

**FOUR D INVESTMENTS  
BALSLEY / CARLSON**

Balsley/Carlson, Donald & Dayton  
2206 Lockwood Drive  
Rapid City, SD 57702-4266

January 3, 2002

City of Rapid City  
Planning Department  
300 Sixth Street  
Rapid City, SD 57702-2724

re: rezoning

We own the property across the street at 706 N 7<sup>th</sup>. Street

legal description

North Rapid Block 19

Lots 26-27-28-29-30

At this time the property is for sale and one of the stated uses will be to build apartments ( potential of ten units) there.

The building of and renting them will be very much deminished with a detention center right across the street.

The property now has an older rental home and we believe if apartments are built would help to up-grade that area quite a lot.

Although we do not live in that part of town we also believe that having a detention center that close to a grade school and across the street from Central High is not a good use of our city's zoning.

Sincerely, Balsley/Carlson



**RECEIVED**

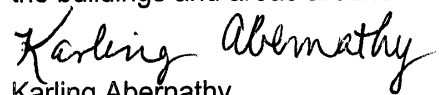
JAN - 7 2002

Rapid City  
Planning Department

01CA038 - O1DU004 - 01RZ070 - 01UR057

January 10, 2002

I am opposed to having a jail facility in a residential neighborhood. I believe this lowers property values, detracts from a sense of community, and ultimately contributes to the decline of the buildings and areas around the facility.



Karling Abernathy  
922 Antares Court  
Rapid City, South Dakota 57701

City Council 12/3/01

01CA038 - 01DU004 - 01RZ070 - 01UR057

My name is Diana Winckel and I am a resident of North Rapid. Some of us are here tonight for the purpose of presenting our signed petitions **against the rezoning and use** of the now vacant 9<sup>th</sup> Grade Academy for a Work Release facility to the City Council. We want the City to know, in the eventuality the County Commissioners go forward with their plans to submit a request to the Zoning and Planning Commission, that we would like the city's support in defeating this effort and encourage the Commissioners and Sheriff to seriously find other alternatives which do not only impinge on one segment of the whole community/county at large.

We have 325 signed petitions from our community who **Do Not** want a jail facility in our neighborhood. Our neighborhood is zoned "medium density residential". Jail facilities belong in "light industrial".

Don Holloway has said they will have 100 inmates in the facility. They have already expended funds to upgrade or remodel the building. They have the capability of housing 12 inmates right now and will increase to 100 within 60 days. **Who is to say 100 will be the limit?** Plans to increase the capacity to 200 is not out of the question. In fact a County Commissioner acknowledged this is a possibility. This not only concerns the neighborhood but also confirms our suspicions. There are approximately 300 jail spaces in town. This could be as big as the present facility.

This poses a high risk factor in our neighborhood for our families, our children, our elderly (your elderly who may live in the area). Students at Central H.S. (the largest high school in the state) are at risk as well. Our concern is how many detainees in the Work Release program go out to work and come back clean? There are violators. Check with the Sheriff's statistics only multiply that by the number of inmates in the proposed facility! Are we willing to have this risk factor so close to our high school?

Also, having a jail facility in our neighborhood would have an effect on our property values, and, possibly an increase in our home and property insurance due to the probability of increase crime and vandalism in our neighborhood.

How can we believe that this venture, according to Don Holloway, will use less staff and expenses? With 100-200 inmates in our neighborhood and less staff ... should we feel safe in our community? The facility will be used to house such offenders as DUI, simple assault, protection order violators, theft, and domestic abuse to name a few. Most will be walking to and from work or bus stop locations past our schools, our civic center and within our neighborhood.

There are several other options the County can consider. They may be more expensive, or, could be less and far more County cost effective. This proposition, however, is a costly one for our community and the city as well. Where else could this mentality lead?

Don Holloway and Lyle Hendrickson both have said "they would not want it in their neighborhood". Why then is it even suggested or considered to put in ours?

Many of us realize this is a business venture for the County. 25% of the inmates earnings go to the County's General Fund. The more they can house, the more they can tax the community... for housing/feeding etc. AND thus the more they add to the general fund the better.

Also, It is my understanding that the Sheriff's dept. has already and is currently refurbishing the building for their Work Release use. They conceivably could have people in the facility before they present re-zoning requests to the Zoning and Planning Commission's meeting. If they proceed in this manner, could they claim "squatter's rights", "fiat", "done deal"...whatever word you want to use...and, would this be legal?

Many of us have come here out of their busy schedules to demonstrate support for this petition. If possible, may any here have an opportunity to speak on this matter as well?

Thank you for your time.

*Diana Winckel*

To County Commissioners on 11/13/01:

I am Diana Winckel. I live in North Rapid. I want to talk a little about the issue of re-locating the Work Release facility to our neighborhood. We, the majority of the people who live in the immediate neighborhood, signed petitions last April 2001 (over 275 of us) to present to the City Council and County Commissioners expressing our concerns and objections to change the current zoning laws in order to house inmates in a residential neighborhood.

1. Zoning laws have a purpose. They are to protect and respect the integrity of the community. Having said this:

The proposal by Don Holloway to change the zoning of a "medium density residential" neighborhood, to "public" with an added "use on review" variance to allow a jail facility – that is what this is – is completely **LUDICROUS!** Jail facilities belong in "light industrial" zoning. To expect us in the North Rapid area to accept this recommendation, and, if the County goes forward with Mr. Holloway's request, this would show us total disregard of the zoning law's purpose. What could the residents of ALL of Rapid City and the County expect if something equally unpleasant was forced upon their immediate neighborhood?

2. How long has Don Holloway been in law enforcement? I am sure he has seen and dealt with the armpit of society for so long that mandating rules and regulations seem to have extended his jurisdiction in this matter. Do the people of North Rapid have no choices??? No recourse??? Should a community be treated with such disregard???

How long are petitions effective? Is there 6 months waiting? Will all our petitions be null and void after a period? We do not understand why our collective voice last Spring was not good enough.

We understand using the terminology of "JDC" building (to identify the location) is used because that is what people remember the building was once used as. It has also and originally been used for schools in the past. We object to the JDC terminology as if it softens and numbs the public to accepting the transition. It is my understanding that the "JDC" building (when it was that) was not zoned properly. It should have never been there. It was "overlooked" (Mr. Holloway was at the meeting when the Planning Commission "discovered" this fact).

3. This is not only just about a jail facility in our community. It is:

- Falling property values
- Higher risks in our community
  - a. Children play in the immediate area
  - b. Traffic flow increases (100 inmates equals 100 cars, visitors, added police vehicles, etc.)
  - c. High School and Civic Center in very close proximity
- Further bad connotations of North Rapid area.

**BUT** also it is also blatant disrespect of a community.

Why does North Rapid have to take the brunt of the whole County? There are lots of space or locations in Pennington County to house work release. **Do not make this issue a problem for the residents of North Rapid alone.** We are still residents of the city **IN** the County of Pennington.

I am sure there are other avenues to investigate and propose for **ALL County residents to share in the responsibilities.**

We the residents will continue our vigilance in whatever avenues afforded to us and take this matter to the state level if needed.

Thank you for your time.

Diana Winckel 

## To the residents of North Rapid,

By now you have probably heard that the former 9<sup>th</sup> grade academy located at 703 Adams St. is once again being considered for use as an adult work release facility by the County Commissioners.

This facility will be used to house approximately 100 "non-violent" offenders convicted of crimes such as DUI, simple assault, protection order violations, theft and domestic abuse.

**Since when are simple assault and domestic abuse non-violent crimes?**

In an effort to keep costs low, this facility will be run with a minimal staff. There will be no added patrols or protection for us, the residents of this area. The County Commissioners are willing to sacrifice our safety, the safety of our children and elderly, and the safety of our homes and vehicles in order to cut costs.

These convicted inmates are allowed to come and go as their work schedule requires. This can include night or early morning hours. The inmates are allowed to walk to work or to public bus stops. They will be walking through our neighborhood – at all times of the day or night – are they familiarizing themselves of when your home, when your at work, if you live alone, what property you have?

Do you want an inmate convicted of theft walking by your car at 3:00 am? Do you want your children to have to play inside because you don't know what "non-violent" crime the inmate walking by your house was convicted of?

In addition, the use of this facility as an adult work release center will certainly have a negative impact on our property values! If you own property here, what incentive would you have to make improvements on it knowing you will never recover the money you put into it?

If you feel this is not the area to put a facility such as this, please call your county commissioners, city council members, Sheriff Don Holloway, and Mayor Jerry Munson. Phone numbers are on the next page.

In addition, we are asking that you sign the slip below, cut it out, and mail it to the County Commissioners office at: Pennington County Commissioners, 315 Saint Joseph St., Rapid City, SD 57701

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**I am strongly opposed to having the former 9<sup>th</sup> Grade Academy building located, at 703 Adams St., become a Pennington County adult work release facility. I ask the County Commissioners to choose an alternative solution.**

Sincerely,

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Phone Numbers:****State Representative: Alice McCoy 342-0423****Rapid City Council Members**

<b>Ward 1:</b>	<b>Alan Hanks</b> 343-5285 alan.hanks@ci.rapid-city.sd.us	<b>Tom Johnson</b> 342-0349 tom.johnson@ci.rapid-city.sd.us
<b>Ward 2:</b>	<b>Babe Steinburg</b> 343-0765 babe.steinburg@ci.rapid-city.sd.us	<b>Tom Murphy</b> 342-0449 tom.murphy@ci.rapid-city.sd.us
<b>Ward 3:</b>	<b>Martha Rodriguez</b> 719-9696 martha.rodriguez@ci.rapid-city.sd.us	<b>Bill Waugh</b> 343-5112 bill.waugh@ci.rapid-city.sd.us
<b>Ward 4:</b>	<b>Ray Hadley</b> 342-8899 ray.hadley@ci.rapid-city.sd.us	<b>Ron Kroeger</b> 348-6195 ron.kroeger@ci.rapid-city.sd.us
<b>Ward 5:</b>	<b>Rick Kriebel</b> 341-4548 rick.kriebel@ci.rapid-city.sd.us	<b>Mel Dreyer</b> 348-4283 mel.dreyer@ci.rapid-city.sd.us

**\*\* To send message to all members via e-mail: [www.ci.rapid-city.sd.us/city-council/council.htm](http://www.ci.rapid-city.sd.us/city-council/council.htm)**

**Pennington County Commissioners**

<b>James Kjerstad</b> 279-2588	<b>Kendra Larson</b> 341-4827	<b>Delores Coffing</b> 343-1990	<b>Ken Davis</b> 342-6766	<b>Lyle Hendrickson</b> 343-7585
<b>Phone: 394-2171 Fax: 394-6833 e-mail: <a href="mailto:commissioners@co.pennington.sd.us">commissioners@co.pennington.sd.us</a></b>				

**Alternatives:**

Attached, you will find some ideas for alternative solutions to this problem. Discuss these with the people you talk to... offer your own suggestions....ask questions...

They will tell you the Kurylas property costs too much... but this is a huge building - could county & city offices be centralized here - perhaps opening up other buildings which could be sold or leased? Could jail space be rented to other counties? Could they lease office or storage space here? Have they seriously tried to negotiate a price?

They will tell you that ankle bracelets don't allow close enough monitoring, but wait...I thought these inmates didn't need to be monitored so closely? Couldn't the inmates be screened and those that need closer monitoring serve their time in the current work release facility leaving the others to undergo electronic monitoring?

A third option (not attached) is for the county to negotiate a deal with the current Community Alternative Detention Center (Community Alternatives of the Black Hills) located on Hwy 79. This facility currently houses work release inmates and they have indicated they would be willing to talk to the County.

Thanks,  
Steve & Angela Kuhnel - 341-4621

## **Are there other options than the old JDC building for work release?**

### **Absolutely !!**

Since July of this year, the county and city has known about the Kurylas property located at 125 Main Street in Rapid City, South Dakota. This property (The Imperial Inn) is located across the street from the current Pennington County Jail and Courthouse.

The Sheriff, Police Chief, Jail Administrator, County and City Commissioners, Mayor and many others have toured this facility.

### **Why look at the Kurylas Property**

- Proximity to the existing County Jail and Courthouse
- Parking for County Employees
- Additional Property for county customers
- Accommodations immediately for up to 108 Work Release inmates, with room for expansion
- Accommodations for minimum security detainees
- Accommodations for detoxification center
- Additional Office Space for County Agencies
- Kitchen Capable of serving 2000 meals a day
- Accommodations for sequestered juries
- Accommodations for transit witnesses
- Adaptable to meet future growth and expansion needs

## **Call your County and City Representatives today**



Sheriff Don Holloway  
Pennington County Sheriff's Office  
300 Kansas City St.  
Rapid City, SD 57701

July 16, 2001

Pennington County Commissioners  
Pennington County Courthouse  
300 Kansas City St.  
Rapid City, SD 57701

Dear Sheriff Holloway:

With respect to our telephone discussion concerning 125 Main St. and 100 St. Joseph St., you will please find a summary of the same enclosed for your perusal. Please note that additional copies are available upon request.

Insofar as Lots 9 and 10, Block 99, Original Town, or, the Kurylas property adjacent the city's "evidence room" is concerned, please note the same is available and can be acquired through negotiations. I am hopeful the enclosed information will reflect the many opportunities these properties offer.

Too, it is an unmistakable fact that the list of in place and working assets are the elements that makes this property worthy of consideration. It is also true that subject property is a better value than other properties when considering location, proximity to the Pennington County Courthouse and jail, land area, floor area, furniture, fixtures, equipment and other sundries.

With the enclosed, I extend my appreciation and remain hopeful you and the Commissioners will accept my invitation to review the enclosed information, and schedule a tour of the facility at your convenience.

Thanks again for your time, consideration and interest. If you have questions regarding the enclosed, I hope you phone me at your first convenience.

I remain

Sincerely,

SMH/smh

Stanley M. Houk  
Broker,  
SMH Commercial Real Estate

encl.

Hand Delivered

## Home Confinement: An alternative to Incarceration

West Virginia state prisons have a maximum capacity of 2,154 inmates; currently they house 2,363 inmates and more remain in City and County lockups to manage the overflow (West Virginia Blue Book). Home confinement solves this problem. Reduction of the prison population should be reason enough to institute home confinement, but other reasons do exist. Would you like lower taxes? Home confinement costs much less than incarceration. Do you favor less crime? For certain types of criminals, home confinement has a better rehabilitation rate. Home confinement also differs from incarceration by the fact that it allows the confined person to contribute to society. For all of these reasons, minor offenders, who pose no real threat to society, should be sentenced to home confinement.

The easiest way to solve the overcrowded prison problem is, simply not to arrest so many people. That will never happen as it cannot be justified. Another alternative, to build more prisons or add on to existing ones, will cost a great deal. Home confinement is the best solution; the offender does not take up space in prison and can hold a job or take care of familial obligation. If a prisoner is under house arrest, it seems nothing prevents him from escaping. In most cases, flight is not a viable option for the home confined. Their sentence is usually light and the reasons for staying outweigh the reasons to run. Still, these offenders can be fitted with wrist or ankle transponders, monitoring devices that alert the authorities if the prisoner leaves his home without authorization, to assure their cooperation. They are allowed to go to work and participate in other selected activities, but their location is known at all times. The device will also alert authorities if it is tampered with; so you cannot simply remove it.

Aside from controlling prison populations, another reason for home confinement is certainly cost efficiency. An experiment in Kenton County Kentucky, examined 39 prisoners sentenced to home confinement for a total of 1,172 days. 1,172 days in jail cost Kenton County \$44,512. The same period of home confinement cost \$27,068. A Kenton County judge expressed no shock when viewing these figures: "Any time you can save a bed-day in jail, you have done something positive for the criminal justice system". In addition, the offender was charged a fee based on 25% of his net weekly earnings. Also, Florida instituted a state wide home confinement policy in 1983. This system costs \$2.85 per day when the rate for incarceration is \$27.64 per day.

The reasons supporting home confinement and electronic monitoring devices seem clear. A solution to the problem of prison overcrowding, a much needed tax break for the common citizen, and a way for minor criminals to hold a job and take care of their families while rehabilitating.

This article was taken from <http://webpages.marshall.edu/~oldaker1/paper3.html>

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 West Virginia Blue Book - Holmes Darrel E. Ed. Charleston, WV: Chapman 1997



*Crain's Cleveland Business*, Dec 20, 1999 v20 i51 p1

**Jail eyed for other side of Gateway tracks; County finds isolation of site appealing.**  
*TOM FORD.*

**Full Text:** COPYRIGHT 1999 Crain Communications, Inc.

Stymied in previous attempts to find a site for a new jail in Cleveland, Cuyahoga County officials now are focusing on property owned by Norfolk Southern Corp. that is catty-corner from Jacobs Field.

A county official familiar with the search said 20 acres of a 50-acre parcel owned by the railroad near the Cuyahoga River is under consideration "since it seems not to have some of the problems of the other sites," according to the source, who asked not to be identified.

The county has looked at about 20 sites for a 700-bed, low-security jail, but the potential sites haven't been pursued primarily because of concerns of neighbors or politicians.

The county official said the railroad property is appealing partly because it is isolated and isn't near a residential neighborhood. The property, just south of the Innerbelt bridge, is crisscrossed by multiple inactive train tracks, but has no vehicle or pedestrian access. The railroad has been marketing the property as prime site for a hotel, office and restaurant development.

A second source familiar with county's search said an offer for the property may be made soon. That source also asked not to be identified.

Harry Henshaw, vice president of Colliers International, a real estate brokerage handling the property for the railroad, said Norfolk Southern would prefer selling the whole 50-acre parcel. Mr. Henshaw said whether it would sell only a portion would "depend on the nature of the offer and the use that it would be put to."

Mr. Henshaw declined comment on whether he has been approached by county officials. Norfolk Southern officials didn't return five phone calls last week. The three county commissioners also did not respond to individual calls before press time Friday.

Finding a site for a jail has become a political hot potato. Mayor White in the past has criticized the county commissioners for considering properties without first consulting neighborhood interests. Several sites within the city have been abandoned after stiff neighborhood opposition.

Mayor White responded to an inquiry about the prospects of the county considering the Norfolk Southern land by issuing the following statement:

"Apparently, the commissioners have not learned from the last jail debacle. It is imperative that the commissioners consult stakeholders in the area in which they want to build a penal facility. It appears once again they have not done so. Such an approach will never yield productive results."

Councilman Joseph Cimperman, in whose ward the railroad property sits, said he had been "in the loop in the county's consideration" of the site as a jail. However, he said he couldn't comment further.

Sam Miller, co-chairman of Forest City Enterprises Inc., a real estate development firm that owns riverfront property nearby, said the Norfolk Southern site might not be suitable for commercial development.

"We (Forest City) have never looked at it for commercial development," Mr. Miller said. "One of the main problems there was the pollution and the other was the access. Those would be problems if you put a jail there, too. You'd have environmentalists saying you didn't care about the prisoners."

Article A58468645

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**SDLN, Rapid City Public  
General Reference Center Gold**

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*Real Estate Review*, Summer 1995 v25 n2 p83(6)

**How design elements create and enhance real estate value.** *M. Atef Sharkawy; Joseph Rabianski.*

**Abstract:** Real estate analysis is not only financial analysis but also intangible asset analysis. Building designers produce tangible aspects of these intangible assets through the concept of value creation. Examples of value creation include special physical features in the building dependent upon its location or specific intangible preferences of the tenants dependent upon a sense of community or privacy.

Article A17149702

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*Minneapolis-St. Paul CityBusiness*, Sept 16, 1991 v9 n14 p1(2)

**Developer may try to build jail on Milwaukee Road site.** (Richard Anderson; Minneapolis, Minnesota) *Jennifer Waters*.

**Full Text:** COPYRIGHT CityBusiness-Twin Cities Inc. 1991

Developer may try to build jail on Milwaukee Road site

The federal agency that is selling the former Milwaukee Road depot in downtown Minneapolis is mulling an offer from a developer who may want to locate a controversial new Hennepin County jail on the historic site.

Developer Richard Anderson has submitted a \$7 million cash bid to the Resolution Trust Corp. (RTC) for the 16.3-acre site, according to Paula Harter, manager of real estate sales for the RTC. Anderson apparently has told city officials that the jail is one of at least three development projects that could succeed on the dilapidated railroad deposit site on Washington Avenue between Portland and Third avenues.

That plan concerns Minneapolis city officials, who last week publicly reaffirmed their commitment to a revitalized riverfront, a move aimed at squelching any notions of building the jail on the Milwaukee Road site. The long abandoned railroad depot and train shed is one of at least three sites that are considered alternatives to the Armory in downtown Minneapolis. But the Milwaukee Road site is valuable to the city because of its riverfront location and historic nature.

"The jail will not be build on the Milwaukee Road site," said Rip Rapson, Minneapolis deputy major. The city has zoning control over the site, so it could attempt to block a jail project on the property.

City officials are concerned about compatibility of a jail with long-term revitalization effort for the riverfront. Projects on the riverfront have already cost millions of public and private dollars in the form of road improvements, landscaping, and warehouse building rehabilitations such as those at the Whitney Quarter and Mill Place.

However, the county has been struggling with the city for some time over the location of the sorely needed jail, and there are bound to be objections in any neighborhood. While the county's official position is that the Armory site is the most desirable, the city has gone on record as adamantly opposing that location and has studied how to adapt the massive building for reuse.

A lawsuit was filed by the Minnesota Historical Society earlier last year, claiming that state environmental laws protect the Armory's engineering and architectural features. Since then, Armory neighbors Lutheran Brotherhood and Cowles Media Co. have joined the suit, claiming that a jail would be inconsistent with adjacent property uses. Attorneys are scheduled to meet Nov. 20 in Hennepin County District Court to discuss the suit.

"There's going to be strong opposition to any site," said Hennepin County Commissioner Mark

Andrew. "This siting process is going to be, by necessity, long and arduous.

"It's like the garbage plant," he added. "We ended up putting the garbage plant where we put it [at 505 Sixth Ave. N.] because every other site was rejected. That's like to happen with the jail because no one wants a jail in their ward. And yet we're going to have one, so someone's going to get it. It's not going to be a popular development."

Anderson's \$7 million cash bid was one of at least four submitted to the RTC earlier this month, according to the Minneapolis Community Development Agency (MCDA). Anderson is a long-time Twin Cities developer whose last development foray was an unsuccessful attempt to build a \$300 million office project in downtown St. Paul.

The Milwaukee Road property was owned by Minneapolis-based CitySide Developments Inc., developers of the Whitney Quarter. But Gibraltar Savings & Loan Association foreclosed on the property in late 1989. The RTC, the agency in charge of disposing of the nation's failed thrifts, took control of California-based Gibraltar in 1990.

Another bid in addition to Anderson's came from the MCDA, which want to preserve and maintain the historic structures on the site until a feasible and financially viable development alternative can be found and implemented, said Jay Jensen, executive director of the MCDA. (The RTC would not reveal the names of the other two bidders.)

Jensen said the MCDA's cash bid of \$2.1 million is more realistic than Andersson's bid. He said the MCDA plans to take financial responsibility for cleaning up the ground contaminants on the property - a process that is expected to cost about \$3 million.

"Ours is the highest offer you could go without a subsidy," Jensen said. "I can't believe someone would have that much private cash to put into it."

Privately, city officials say they don't believe Anderson's bid is a formidable one given his financial track record. Andersson, who has been sued repeatedly by contractors, engineers, real estate brokers and architects, refused to be interviewed for this story.

"Our best analysis suggests that it is not a serious bid, but it's one the [RTC] trustee has to consider," said Rapson. "From the city's perspective, we have an interest in [the RTC] taking our bid seriously."

While Anderson has not made his intentions about the property public, he has indicated to city officials that the property could be used for potential developments that include the jail as well as the proposed new Federal Reserve building or the new federal courthouse. Anderson is working through Towlee Real Estate, whose president, William Reiling, last spring proposed building the jail on the Milwaukee Road site. A Towle representative would not comment.

"He made an offer and is going to try to put the other parts together," said one source close to the proposals who asked not to be identified. "In this real estate market, a cash offer? Where are you going to get \$7 million cash for anything? And secondly, you add the historic buildings and the costs to clean up the pollutants. What are the prospective uses? He has no development is what I'll guess."

The Milwaukee Road site has long been attractive to developers with plans for everything from residential units to festive retail on what was once the hub of rail activity in Minneapolis.

In the offices of Hennepin County commissioners, the site is now being advocated as a viable alternative to the Armory site for a jail because of its accessibility and its proximity to the Hennepin County court system.

Hennepin County Commissioner Peter McLaughlin, who is likely to be the architect of any kind of jail-site compromise, believes that the Milwaukee Road site should be among those considered, despite the city's objections. "Every site is problematic," he said.

All city and county officials are quick to point out that because of the lawsuit, any discussions on alternative sites for the jail are speculative at best. "I'm looking in the event that we lose the lawsuit, because what do we do if we're staring at defeat on Dec. 1?" McLaughlin said. "We need to build a jail; it's only reasonable to start looking at different directions to go. [This site discussion] has little effect on the lawsuit directly. It's about what we do if we lose."

Still, city officials don't even want the words "jail" and "Milwaukee Road" uttered in the same breath. "That particular site is just not appropriate," Rapson said. "They'd be exchanging one historic preservation fight over another."

The discord between the two government bodies is expected to continue long after the court case is decided because it's likely that it will be appealed. The only remedy, of course, is if it's settled out of court before the Nov. 20 trial date. Said Rapson: "There are other alternatives if we could get some conversation with the county going." He declined to name those alternative locations. "If we could simply find a way to have a careful and discussion about the jail, we could make more progress."

Article A11387310

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*The Bond Buyer*, March 10, 2000 v331 i30846 p4

**Oklahoma Judge Rules Referendum Did Not Specify Jail Site.** (Comanche County )  
(Brief Article) *Elizabeth Albanese.*

**Full Text:** COPYRIGHT 2000 American Banker-Bond Buyer

DALLAS -

Comanche County District Judge Allen McCall ruled last week that a 1998 bond referendum did not specify a site for a new jail in the county seat of Lawton, Okla.

Local attorneys Ken Dorefel and Robert Price filed a motion last month to have the court determine if the county was locked into a site chosen by county commissioners before the election.

Voters approved in 1998 a quarter-cent, 10-year sales tax to back bonds to pay for a new 250-bed jail. The proposal suggested the jail would be built at a former Haggar Apparel plant near the county courthouse. Although the site was not named on the ballot, county commissioners had publicly named it as their choice and believed they had locked themselves into building on that site.

The Lawton Chamber of Commerce, which owns the property, would sell it to the county for \$280,000.

McCall listened to testimony from county officials, citizens, and attorneys before scolding the county commissioners for ignoring public sentiment and dragging their feet on the project.

"I approve the motion that the ballot was not site specific," McCall said. "Certainly, this should clear the way for discussion as to where the jail should be located. Opposition to the Haggar plant site is rather strong based on what I heard from those who testified here today."

One fierce opponent to the Haggar plant site is Sheriff Denny Stradley, who complained that building the jail there would make it imperative that he buy new vans and hire guards to take prisoners to and from the downtown courthouse.

"Cost-wise, just moving prisoners between the courthouse and the jail would cost my department as much as \$100,000 a year," he said. "Besides, any time you take prisoners out into the public, you create the threat of real danger to the public as well as the prisoners."

"Say some guy has killed a little girl -- well, her whole family could be there ready to shoot him as we drive through one of the two school zones that lead from the Haggar plant to the courthouse. Or some gang-bangers could stage some shooting spree to free their buddy on his way to trial."

Stradley supports the idea of building the new jail across the street from the courthouse in a vacated lot. The county's financial adviser, Keith McDonald of Bosc Inc., said that site is certainly one that will be studied by county officials.

He said: "Now that the judge has opened up all of these new possibilities for the county, I think we'll be able to find a site that best serves the needs of the county."

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