

VIEWPOINTS

The Best Way... to see both sides

By Alan Dale
The Plain Talk

So many lawsuits, too many sides.

Really, one lawsuit is too many, especially when the suit has to do with an entity that is responsible for either aiding the well-being of a town and people or they are tied directly to what the people need.

Two such lawsuits are going on, but only one I will write of here: The battle between the property managers and the City of Vermillion (the battle between Eagle Creek and the Vermillion Chamber and Development Company is interesting as well, but until the former actually even answers a phone call, I don't think I can be too unbiased).

First and foremost I must say I do appreciate how the plaintiffs — the property owners — and the City — represented by city manager John Prescott — have been willing to work with The Plain Talk in trying to get both sides of the story out there.

Yes, they are both involved in a lawsuit and have to deal with the procedure of the courts, but as the "Fourth Estate" we still have our own job to do and that is to educate the people, those who are ultimately affected one way or another, on what these types of actions mean for them.

In simple terms, the plaintiffs are suing the city for the change in rental building codes this past spring. They are upset because buildings that were built up to snuff when previous codes were in place are now at risk according to new codes that say some of these older buildings are essentially dangerous.

Both sides have made their points in public or on record at last month's initial hearing. The plaintiffs are hoping for an injunction to be supported by the presiding judge and thus not have to abide by these new codes and move forward with their lawsuit. If it doesn't go through, they would obviously have to change their tact a bit, but the lawsuit would still move forward.

But what does this all mean for Vermillion, for both sides, and the people caught in the middle?

The middle: The People, The Renters

There is no one more important here than the people, the renters, themselves.

Many have complained — almost all off the record — about the extreme amount of money it costs to rent here in Vermillion. Many cite that with the University of South Dakota's presence and the need for college housing outside of campus, this means property owners can "jack" the rates.

Even if the rates are with market price, times are still not great in general, and someone's "cheap" \$500 rent is another person's "You have got to be kidding me," rent.

If the current property owners have to raise their rent on rentals to make up the costs that could be incurred for having to get old buildings up to code — by installing egress windows deemed safe, placement of hard-wire fire alarms, etc. — that could stir up more issues for people watching every dime.

Of course their safety is just as important and so some might argue that paying for a little more security knowing you could survive if your apartment burns is worth it.

Yet, is it when no known deaths have occurred inside these building considered dangerous or safe for many, many years?

Also, if upgrades were forced upon these buildings/windows brought into question, that potentially could lead to renters being displaced while construction occurs in their once safe-now not so safe-going to be super safe home.

This could also cause some concerns for renters.

The plaintiffs: Property Managers' dilemma

If they have to get all their properties up to the new code, this will cost many of them a pretty penny and none of them deny this.

Don't mistake this for the wallet being more vital to the safety of the renters. All of those plaintiffs interviewed said clearly they are very concerned with the welfare of every one of them.

But if no one has died in any of those older buildings that were up

to standards set in older codes, then why this immediate rush to change everything? If there is no precedent set on such a death or near-death, why the fear of imminent danger?

At some point these homes were considered safe. Regardless of new studies saying things need to change, it's not common in any town to see old building codes not being grandfathered in and seeing a vast amount of construction taking place to get things "newly" safe.

It's clear that if an egress window is deemed imminently dangerous those should be replaced immediately. But those that were for many years considered up to standard...are they really in that big of a need of replacement?

We hope the property managers know the difference and deal accordingly. No court should have to tell you to do what's right in these cases but unfortunately that may at times be necessary.

The defendants: The City... what's the story?

As of press time the city and its Sioux Falls-based attorney James Moore would not answer any questions outside what is brought up during court proceedings.

This is their prerogative.

But if they are concerned with what they are saying could help the plaintiffs' case, wouldn't that ultimately be good for the city, the people, those they are supposed to represent?

However if they are concerned about losing a case because of what might happen if these egress windows, now deemed dangerous, lead to a death or serious injury in the future, the question is a very heartfelt why?

Hypothetically, if they decided to not fight this, enforce the new code on all newly built structures, and allowed the old buildings to stay put with their current windows, they could see a fire lead to a death in one of those older buildings.

OK. But if they are only trying to get this passed because of a concern of what might be and bigger worries over being sued due to a home having "dangerous" egress windows, why would they be?

If they acquiesced and said "fine, keep them as is," and sent out a memo to all current renters and told future renters of the status of the windows" they now leave it in the decision making hands of the renters themselves.

I for one rent and if we are made aware of the pitfalls of where we live and we decide to stay, we should own that decision.

The city isn't putting a gun to our heads. Even property managers I spoke with said they would allow renters to break contracts without penalty if these individuals cited safety concerns and wanting to leave because of them.

So then...if you don't like where you live because you think you're at risk if there is a fire... move out.

I believe I and the plaintiffs would have the city's back on this. I believe the city would have the plaintiffs' backs on this too.

You don't accomplish anything by trying to make decisions for people who aren't smart enough to make educated decisions themselves and then blame everyone else for why they are now in a pickle because of their own choice.

In the long run many people could pay in a multitude of potential ways regardless of how the lawsuit ends up.

The city? Won't spend a dime either way to help this along with my knowledge. The plaintiffs? Would spend plenty if they lose and a lot less if they win.

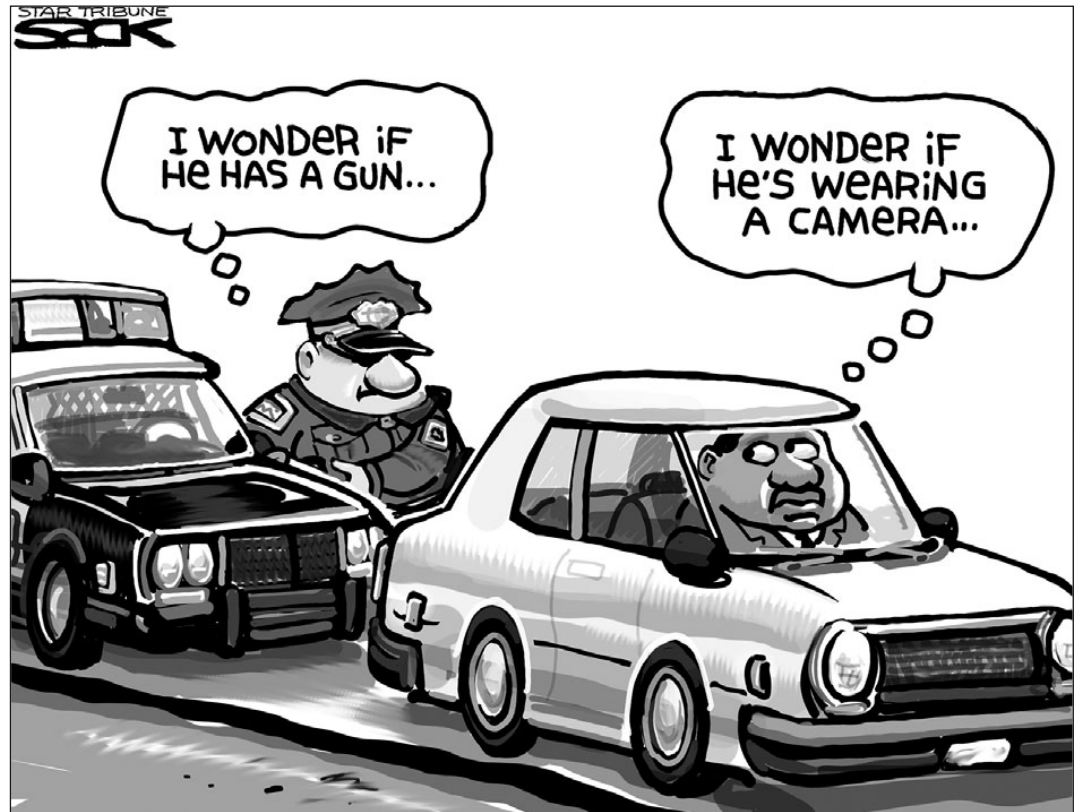
The people? Would pay if the codes stand on the older properties and would pay financially a lot less if they don't.

If the old codes stand then the only way the renters would pay is potentially with their lives if they chose to live somewhere being deemed potentially dangerous.

It's called accountability and we need individuals to hold themselves to it more than a city needing to step in to help with it.

For what's it's worth...the people matter most...but they don't need anyone making decisions for them.

That's their job...



South Dakota Dreaming

By Katie Hunhoff

Have you ever gone on vacation and thought, "It would be fun to buy a cabin here?" Or maybe it was a houseboat or villa. Closer to home, have you thought about owning a Victorian mansion, a cafe in a Black Hills mountain town or renovating a 1930s apartment building?

One of our magazine's popular new departments is built around such dreams. So we named it "South Dakota Dreaming," and in each issue we write about a place for sale that make us imagine "what if?"

Our first dream-worthy property was Olive Place, an 1887 Queen Anne Victorian mansion just north of Watertown. It has three fireplaces, 14 stained glass windows and three chandeliers. The house was built for local banker Homer D. Walrath and his wife Emma. Constructed for \$15,000, it was once called the finest house in South Dakota. In 1966 the house was moved from its historic location to an intersection just outside town. The property is edged with pines and lilacs and current owners, Mike and Darlene Gudmunson, planted lindens, maples, birch, ash, elm and locust. A four-stall heated garage sits behind the house.

While touring the home, we saw ornate woodwork, including hardwood floors with parquet

borders, three granite fireplaces and a curved cherry wood stairway. The house has four bedrooms and three bathrooms. There are even maid's quarters, which were built for the Walraths' faithful employee, Tina Olson.

Three hundred miles or more west of Watertown, we found a little Black Hills cafe called the Wrangler that inspired our next "dreaming" story. It sits on Mount Rushmore Road in the little city of Custer. We envisioned rising early each crisp mountain morning to start coffee. We'd fry some eggs and chat with regulars for a few hours. Walk to the bank with a deposit during the lull after breakfast, and return to help staff with the noon rush. Then spend the afternoon hiking or trout fishing in a clear mountain stream.

A visit to the cafe revealed our dream wasn't too far off the mark. The Wrangler does a bustling business, full of regulars and tourists. It is one of Custer's oldest eateries, dating back to the 1950s. Owners Steve and Amanda Blume serve over 100,000 meals a year at the cafe — leaving little time for trout fishing. He and Amanda's two children are regulars at the cafe. Their son Connor, 7, draws pictures and sells them to customers for a quarter (the cost of a gumball from the machine).

Steve says that after 24 years at the Wrangler, and with their

two small children to raise, they think it's time for a change. So they listed the Wrangler for sale with a local realtor. But Steve is attached to the place and says he may even work for the new owners. "It's rewarding to serve good food and to know that people enjoy it," he says.

Our next "dreaming" will be about a 1930s luxury apartment house in Yankton that has fallen on hard times. The Hudson has seen better days — and hopefully there are better years ahead — but through its ups and downs the big brick structure in Yankton's historic residential district has always had benefactors who've kept the roof from leaking.

Our new feature might sound like we're in the real estate business but nothing could be further from the truth. We are doing it purely for entertainment value, and we would never accept any monetary benefits — not even a Christmas ham — from sales of properties we feature.

If you find yourself dreaming about a South Dakota property as you're traveling our state, give us a call. All we're looking for is something with a price tag and an interesting story.

Katie Hunhoff is the editor of South Dakota Magazine, a bi-monthly print publication featuring the people and culture of our great state. For more information visit www.SouthDakotaMagazine.com or email editor@southdakotamagazine.com.

My name is Number 46

By Paula Damon

Gripped with terror and struggling to escape imminent danger, I breathlessly scanned the dungeon walls surrounding me. My heart pounding.

Panicked with no way out, I desperately navigated the dark lifeless unknown, searching for light, groping for something to hang onto: a door handle, a window sash — any way out.

Now on my knees, I came to a cliff. Consumed by terror and fear, my only recourse was to jump.

Catapulting over the edge and descending onto the hard surface below, I landed squarely on my right side, my feet flailing helplessly.

In reality, what I was experiencing was "sleep terror" — a bigger than life, supercharged nightmare instilled with a level of fear that is hard to imagine, like the worst horror story times 1,000.

Sleep terrors are episodes of intense screaming and fear while sleeping. This mental disorder is considered a parasomnia — an undesired sleep occurrence.

Jolting me awake was sudden excruciating pain and sound of my husband's frightful cry, "Don't move!"

Now one with the walnut planks of my bedroom floor beneath me, I agonized over my inability to move and feared the worst.

Insistent that my mobility could not be taken away, I begged God with insistent pleading.

"Please let it only be a strained muscle, no more. I have to be able to walk!"

At daybreak, I reluctantly agreed to go to the hospital.

Would I be discharged with a simple pulled muscle and carry on with my frenetically paced life? Or would I be facing surgery.

"It's your job to make sure there are no fractures on my X-rays," I seriously cajoled the radiological tech. When she responded with, "You're a very strong woman," I knew I was in trouble.

Before the emergency physician even said a word, I strained to discern indications of my plight: his facial expressions, his voice inflections. Something!

As hard as he tried to spin it, the truth be told: my femur, the thigh bone that fits into the hip socket, had suffered a lateral break.

I would not be going home but into surgery and that's when I broke down — the first of many

MY STORY YOUR STORY



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meltdowns over the loss of my routine and my independence.

I was assigned to Room 8146, where on paper I was still known as "Paula" but clinically was simply "Number 46."

My new sterile surroundings were awash with airy hospital gowns, more like flimsy short-sleeved capes, that sent a constant chill down my backside.

With my head and shoulders propped on a mound of pillows, I slouched

under bleached white sheets and cottony blankets barely big enough to cover the metal-framed single bed where I lay.

Needle-nosed syringes and IVs left my arms black, blue, purple and red.

Beeps and buzzers became my first line of communication with the orthopedic nursing staff.

My grief attacks intensified.

Strange how there is no medicine for sorrow. And post trauma, too, repeatedly awakened me with a sense that I was falling out of bed.

I was a mess. Unable to move on my own accord, I had to have practically everything done for me.

Someone had to turn me over in bed to prevent bedsores. Someone had to sit me up so I could take my meds and supposedly eat, even though my loss of appetite and nausea would allow no such a thing.

Tubes ran into me and out of me to keep most systems going and to manage my pain.

When I needed something, I pushed a red buzzer with a white cross.

And then I waited. And waited for someone to respond.

Anyone.

That's how it went. Less than 24 hours after my fall, I was in another strangely surreal landing place, the hospital, where patients come and go as if on a conveyor.

That is where I stopped feeling like the energetic forward-looking soul and more like a nameless, voiceless "it." That was two weeks ago. To be continued....

SOURCE: MayoClinic.com

Vermillion



PLAIN
TALK

Since 1884 • Official County, City and School District Newspaper

201 W. Cherry, Vermillion, SD 57069 • Publication No. USPS 657-720

Publisher: Gary Wood • General Manager/Managing Editor: Alan Dale

Published weekly by YANKTON MEDIA, Inc. • Periodicals postage paid at Vermillion, SD 57069.

Subscription rates for the Plain Talk by mail are \$27.56 a year in the city of Vermillion.

Subscriptions in Clay, Turner, Union and Yankton counties are \$41.34 per year.

Elsewhere in South Dakota, subscriptions are \$44.52, and out-of-state subscriptions are \$42.

POSTMASTER: Send address changes to Plain Talk, 201 West Cherry Street, Vermillion, SD 57069.

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