

Attorneys want to find new home for mission

Ken Baka
Staff Writer

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Attorneys for Rapid City and the Cornerstone Rescue Mission want to find a new home for the mission in time to avoid a trial pitting the issue of religious freedom against the protection of public health and safety.

"I really think we're very close to settling this thing," Assistant City Attorney Mike Diedrich told 7th Circuit Court Judge Roland Grosshans Tuesday. "There's an extremely high possibility that we'll satisfy everybody with the mission receiving a better, suitable location."

If efforts to find a new home fail, Grosshans will retry the city's fight against the mission on Sept. 22 and 23. The judge told the attorneys he wants to hear the case soon because "if I don't hold your feet to the fire, it'll just go on and on."

The South Dakota Supreme Court in June overturned Grosshans' previous ruling that the mission could stay open in its current location because it is protected by constitutional guarantees of religious freedom. The high court said Grosshans must retry the issue because he left several important questions about the mission's religious nature unanswered.

Neighbors complained about the mission about a month after it opened in the spring of 1982 at 1101 St. Joseph St., across from Halley Park. It is a non-profit operation providing food and shelter to street people. Its residents are required to attend religious services.

The city responded by suing to shut it down. The city called the mission an illegal nuisance and said it violated the city's zoning ordinance because it didn't fit the city's definition of a boarding house.

Since then, the city has passed a new ordinance allowing a mission operation in Rapid City. That ordinance, which goes into effect Friday, would allow rescue missions only in parts of the city that are zoned for central business,

general commercial, and light and heavy industry.

Grosshans said this week the primary legal issue is whether the mission is a religious use protected by the First Amendment. He sees the conflict as being between constitutional rights and powers derived from ordinance or state law.

The city intends to argue that even should the mission be a religious use, "its manner and method of operation could still create a nuisance," said Diedrich. City officials have said they expect the mission will have to move because of the new ordinance, no matter how Grosshans will rule in a second trial.

City officials are preparing a list of at least 10 possible new locations for the mission. One possible downtown site is near the railroad tracks between Fifth and Sixth streets. Two other sites are on East St. Patrick Street, and other sites are near Kmart, on Deadwood Avenue and on West Main Street near Sturgis Road.

"None is perfect for their purpose, but I don't know that there is any building that is perfect, as far as health and safety codes," Diedrich said.

The mission's attorney, Todd Schweiger of Black Hills Legal Services, said the mission wants to move downtown or near downtown. But problems are that most potential sites are unsuitable either because building landlords are unwilling to lease the building, improvement costs would be too high, or the price is too high, he said.

"It's just a problem of getting it found and getting moved in," Schweiger said. "To have to go through this hearing simply because a building couldn't be found seems to me to be unnecessary."

He said the city has offered "nothing but good cooperation" in helping find a new site.

"We're looking for (a landlord) with his heart and soul in the right place," Schweiger said.