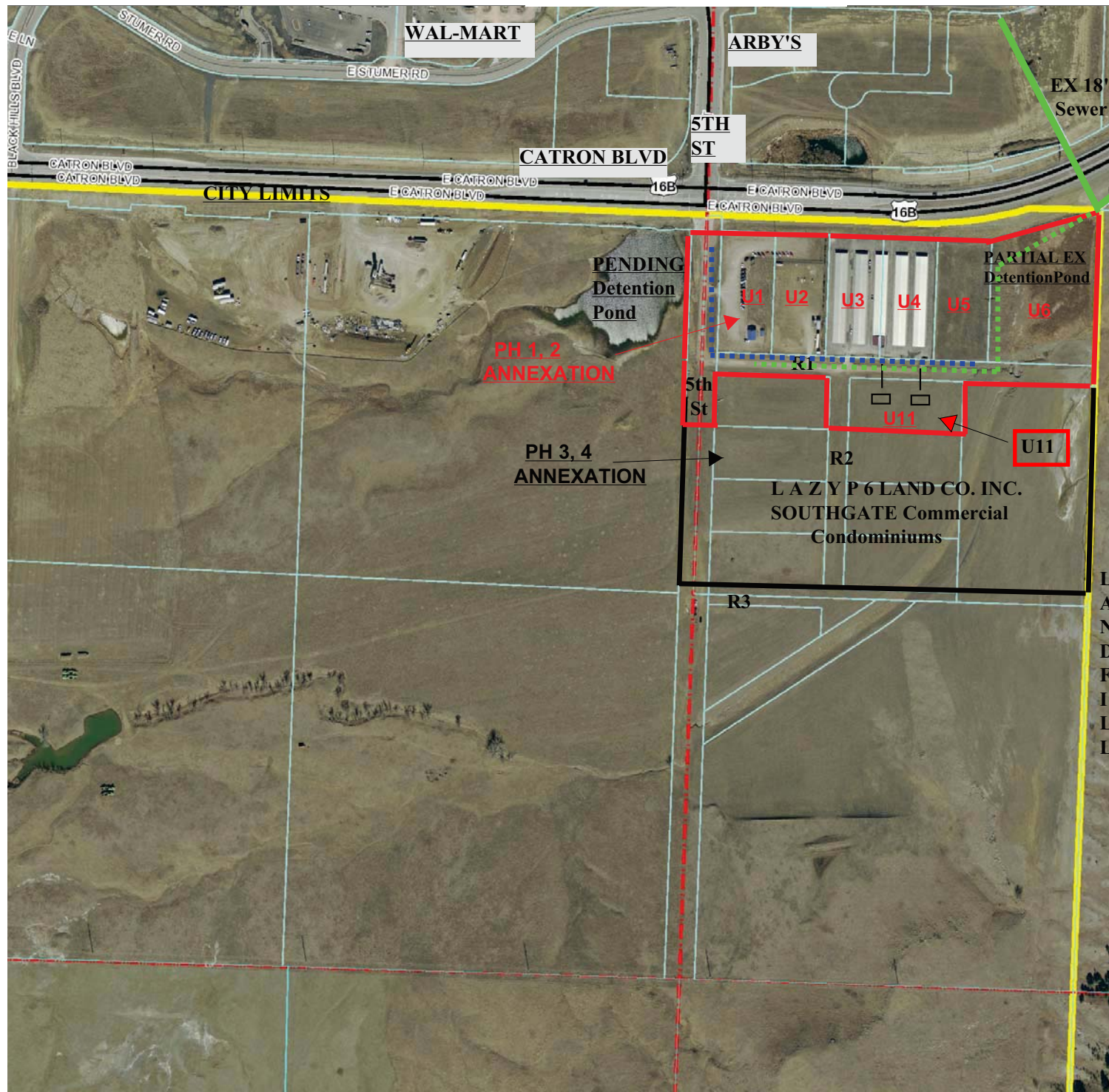


- Roads
 - Interstate
 - US highway
 - SD highway
 - County highway
 - Main road
 - Minor arterial
 - Collector
 - Ramp
 - Paved road
 - Unpaved road
 - Unimproved road
 - Trail
 - FS Highway
 - Airport Runway
 - Not yet coded
- Lot Lines
 - <Null>
 - Lot Line
 - Parcel Line
- Township/Section Lines
 - 0
 - 7
- County Line

**EXHIBIT B
OVERSIZE
AGREEMENT
Page 2 of 2**

Scale 1: 4,800

Map Notes:



- Roads
- Interstate
 - US highway
 - SD highway
 - County highway
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 - Unimproved road
 - Trail
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 - Airport Runway
 - Not yet coded
- Lot Lines
- <Null>
 - Lot Line
 - Parcel Line
- Township/Section Lines
- 0
 - 7
- County Line

FOR COMMENT

City will permit interim connections to other units when utilities are available but prior to annexation of that phase

EXHIBIT B
OVERSIZE
AGREEMENT

Scale 1: 4,800

Map Notes: