

## REGULAR MEETING, October 19, 2015

The Regular Session of the Deadwood City Commission convened on October 19, 2015 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, Gary Todd and Jim Van Den Eykel. All motions passed unanimously unless otherwise stated.

### APPROVAL OF MINUTES

Ruth moved, Speirs seconded to approve the minutes of October 5, 2015. Roll Call: Aye-All. Motion carried.

### APPROVAL OF DISBURSEMENTS

Todd moved, Van Den Eykel seconded to approve the October 19, 2015 disbursements plus additional bill. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	CONTRACT	78.80
A & J SUPPLY	SUPPLIES	422.28
AASLH MEMBERSHIP	MEMBERSHIP	115.00
ABC BUSINESS	SUPPLIES	757.62
ADAMS MUSEUM	OPERATING	61,500.00
ALBERTSON ENGINEERING	PROJECT	9,308.75
ALSCO	SUPPLIES	163.94
AMAZON WEB	SERVICE	222.08
ARLETH LAND SURVEYING	PLAT	200.00
ARMSTRONG EXTINGUISHER	MAINTENANCE	4,414.00
ATLAS BUILDING	SUPPLIES	412.98
BARCO PRODUCTS	SUPPLIES	573.22
BERENDSE & SONS	PROJECT	24,934.50
BH CHEMICAL	SUPPLIES	785.87
BH DISPOSAL	DUMPSTERS	450.00
BH PIONEER	ADS	596.23
BH POWER	SERVICE	1,145.16
BH URGENT CARE	TESTING	198.00
BUTLER MACHINERY	SUPPLIES	326.54
CAI CONSTRUCTION	PROJECT	36,000.00
CENTURY BUSINESS	CONTRACT	355.63
CENTURY LINK	SERVICE	158.67
COCA COLA	SUPPLIES	74.60
COMPETITIVE MASONRY	PROJECT	4,324.80
CULLIGAN	SUPPLIES	213.75
CUSTOM DECOR MASONRY	REPAIR	394.12
DAKOTA PRAIRIE LANDSCAPES	REPAIR	19,118.25
DEADWOOD DEVELOPMENT	SHIPPING	28.98
DEADWOOD ELECTRIC	SERVICE	1,057.08
DEADWOOD HISTORY	REIMBURSEMENT	44.41
EDDIE'S TRUCK CENTER	SENSOR	381.92
EMERY-PRATT	BOOKS	71.18
FALL RIVER COUNTY	DONATION	250.00
FARMER BROTHERS	SUPPLIES	235.40
FASTENAL COMPANY	SUPPLIES	52.85
FISHER SAND & GRAVEL	SERVICE	6,251.30
GALLS	SUPPLIES	127.63
GARDNER CONSTRUCTION	PROJECT	11,279.43
GENE'S LOCK SHOP	REKEY	20.00
GOLDEN WEST	BACKUP	710.00
GRIMM'S PUMP	REPAIR	17.58
GUNDERSON, PALMER, NELSON	SERVICE	3,889.30
HEIMAN	CHASSIS	49,697.00
HENKE	REPAIR	220.29
HILLS MATERIALS	SUPPLIES	7,141.69
HISTORIC RAPID CITY	GRANT	7,500.00
INTERSTATE BATTERY	BATTERIES	510.80
J. SCULL CONSTRUCTION	PROJECT	16,842.27
JACOBS WELDING	SUPPLIES	169.06
KDSJ	ADVERTISING	175.00
KIMBALL MIDWEST	SUPPLIES	194.35
KNECHT HOME CENTER	SUPPLIES	14.30
KONE	SERVICE	266.80
KRUZEL, TOM	REIMBURSEMENT	359.96
KUCHENBECKER, KEVIN	REIMBURSEMENT	57.79
LAWRENCE CO. REGISTER	EASEMENTS	90.00
LAWRENCE TITLE COMPANY	FEE	30.00
LEAD-DEADWOOD SANITARY	USAGE	30,406.04
LESKCA	PROJECT	4,675.00
LEWIS, TRACY	PROJECT	3,090.38
LUX, JUSTIN	REIMBURSEMENT	23.41
M&M SANITATION	SERVICE	750.00
MASONIC CEMETERY	GRANT	4,503.38
MID-AMERICAN RESEARCH	SUPPLIES	123.88
MIDCONTINENT	SERVICE	65.00
MIDWEST TAPE	DVDS	40.98
MITZI'S BOOKS	BOOKS	61.51
MS MAIL	SERVICE	3,280.15
NEIGHBORHOOD LENDING	SERVICE	16,167.50
NETWORK SERVICES	SUPPLIES	317.71
NEVE'S	UNIFORMS	836.44
NEWMAN TRAFFIC	SIGNS	126.22
NORTHERN HILLS TECHNOLOGY	BACKUP	51.00
OTW SAFETY	SUPPLIES	26.88
PANNIER	SIGN	510.44

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PASSPORT PARKING	METERS	53.00
PEARL AND ASSOCIATES	BOOK	30.00
PLAY IT AGAIN SPORTS	SUPPLIES	195.96
POSITIVE PROMOTIONS	SUPPLIES	290.06
QUICK TROPHY	PLATE	18.00
RAPID DELIVERY	SERVICE	67.30
RDO EQUIPMENT	SUPPLIES	393.58
REGIONAL HEALTH NETWORK	TESTING	125.00
RENNER, DONOVAN	REIMBURSEMENT	252.01
ROTH TRUCKING	SUPPLIES	4,375.91
S & S REPAIR	REPAIR	430.79
S&C CLEANERS	CLEANING	2,590.50
SD COMMISSION ON GAMING	(CITY SLOTS	27,443.18
SD DEPT OF REVENUE	TAXES	3,767.34
SD ONE CALL	FEES	64.96
SDSM&T	WORKSHOP	990.00
SECOND CENTURY	GRANT	2,611.81
SOCIETY OF AMERICAN	MEMBERSHIP	130.00
SOUTHSIDE OIL	GAS	12,645.79
SOUTHSIDE SERVICE	SERVICE	1,128.65
STAN HOUSTON	FENCE	349.85
STRETCH'S GLASS	SERVICE	87.30
STURDEVANT'S	SUPPLIES	604.69
TALLGRASS	PROJECT	1,283.52
TOMS, DON	PROJECT	630.00
TRIPLE K	SUPPLIES	2,969.96
TROUTON, JEFF AND LAUREN	PROJECT	2,200.00
TRUGREEN	SERVICE	283.25
TWIN CITY HARDWARE	SUPPLIES	1,686.32
VAST	SERVICE	2,145.52
WASTE CONNECTIONS	SERVICE	8,672.11
WEST RIVER MASONRY	PROJECT	4,081.64
WHISLER BEARING	BLOCK	43.48
	TOTAL	\$ 415,898.56

### ITEMS FROM CITIZENS ON AGENDA

#### Parking

Randy Nelson on behalf of Deadwood Business Club requested citywide free parking on November 7 through November 11 for Veteran's Salute. Van Den Eykel moved, Ruth seconded to allow no enforcement of parking meters November 7 through November 11. Roll Call: Aye-All. Motion carried.

#### Audit

Al Schaefer with South Dakota Dept. of Legislative Audit appeared to request permission for the Mayor and Finance Officer to sign the Representation Letter for the 2014 audit. He stated that there were no written findings but that the annual report contained classification type errors that were adjusted. Schaefer stated that the audit went well and thanked Finance Office staff for their cooperation and assistance. Van Den Eykel moved, Ruth seconded the request. Roll Call: Aye-All. Motion carried.

#### Request

Mike Rodman on behalf of Deadwood Revitalization Committee asked permission to apply for a BUSH Foundation Community Innovation grant through the City of Deadwood. He stated the City of Deadwood would be the fiscal sponsor for the grant, and asked permission for the Mayor to sign sponsorship agreement. Speirs moved, Ruth seconded to apply for BUSH Foundation grant and allow the Mayor to sign agreement. Roll Call: Aye-All. Motion carried.

#### Recommendation

Pat Roberts, Bid 1-6 president, asked the Commission to recommend an increase at the parking ramp. He stated the recommendation is for the first hour - free, first to second hour - \$2.00, third hour - \$4.00 and over three hours to twenty-four hours - \$6.00. Mayor Turbiville stated fees for parking ramp were discussed at recent fee meeting. Mayor Turbiville thanked Roberts for his time.

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### CONSENT

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

- A. Approve results of combined surplus auction held on September 26, 2015 which include proceeds of \$19,172.00 less 1/3 advertising, auction commission expense and sales tax = \$16,070.32.
- B. Purchase Precor treadmill from Push-Pedal-Pull in the amount of \$4,101.27 from Rec Center budget.
- C. Allow Bob Nelson Sr., Tom Kruzel, John Tridle, Trent Mohr, and Bob Nelson Jr. to attend Safety and Loss Training Conference November 12 and 13 in Oacoma.
- D. Allow electronic funds transfer for principle and interest payment of \$236,181.25 for Sales Tax Revenue Bonds on November 30, 2015.
- E. Permission for Finance Officer to make expenditure correction from prior period and move \$34,031.76 from City Slot Agency (Fund 0723) to BID 1-6 (Fund 0213).
- F. Permission for Mayor to sign renewal agreement with Mystic Miner Ski Resort for billboard lease from November 1, 2015 to October 31, 2016 at rate of \$220.00 per month.
- G. Permission for Mayor to sign renewal agreement with Terry Peak Ski Resort for billboard lease from November 1, 2015 to October 31, 2016 at rate of \$440.00 per month.
- H. Permission to hire Blu Gay as part time Collections intern effective October 21, 2015 at \$8.50 per hour, pending pre-employment screening.
- I. Permission for Police Department to repair vehicle struck by deer at Delahoyd's Paint and Body Shop at cost of \$3,634.93.
- J. Accept resignation from Rec Center employee Emilia Anderson effective September 29, 2015.
- K. Permission to increase wage for Collections Intern Lili Sjomeling from \$8.75 an hour to \$8.97 an hour effective October 16, 2015 after 2 years of service.
- L. Permission to increase wage for Custodian Marie Carr from \$9.49 an hour to \$10.20 an hour effective October 22, 2015 after 3 years of service.
- M. Deadwood History Inc. request approval to serve liquor at Days of '76 Museum November 11 from 5:00 p.m. to 11:00 p.m. for party.
- N. Permission to purchase 5500 gallons of Diesel from South Side at \$1.94 per gallon.
- O. Permission to hire Deadwood Electric to perform electrical work in connection with the Highway 85 project at Gordon Park for \$3,796.10.
- P. Permission to hire Andy Goodwin as Parking Ramp Attendant at \$8.97 per hour effective October 20, 2015 pending pre-employment screening.

### BID ITEMS

Van Den Eykel moved, Ruth seconded to advertise for bids on the Deadwood Welcome Center and set bid opening for 2:00 p.m. on December 2, 2015 with results to the City Commission on December 7, 2015 at 5:00 p.m. Roll Call: Aye-All. Motion carried.

### PUBLIC HEARINGS

Public hearing was opened at 5:13 p.m. by Mayor Turbiville. Sarah Anderson, Deadwood Chamber, asked the Commission for street closure on Main Street from Deadwood to Pine from 6:00 p.m. to 10:00 p.m. on October 31 and close Main Street from Wall to Deadwood from 1:00 p.m. to 4:00 p.m. instead of 10:00 p.m., which was previously approved. Todd moved, Van Den Eykel seconded said request. Roll Call: Aye-All. Motion carried.

### Resolution 2015-17

Speirs moved, Van Den Eykel seconded to continue Resolution 2015-17, Resolution of Intent to Annex Contiguous Property until November 2, 2015. Roll Call: Aye-Speirs, Todd, Van Den Eykel, Turbiville. Abstained-Ruth. Motion carried.

### NEW BUSINESS

#### Contract

Ruth moved, Speirs seconded to contract with Albertson Engineering in the amount of \$18,030.00 for professional design services related to Fremont Street retaining wall and street drainage improvement to be paid from Historic Preservation City Retaining wall line item, construction is budgeted in 2016. Roll Call: Aye-All. Motion carried.

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**Recommendation**

Commissioner Ruth recused himself and discussion was held among other Commissioners concerning the recommendation from Parking and Transportation to terminate lease agreements with Silverado and First Western Bank for parking location at Lot A, Block 20, Original Townsite. Mayor Turbiville explained the terms of proposed new lease with Silverado for existing spaces and options for leasing the remaining five spaces. After discussion, Todd moved, Speirs seconded to terminate lease agreements by giving 30 day written notice to Silverado and First Western Bank, retain nine spaces for Silverado with additional clause added for maintenance and snow removal. Roll Call: Aye-Speirs, Todd, Turbiville. Nay-Van Den Eykel. Abstained-Ruth. Motion carried.

Todd moved, Speirs seconded to advertise to lease remaining five spaces with reserve set at \$180.00 plus tax per space. Roll Call: Aye-Speirs, Todd, Turbiville. Nay-Van Den Eykel, Abstained-Ruth. Motion carried.

**Resolution 2015-18**

Todd moved, Van Den Eykel seconded to approve Resolution 2015-18 to Surplus City Owned Real Estate to Deadwood-Lead Economic Development Corporation. Planning and Zoning Administrator Nelson Jr. stated these are two parcels located on Selbie Street. Transfer to Deadwood-Lead Economic Development Corporation will facilitate sale of property and generate property tax revenue.. Roll Call: Aye-All. Motion carried.

**RESOLUTION 2015 -18**

**RESOLUTION TO SURPLUS AND TRANSFER CITY OWNED REAL ESTATE**

WHEREAS, the Deadwood City Commission desires to designate certain City owned real property as surplus land and transfer said real property to the Deadwood-Lead Economic Development Corporation, pursuant to SDCL § 6-5-3 and 6-5-4,

AND WHEREAS, the public interest will be better served by transferring the following described real property to the Deadwood-Lead Economic Development Corporation;

Lot A of Probate Lot 162, City of Deadwood, Lawrence County, South Dakota, according to Plat Book 2 Page 77;

A portion of Lot 9 Block P sometimes described as the North part of triangular area Original Town, City of Deadwood, Lawrence County, South Dakota EXCEPT Selbie Street right of way as deeded to the City of Deadwood in Book 105 Page 539.

AND WHEREAS, the land to be designated as surplus and then transferred encourages the development of said property.

NOW THEREFORE IT IS HEREBY RESOLVED, pursuant to SDCL 6-5-4, the public interest will be better served by the proposed designation of surplus property and transfer of land to the Deadwood-Lead Economic Development Corporation.

IT IS FURTHER RESOLVED, that the Deadwood City Commission shall further follow all mandates of SDCL 6-5-3, as statutorily provided.

Dated this 19th day of October 2015

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

**RFP**

Planning and Zoning Administrator Nelson Jr. stated the purpose for the request for proposal is to contract with an individual to operate the concession stand at the Rodeo grounds during events. After discussion concerning customer service, pricing and quality, Van Den Eykel moved, Ruth seconded to approve Request for Proposals for Rodeo grounds concessionaire. Roll Call: Aye-All. Motion carried.

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Appoint

Ruth moved, Todd seconded to appoint Brett Runge as Planning and Zoning board member, term to expire December 31, 2016. Roll Call: Aye-Ruth, Todd, Van Den Eykel, Turbiville. Nay-Speirs. Motion carried.

Purchase

Speirs moved, Ruth seconded to purchase ten bike racks for placement throughout Deadwood and pay Victor Stanley \$5,064 plus shipping. Expenditure to be paid from Historic Preservation Capital Asset Benches and Lighting line item. Roll Call: Aye-All. Motion carried.

First Reading

Speirs moved, Ruth seconded to approve First Reading of Ordinance #1230 for Actors and Street Performers. Historic Preservation Officer Kuchenbecker explained ordinance in detail. Roll Call: Aye-Ruth, Speirs, Todd, Turbiville. Nay-Van Den Eykel. Motion carried.

Purchase

Speirs moved, Van Den Eykel seconded to purchase annual garland and greens from Trinity United Methodist Church at cost of \$1,690.00. Roll Call: Aye-All. Motion carried.

First Readings

Ruth moved, Todd seconded to approve first reading of Ordinance #1231 to Amend Chapter 5.44 Trolleys, and set fees by Resolution effective January 1, 2016. Attorney Riggins stated this ordinance as well as Ordinances #1232, #1233 and #1234, deal with setting fees by resolution. He also stated setting fees by resolution still necessitates a public hearing, helps clean up ordinances so the city can allow public comment and address any rate increase, as they should occur. Finance Officer Nelson stated if first and second reading pass, the public hearing on the resolution will be held on December 7, 2015. Roll Call: Aye-All. Motion carried.

Van Den Eykel moved, Ruth seconded to approve first reading of Ordinance #1232 to Amend Chapter 12.44, Recreation Center, and set fees by Resolution effective January 1, 2016. Roll Call: Aye-All. Motion carried.

Todd moved, Ruth seconded to approve first reading of Ordinance #1233 to Amend Chapter 10, and set fees by Resolution effective January 1, 2016. Roll Call: Aye-All. Motion carried.

Ruth moved, Todd seconded to approve first reading of Ordinance #1234 to Amend Chapter 13.04, Water System, and set fees by Resolution effective January 1, 2016. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Mayor Turbiville stated the City of Deadwood received Platinum Level Safety and Loss Control Recognition Award at 2015 South Dakota Municipal League Convention. He state the premium savings on Workers Comp., liability, and property insurance approximately \$35,000.00.

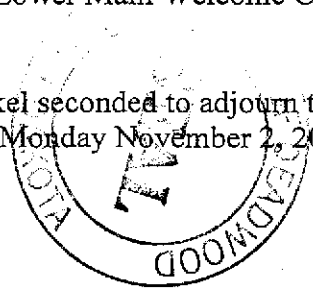
Commissioner Van Den Eykel thanked Chief Fuller and Parking and Transportation Committee for their time spent on the Lower Main Welcome Center project.

ADJOURNMENT

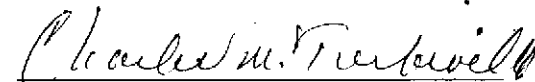
Todd moved, Van Den Eykel seconded to adjourn the regular session at 6:02 p.m. The next regular meeting will be on Monday November 2, 2015.

ATTEST:

  
Mary Jo Nelson, Finance Officer



DATE: November 3, 2015

BY:   
Charles M Turbiville, Mayor