



Jackie Jahfetson / The Dickinson Press

Executive Director Mary Anderson of ABL Inc. speaks to the Dickinson City Commission June 15 at City Hall.

OPPORTUNITIES:

ABLE hopes to create jobs to serve people with disabilities

By Jackie Jahfetson
The Dickinson Press

ABLE Inc. in Dickinson has been a long advocate for creating employment and providing work support for people with cognitive disabilities and is looking to renovate the T-Rex Mall to try to accomplish that mission statement.

ABLE Inc. Executive Director Mary Anderson presented an update to the Dickinson City Commission Tuesday, June 15, at City Hall, regarding the work that's been done to the T-Rex Mall since its purchase by the organization in December 2019.

Due to its high donation stream, Anderson said that ABL is planning to create smaller establishments rather than just having one thrift store. ABL's plan is to open a children's thrift store and a home furnishing store and revenues generated will help support overall operations and enhance the lives of those that they serve, according to a city document.

"... Why we're doing it? It's to create employment

for people with disabilities. There is a belief system across the United States that it is not that difficult to employ people with disabilities and we find that's not the case. Their impressions of how that's to be done and our impressions of how it actually works is a mismatch," Anderson noted. "We find we have to take much more control of employment and much more control over housing in order for people to have and to lead great lives."

In North Dakota, 53.6% of people who are living with a cognitive disability are not in the labor force or employed, according to the 2018 Employment Status by Disability and Type. With public policy measures that are currently being proposed that will "further eliminate or shrink employment opportunities," renovating the T-Rex Mall will allow ABL to provide "a wealth of opportunity to create community integrated jobs, new businesses and entrepreneurship opportunities for persons

with disabilities," according to a city document.

As funds become more available, ABL is hoping to remodel and relocate its current thrift store and make other changes along the way.

"The west parking lot has been replaced providing tenants, delivery trucks and others with better access. Repairs have been made to the roof and addition of a new security system. This spring we started an exterior facelift when we will replace the entrance, enclose the roof soffits to control the birds nesting, replace sidewalks and complete additional parking lot improvements. New doors will be installed at the main entrance with more turning space inside the entrance vestibule for persons with disabilities," a city document stated.

In 2020, ABL installed concrete at the back of the building. But more work is ready to be done, Anderson noted.

"This building's complicated and it's giving our GT Architects quite a nightmare because it's

wrapped up with four grant potentials. So two grants have actually been completed and approved," Anderson said, adding, "... One of the grants we have is for a universal adult changing bathroom. We are the queen of accessibilities for bathrooms. We've been spending a lot of time on how to help people in our community be able to access bathrooms."

The universal adult changing bathrooms will provide public access and for ABL clients and will be funded by a City of Dickinson sponsored Community Development Block Grant. The organization is working to receive an America Grant award that's pending through the U.S. Department of Agriculture Rural Energy.

During the meeting, the commission approved the City of Dickinson's pledge of \$250,000 to the Friendship Park. In total, that project is estimated at \$2.65 million and has various sponsorship levels.

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DPD nab getaway driver in escape

Inmates who escaped from SWMCCC received aid, police say

By James B. Miller, Jr.
The Dickinson Press

The Dickinson Police Department announced an additional arrest made in connection with two inmates who escaped from the Southwest Multi-County Correctional Center on Tuesday afternoon.



Hogue



McCleary



Yost

In a press release, DPD confirmed the arrest of Elizabeth Anne Yost, 38, of Dickinson, on two counts of acting as an accomplice — a Class C Felony.

Yost was identified by Dickinson PD detectives as being the driver of the vehicle that

took the escaped-inmates Joshua McCleary and Kristopher Hogue away from the area and dropped them off northwest of Dickinson. Detectives were able to establish two leads on possible locations of the inmates and ultimately narrowed their search to an area along the west of Highway 22's Truck Bypass.

The Stark County Sheriff's Office responded to the location and located the two inmates hiding in a tree row, who were subsequently taken into custody without incident.

The investigation into the circumstances surrounding the escape itself continues.

Dickinson's CID reports busy month

The Dickinson Police Department (pictured to the right) responds to a variety of calls throughout each month. In May, the Criminal Investigation Division oversaw 54 incidents and 45 open investigations. Some of the highlights from that division included an arrest of a male who possessed child pornography, an arrest of a male for terrorizing comments to estranged girlfriend and a felony burglary involving firearms — in which the suspect was identified and criminal charges are pending.

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In May, the Dickinson Police Department's Criminal Investigation Division dealt with a wide magnitude of investigations varying from two burglaries, a domestic violence/officer-involved shooting, a terrorizing felony weapon offense, sexual assault and two unattended deaths.

Overall, the Criminal Investigation Division oversaw 54 incidents and 45 open investigations. Some of the highlights from that division included an arrest of a male who possessed child pornography, an arrest of a male for terrorizing comments to estranged girlfriend and a felony burglary involving firearms — in which the suspect was

identified and criminal charges are pending. With the amount of higher calls for service, Dickinson Police Chief Dustin Dassinger noted in his monthly report to the Dickinson City Commission Tuesday, June 15, that May was a busy month for officers.

Of the 2,225 calls for service the Dickinson Police Department responded to in May, there were 116 suspicious person/vehicle calls, 92 incidents that dealt with speaking with an officer, 76 welfare checks, 54 domestic violence calls and 54 bar checks.

Officers conducted 406 traffic stops with 112 citations and 209 warnings issued.

Behavioral health calls increased by 19 incidents in May than reported in April

at 100 total calls, which included 76 welfare checks, 12 intoxicated subjects, six mental health incidents and six suicidal threats.

Commissioner John Odermann asked Dassinger how much the city's police forces are spending on transportation of individuals to Bismarck and whether the city would be able to save money if it were to provide more assistance such as beds in Dickinson.

"... Sometimes it's just timing. Sometimes if there's a mental health hold placed on them, they are held at the Southwest Multi-County Correctional Center until transportation can be arranged from the sheriff's department to take them for assistance," Dassinger said.

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TODAY'S WEATHER

High 78 Low 48

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Court: Deadwood home can be vacation rental, despite 'residential' rule

By Christopher Vondracek
Forum News Service

PIERRE, S.D. — A couple who rents out a three-story home outside Deadwood, South Dakota can operate the property as a vacation rental, even though the housing covenant appears to allow for only bed and breakfasts and other “residential” uses, says the South Dakota Supreme Court.

The court issued a closely-split 3-2 opinion on the matter on Thursday, June 17, sparked when neighbors filed a lawsuit against the owners of an offending adjacent property in the Black Hills, arguing they’d broken the covenant’s restrictions.

But after a lengthy dissent sparring with the majority over the definition of terms in the Shirt Tail Gulch’s private housing rules, Chief Justice Steve Jensen — joined by two retired justices, including former Chief Justice David Gilbertson — ruled the property owners are allowed to largely use the 5-bedroom, 5-bath home outside Deadwood as they see fit, even making

tens of thousands of dollars on income renting to other persons, while rarely using the home for themselves.

“It is undisputed the Property is used to eat, sleep, and enjoy recreational activities,” wrote Jensen. “Therefore, short-term vacation rentals are a residential purpose consistent with the covenant.”

At issue for the court was the covenant’s language, which states homes in the privately-developed lot in the subdivision must be “free from nuisance” and are prohibited from being as anything “except for residential purposes, which shall include normal home occupations and offices of recognized professions and bed and breakfast uses.”

The dissent, authored by Justice Janine Kern and joined by Justice Patricia DeVaney, exceeded the opinion in length, arguing pointedly with the chief justice’s definitions of “residential,” noting that read in totality, the covenant appears to forbid the rental activity.

Justice Kern noted the couple — Rory and Kristen Maynard — live in Spearfish, take in approximately \$60,000 annually on the property, and rarely, if ever, stay in the three-story, five-bedroom home.

“Reviewing just this cursory enumeration of undisputed facts, it can hardly be said that the Maynards have anything other than a ‘commercial’ venture,” wrote Kern.

The neighbors to the mountain rental, Robert and Sharlene Wilson, sued the Maynards in May 2017. Renting began in June 2018, and court records show the home is rented out as many as 120 nights a year.

Particularly during the high-tourist summer months, wrote Kern, the home is rented out every day — fetching \$1,200 a day during the Sturgis Rally.

But Kern’s dissent failed to sway the other judges, who noted that interpreting the Shirt Tail Gulch subdivision’s covenant to ban rentals might even bar the owners from allowing anyone —

even a family member — to live on the property.

“Therefore, ‘residential purposes’ may be plainly understood to include the occupation of a home or dwelling for an indefinite length of time,” wrote Jensen.

The 3-2 opinion is rare in South Dakota’s high court, though less so recently, as the court issued a separate 3-2 ruling in a case involving rights to a speedy trial. In both cases, Kern and DeVaney were in dissent.

Thursday’s opinion also comes while legal observers across the state await another almost expectedly controversial decision — whether the ballot measure legalizing recreational marijuana that was voted on by over 50% of voters last November was a legal constitutional amendment.

That amendment was overturned by a circuit judge in Pierre in February, effectively barring the measure’s July 1 effective date.

Contact Vondracek at cvondracek@forumcomm.com, or follow him on Twitter: @ChrisVondracek.

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The committee for this project has raised \$325,000 and the Park District has pledged \$200,000, according to a city document. Dickinson Parks and Recreation has hired an engineer to kick start the project with an estimated completion date for June 2022.

The commission also approved a task order for downtown parking improvements, which would convert First Street West from Sims Street one block west to First Avenue West, and First Avenue West from First Street West one block to Second Street West. KLJ is the engineering consultant for this project and this task order is not to exceed \$13,850, according to a city agenda document.

“The intent is to have one driving lane with parking on both sides of the street. Owner is anticipating receiving quotes from contractors to complete the construction of the project rather than proceeding with a bid opening,” city documents stated.

On June 30, the Dickinson City Commission will hold its annual budget session and talk about some major projects moving forward including the Dickinson Sports Complex — which is anticipated to be on the agenda for the July 6 meeting.

Jackie Jahfetsen is a senior reporter for The Dickinson Press. You can follow her on social media at Facebook @journalistjackie and Twitter @jahfetj.

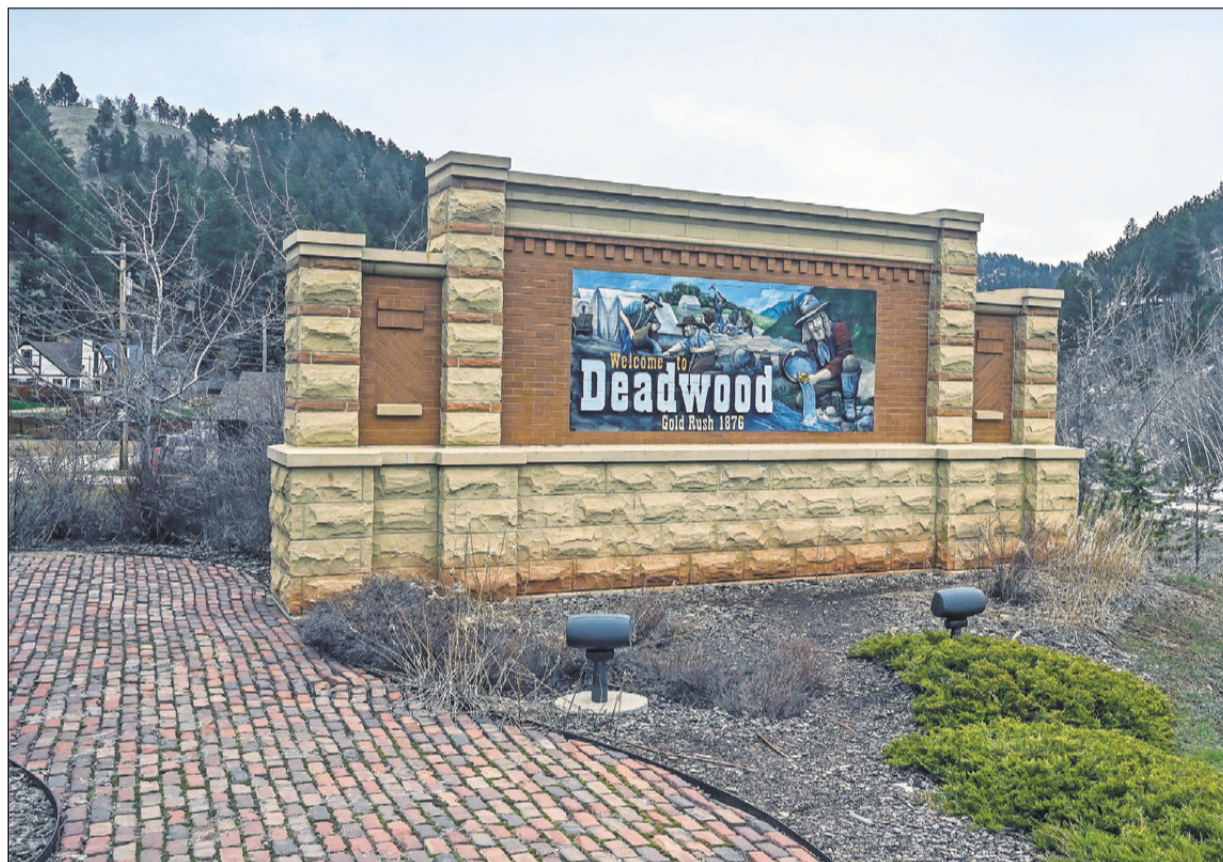
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The Dickinson Police Department is trying to meet with the Badlands Human Service Center to develop strong working relationships with their staff, Dassinger said, adding that the two-on-one program does provide some assistance. However, it is not “a cure-all as far as a facility to work,” he added.

Dassinger also remarked that the dispatch center at the City of Dickinson Public Safety Center has begun siren testing in preparation for the summer storm season.

Jackie Jahfetsen is a senior reporter for The Dickinson Press. You can follow her on social media at Facebook @journalistjackie and Twitter @jahfetj.

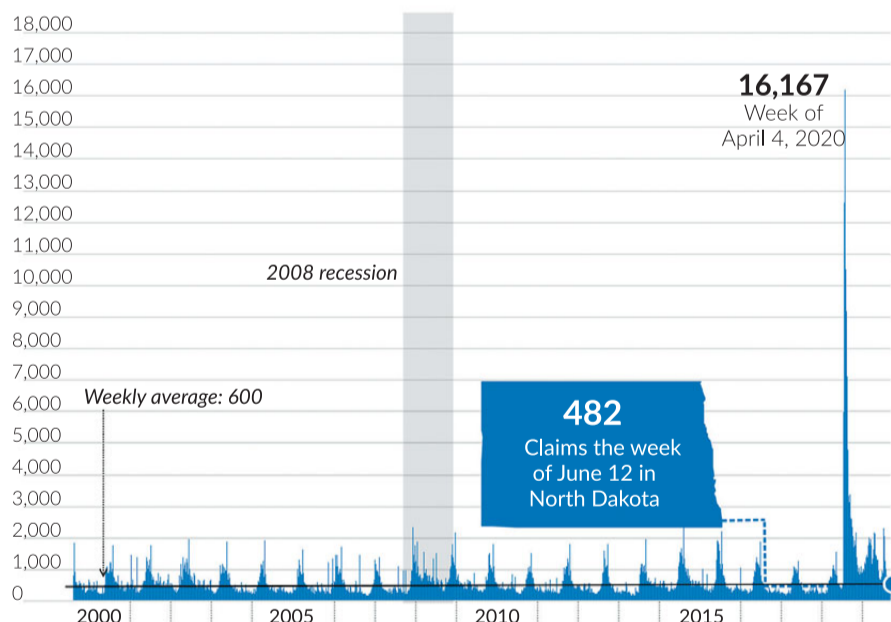


A home outside the tourist-heavy town of Deadwood, S.D., spurred a legal fight, when the owners appeared to violate a housing covenant barring non-residential activity. But a majority of the state’s supreme court disagreed, saying the owners — who live in Spearfish — could rent out the house.

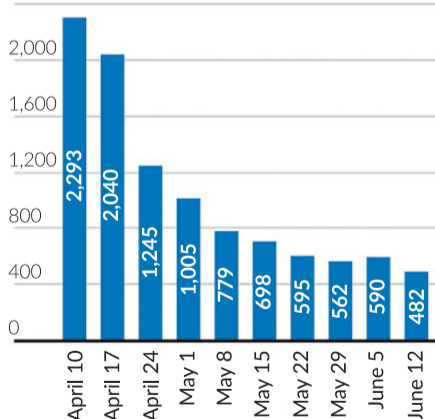
Matt Gade / Forum News Service

The coronavirus continues to take jobs

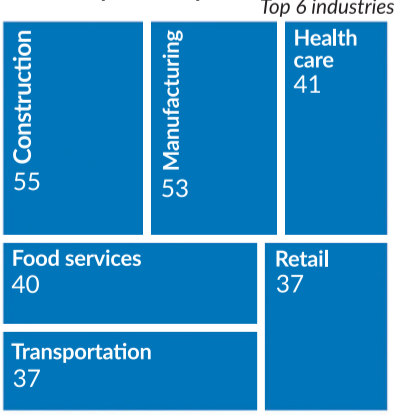
Weekly unemployment claims in North Dakota since 2000.



North Dakota unemployment claims in recent weeks



North Dakota unemployment claims by industry



Source: North Dakota Job Service

Troy Becker / Forum News Service

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