

REGULAR MEETING, AUGUST 1, 2016

The Regular Session of the Deadwood City Commission convened on August 1, 2016 at 5:00 p.m. in the Deadwood City Commission Chambers, 102 Sherman Street, Deadwood, South Dakota. Mayor Turbiville called the meeting to order with the following members present: Department Heads, City Attorney Quentin L. Riggins and Commissioners David Ruth Jr., Mark Speirs, and Jim Van Den Eykel. Gary Todd was absent. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Ruth moved, Speirs seconded to approve the minutes of July 18, 2016. Blake Haverberg asked the Commission if he could make suggestions on corrections to minutes. Mayor Turbiville asked Attorney Riggins if this was possible. Riggins stated, "That is fine if he wants to make suggestions, but it is up to the Commission to decide what to do." Haverberg said, "My name is Blake Haverberg, I am a resident of Deadwood, tax payer, my wife and 3 children are all voters and voted for each and every one of you. Dr. Vecchi could not be here tonight but asked that a copy of his Power Point presentation that was given to all City Commissioners be made a part of the record if that is possible." Haverberg stated "some corrections that he noticed weren't ah, just small corrections, like Commissioner Todd talking about the update on the wayfaring signs, he mentioned they were suggested by consultant Roger Brooks, wanted to make clear that Kevin Kuchenbecker been working on this for two years and that it was originally presented by 1992 study that the City paid for, so Roger believes he invented but I don't follow that, I am amazed when it comes to Roger Brooks. Haverberg stated that as another comment on Bob Nelson Jr's attempt to involve all businesses, he did approve a sign for the all but forgotten district down here. We have 7 signs, 7 lodging, 5 restaurants, Adams Museum, Post Office and we are going include all those on the signs, I would like the City to step up and pay for that, right now it's our burden to pay for a sign that matches the city wayfaring signs." Mayor Turbiville stated, "You are asking the City to pay a bill, but we are now talking about the minutes of the meeting. Are we going to leave or change?" Haverberg then stated, "Under old business, on gun range I would like to include Commissioner Todd's statement that he was closer to the range than the Shirrtail Gulch and had no problems and didn't bother him at all, I would just like that to be part of the record." Mayor Turbiville said, "We already have a motion and a second to approve the minutes as previously presented. Commissioner Ruth, you were the one that made the motion, would you like to amend?" Commissioner Ruth amended motion to include that the Power Point presentation be part of the record as Dr. Vecchi requested. Mayor Turbiville stated "ok, the Power Point has been added, what about the other corrections requested by Mr. Haverberg?" Commissioner Ruth responded that he would like to leave addition to the Power Point presentation only. Mayor Turbiville asked if there was a second. Commissioner Speirs seconded. Mayor Turbiville told Haverberg that his request for changes have been noted, a motion and second has been made. Finance Officer Nelson requested that in order to save some cost to the taxpayers, minutes state that the power point presentation be on file in its entirety in the Finance Office and will be attached to the minutes otherwise it will be lengthy. Commission agreed. Roll Call: Aye-All. Motion carried.

JULY, 2016 PAYROLL: COMMISSION, \$2,730.76; FINANCE, \$17,228.32; PUBLIC BUILDINGS, \$3,325.67; POLICE, \$51,085.64; FIRE, \$4,997.60; BUILDING INSPECTION, \$3,598.50; STREETS, \$28,564.10; PARKS, \$28,161.76; PLANNING & ZONING, \$4,769.66; LIBRARY, \$6,407.14; RECREATION CENTER, \$13,808.98; HISTORIC PRESERVATION, \$16,625.97; WATER, \$13,472.28; MT. MORIAH, \$4,791.99; PARKING METER, \$9,615.76 TROLLEY, \$19,206.15; PARKING RAMP, \$6,439.75 **PAYROLL TOTAL: \$234,830.03**

JULY, 2016 PAYROLL PAYMENTS:

Internal Revenue Service, \$57,113.14; S.D. Retirement System, \$23,218.48; Delta Dental, \$3,884.08.

APPROVAL OF DISBURSEMENTS

Van Den Eykel moved, Speirs seconded to approve the August 1, 2016 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	CONTRACT	314.00
A & B WELDING	SUPPLIES	80.54
A & I DISTRIBUTORS	FILTERS	97.95
ACE HARDWARE	SUPPLIES	59.98
ACE INDUSTRIAL	SUPPLIES	2,397.08
ADVANCED ENGINEERING	PROJECT	19,949.20
AINSWORTH-BENNING	PROJECT	729,025.00
ALSCO	SUPPLIES	221.94
ATCO INTERNATIONAL	SUPPLIES	530.00
BH ASPHALT	PROJECT	4,848.58
BH CHEMICAL	SUPPLIES	1,578.24

REGULAR MEETING, AUGUST 1, 2016

BH SECURITY	
BLAIR, LINDA	
BOMGAARS	
BUTLER MACHINERY	
CAMPBELL SUPPLY	
CHAMBERLIN ARCHITECTS	
CIMARRON TRADING	
COMPETITIVE MASONRY	
DAKOTA BUSINESS	
DEADWOOD CHAMBER	
DVFD	
DEADWOOD SOCIAL CLUB	
DELL RAPIDS SOCIETY	
ECOLAB	
EDDIE'S TRUCK CENTER	
FARMER BROTHERS	
FASTENAL	
FIRST GOLD HOTEL	
FMG ENGINEERING	
FULLER, KELLY	
GENE'S LOCK SHOP	
GOLDEN WEST	
GRACE LUTHERAN CHURCH	
GREAT WESTERN TIRE	
GRIMM'S PUMP	
HAMANN, ALEX	
HAWKINS	
HILLS MATERIALS	
IAFC	
INTERSTATE BATTERY	
JACOBS WELDING	
KETEL THORSTENSON	
KNECHT	
KONE	
LAWRENCE CO. REGISTER	
LEAD-DEADWOOD GIRLS	
LIVENGOOD BLUES	
M & T FIRE	
MEHLBERG CONSTRUCTION	
METERING & TECHNOLOGY	
MDU	
MORRISON, RONDA	
NAJA SHRINERS	
NEIGHBORHOOD LENDING	
NETWORK SERVICES	
NEVE'S UNIFORMS	
NH NEON SIGNS	
NH TECHNOLOGY	
NORTHWEST PIPE FITTINGS	
OLESEN, MARGI	
OWENS INTERSTATE SALES	
PARSONS, LARRY	
PEPPMEIER, JANICE	
PHIL'S ELECTRIC	
PITNEY BOWES	
QUIK SIGNS	
QUILL	
RAPID DELIVERY	
RASMUSSEN MECHANICAL	
RCS CONSTRUCTION	
RENNER, DONOVAN	
ROGERS CONSTRUCTION	
S&C CLEANERS	
SAGARA, M. ROSALIND	
SCHMIDT, WILLIAM	
SD DEPT. OF REVENUE	
SD PUBLIC HEALTH LAB	
SERVALL	
SPEARFISH SEAMLESS RAIN	
SPECIALTY VEHICLES	
STREICHER'S	
THE FAIRMONT HOTEL	
THIS OLD HOUSE	
THOMSON REUTERS	
TRUGREEN	
TWIN CITY ANIMAL SHELTER	
TWIN CITY HARDWARE	
ULTRAMAX	
UMENTHUM, KEITH	
VAST	
VERIZON	
VEZIONS HOME IMPROVEMENTS	
WEAPON CONCEPTS	
WEATHER-TITE EXTERIORS	
WELLMARK	
WHITE'S CANYON MOTORS	
WHITE'S QUEEN CITY MOTORS	
WL CONSTRUCTION	
ZEP SALES	
ZWINGELBERG, WILLIAM	
SERVICE	314.55
FLOWERS	140.23
SUPPLIES	6.98
BATTERIES	403.62
SUPPLIES	75.98
PROJECT	4,308.69
IMAGES	250.00
PROJECT	10,934.40
CONTRACT	187.01
BILL LIST	264,940.98
REIMBURSEMENT	128.00
MEETING	177.00
GRANT	20,000.00
SERVICE	90.00
SERVICE	836.42
SUPPLIES	13.95
SUPPLIES	0.50
DEPOSIT	600.00
TESTING	2,067.20
REIMBURSEMENT	462.62
SERVICE	396.88
SERVICE	188.00
GRANT	3,711.12
REPAIR	191.00
BATTERY	153.50
REIMBURSEMENT	57.47
SUPPLIES	1,010.54
SUPPLIES	882.85
MEMBERSHIP	209.00
BATTERIES	442.80
SERVICE	222.71
SERVICE	995.36
BUMPER	14.98
INSPECTION	280.14
FEE	30.00
DEPOSIT	500.00
PROJECT	2,383.42
SUPPLIES	129.36
PROJECT	2,042.82
SUPPLIES	185.40
SERVICE	1,564.61
REIMBURSEMENT	275.54
DEPOSIT	600.00
SERVICE	15,362.50
SUPPLIES	149.43
UNIFORMS	676.10
RELOCATION	1,070.32
SERVICE	81.00
MODULES	576.00
REPAIR	591.07
SUPPLIES	289.19
PROJECT	4,500.00
REIMBURSEMENT	585.76
PROJECT	102.04
POSTAGE	500.00
SIGNAGE	243.15
SUPPLIES	107.72
DELIVERY	25.31
SERVICE	2,891.91
PROJECT	120,298.50
REIMBURSEMENT	267.19
REPAIRS	22,551.03
CLEANING	5,072.65
VIDEOGRAPHY	250.00
PROJECT	1,500.00
TAXES	4,985.86
TESTING	30.00
SUPPLIES	1,157.37
SUPPLIES	3,771.70
PANEL	269.86
HOLSTERS	2,884.99
REIMBURSEMENT	26.00
SUBSCRIPTION	15.00
SUBSCRIPTION	194.00
SERVICE	414.40
ALLOCATION	3,000.00
SUPPLIES	7,322.26
AMMO	372.00
PROJECT	1,647.04
SERVICE	1,602.68
METERS	40.01
PROJECT	5,202.00
AMMO	1,200.00
PROJECT	10,193.15
INSURANCE	43,946.60
TANK	88.96
CABLE	339.34
SUPPLIES	419.98
SUPPLIES	295.52
PROJECT	5,628.67

TOTAL \$1,354,254.40

REGULAR MEETING, AUGUST 1, 2016

ITEMS FROM CITIZENS ON AGENDA

Proclamation

The Mayor read a proclamation declaring August 1 through August 5, 2016 as Responsible Gaming Education Week in Deadwood.

Update

Blake Haverberg requested to speak on behalf of Greg Vecchi and asked for recordings of last meeting and this meeting if recordings are being made, requested a hearing on the revocation that occurred last week and requested a reversal of that as well based on several things. Haverberg stated, "I do not think Dr. Vecchi was given adequate notice, he was told there was going to be a discussion on it, but there was almost no discussion, only discussion came from Shirttail Gulch. There was no discussion as to future development, no discussion as to any other issues that related to the range other than from the non-residents from Shirttail Gulch and that was resolved earlier. There was no discussion on safety issues that Chief Kelly testified on June 15, and but to be honest with you a 5-0 vote on June 15 and a 0-5 vote fifteen months later with no discussion on any issues, that smells bad. I think we need to have a hearing on that, I've done a little research, if you are in a gun town, you have to admit Deadwood is a gun town, there are guns on the sign in front of you, there are guns on every sign we put up, the city funds Deadwood Alive that has four shoot-outs a day during the summer, the parade had guns going off. Now when you live in a city there is noise. I don't call the Mayor at 3:30 in the morning when the snow removal is going on by the hotel; my guests call me and complain because of the backup beepers ok they complain about that, I don't call the Mayor to complain about noise. I don't complain when ambulances go by, fire department or the police ok, that's part of safety. Greg Vecchi is an important part of safety of this community ok, he is nationally and internationally recognized, he has every license you can think of, he is an industry in the country and the city and the state. He brings people to Deadwood from international locations; he is training people all the time. He is an industry, ok, and if he didn't operate, you're going to run him out of town, it's plain and clear." Mayor Turbiville stated, "We were here during the presentation Mr. Vecchi made, we know his background and his business." Turbiville asked Attorney Riggins to answer Haverberg's questions. At this time, Haverberg stated, "I have one more thing to say real quick about Shirttail Gulch. They are not inside the City limits, they are not residents, and they enjoy all the benefits of the city. If you, I understand there is a handful of houses, there are 33 lots, a lot of them are dedicated to nature, but are probably 15 houses built up there. I checked with Executive Lodging and Home Away, I didn't check with Air BnB, but there are a total of seven rental units up there out of, that's probably more than half that have been built, they house 79 people a night. And those aren't being taxed, they don't belong to the Chamber of Commerce. If you build a house next to a railroad station you have to expect noise, ok, railroad tracks, it's noise. If you go to pig farms, they smell. If you go to Duluth . . ."

Mayor Turbiville stated "I understand all that" Haverberg said "so you have to deal with the cities and the issues and there hasn't been any issues that we have been notified of in violation of our contract with the City, with the variance agreement with the City, so I think you guys, its happened twice now within fifteen months, there has been two 5-0 votes and two 0-5 votes reversing. Now it's not what I'm going to do but Greg has probably got \$30,000.00 to \$40,000.00 in the range in the last year. Now it's easy to spend City money but does anybody want to write a check for \$40,000? None of you guys want to write a check for \$40,000.00. Greg can't afford to do it, I can't afford to do it so I really request we have a hearing on this and lay it out and let the citizens and the residents of Deadwood speak ok." Mayor Turbiville stated, "You already made your request." Mayor Turbiville again asked Mr. Riggins to speak to the issue. At this time, Alan Wright asked when the variance was revoked. Mayor Turbiville asked that Mr. Wright allow Attorney Riggins to answer a question, and then Mr. Wright could ask his question later. Riggins stated that in terms of the revocation of variance, there was notice given that there was going to be a meeting to discuss the status of the variance. Mr. Vecchi worked with the City to find a date that he was available, he clearly prepared for the meeting to discuss his variance, he had a PowerPoint presentation prepared, had an attorney present, he clearly was prepared for that meeting. The City Commission took action to revoke the variance, that was within their right as part of the terms of the variance, we have provided that it could be revoked provided the 30-days' notice is given which ultimately happened. The variance was revoked, and Commission gave him not 30 days, but 90 days. The terms of the variance were complied with but it is ultimately up to you Commission to decide whether you want to pursue another vote on reconsideration. Riggins reminded Commission that there is an item on the agenda to discuss moving forward with conditional use permit for a range at the Rubble Site. Discussions have taken place to move forward with that as a possible location. Riggins repeated that is within Commission's right to reconsider. Mayor Turbiville asked if any member of the Commission

REGULAR MEETING, AUGUST 1, 2016

wished to make a motion to reconsider. No motion was forthcoming. Allen Wright asked the question again "why was the variance revoked, I am one of the people that are losing their job over this, and there is about four or five others, at this point in time the range is within city limits and if it goes to the Rubble Site we will not make money on it, we cannot be a business. The range supports the shop, not the shop supporting the range, so if the range goes the shop goes, the shop goes, myself and four others lose their jobs, just like to know why it is being revoked." Commissioner Speirs stated that in his opinion it was a life safety issue dealing with having an open gun range within the City limits, strictly life safety. Speirs added that he was not here at the time it was permitted, and he was elected little over a year ago. Wright asked Speirs if he was aware that every range officer was NRA certified. Speirs repeated that it is a life safety issue within the City limits, period. Haverberg asked, "Why wasn't that mentioned during the discussion, there was no discussion on anything, there was no discussion from Commissioner Speirs, there was no mention of this. Commissioner Ruth mentioned there were future development sites and so did Commissioner Todd, but there was no discussion on any issue with that range. You did not bring that up Mr. Speirs ok?" Speirs stated that was true. Wright stated, "How did you pronounce that?" Speirs repeated that it was a life safety issue. Haverberg asked, "Life safety issue is that an anti-gun stand is that what you're saying?" Speirs replied, "No, it has to do with the fact that it's an open gun range within the City limits." Haverberg stated it is not an open gun range, it's a private gun range and staffed by professionals. Speirs stated, "What I mean by open gun range is that it's not entirely enclosed, you could possibly turn and fire outside the gun range easy enough. That's how I look at it as a life safety issue. As far as the discussion two weeks ago, what occurred two weeks ago was oration for 40 minutes by Greg Vecchi." Turbiville reminded Commission that under old business, the question to be discussed and may or may not be approved is to pursue possible shooting range at the Rubble Site. At that time, some audience questions will be answered. Haverberg stated, "I would like some input on that too."

CONSENT

Ruth moved, Speirs seconded to approve the following consent items: Roll Call: Aye-All.
Motion carried.

- A. Permission to pay budgeted 2016 allocation of \$5,000.00 to Prairie Hills Transit from Bed and Booze Fund
- B. Permission to remove Parks employees from payroll: Darcy Campbell effective May 31, 2016 and Miranda Luze effective June 24, 2016
- C. Renew financial software maintenance with Tyler Technologies from September 2016 – August 31, 2017 at cost of \$13,195.24, to be paid from Finance professional services, (budgeted).
- D. Permission for Mayor to sign South Dakota Department of Transportation Bridge Improvement Grant Agreement, project number BRO 8041(00)16-1PCN 05P9, for 80% reimbursement of eligible project costs no to exceed \$35,270.00
- E. Allow use of public property for Station-to-Station Walk on October 8 as approved at Safety meeting in September 2015.
- F. Allow Hearth Monson to attend Police Academy in Pierre from August 22 to November 18, 2016.
- G. Permission for Mayor to sign agreement with RCS Construction Inc. and Carolyn White to furnish all labor and materials to reconstruct retaining wall at 3 Shine Street.
- H. Approve contract to provide services related to Microfilm Digitization of twelve Lawrence County Ledgers at cost of \$2,100.00 and allow Mayor to sign contract
- I. Permission for Mayor to sign Oakridge Cemetery Certificates of Purchase and Warranty Deeds for E. Floyd Caldwell, Goldie L. Caldwell and Ross G Caldwell.
- J. Permission to waive trolley fees for Masonic Temple on September 8 for trip to Mt. Moriah.
- K. Correct starting wage for Rec Center employees Colt Mavity and Breyleigh Geggelman from \$10.40 hr. to \$10.46 hr. effective June 8, 2016.
- L. Purchase ADA closure assembly from Stretch's Glass for climate control system at Days of '76 Museum at cost of \$2,800.50.
- M. Permission to purchase 3500 gallons for gasoline at cost of \$2.05 per gallon and 3500 gallons of Diesel at cost of \$1.65 per gallon from Southside.

REGULAR MEETING, AUGUST 1, 2016

BID ITEMS

Mayor Turbiville stated three bids were opened for St. Ambrose Cemetery Phase 6 at 2:00 p.m. on July 28, 2016 as advertised. Bid bonds were included in the following bid submittals:

CAI Construction – \$295,500.00
Domson Construction – \$347,000.00
JR Civil - \$432,000.00

Historic Preservation Officer Kuchenbecker recommended Commission award contract to low bidder. Speirs moved, Ruth seconded to approve the low bid for St. Ambrose Cemetery Phase 6 from CAI Construction in the amount of \$295,500.00 and allow Mayor to sign contract. Roll Call: Aye-All. Motion carried.

Ruth moved, Speirs seconded to set the following bid openings at 2:00 p.m. on August 15 with results to Commission at 5:00 p.m. meeting that same day: exterior paint at Deadwood Library and exterior paint at Adams House Museum. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS

Speirs moved, Ruth seconded to set public hearing on August 15 for Oktoberfest events. Roll Call: Aye-All. Motion carried.

Speirs moved, Ruth seconded to set public hearing on August 15 for Deadweird events. Roll Call: Aye-All. Motion carried.

OLD BUSINESS

Mayor Turbiville opened discussion on whether to pursue possible shooting range at Rubble Site. Attorney Riggins stated that he had a number of discussions with Mr. Vecchi and the county with respect to a possible shooting range at the Rubble Site over the last two weeks. Riggins said, "Mr. Vecchi indicated that as it relates to that potential site, he would like to move quickly to insure that if the site is ultimately approved by all three cities and if a CUP is granted, that he could pursue that range quickly and avoid a delay. I put on the agenda to keep things moving, and grant approval to pursue shooting range at Rubble Site in order to pursue that CUP to get the property rezoned for shooting range." He added that if commission voted in favor, it can be brought forward to Lead and Central City and keep that September deadline. Riggins cautioned, "In no way is this evidence of a final agreement as it relates to the shooting range, and that details need to be worked out as they relate to liability issues both for Mr. Vecchi and the city. Vecchi will certainly want indemnification for any landfill issues that occur prior to his use; likewise, city will want indemnification for shooting there. This is simply granting approval to pursue the CUP". Mayor Turbiville asked Riggins for verbiage that he felt comfortable with. Riggins stated, "I would say a motion to grant approval for use of the shooting range or use of the rubble site for purposes of establishing a rifle range and to pursue a CUP." Turbiville asked if commissioners had any questions or comments. Commissioner Speirs asked what kind of insurance would the City have to provide for something like this. Riggins replied that the insurance is going to be something that all three cities would have to agree to, and is still an open-ended issue. Riggins added that Mr. Vecchi has a 2 million dollar policy at this time. Even if we grant approval, that approval is still subject to Lead and Central City's approval and their requirements for liability insurance. Commissioner Ruth stated "wouldn't we have to take the same step in order to use this as if we using it strictly for police department to develop something for the range out there?" Riggins stated, "Yes, you would have to take the same action because you still would need a CUP." Turbiville repeated that we are in the process of discussing whether the Commission wishes to approve pursuing the possible site and wanting Mr. Vecchi to apply for a CUP and asked Commission if they had any additional questions. Haverberg then asked "Would that be a public range also or would it be strictly used for private purposes, events and that sort of thing, then you're going to have to sort that out because that is a big issue in regards to safety. Make it clear that an indoor range is no safer than an outdoor range, the only indoor range is only protective shooting down, you shot to the side, either side there is not protection. If you turn around and shoot there is no protection, so indoor ranges outdoor ranges are the same. The one where we are at has a 400-foot wall mountain behind it and Chief Kelly has testified that it is completely safe. So safety is not an issue." Speirs stated, "Well that is my opinion." Haverberg stated "that's a misconception." Speirs stated, "No, it is my opinion, only my opinion." Haverberg asked to meet with Commissioner Speirs. Turbiville stated "Mr.

REGULAR MEETING, AUGUST 1, 2016

Haverberg” Haverberg replied, “Yes.” Turbiville again stated, “Don’t talk over me please, we are talking about the CUP, Mr. Vecchi had requested that we move on this issue so that he can then take the verbiage to the other two communities of the tri-city rubble site so that he should probably be before them before the next meeting. So that is what we are talking about is a CUP, not indoor ranges, not 400 feet.” Mr. Haverberg replied that he is just clarifying some issues. Mayor Turbiville stated that they have been clarified. Haverberg stated “Greg sent me some verbiage, he’s concerned that there hasn’t been anything done in terms of scheduling anything, he doesn’t think we can get in front of the County until October 1 and he has a November 2 deadline and he is out of business. He is not going to keep working here if you guys don’t provide a place to shoot. He’s been training with Deadwood Police, and I don’t know if you read the news the other day but there was a medical worker on his knees with his hands up and said “I’m not armed, he said it two or three times to the police officer and the police officer shot him in the leg.” The Deadwood Police would not do that. Greg teaches situation awareness, why to shoot, when to shoot, and most important what you say afterwards. When this police officer asked what, why did you shot me, he said I don’t know. I don’t know, you talk to Quentin, I don’t know it cost that city probably 10 million dollars, ok so I am telling you, you are going to lose a valuable asset to the City of Deadwood. Wish you had some information on these distances to the range and stuff like that.” Turbiville then asked if Mr. Wright wanted to make a comment. Wright stated, “I would yes, the distance to the range is six and a half miles, our business began taking people to the range. We teach, we train. Thirteen miles round trip, of which four miles is on dirt roads is basically is cutting us out during winter. What you’re basically doing with this variance that you now revoke is you are killing our business. I am basically going to be out of work, as will be other people. I am actually retired and I work part time so it’s not a hardship to me that much but it is to other people. And I still don’t know why all of the sudden life safety issues come up, if you have a range out at Yellow Creek, you know that a mile and a half a mile down the road from there, they are shooting in the direction of the rubble with the Yellow Creek range. And it is being used on a regular basis, I drove this yesterday, I was there yesterday afternoon and there was half a dozen people shooting. So if you’re worried about life safety issues, maybe you should go out and look at that and see what life safety issues with people in the dump.” Turbiville stated, “Life safety issues is not part of this discussion anymore, we are talking about the CUP and so thank you for your input.” Mayor then gave Georgeann Silvernail permission to speak. Resident Silvernail asked “If this was going to be a public range or if it is just going to be for pay. Is that what we are looking at? This is a public entity. And yet we are looking at a private enterprise here. And the other thing is we have a Rifle and Pistol Club and Black Hills Rod and Gun Club and I am pretty sure you all received a letter from those people asking you to consider them too. I want to know is it open for the public or is it going to for a separate group?” Turbiville stated “Quentin, your discussions with Vecchi have been that is to be a . . .” Riggins replied, “It is my understanding that Vecchi’s preference is that it be leased to him so that he can operate his business from it. Ultimately is it is going to come down to what agreement you guys strike with whomever you strike it with.” Commission Ruth stated, “When we had visitation out on the site, which was with Greg Vecchi, he had indicated that he would be working with the operators of the Rubble Site. Ron was there at that meeting as well. It would also not only be utilized for private events that he had booked or would book but also that it would be a membership type thing and it would be open, but not completely open as the Yellow Creek site.” Ruth added that this discussion is more about whether or not we approve the concept of putting a range out there, whether it be for Greg Vecchi, for Chad Adams, for the Rod and Gun Club, or for Chief Kelly and the Police Department up in Lead. Commissioner Van Den Eykel stated “that is a good question because it is public property and that depends on the tri-cities.” Ruth stated “and those are things we would have to insist on being worked out in an agreement going forward if we get to that point.” Turbiville said “What is being discussed at this time is having it a as a public range but have it privately run obviously it would be as available to the local police forces and I would hope they would have priority as to the time and date available that they would go out there.” Silvernail thanked Commission for the additional information. Turbiville stated there was further discussion regard to grant approval to pursue shooting range at Rubble Site, talking strictly about the CUP. Mayor requested a motion, verbiage equal to what Quentin suggested. Ruth moved, Speirs seconded grant approval for application for use of the shooting range or use of the rubble site for purposes of establishing a rifle range and to pursue a CUP. Roll Call: Aye-All. Motion carried.

REGULAR MEETING, AUGUST 1, 2016

NEW BUSINESS

Change Order #1

Speirs moved, Ruth seconded to approve change order #1 with RCS Construction in the amount of \$12,409.34 for 84 Van Buren retaining wall project, bringing total cost of project to \$249,409.34. Roll Call: Aye-All. Motion carried.

Request

Speirs moved, Van Den Eykel seconded to issue request for quotes in conjunction with Whitewood Creek clean-up plan from Dunlop Avenue to 76 Drive Bridge. Quotes will be due August 9 with recommendation to Commission on August 15. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Mayor Turbiville read the following informational item:

Schedule for 2017 Budget Meetings was presented as: August 15 from 7:00 a.m. to 9:00 a.m., August 16 from 7:00 a.m. to 9:00 a.m., August 17 from 4:30 p.m. to 6:00 p.m. and August 18 from 4:30 p.m. to 6:00 p.m. After discussion, Commission agreed to meet only on August 15 and 16, beginning at 7:00 a.m. each day, but directed Commission to call Finance Officer on scheduling.

Alan Wright asked Commission if there was any truth to the rumor that city is in process of annexing land by slag pile property. Mayor Turbiville replied that we are not in the process of annexing. Mr. Wright asked if property had already been annexed, and Mayor replied that it has not. Blake Haverberg asked the Commission if they would have a public hearing on the revocation of variance so he could get some residents in here. Haverberg continued that Commission has only heard from a small minority of non-residents. Turbiville asked if Mr. Haverberg was asking for an additional public hearing so decision could be reversed. Haverberg replied that it was, and Mayor stated he was not inclined to do so and then polled other Commissioners, who were not interested in an additional hearing. Haverberg then told Commission "So this was a kangaroo court." Mayor Turbiville told Haverberg he was out of order.

Chief Kelly thanked the Fire, Streets and Parks Departments for their help during Days of 76 parades.

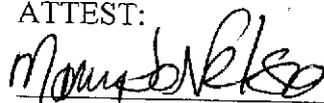
Attorney Riggins requested Executive Session for legal matters per SDCL 1-25- 2(3) with possible action.

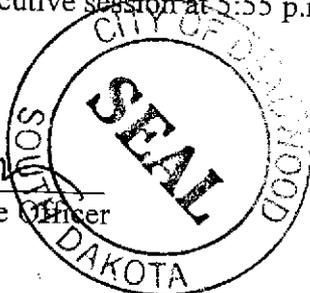
ADJOURNMENT

Speirs moved, Van Den Eykel seconded to adjourn the regular session at 5:42 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2 (3) with possible action. The next regular meeting will be on Monday, August 15, 2016.

After coming out of executive session at 5:55 p.m., Speirs moved, Van Den Eykel seconded to adjourn.

ATTEST:


Mary Jo Nelson, Finance Officer



DATE: August 16, 2016

BY: Charles M. Turbiville
Charles M Turbiville, Mayor

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