

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

April 13, 2004

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 Tuesday, April 13, 2004 at 1:15 P.M.

Mayor Jim Shaw and the following Alderpersons were present: Jean French, Alan Hanks, Sam Kooiker, Tom Murphy, Bill Waugh, Martha Rodriguez, Ron Kroeger, Ray Hadley and Rick Kriebel; the following arrived during the course of the meeting: None; and the following were absent: Jeff Partridge.

Motion was made by Rodriguez, seconded by Waugh and carried to approve No. CC040504-06 - **Quit Claim Deeds** with Stoneridge, LLC, Lazy P-6 Land Company, Inc. and the Rapid City Area School District.

Motion was made by Rodriguez and seconded by Waugh to approve No. CC040504-05 – Resolutions **Acknowledging Charitable Donation** of Land to the City of Rapid City from Stoneridge, LLC and from Lazy P-6 Land Company, Inc.

RESOLUTION ACKNOWLEDGING CHARITABLE DONATION
OF LAND TO THE CITY OF RAPID CITY

WHEREAS the City of Rapid City intends to extend Fifth Street south to Catron Boulevard; and

WHEREAS Lazy P-6 Land Company, Inc. (hereinafter Lazy P-6) owns certain real property generally south of the currently existing Fifth Street and north of Catron Boulevard and legally described as:

Lot H2 located in Government Lot Two (2) in Section Nineteen (19), Township One North (T1N), Range Eight East (R8E), Black Hills Meridian, Rapid City, Pennington County, South Dakota, containing 1.07 acres, more or less; and

WHEREAS, Lazy P-6 intends to develop its property in accordance with City subdivision regulations; and

WHEREAS, the City's subdivision regulations require as a condition of plat approval, that the developer dedicate public right-of-ways of one hundred (100) feet in width across a portion of the proposed development to be used for the purpose of public streets; and

WHEREAS, the City desires a right-of way through the Development with a width of one hundred twenty four (124) feet for the public benefit; and

WHEREAS, the City does not own or have rights to land suitable for such a public right-of-way; and

WHEREAS, Lazy P-6 is willing to (a) dedicate to the City a public right-of-way with a width of one hundred (100) feet; and to (b) donate for public use and benefit to the City an additional twenty four (24) feet of width to said public right-of-way.

NOW THEREFORE, BE IT RESOLVED that the donation of an additional twenty four (24) feet of width of public right-of-way by Lazy P-6 for the purpose of the extension of Fifth Street is hereby acknowledged and accepted; and

BE IT FURTHER RESOLVED that the City of Rapid City acknowledges that this donation is charitable in nature, and is not required by the City subdivision ordinance.

DATED this 13th day of April, 2004.

ATTEST:
s/ James F. Preston
Finance Officer
(SEAL)

THE CITY COUNCIL
s/ Jim Shaw, Mayor

RESOLUTION ACKNOWLEDGING CHARITABLE DONATION
OF LAND TO THE CITY OF RAPID CITY

WHEREAS the City of Rapid City intends to extend Fifth Street south to Catron Boulevard; and

WHEREAS Stoneridge, LLC, a South Dakota Limited Liability Company (hereinafter Stoneridge) owns certain real property generally south of the currently existing Fifth Street and north of Catron Boulevard and legally described as:

Parcel No. 37-24-200-003: NE1/4 of the NW1/4; and the N1/2 of the NE1/4 less NW1/4 of the NW1/4 of the NE1/4 and less NE1/4, NW1/4, NE1/4 and less the NW1/4 of the NE1/4 of the NE1/4, located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota

Parcel No. 37-24-200-005: E1/2 W1/2SE1/4 NE1/4; W1/2 E1/2 SE1/4 NE1/4; SW1/4 NE1/4 less NW1/4 SW1/4 NE1/4 & less ROW in S1/2 NE1/4, located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota

Parcel No. 37-24-200-006: E1/2 of the E1/2 of the SE1/4 of the NE1/4; and the W1/2 of the W1/2 of the SE1/4 of the NE1/4; and the E1/2 of the W1/2 of the W1/2 of the SE1/4 of the NE1/4, located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota

Parcel No. 38-19-100-002: Government Lots 1 and 2, less right-of-way, located in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and

WHEREAS, Stoneridge intends to develop its property in accordance with City subdivision regulations; and

WHEREAS, the City's subdivision regulations require as a condition of plat approval, that the developer dedicate public right-of-ways of one hundred (100) feet in width across a portion of the proposed development to be used for the purpose of public streets; and

WHEREAS, the City desires a right-of way through the Development with a width of one hundred twenty four (124) feet for the public benefit; and

WHEREAS, the City does not own or have rights to land suitable for such a public right-of-way; and

WHEREAS, the City has a need for a drainage basin within the property owned by Stoneridge for the public benefit; and

WHEREAS, the City does not own or have rights to land suitable for such drainage uses; and

WHEREAS, Stoneridge is willing to (a) dedicate to the City a public right-of-way with a width of one hundred (100) feet; and to (b) donate for public use and benefit to the City an additional twenty four (24) feet of width to said public right-of-way, and a two (2) acre drainage basin.

NOW THEREFORE, BE IT RESOLVED that the donation of an additional twenty four (24) feet of width of public right-of-way by Stoneridge for the purpose of the extension of Fifth Street is hereby acknowledged and accepted; and

BE IT FURTHER RESOLVED that the City of Rapid City hereby accepts the charitable donation of two (2) acres of land for the purpose of the construction of a drainage basin; and

BE IT FURTHER RESOLVED that the City of Rapid City acknowledges that these donations are charitable in nature, and are not required by the City subdivision ordinance.

DATED this 13th day of April, 2004.

ATTEST:
s/ James F. Preston
Finance Officer
(SEAL)

THE CITY COUNCIL
s/ Jim Shaw, Mayor

The motion for approval of the foregoing Resolutions was seconded by Waugh. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley and Kriebel; NO: None, whereupon said Resolutions were declared duly passed and adopted.

The next item before the Council was No. CC040504-01, bid award for **Fifth Street Extension Project** ST00-914 & Catron Boulevard (Highway 16B Fifth Street Intersection Project ST01-1095. Bids from the following companies were opened on March 31, 2004: 1) Zandstra Construction, 2) Heavy Constructors and 3) Rapid Construction. Engineering Division Manager Dan Coon explained that staff has reviewed the bids which are all below the available funding for this project (\$5,830,148). Staff submitted the following options for the Council's consideration:

- 1) Award the base bid plus Alternate 1 (street lighting) in the amount of \$5,505,119.62. This will leave approximately \$325,000 for project contingencies; or
- 2) Award the base bid plus Alternates 1 & 2 (street lighting & sidewalk/bike path) in the amount of \$5,791,934.72. This will leave approximately \$38,000 for contingencies.

Coon added that if the Council chooses to award the base bid plus both alternates, and it is discovered during the project that additional funding is needed for unforeseen items, the sidewalk/bike path portion of the project can be deleted. This would provide an additional \$112,665 for contingencies. The sidewalk/bike path will then be done at a later date as a development cost. Coon added that staff has reviewed this project and is comfortable with awarding the base bid and alternates, with the understanding that the sidewalk can be deleted in the future if necessary. Coon added that the sidewalk would typically be one of the last items to be constructed in this project. Kooiker questioned the additional funding that would come from the landowners if the sidewalk portion of the project is deleted. Hanks explained that the landowners are required to put in sidewalks along this project. The City must pay the oversize costs for the bike path portion because that is more than the standard sidewalk. The dollar amount identified for sidewalks along both sides of the project was included in the IDPF. These funds are being paid up-front by the city, with the understanding that they will be repaid by the developers.

Motion was made by Rodriguez and seconded by Hadley to **award the bid** for ST01-1095 to Zandstra Construction, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$5,791,934.72 (Base Bid Plus Alternates 1 and 2) with the understanding that if additional funding is needed for contingencies, the sidewalk/bike path portion of the project will be deleted.

George Wallace appeared before the Council and stated that he believes there is a conflict of interest for Alderman Ron Kroeger on this project. He asked that Kroeger recuse himself from voting on this issue because he is a real estate agent affiliated with Coldwell Banker Real Estate which has a considerable interest in the land involved with this project. Wallace stated that he wants a impartial City Council voting on issues that affect all citizens of the Rapid City. Mayor Shaw stated that he feels it is very inappropriate for Mr. Wallace to make mention of impropriety on the part of Mr. Kroeger. Hanks stated that he is very familiar with all parties who have any interest in property that will be affected by Fifth Street. One of the principals of Coldwell Banker has an interest, but the company does not. Hanks stated that Kroeger has no financial interest, obligation or possibility of benefit from the 5th Street project. Murphy and Rodriguez and spoke on behalf of Mr. Kroeger noting that he has been working on this project for many years on behalf of the citizens of the community. Kroeger stated that he will not be abstaining from this vote. He has no financial interest in any property located along 5th Street. He added that it seems ironic that this suggestion would come up now when the project is going to be started, but it hasn't in the last four years when other votes were taken on this issue. Murphy moved the previous question. Second by French. Upon vote being taken, the motion carried unanimously.

Upon vote being taken, the motion to award the bid for **Fifth Street Extension Project** ST00-914 & Catron Boulevard (Highway 16B Fifth Street Intersection Project ST01-1095 carried unanimously.

As there was no further business to come before the Council at this time, the meeting adjourned at 1:55 P.M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)