

New trial possible in Rescue Mission dispute

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Rapid City may request a new trial in its attempt to close the Corner Stone Rescue Mission at 1101 St. Joseph St.

"It is something we are definitely looking at," Assistant City Attorney Mike Diedrich said Tuesday. "We haven't made a decision."

Seventh Circuit Judge Roland Grosshans denied the city's request July 14 that the court permanently close the mission because it was a "public nuisance" and violated city zoning laws. Because of its emphasis on religion, the mission's closure would be a violation of the U.S. Constitution's First Amendment guaranteeing freedom of religion, Grosshans decided. It was an issue that lawyers never raised at the trial.

Diedrich said the evidence presented during the hearing did not support Grosshans' verdict and that's one reason a new trial might be sought. There are seven grounds in state law that can be used to request a new trial, Diedrich said. He expected the city to make a decision "soon" on whether to ask Grosshans to rehear the case.

The city is also considering appealing Grosshans' decision to the state Supreme Court, Diedrich said. But because of written responses the judge wanted from lawyers after his July 14 ruling, it will take at least two more weeks before any appeal can be started, he said.

The mission, on residential property, was opened in mid-May to provide food and lodging for transients and street

people if they attend a worship service. As many as 34 people have stayed overnight at the mission, sleeping on the floors of the former tri-plex apartment building, according to testimony given at the one-day court hearing. The average has been 17, said Manager Dave Adams.

The lawsuit was promoted by neighbors' complaints to the city about increased loitering and panhandling problems they said the mission was causing.

In an attempt to address the issue, the Rapid City Planning Commission Tuesday recommended that the Common Council adopt an ordinance that allows rescue missions in the central business district and on property zoned commercial or industrial. The law change would require council approval

before a mission could open and it would set up some guidelines that must be followed. Officials of the Corner Stone Mission have said the proposed ordinance is too restrictive.

If the council approves the ordinance Monday, the changes would become effective 20 days after being published.

Planning Commissioner Tom Vucurevich said two weeks ago that some downtown merchants opposed allowing missions in the central business district. But no opposition from the merchants has surfaced.

"There wasn't the opposition that I thought there would be," Vucurevich said Tuesday.

He said he asked the Downtown Association to oppose the ordinance but "the bulk of (the merchants) say give it a chance and see."