

927 MAIN STREET  
BRADSKY PLAZA  
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June 16, 2016

Rapid City Common Council  
300 Sixth Street  
Rapid City, SD 57701

RE: *Assessment for Cleanup of Miscellaneous Property  
1318 E Franklin St*

Dear Council Members,

I represent Wilma Kurlyas in her capacity as trustee of the Roman and Wilma Kurylas Revocable Living Trust regarding the removal of trees on the property located at 1318 East Franklin Street. There is a hearing scheduled for June 20th regarding levying assessment in the amount of \$4,642.00 against the property. I just wanted to give you all a primer on what is going on before we appear for this hearing.

On February 24, 2016, the City of Rapid City, through ArborPro Tree Service (out of Iowa), went onto the above mentioned property and cut down eight mature trees.

Wilma never received notice that her trees were going to be cut down, and of course never gave permission for the trees to be cut down. Wilma lived in that neighborhood for years in the past, and the trees were part of what made the area such a nice place to be. When she found out her trees had been removed, she was quite emotional about the news. She was also shocked to hear that the reason they had been cut down was because they were dead. She knew the trees were alive. After the trees were cut down and removed, a David Johnson, a certified arborist from Johnson Tree Company, took a look at the stumps. He also reviewed the photographs that were in the City's file, along with the dates that the property was allegedly

inspected. He determined that, based on the stumps, the trees were alive when they were cut down. After reviewing the photographs, he expressed disbelief that the City could make a determination that the trees were dead when the photographs were taken, or even during the time when the inspection was allegedly performed. He mentioned how trees go into a dormant state, which makes the task of determining that they are dead during that time of year particularly difficult.

The main issues are that Wilma never received notice from the City and the trees were never dead. It's noteworthy that there is no paperwork, risk assessments, or any other forms in the city's files relating to the necessity of removal of trees from the property other than an email from Any Bernard that was sent after the trees were removed where he determined the trees needed to be removed based on the photos taken shortly before removal, the leftover stumps, and a "conversation" with Clayton McClain about the trees being leafless in the fall. If Wilma had notice that the trees were to be removed, it would have been a simple matter to overcome the lack of evidence that the City has claiming that the trees needed to be removed. Even if the city was correct, if Wilma had notice, she would have gladly remedied any issues with the trees including any pruning or removal that might have been necessary. She would have done this herself, and planted any new trees if any old ones needed to be removed. Instead, the City encroached on her rights and sent her a bill for \$4,542.

Wilma simply wants to have the \$4,542 waived, and would like new trees to be planted in place of the old ones at the City's expense.

I hope this explanation is helpful to everyone, and that it will aid in an expedient and efficient hearing on Monday. I look forward to seeing you all there.

Sincerely,

A handwritten signature in blue ink, appearing to read "Adam Bradsky", with a long horizontal flourish extending to the right.

Adam Bradsky