

16 July 2003

Planning Director/Marcia Elkins  
Urban Planner/Vicki Fisher  
Members of Planning Commission

As I prepare to depart tomorrow morning, I would like to reiterate in writing my words at the last planning meeting. The homeowners in both Edinborough and South Hill have faced a rocky road over the past four years. They were abandoned midway through the development by Mr. Baker selling off lots to speculators who did not adhere to the style standards of Edinborough. It should be pointed out, Mr. Baker required the early residents to abide by not only style and color but his floor plans as well. Homes are now being built which are two stories and split-level and do not follow the original covenants.

South Hill is a custom-home development. We were "promised" a state-of-the-art equestrian center with indoor boarding, daily removal of manure, green grass, trees, and a Kentucky-style fence. Obviously none of the promised features came to pass. Mr. Fisk ignored the city's demands to comply for over four years, and in the end, also abandoned the project. We are also faced with the industrial-style Cleary building which was to be used in conjunction with the horse barn. It also slipped through the cracks in the system. Enclosed are photographs of the way this building is maintained. Volunteer trees are the only landscaping; weeds are uncut; an industrial size dumpster, sawhorses, pallets, and tiles which have been there for almost three years mar the area.

As I mentioned on 10 July, developers do not act to save residents of neighborhoods. Motives are and will always be financial. I am a firm believer in capitalism, but also firmly committed to seeing fairness triumph. Mr. Quinn's plan to squeeze as many small residences as possible into the acreage vacated by the equestrian center is not acceptable, especially along the inner rim of Wellington Drive. If (and I use the term "if") Mr. Quinn miscalculated on the value of the property, the residents of South Hill should not suffer value loss to their property as a result. Fourteen small home (even if they meet the minimum of city rules) do not mirror the size and cost of the homes on Wellington and Regency Court; and as such, will diminish the integrity of the neighborhood and existing covenants.

Unlike the owner of Hagg Development, Mr. Quinn is not now, nor likely to be, a resident of South Hill. It is also unlikely that any of his realtors, marketers, or builders will reside in the area. My husband and I, however, used our life savings and three years of sweat equity to build our dream home. Every decision you make now will impact the outcome of that dream. These two developments have not been protected well by the system since their inception. The Planning Commission now has an opportunity to protect the integrity of our neighborhood and the value of our homes. Please break new ground and demand that the Planned Urban Development along Wellington Drive meets the size and design criteria, if not the cost of the existing homes.

Thank you for your time and effort in this matter.



PATRICIA K. HAHN  
1105 Regency Court  
Rapid City, South Dakota 57702

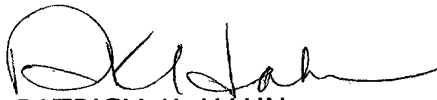
City of Rapid City  
Planning Department/Vicki Fisher  
300 6<sup>th</sup> Street  
Rapid City, SD 57701

16 April 2003

There is a rumor circulating throughout the neighborhood that the Equestrian Center has been sold. Whether this is true or not, my concerns are the same.

- Until such time as the property is vacated, what will be the disposition of the accumulating manure? It took Mr. Fisk four months to remove the last pile, which was forty feet long and five feet tall. If Mr. Fisk does not vacate, what will be done to ensure he meets city standards?
- If Mr. Fisk does vacate the barn, will the new owner be responsible for the weed patch presently surrounding the barn? The neighboring community has endured four years of weeds with nothing being done to plant the promised grass and trees. During the summer of 2002, the area was cut only twice. Will the city require the new owner to control and maintain this area?
- I have also expressed concerns in the past regarding the Cleary building. They continue to store pallets, heavy equipment, and an industrial dumpster in the area. My understanding was that this facility is to be used only for an office complex. It presently looks like a light industrial area!

I would appreciate any help you can offer to bring this constant and continuing problem under control. Thank you.



PATRICIA K. HAHN  
1105 Regency Court  
Rapid City, SD 57702  
394-9112

Copy to: Mike Booher

City of Rapid City  
Planning Department  
Attn: Vicki  
300 6<sup>th</sup> Street  
Rapid City, SD 57701

12 January 2003

First I would like to thank you for all your work on trying to resolve the difficulties with the Equestrian Center. Although Mr. Fisk indicated in the 5 Dec 02 planning meeting the manure pile was then being removed, it was not done so until 10 Jan 03. Since Mr. Fisk was very angry after the last planning meeting, I didn't expect its removal quickly. This is more than a month after he suggested he was moving it momentarily and well over two months' accumulation on his property. We have spoken with his "contractor" who indicated he has no formal agreement with Mr. Fisk. He removes the manure when it is convenient for the contractor, and is not compensated. Therefore, Mr. Fisk's suggestion that the contractor is at fault for failing to perform in a timely manner is, at the very least, a moot point. However, there are other issues that concern me and I would like to bring those to your attention at this time.

- Mr. Fisk is advertising the sale of his property with Raben Real Estate as **"convertible to many uses, i.e. Warehousing/storage units, office space, school, etc."** This appears to me to be in direct contradiction to the Planned Unit Development as originally described. How can he offer this property as potential warehouse or storage units based on the history of this development?
- Another issue is the trash enclosure, which has been encircled by orange snow fence since the construction of the barn, the pile of dirt covered by weeds, (which is a direct indication of how long it has been there), and the rock accumulation and equipment left stacked by the barn. He has also added an old goose-necked trailer to the accumulation on the east side of the barn. I respectfully request you take a look at these items, as I feel unless he is told to keep this area clear, all manner of "things" will accumulate. These are all items which, while they may be in what he considers the back of the barn, are all visible from our front yards along Wellington Drive and Regency Court, and not in keeping with the advertised "state of the art" Equestrian Center.
- Additionally, we have been unable to confirm Mr. Fisk's claim to support the Black Hills Workshop by employing their clients. If this is an untrue statement, how many more untrue statements lie at the core of our problems with the equestrian center?

- I will provide pictures of the fence that was supposed to be completed in October. Not only is it uncompleted, the expensive fencing material, unused sacks of concrete, and related material were left in the open where they were dropped on the last day the contractor worked. No effort was made to either protect these materials or clean up the area of work and make it presentable to the neighbors or help the sale of new residences along Wellington.
- We have spoken with various realtors advertising Edinborough and South Hill properties. They all relate the condition of the Equestrian Center as an impediment to sales. More than one realtor indicated conditions at the barn caused some owners to sell their homes in Edinborough. They all agree if the equestrian center met the original advertisements of South Hill, i.e., grass, trees, and Kentucky Style fence; sales would vastly improve. One realtor even stated that he initially was informed horses would not be stabled outside. In addition, more than one resident was informed manure would be removed daily. Personally, I consider this disinformation, encouraging purchase of property with no plan to comply with this implicit statement of intent.
- While I am aware Drain Master will be moving from the Cleary Building in February, I am concerned about the equipment, pallets, and other miscellany left around the building. Can the city ensure this property is cleaned up properly after their departure, and maintained appropriately for a residential area? Isn't there a certain amount of landscaping required? This is another area of concern upon which I would appreciate confirmation.

Again, thank you for your attempts to improve living conditions in South Hill and Edinborough Subdivisions.

Sincerely,



PATRICIA K. HAHN  
1105 Regency Court  
Rapid City, SD 57702

CC: City Attorney

November 6, 2002

City of Rapid City  
Attorney Mike Booher  
300 6<sup>th</sup> Street  
Rapid City, SD 57702


Subject: Petition for Action

As residents of the South Hill/Edinburgh Subdivisions, we would like to express our concerns on the following issues:

- The non-removal of the manure accumulated at the Equestrian Center, and piled on the eastern side of the barn for weeks at a time.
- The trash bin, surrounded in orange snow fence, and the trailer, filled with what looks like trash, in full view of the residences on the East Side of the facility.
- No grass planted (as promised by the developer) surrounding the barn or in the owner's yard. Weed growth has been an on going problem over the past four years, and the Equestrian Center property was only mowed twice during the entire season of 2002.
- The tree planting and white fence, promised by the developer and Mr. Fisk are still not completed.
- The use of the Cleary Building for Drain Master and/or other commercial enterprises detracts from the residential area desirability.
- No landscaping of the Cleary facility and weed growth are also liabilities to the development and the landowners.
- Equestrian Center is utilizing property for displaying equipment such as tractors/trailers for sale.

We understand the Equestrian Facility was the centerpiece of the development from inception. Because of that, certain promises regarding its maintenance were made to buyers regarding the above issues. Mr. Baker and Mr. Fisk knew high-end homes were going to be constructed; and therefore, this facility would require more maintenance and upkeep than a horse barn in a strictly rural area. To this date, none of these promises were kept.

We request the Rapid City Attorney's Office, Planning Department, and Code Enforcement take the strongest possible action to ensure these facilities meet code and their obligations to their neighbors. We, as homeowners, have invested hundreds of thousands of dollars in our residences and do not deserve to have our property devalued due to Mr. Fisk's lack of performance. Thank you for your time and interest in this matter.

Harvey & Jean Paulson 

Brian & Cheryl Heringa

Tom & Julie Downie  
Keith and Cherrilee Coates

Ron & Lois Ward

Judy & Dave Fuhren

Jack & Mary Klaucek

Marsha Coeling

Evan & Kerla Gray

Kim Hagg

Gene and Kathy Weaver

Maria Lee

Walter

William

Susan & Rex

Petition:

Paulson	1100 Regency Court
Heeringa	1480 Edinborough
Devine	6650 Wellington
Coates	6662 Wellington
Ward	6524 Wellington
Fuhrer	1466 Edinborough
Klauck	6802 Edinborough Court
Colling	1460 Edinborough
Grosz	6620 Wellington
Hagg	1130 Regency Court
Weaver	1407 Edinborough
Karim	6626 Wellington
Armstrong	6548 Wellington
Hahn	1105 Regency Court
Ness	1318 Edinborough

November 1, 2002

RECEIVED

NOV - 4 2002

Rapid City  
Planning Department

To: Vicki Fisher  
City of Rapid City Planning Department  
300 Sixth Street  
Rapid City, SD 57701-2724

From: Keith and Charollene Coates  
6662 Wellington Drive  
Rapid City, SD 57702

***Our home is located across the street to the south of the Black Hills Equestrian Center and directly across from the Dave & Joan Fisk residence.***

Re: Planned Development for the Black Hills Equestrian Center (Lots A thru C of Cleary Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, SD)

In January 2000, we moved into a new house. We had both retired and were looking forward to enjoying our new home and views of the prairie, hills, some city lights and the busy sounds of motorists on HWY 16 and the truck route. We had been a bit concerned about the equestrian center across the street but after hearing the plans for the center we believed that could only add to the ambiance of our new location. We were told that animal waste would all be flushed away by equipment inside the equestrian, the area would be landscaped with hundred of trees and surrounded with white fence. Dave also told of plans for a children's playground on the equestrian grounds.

January 2003 will mark our third year in our new home. Things have not only NOT IMPROVED but have gone from bad to worse! Each year we have grown more frustrated with the situation across the street from us.

Our first disappointment came shortly after the first horses arrived. The manure was being spread out in front of the barn and the Fisk residence. Not a pleasant smell as we walked out our front door nor a pleasant view from our dining room table. A bit later we noticed the manure being piled up outside the equestrian. We were also being bombarded with flies. Keith talked to Dave and asked about the inside waste disposal system. Dave said that just wasn't going to work out. He said he was initially using the manure to fertilize his yard but the County Extension people told him that horse manure was not good fertilizer and that he could stack it outside if he removed it every 2 or 3 weeks. (It is often stacked up for months not weeks!) When Keith mentioned the fly problem, Dave said they didn't have any flies and our flies were coming from the ravine south of our house. (I did make a call to check on horse manure being spread on front yards but the person I talked to didn't know of any code about horse manure and said he would need to do some checking on it. Shortly thereafter the manure was being stacked out by the equestrian so I never followed up on my initial phone call.)

To date we have seen nothing but weeds across the street and as the equestrian has filled with horses the odor is dreadful and the manure gets piled higher and higher. We have spent many dollars on fly catchers, etc. and still cannot grill outside or even have a birthday pizza party outdoors as the flies come in droves the minute we have food outside.



Our Sunday dinners and special occasions have 12-15 of us seated around the table. The ongoing comment has been "Too bad that you still have the 'abandoned house' across the street ." This past year things have even gotten worse for our dinner view as we now look out not only at the weed patch across the street but also a huge fleet of Drain Master vehicles.

One of Mr. Fisk's standing comments is "We were here first." Yes, they were and they have done the least and being here first doesn't mean that you can violate every code and sense of good neighborliness.

Except for the Fisk residence and equestrian center area, all the other new residents immediately put in grass, landscape their area and make it an attractive place to reside.

Shortly after the house was completed at 6548 Wellington Drive, we had a call from the wife of a Rapid City School Assistant Superintendent. She said they were planning to build but had found one already built (6548 Wellington Drive) that met their needs. Their only hesitation had to do with the manure smell and flies. We responded that we had problems with both. Needless to say, they did not buy the house. A couple of months ago a young man stopped by and asked us about the weeds and the odor. He loved the view from up here and was interested in the lots on either side of us. We could not be very encouraging. Unfortunately the lack of action at the equestrian center is turning away people who would be very good neighbors. Certainly if we knew in December 1999 what we know now, we would not be living here on South Hill.

We are encouraged by the notification of this hearing and hope that it will result in action that will make this a neighborhood that we can be proud of and enjoy. We do plan to be in attendance at the 7 AM hearing on November 21.