

CITY OF RAPID CITY
RAPID CITY, SOUTH DAKOTA 57701-2724

Office of the City Attorney

300 Sixth Street

Rapid City, South Dakota 57701-2724

Telephone: 605-394-4140

FAX: 605-394-6633

E-mail: attorney@rcgov.org

www.rcgov.org/attorney/attorneyhomepage.htm

July 11, 2003

CERTIFIED- RETURN RECEIPT REQUESTED

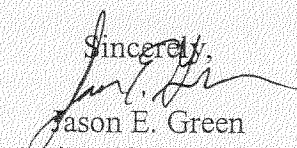
Mr. Ted Pettyjohn
Route 2, Box 202H
Custer, SD 57730

Re: Notice of Hearing – Revocation of House Moving License

Dear Mr. Pettyjohn:

Pursuant to the direction of the Rapid City Common Council, you are hereby notified that a hearing will be held at the regular City Council meeting on Monday, August 4, 2003, at 7:00 p.m. to consider whether or not to renew your house moving license. The basis for the revocation is non-compliance with the permit issued to you on April 25, 2003. You have the right to attend this hearing and to speak to the matter. You may also be represented by an attorney. If you have further questions, please call me. With Best Regards, I am

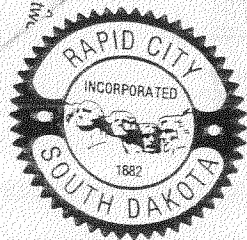
Sincerely,


Jason E. Green
Acting City Attorney

JEG/map

cc: Mayor Jim Shaw
Ted Vore
Jim Clark
Brad Solon

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July 28, 2003

CERTIFIED- RETURN RECEIPT REQUESTED

Mr. Ted Pettyjohn
234 Flormann
Rapid City, SD 57701

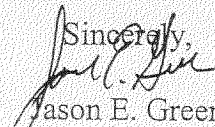
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You were previously notified of this hearing at the address on file with the Building Inspection Department by letter dated July 11, 2003. As you have notified us of a new address, we are resending this notice.

If you have further questions, please call me. With Best Regards, I am

Sincerely,

Jason E. Green
Acting City Attorney

JEG/map

cc: Mayor Jim Shaw
Ted Vore
Jim Clark
Brad Solon

No. PW052703-13

RECEIVED

MAY 20 2003

BUILDING INSPECTION

Kelly & Denise Moore
23799 So. Rockerville Rd.
Rapid City, So. Dak. 57702
Phone 605.342.3252

May 19, 2003

Dear Sir or Madam:

This Letter is in regards to a Business that is licensed as a House mover in the City of Rapid City.

I hired Ted Pettyjohn of Pettyjohn Enterprises on February 10th of 2003 to move a doublewide Mobile Home from 721 E. Chicago St. #79 to My Property in Rockerville So. Dak. Our agreement was for the sum of \$2000 as deposit up front and \$2000 once completed. He said it would take about four days to complete the move and on our foundation before the 1st of March.

On the 3rd of March I received an eviction notice from the Court. Ted had assured the court owner and myself that he would have the home off the lot before the 1st and it was still on the lot. Based on his assurances the court owners rented the lot to another homeowner starting the 1st of March. Unfortunately this family underwent a terrible ordeal trying to figure out where to live and store their stuff, with no real assurances of what would happen next. Repeatedly Ted would assure us that it would be moved the next day, only to find that he had work on another half finished project for someone else. On the 10th of March he moved the home to our property and parked the home 250ft and 180 degrees out from the foundation.

The first incident that caused damage happen within the first couple of blocks of the lot where he run the home into a tree scratching the siding and windows of the home and tearing off trim and denting the fascia. Later on in the trip he attempted to move the home to the side of the road due to a lack of helpers needed to provide road guides for managing the traffic. With no one watching the right side a second time, the right side of the home went into the ditch on Highway 16. In the time that he was stuck in the ditch the Highway Patrol showed up to provide traffic control. During this time the Hiway Patrol checked his

permits and give him a ticket for moving the home without the proper permits. The next 1/8th of a mile went off without any further events.

Again after several phone calls between Ted and I, where the promise was always made that he would be out in the morning he finally showed up a week later with two helpers. Ted needed to pull the home back out onto the county road to turn the home around a 180 degrees for proper alignment. Because he only had two helpers and it took two trucks to pull the home back on to the county road he only had one person for traffic control and for clearing the home of obstacles. During this moving process as Ted was watching the left side, the right side was being driven into a two foot deep ditch. After a quick review of the problem and the fact that he was blocking traffic again, he decided to have the driver try and pull the home out of the ditch without jacking up the tires. During this attempt the forces pulled the I-beam and Crossbeams apart, causing one side of the home to fall to the ground splitting the home in half. After several hours of jacking and repositioning the home he moved the home off the county road and back where it started that morning. Still, 250ft and 180degrees out from the foundation. Again the Highway Patrol showed up to provide traffic control.

After inspection of the home he told me that the repairs would be less then \$1,000 and he would get a friend to fix the damages. As for the damage to the home it is currently around \$5,000. The Insurance Company will pay for the damages once the home is moved to the foundation.

In addition to the destruction Ted has caused to my home he also spilled approximately forty to fifty gallons of diesel fuel on our property without making any attempt to clean it up. When the Spill occurred Ted made no attempt stop the leakage or contact his insurance Company or me. He said it was not enough to worry about; therefore he would not contact his Insurance Company. I contacted his insurance Company and they have paid to clean up the fuel spill, approximately \$6,800.

Since the damage Ted has shown up from time to time only to do a little work or pick up some of his equipment left behind and leave with the same old false promises of I will be back in the morning to move the home.

As of today I have \$70,000 invested in a home that is not setting on my foundation, but has sustained approximately \$5,000 damage and the damage keeps growing as it is exposed to the weather. My ground is polluted with diesel fuel. In addition to these losses I am also losing out on rent of a \$1,000 a month.

Trying to hire another mover to finish the job has been difficult as they have all had to deal with Ted, and do not want to be tied up with him and the liability. In talking to other Movers They have pointed out several items that Ted failed to do that would have reduced or prevented the damages sustained during this disaster or could cause more problems. The first is Ted used two short I-beams to support the front of the home. This proved to be a major cause of damage during the fall, bending all four of the sub frames and causing buckling in the floor. Next Ted did not use any means of securing the crossbeams to the main I-beams or the sub frames other than gravity. Also Ted's dollies did not have the brakes hooked up during the move. In addition had he used chains or clamps between the dollies, beams and the home, the home would not have slid off the main beams during the fall.

Each time Ted showed up he has different helpers accompany him. I am told that most of his help comes from day labor which explains their lack of experience and concern for the project or damage of property.

I have reflected back on my decision to hire Ted Pettyjohn. My main reason for hiring him was I have seen him doing work in Rapid City and I know that the city requires a license to operate. Since I hired Ted I have heard from several persons who experienced similar ordeals with him.

Respectfully,



Kelly L. Moore

Green Jason

From: Miller Kevin
Sent: Friday, July 11, 2003 11:29 AM
To: Green Jason
Subject: House Move

I assigned Accident Investigators Ronfeldt and Preble to do the traffic control for this house move. They were assigned to work early that day so the house would get through town before rush hour. Around 9:00 AM Jim Ronfeldt called me and advised the house just arrived at the west side of the construction zone on Omaha. I questioned this as the house was supposed to be around the construction before rush hour. I went to the location and spoke with Mr. Pettyjohn, he blamed the light maintenance company for the delay. He said he had to wait for them to take down and put up the lighting.

Because of the time of day and because of all the manpower and power companies involved I decided to keep the house moving to get it out of town. I had several officers available to direct traffic around the house, so we could get it around the construction zone. I did not feel it was fair for the owner of this house to have to pay to bring out all these entities again the next day and be charged for the second time. Because of the police manpower and proper lighting maintenance people, the move through town went very smooth. Police officers involved, directed traffic around the house move by using alternate routes. It only took about one and a half hours to maybe 2 hours to get the house through town.

We then escorted the house through Rapid Valley to Highway 44 and Reservoir Rd. If you have any more questions, feel free to call. I will forward any reports I can find and AIs Ronfeldt and Preble have been instructed to e-mail you with the information they have.

Sgt. Kevin Miller
Traffic Division
394-4130

CASE REPORT INFO ITEM

CR# 03-8317

Pennington County Sheriff's Office
Rapid City Police Department
300 Kansas City St, Rapid City, SD 57701

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INFORMATION ITEM REFERENCE HOUSE MOVE

On 05/07/03, at about 0500 hours, I responded to the 3900 Block of Canyon Lake Drive to assist PettyJohn Housemovers with a house move. On arrival I met with Ted PettyJohn to discuss the move. Ted stated that he had measured the house and the route for a week and everything was ready to go and there would be no problems. The intention for the 0500 move time was to have the house through town before the morning rush hour hit.


While I was speaking with Ted, an employee of Lighting Maintenance approached Ted to discuss the lowering of the school crossing lights at Canyon Lake Elementary. Ted was asked if he had thought about the traffic lights at 32nd and Canyon Lake Drive, as there was no way the house would fit underneath those lights. Ted got a blank look on his face, and said that he didn't think of those lights. Ted asked the Lighting Maintenance guys if they could take those lights down too. They were obviously upset, but stated that they would take them down also.

It was obvious to me, that Ted had not measured everything for a week like he claimed he had. This is not unusual for Ted, as he has done this for years! In fact, it was an ongoing joke throughout the move, between the employees of Black Hills Power, Black Hills Fibercom, Midcontinent Communication and Lighting Maintenance that Ted hadn't planned out anything on this move.

At 0700 hours, we were just clearing the intersection of 32nd and Canyon Lake Drive, due to the time needed to drop the school crossing lights and the traffic lights on two sides of the intersection. Lighting Maintenance was in the process of putting the traffic light back up, and Ted and the woman whose house was being moved, wanted them to leave the school crossing lights laying on the sidewalk until later in the day. I was adamant that these lights would be put back up, due to the fact that school would be starting soon.

We continued with the house move, northbound on Soo San Drive. In the area of Reder Street and Brookside Drive, the move was once again delayed due to trees blocking the travel path of the house. Employees of Midcontinent Communications, in their bucket trucks, took chainsaws and started cutting down branches in order to get the house through. We continued to the intersection of Soo San and W. Main Street, where our progress stopped.

The initial plan was to proceed west on W. Main Street and then north on Platt Street to W. Chicago Street. Now, Ted was questioning the amount of trees on Platt Street as potential hazards as well. Ted got into my vehicle, and we drove over to Platt Street. There definitely were trees that would be blocking our travel route. Ted then started talking about the trees being in the City right-of-way and that we could cut them as well. The trees in question were decorative flowering crab apple trees, and I told Ted

Officer(s) Reporting: J. Ronfeldt	ID# 281	Supervisor Approving: 	ID#	Date & Time Approved:
RCPD Computerized Info Item (Document Template) Created 5/16/95			CR# 03-8317	

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CR# 03-8317

Pennington County Sheriff's Office
Rapid City Police Department
300 Kansas City St, Rapid City, SD 57701

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
City right-of-way or not, if he would cut up my trees like that, I would cause some serious problems for him.

Ted stated that he really did not want to take that route anyways, but that the Midcontinent Communication guys told him that he should take that route, as it would be easier. Ted stated that he really wanted to go east on W. Main Street to Sturgis Road and then over to W. Chicago Street. We returned to W. Main and Soo San, to look at the situation. Ted stated that he could make the corner, but would need to go up into the driveway and lawn of the residences on the north side of W. Main Street. I told Ted that he had no right to drive over the people's yards and cause damage just to get this house through. We decided to wait for Lighting Maintenance to finish on Canyon Lake Drive, and then have them swing the traffic light at W. Main and Soo San to facilitate the turn. We waited for roughly forty-five minutes for them to arrive. After the light was swung, we proceeded, without incident, to the area of Omaha Street and Cross Street, where we stopped in the middle of the road, but traffic could still get by on either side of the house.

I was questioning whether there would be a safety or traffic factor with trying to continue moving the house through town, now that it was after 0800 hours. I spoke with Sgt. Miller on the phone, and he stated that all of the Traffic Officers working the saturation patrol would come over to my location. I spoke to Lon VanDusen from the Parks Department, and received permission to park the house in the City parking lot west of the Concrete Fish. My thoughts were to continue moving the house the following morning, again at 0500 hours and get it through town when traffic was at a minimum. The lady whose house it was being moved, was irate that I would call this off until tomorrow. She argued that she would have to hire everybody back again, to move wires and lights, and this would cost her a lot more money.

Sgt. Miller and the other Traffic Officers arrived, and Sgt. Miller decided that we would continue with the move, now that we had the extra manpower. We continued eastbound on Omaha Street, intending to turn onto Eleventh Street. Once on Eleventh Street we would proceed to Main Street, then go the wrong way down Main Street to Mt Rushmore Rd. At Mt Rushmore Rd, we would travel back to Omaha Street and then eastbound out of town.

In the area of the 1100 Block of Omaha Street an employee of the South Dakota Department of Transportation once again stopped us. He stated that there were width restrictions in the construction zone, and he wanted Ted cited for this offense. I told him that Ted had a move permit and he asked me if I actually saw the move permit, and I told him that I hadn't seen it. We were allowed to get the house onto Eleventh Street, while the D.O.T. supervisor made some phone calls. Ted stated that he had talked with the Permit Center in Sisseton and they approved the move permit. After speaking with Sisseton, it was determined that Ted had told the Permit Center that he had talked with everyone in the construction area and had received the okay for the move, and that is why Sisseton issued the move permit. In actuality Ted had only spoken with the concrete sub-

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RCPD Computerized Info Item (Document Template) Created 5/10/95		CR# 03-8317		

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CR# 03-8317


Pennington County Sheriff's Office
Rapid City Police Department
300 Kansas City St, Rapid City, SD 57701

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contractor, and received his permission to move the traffic barrels, as long as they were put back in place. D.O.T. let the matter go, and we continued on with the house move.

We continued on with the house move, finally ending up at the intersection of SD Hwy 44 East and Reservoir Road. The house continued east and we all returned to the City. The total trip time for the house move was 7 hours and 15 minutes.

I

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