

BID won't be on ballot

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Supporters of a downtown Business Improvement District (BID) in Rapid City won an important court battle Tuesday, but BID opponents said they were not ready to give up the fight.

7th Circuit Judge Merton Tice Jr. on Tuesday ruled invalid 549 signatures on petitions calling for the BID to be put to a citywide vote.

Tice's ruling means city residents will not vote on the BID at a special election next Tuesday, although they will still be able to vote on another item which would limit the size of garbage cans.

"This is tough," Brian Schnell, redevelopment director of the Downtown Development Corp., said following Tice's decision. "We've just gone through another round where we're on opposite sides with a group of people downtown, when we need to work together."

Schnell said BID supporters wanted to work with opponents, but that didn't appear likely, at least not right away.

Attorney Walter Bradsky wouldn't confirm reports that BID opponents next would consider trying for an initiated measure to bring the BID to a vote.

"I'm sure there are going to be a lot of plans, because I'm sure we're not going to lie down," Bradsky said. "We're very concerned about the rights of the small businessman. I'm afraid this isn't the end of it."

The BID is a plan to assess downtown businesses and property owners based on the square footage of their property and use the money to promote and improve the downtown. BID opponents have said the BID is unfair because its \$2,000 assessment cap favors big business.

The suit to have the signatures on

See BID petitions ruled invalid

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the anti-BID petitions declared invalid was brought by John Brewer, chairman of the BID board of directors, and Darline Yeoman, a downtown businesswoman.

Defendants were Mayor Keith Carlyle and the Rapid City Common Council, because it had authorized the special election, and Kent Brugger, city finance officer and custodian of the petitions.

An anti-BID group represented by attorneys Walter and David Bradsky intervened in the case to defend the petitions.

The pro-BID attorneys, Harry Christianson and Curt Jensen, argued that one-fourth of the 1,841 signatures on petitions calling for a BID election were invalid. (1,500 signatures were needed to put the BID to a vote.)

Christianson and Jensen said some signatures were duplicates, and other signers were not registered voters or were not registered to vote in the city. Some signers had not filled out all the information required on the petition or had given a post office box rather than a street address.

In addition, some petitions were not correctly verified by the circulator, and 102 signatures had been turned in after the council had already authorized a special election, the attorneys for the plaintiffs said.

The Bradskys said those arguments were technicalities and that petition circulators and signers had complied substantially with the law.

"What we're trying to do is get this to a vote of the people, where it should be," David Bradsky said.

But Judge Tice said the laws regarding referral petitions in South Dakota "have been read rather strictly. The court has followed the hard line."

Those laws were meant to protect the integrity of the election process, Tice said.