

To: Landeen Joel
Subject: RE: Art Alley Update

From: The Factory Salon [<mailto:thefactory@rap.midco.net>]
Sent: Saturday, February 27, 2016 12:37 PM
To: Landeen Joel <Joel.Landeen@rcgov.org>
Cc: Jegeris Karl <Karl.Jegeris@rcgov.org>; pepper@thedahl.org
Subject: Re: Art Alley Update

February 27, 2016

Thanks, Joel, yes, that is exactly what I mean. Apparently I was not clear, so let me clarify.

The City is now forcing us to have to put up with the problem that Art Alley has become through an untenable solution. Yes, I said "forcing." When a meeting is called that includes the City Attorney, the Chief of Police, a Captain, a Lieutenant and a Sergeant from the RCPD where we are told that a City Ordinance is going to be promulgated perpetuating Art Alley to its agent the RCAC - an agency that has done little but compound the problems since it has taken over its stewardship - I think that is an appropriate way to describe it. Add to this the fact that a few months prior I had been summoned to the Chief of Police's office (where I ambushed with the presence of the Executive Director of the RCAC) and told what was going to occur despite my objection to it and I think the word "intimidation" also comes to mind.

I realize you have been out of the loop of the conversation that has occurred about the problems in Art Alley over the years, but as an attorney you recognize that this brings Art Alley to an entirely different level, and as such the problems of Art Alley. As much as I like the idea of Art Alley, the manner in which it is going to go move it way, way, way outside of the liability factors I want to be exposed to, but because the City of Rapid City is now forcing it to occur, there is nothing I can do. If the RCPD has not been able to control the problems over the past several years with the No Trespassing Agreements we were promised would fix the problems, it is naive and irresponsible to think that "Permit Only" signs will be any different. As well, the problems are beyond what law enforcement can fix, there are layers of civil liability to property owners as well.

What I need is an indemnification agreement from the City and I, and any other property owners who want to protect ourselves from this reckless solution to the problems are entitled to it as the City is now - in an odd twist I admit - now forcing this on us. It was one thing when the property owners were doing it, it is an entirely other thing now that the City is forcing the situation. It's easy for the City to accept this liability, it does it all the time, throughout Rapid City. It is difficult for small business owners. Do the right thing here.

Joel, as I said I know you've been out of the loop. If you need more facts about the problem, or about why this solution is the wrong solution to the problem, you know me, I'm not a hard man to find. In the meantime I'm insisting that we are all given a Hold Harmless and Indemnification Agreement as this "solution" is now forced upon us.

Thanks

Dennis

| ----- Original Message -----

From: [Landeem Joel](#)
To: [The Factory Salon](#)
Sent: Friday, February 26, 2016 3:38 PM
Subject: RE: Art Alley Update

Dennis,

You reference a hold harmless and indemnification agreement for those properties that choose to not participate. I assume that you mean the City will indemnify the property owners who are not participating for vandalism to their property, is that accurate? I am a little more confused as to what we need to hold the non-participating business owners harmless from. While ultimately it will be up to the City Council, I doubt the City is going to agree to reimburse the owners of the property for any vandalism or damages. On a positive note, the new process should give the police the ability to arrest people who are caught vandalizing the non-participating structures.



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From: The Factory Salon [<mailto:thefactory@rap.midco.net>]
Sent: Thursday, February 18, 2016 3:58 PM
To: Landeem Joel <Joel.Landeem@rcgov.org>; pepper@thedahl.org; Jegeris Karl <Karl.Jegeris@rcgov.org>
Subject: Art Alley Update

February 18, 2016

Greetings Karl, Pepper & Joel-

As the ongoing effort continues to get the Art Alley problem(s) under control - at least I hope it continues, it's hard to tell with the leisurely pace upon which the RCAC & RCPD has undertaken the endeavor - I thought it important to update you a bit even though I'm well aware that none of you want to hear from me. I assure you, I wouldn't bother you if I didn't think it was important.

Before I get to the "art" let's note for the record an incident earlier this week where a store owner was threatened in Art Alley when taking out the trash. I'll spare you the details other than to note that it rested upon the foundation of the fact that our property has been allowed to remain in the conscious of young men such as the one who did the threatening to be a place where such behavior is acceptable. No, it wasn't reported because we are aware it is a waste of time. And Karl, your hi-tech spy cameras in the patrol cars are not going to catch such things no matter how much we hope they do.

Now, onto the "art." Note the attached. The first set of photos involves on attachment one are of the throwie we discussed earlier with the "snitch" threats. The day after our last meeting sometime back, it was covered by "Chomps" throwie. A couple of weeks ago another one of the spray paint boys came to put his tag over Chomps' throwie, which as we all know is a sign of disrespect and dominance. Personally I don't consider it art, but I hear that some people do. What I do see it as is a clear signal of trouble.

The other two photos are interesting too. It looks like "CdM" has shown up and wants us all to know. This "art" is climbing up the wall of the Heil's and Geiger's buildings. Maybe they both gave permission, maybe they got together and commissioned the piece, I don't know. What you should note is that the spray paint boys like to have their work crawl up buildings, which as I understand it is a show of dominance. What is particularly interesting is that today - one day later - I noticed that someone else had already come to place their very poorly done throwie on top of it. As I noted, that's a show of dominance and disrespect, but maybe the Heil's and Geiger's commissioned that too. If not, it is more of the same, aggressive dominance (and what is usually street crime) masquerading as art. This, too, signals trouble.

As to attachment two, note the picture of the purse and the one of the luggage. No idea the story on them, but generally when we see such things in Art Alley it means a theft has occurred. I'm not sure what the RCAC is going to do as the "facilitator" of some cumbersome permit process about that, or any of the above for that matter.

Joel, the reason I included you - beyond the fact that at our last meeting you joined the crew - is because as long as we are in the middle of this paperwork and the City is now the one driving the agenda, we will need a hold harmless and indemnification agreement from the City so that those of us who choose to opt out of your program are properly protected. I presume you want your office to draft it, but if you would rather I can do one, it shouldn't take more than 15 or 20 minutes.

I'll close by noting a conversation I had with a young woman the other day about the level of safety she feels when walking around downtown. Citing that she often does business in Chicago and St. Louis, and referring to a couple of times she has been verbally accosted and quite frightened here downtown, she said she felt safer walking the streets in Chicago and St. Louis at night than in our own Rapid City. Wow. I know that my own wife has safety concerns about Art Alley as well, and so do I. I'm saddened at the level in which collectively you have politicized the safety of our community for your agendas.

There's more, but why belabor the point.

It's beautiful out there today, I hope all of you are having a chance to get outside and enjoy some off the sunshine!

Dennis