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# Residents sue Spearfish over sewage backups

Jury trial slated for July in Deadwood

Tom Griffith  
Journal staff

**SPEARFISH** | Sluggish sewers, smelly backups and insurance squabbles have led 13 local residents to file lawsuits against the City of Spearfish, claiming its negligence led to tens of thousands of dollars in damages to their homes.

Stretching back to 2008, some residences near Eighth and Hudson streets have sustained a series of backups, as recently as last October, that have flooded basements with raw sewage and stormwater, leaving in its wake stinking messes, lost possessions and frustrated homeowners.

Because the lawsuits are still active, Spearfish City Attorney Tom Brady declined to respond to the specific cases. But he cautioned that the city is not necessarily liable for any damage

caused by an infrastructure problem.

In an email, Brady wrote: "Backups do and will occur which is the very nature of a sanitary system. Users of the system have risk. Such an event may be as the result of the condition or location of their service line or some other cause for which the city is not responsible. All homeowners can insure against such risk, which many do, and unfortunately some do not."

One couple, Jennifer and

Adrian Netterberg, bought their first home at 320 E. Hudson St. in 2007 and renovated their basement to allow for an apartment and a source of extra income. Soon after the first tenants moved in, the Netterbergs received a phone call on June 6, 2008, informing them that their basement apartment was flooding.

"It was bad, really bad," Jennifer Netterberg recalled on Monday. "This was sewage water with a mixture of stormwater

too. There were leaves in it, and it stunk horribly."

They immediately called their insurance company and ran a camera down the floor drain to determine if a clog or tree roots were the cause of the backup.

"The line was completely clear," Jennifer Netterberg said. "So we contacted the city and filed a claim for the damage, but they told us there wasn't anything they could do. They sent

» Sewage, A5

# TREASURE in the TRASH



Sean Ryan, Journal staff

Jim Walczak, chief operating officer at the Buffalo Chip Campground, stands among used orange juice barrels that are being repurposed as garbage cans.

## In the world of repurposing, juice barrels become trash cans, parachutes give shade

Ava Henrickson  
Journal staff

Jim "Wally" Walczak has been buying up parachutes and 55-gallon orange-juice barrels as he prepares for the anticipated massive increase of visitors at this summer's 75th annual Sturgis motorcycle rally.

No, Walczak, chief operating officer of the Buffalo Chip Campground near Sturgis, isn't planning for bikers to replace cruising with skydiving, nor does he expect them to give up their usual beverage of choice in favor

of a healthful breakfast drink.

But through canny shopping, Walczak has found that plenty of to-be-dumped items will serve the campground's guests while saving the company money.

For instance, he needed to add hundreds of garbage barrels, but couldn't find them locally.

Then Walczak discovered a Denver company called repurposedMATERIALS, which collects unwanted industrial waste items and gives them a new use.

» Repurpose, A6



Josh Morgan, Journal staff

Four sets of cargo parachutes (foreground) and 40,000 square feet of portable flooring sit in storage at the Buffalo Chip Campground outside Sturgis. The Buffalo Chip will be using the parachutes as shade covers and will place the flooring in parts of the campground for special events during the upcoming Sturgis motorcycle rally.

## Sentencing ends a 'terrible' hit-and-run

Young man negligent in the death of his girlfriend

Andrea J. Cook  
Journal staff

The sad facts surrounding a young Rapid City woman's death last summer became public Monday when her boyfriend was sentenced for a felony hit-and-run violation.

Life may never be as good again for Dylan Roth, 19, as it was when Erika Weisz was part of it, Circuit Judge Jeff Davis told Roth in court. Davis sentenced Roth, of Rapid City, to two years probation, took his driver's license for those two years and suspended 30 days of a 60-day jail sentence. Roth will be allowed to serve the remaining 30 days in his home with electronic monitoring.

Roth pleaded guilty to the Class 6 felony, which is the lowest level of felony. Pennington County Deputy State's Attorney Scott Roetzel called it a "tragic, terrible case" that the criminal justice system "seems ill-equipped" to handle.

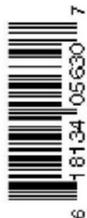
Weisz's family was saddened by the sentence that they said was inadequate compensation for a life cut too short.

"Erika deserves more justice than this," her mother, Vicki Weisz, said during the sentencing. "I can't believe no one got her help."

Only Roth is left to tell the whole story of what happened the night of Aug. 11-12, 2014, when Weisz, 18, died from multiple internal injuries several hours after being run over by Roth's pickup, Davis said.

What is known is that Roth, who wears prosthetic legs because of birth defects, backed over Weisz' torso after she stepped out of his pickup, Roetzel said. Roth was also born without hands. His missing hands and prosthetic legs were not mentioned in court.

» Roth, A5



### ON THE WEB

#### Top parks

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### THE BIG NUMBER

**5** Number of people killed in a suicide bombing in Nigeria. According to a witness, the bomber was a girl who appeared to be no older than 10.

» Read the story on B1

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» From A1  
**Repurpose**

He ended up with a very sweet deal: about 200 metal 55-gallon barrels that were once used as industrial orange juice containers.

When they were holding OJ, they had liners inside, so the barrels themselves "are virtually brand new," Walczak said. "And they are bright orange, so they won't walk away."

He got the used OJ containers for \$24 each, delivered by repurposed MATERIALS.

Owner and founder Damon Carson started the company four years ago when a painting contractor he was working with mentioned that the giant vinyl material used for advertising on billboards made perfect drop cloths.

"I have an entrepreneurial bone in my body, and I thought that was cool and interesting," said Carson, former owner of a garbage-collection business.

It got him thinking about ways other things in the industrial waste stream could be re-purposed.

"Suddenly, throwing things in landfills is frowned upon and only going to get more so," Carson, 43, said. "We as a society know what to do with paper, metal and cardboard; it's called recycling."

But he said many things are hard for regular people to recycle. "If you can't recycle it, corporate America shrugs their shoulders and says, 'What can we do?'"

What they can do is call Carson, who in the last four years has expanded repurposed MATERIALS to include warehouses in Denver, Chicago and Atlanta.

The company's inventory includes a vast variety of industrial items such as street-sweeper brushes,

rubber conveyor belts used in mining, concrete slabs that once anchored cable utility boxes, and giant U.S. Army cargo parachutes.

"We have very unrelated items," Carson said. "We are The Home Depot of these repurposed materials."

The ways his customers re-use what others consider rubbish is limited only by their imaginations, according to Carson.

Cathy Timmons, a rancher from the White Owl area, found several ways to repurpose a vinyl billboard cover.

"I garden a lot, so I used some of it for tarp on my big tomato plants," Timmons said. "We live on a creek, so we get the first and last frost. It was heavy enough, I used it on a greenhouse building."

Environmental consultant and rancher Derek Tornow of Rockerville used similar vinyl material to cover round hay bales for his two picky pet horses.

"They are hay Nazis, they are adamant about covered hay," Tornow said.

It's no surprise that ranchers would find ways to repurpose these types of materials.

"Ranchers are the original recyclers," Timmons said. "We get a lot of good use out of what someone else pitched out. It's a shame what all gets thrown away."

Richard Morgan, a rancher near Alzada, Mont., rescued some street-sweeper brushes that he puts upright for his cattle to rub on in the summer when they are losing their winter hair.

"That gets to itching, so they want to get the hair out," Morgan said. "It keeps them from rubbing on fences and buildings. They love it."

Repurposing items considered waste does more than keep them out of the landfill, according to Carson.

"For customers, not unlike buying used cars or used clothes, when



Josh Morgan, Journal staff

Bright orange barrels that originally held orange juice sit in storage at the Buffalo Chip Campground. The barrels will be used as waste bins for the upcoming Sturgis motorcycle rally in August.



Courtesy photo

Former ski resort chairlift cables are repurposed into railings.



Josh Morgan, Journal staff

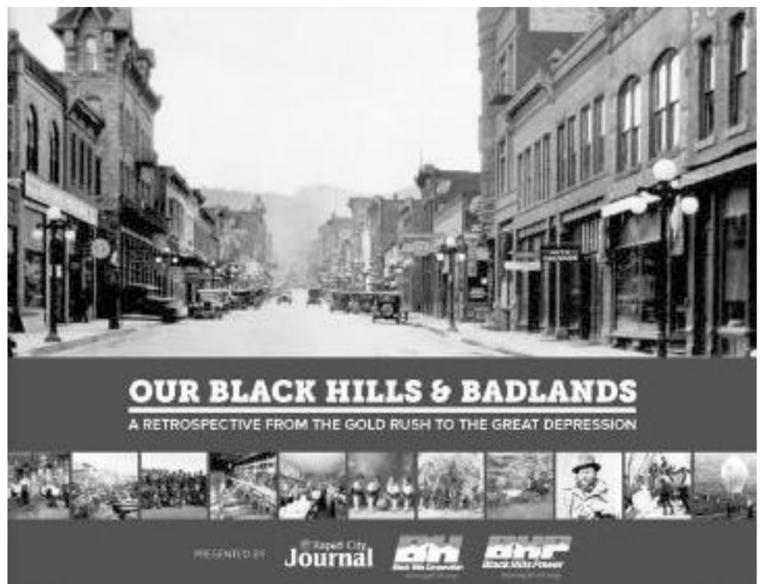
Rolls of outdoor flooring sit in storage at the Buffalo Chip Campground. The flooring, originally used at Oklahoma State University, will be placed in certain sections of the Buffalo Chip for the upcoming Sturgis motorcycle rally.

Ranchers repurpose a conveyor belt.

Courtesy photo



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