

REGULAR MEETING, APRIL 4, 2016

The Regular Session of the Deadwood City Commission convened on April 4, 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, Gary Todd, and Jim Van Den Eykel. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Ruth moved, Speirs seconded to approve the corrected minutes and Board of Adjustments minutes of March 21, 2016. Roll Call: Aye-All. Motion carried.

MARCH, 2016 PAYROLL: COMMISSION, \$4,096.14; FINANCE, \$24,253.77; PUBLIC BUILDINGS, \$7,466.92; POLICE, \$79,686.07; FIRE, \$7,376.70; BUILDING INSPECTION, \$5,397.75; STREETS, \$40,625.16; PARKS, \$23,837.72; PLANNING & ZONING, \$7,154.49; LIBRARY, \$9,532.07; RECREATION CENTER, \$18,089.16; HISTORIC PRESERVATION, \$24,062.37; WATER, \$20,806.06; PARKING METER, \$11,159.57 TROLLEY, \$24,206.72; PARKING RAMP, \$7,408.71. **PAYROLL TOTAL: \$315,159.38**

MARCH, 2016 PAYROLL PAYMENTS:

Internal Revenue Service, \$78,277.89; S.D. Retirement System, \$34,984.54; Delta Dental, \$3,739.64.

APPROVAL OF DISBURSEMENTS

Todd moved, Van Den Eykel seconded to approve the April 4, 2016 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	CONTRACT	199.21
A & I DISTRIBUTORS	SUPPLIES	1,053.00
ABC BUSINESS	SUPPLIES	118.20
ACE INDUSTRIAL	SUPPLIES	674.50
ALSCO	SUPPLIES	173.45
AVX NORTHWEST	SYSTEM	1,349.00
BH POWER	SERVICE	26,490.78
BH SECURITY	SERVICE	388.58
BH SPECIAL SERVICES	CLEANING	1,170.00
BRYANT, LINDA	REIMBURSEMENT	286.61
CAPTAIN CLEAN	SERVICE	1,724.00
CENTURY BUSINESS	CONTRACT	367.78
CENTURY LINK	SERVICE	179.07
CHAMBERLIN ARCHITECTS	PROJECT	12,165.69
CULLIGAN	SUPPLIES	39.00
DAKOTA SUPPLY	SUPPLIES	256.88
DATA FLOW	CHECKS	200.17
DEADWOOD CHAMBER	REVITALIZATION	18,247.05
DVFD	REIMBURSEMENT	753.20
EDDIE'S TRUCK CENTER	ASSEMBLY	384.84
EMERY-PRATT	BOOKS	422.43
FASTENAL	SUPPLIES	342.62
FIRST INTERSTATE BANK	TIF PAYMENT	2,699.97
FIRST NATIONAL	SUPPLIES	2,039.81
GALLS	SUPPLIES	219.95
GOLDEN WEST	SERVICE	252.88
GREAT WESTERN TIRE	REPAIR	97.00
HELMIN, MATT	REIMBURSEMENT	150.00
HI-VIZ SAFETY	SUPPLIES	106.70
INTERSTATE BATTERY	SUPPLIES	250.00
JACOBS WELDING	SERVICE	185.58
LARIVE, ANDREW	REIMBURSEMENT	50.00
LAWRENCE TITLE COMPANY	REPORT	150.00
LAWSON PRODUCTS	SUPPLIES	221.69
M & T FIRE	FREIGHT	16.73
MEHLBERG CONSTRUCTION	PROJECT	3,160.59
MENARD'S	SUPPLIES	1,025.30
MERTENS, KENNETH	REIMBURSEMENT	293.72
MID-AMERICAN RESEARCH	SUPPLIES	134.24
MIDWEST TAPE	DVDS	322.86
MITZI'S	BOOKS	62.35
MDU	SERVICE	7,904.69
MS MAIL	SUPPLIES	236.32
MUTUAL OF OMAHA	INSURANCE	229.31
NETWORK SERVICES	SERVICE	153.05
NEVE'S UNIFORMS	UNIFORMS	501.17
NORTHWEST PIPE	SUPPLIES	884.14
OTIS ELEVATOR	CONTRACT	124.98
PEPPMEIER, JANICE	REIMBURSEMENT	556.81
PHIL'S ELECTRIC	PROJECT	102.04
PITNEY BOWES	LEASE	237.93
PITNEY BOWES	POSTAGE	500.00
QUILL	SUPPLIES	179.99
RC JOURNAL	SUBSCRIPTION	231.01
RAPID DELIVERY	DELIVERY	38.54
RASMUSSEN MECHANICAL	REPAIR	692.51
RENNER, DONOVAN	REIMBURSEMENT	254.71
ROSENBAUM'S SIGNS	PROJECT	48,634.00
S&C CLEANERS	CLEANING	1,050.00
SABO CONSTRUCTION	PROJECT	5,907.09

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SD DEPT. OF HEALTH	SHOTS	18.00
SD DEPT. OF TRANSPORTATION	PROJECT	344.35
SD PUBLIC HEALTH LAB	TESTING	30.00
SD SECRETARY OF STATE	NOTARY	30.00
SDML WORKERS' COMP	AUDIT	1,296.00
SERVALL	SUPPLIES	1,144.86
SPECIALTY VEHICLES	SUPPLIES	422.39
STRETCH'S	GLASS	77.99
STURGIS AUTO PARTS	SUPPLIES	56.77
TOMS, DON	PROJECT	1,580.00
TRIPLE K	REPAIRS	3,175.84
TRUGREEN	SERVICE	81.50
TWILIGHT	SUPPLIES	218.85
TWIN CITY HARDWARE	SUPPLIES	4,821.36
TYLER TECHNOLOGIES	TRAINING	375.00
USA BLUEBOOK	SUPPLIES	201.28
VAST	SERVICE	2,339.91
VERIZON	METERS	40.01
WELLMARK	INSURANCE	40,539.77
ZEP SALES	SUPPLIES	263.23
	TOTAL	\$203,900.83

ITEMS FROM CITIZENS ON AGENDA

Proclamation

The Mayor read a proclamation declaring April 28, 2016 as Northern Hills Area CASA day in Deadwood. Kate Kelley, Executive Director with CASA thanked the City for their support.

Requests

Todd moved, Van Den Eykel seconded to allow Neighborworks to use City Park for Treasures, Trash and Cash on Saturday, June 18, 2016. Roll Call: Aye-All. Motion carried.

Ken Geinger, Deadwood Revitalization, requested Commission review and approve portable parklets on Main Street, allowing alcoholic beverages to be consumed on sidewalk, walkway or right-of-way abutting the licensed premises. Discussion was held concerning enforcement, design of parklet, location, special events, and trolley stop. After discussion Speirs moved, Van Den Eykel seconded to proceed with concept and request Attorney to prepare ordinance for review. Roll Call: Aye-All. Motion carried.

CONSENT

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

- A. Permission for Mayor to sign Permanent Utility Easement and Temporary Construction Easement with Richard Boyle in order to install a fire hydrant in Peck's Garden subdivision.
- B. Allow Mary Jo Nelson to attend Workers Comp Trustee NLC Conference in San Antonio from May 4-6 at no cost to city.
- C. Allow Finance Officer to contract with Ketel Thorstenson to perform agreed upon procedures in regard to Neighborworks Revolving Loan administration at cost not to exceed \$5,300.00, to be paid from Revolving Loan Fund.
- D. Accept resignations from Rec Center employee, Nicole Diedrich effective March 1, 2016, Public Buildings employee, Denise Trewhella effective March 22, 2016 and Historic Preservation intern, Blu Gay effective March 31, 2016.
- E. Permission for Mayor to sign Loan Agreement between city and Devils Tower, Jewel Cave and Mt. Rushmore National Park for baseball traveling exhibit from April 5, 2016 to December 31, 2016.
- F. Permission for Mayor to sign the following agreements in conjunction with Days of 76 Museum project: Action Mechanical LLC, Freeman's Electric Service Inc., and Stretch's Inc. (approved on March 21, 2016)
- G. Permission to contract with Berberich Designs for Phase II of Wayfinding project at cost of \$5,975.00 (budgeted)
- H. Resolution 2016-09 In Support of Application to Occupy SD Department of Transportation Highway Right of Way for Days of 76 parade July 29 and 30, 2016.

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RESOLUTION 2016-09

**RESOLUTION IN SUPPORT OF APPLICATION TO OCCUPY
S.D. DEPARTMENT OF TRANSPORTATION HIGHWAY RIGHT-OF-WAY
WITHIN DEADWOOD CORPORATE LIMITS**

WHEREAS, the City of Deadwood (CITY) will be home to the 94th Annual Days of '76 Celebration on July 26th through July 30th, 2016; and,

WHEREAS, the Days of '76 Parade is a time honored tradition during the Celebration; and,

WHEREAS, the size and popularity of the parade is such that CITY deems it necessary to block traffic along the parade route; and,

WHEREAS, State of South Dakota Highways 14A and 85 are located within the corporate limits of CITY and are affected by said closure; and,

WHEREAS, CITY herewith is submitting an application to the South Dakota Department of Transportation (SDDOT) for permit to occupy right-of-way for those portions of S.D. Highways 14A and 85 within the corporate limits of CITY on July 29, 2016, beginning at 1:15 p.m. until the end of the parade, and on July 30, 2016, beginning at 9:45 a.m. until the end of the parade; and,

WHEREAS, by submission of the application for permit to occupy right-of-way, CITY agrees to provide protection to highway traffic during occupancy by use of proper signs, barricades, flag persons, and lights as prescribed in the "Manual of Uniform Traffic Control Devices"; and,

WHEREAS, CITY further agrees to indemnify, hold and save harmless the State of South Dakota, its Department of Transportation, its Officers and Employees, from any and all suits, actions or claims of any kind or nature brought because of any injuries or damage received or sustained by any person or property on account of the use or occupancy of right-of-way designated in this Resolution;

NOW, THEREFORE, BE IT RESOLVED, that the City of Deadwood hereby supports the submission of the South Dakota Department of Transportation Application for Permit to Occupy Right-of-Way for the purpose described herein.

Dated this 4th day of April, 2016

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

- I. Allow use of Sherman Street lot from 8:00 a.m. to 11:00 a.m. on May 17 and 18, 2016 for Lead-Deadwood School District 4th and 5th Grade Triathlon.
- J. Permission to hire the following in the Police Department effective April 5, 2016: part time certified officer Cory Schaffer at \$19.53 per hour, Caroline Landiss, Lance Palmer, and Jameson Tebben as reserve officers at \$11.83 per hour.

BID ITEMS

Speirs moved, Ruth seconded to set bid opening for Fremont Street retaining wall on April 26, 2016 at 2:00 p.m. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS

Speirs moved, Ruth seconded to set public hearing on April 18 for Northern Hills Community Band: street closure on July 28 from 6:15 p.m. to 7:45 p.m. and use of portico at History Interpretive Center on July 30 from noon to 1:00 p.m. Roll Call: Aye-All. Motion carried.

Speirs moved, Ruth seconded to set public hearing on April 18 for Retail (on-off sale) Malt Beverage License (RB-2416, Retail (on-off sale) Wine License (RW-6646) transfers from Dwd Inc. & Gamblers Gulch to DGS LLC dba Deadwood Gulch Saloon at 560 Main Street. Roll Call: Aye-All. Motion carried.

Ruth moved, Speirs seconded to set public hearing on April 18 for Cinco De Mayo activities: street closure, waiver of banner and vending fees on May 7. Roll Call: Aye-All. Motion carried.

Speirs moved, Todd seconded to set public hearing on April 18 for Legends Ride: street closure, waiver of banner fees on August 8. Roll Call: Aye-All. Motion carried.

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Speirs moved, Ruth seconded to set public hearing on April 18 for Motorcycle parking: parking on Main Street and Interpretive Lot July 31 through August 14. Roll Call: Aye-All. Motion carried.

Speirs moved, Ruth seconded to set public hearing on April 18 for Kool Deadwood Nites activities: street closure August 24 through August 28, open container in Zones 1 and 2 on August 25, 26, and 27, waiver of banner and vending fees for the following non-profits: Deadwood Chamber and American Legion August 25 through August 28, use of Interpretive Lot on August 25, use of Event Complex August 27 and 28. Roll Call: Aye-All. Motion carried.

Speirs moved, Ruth seconded to set public hearing on April 18 for Mustang Rally Event: street closure September 1. Roll Call: Aye-All. Motion carried.

Ruth moved, Speirs seconded to set public hearing on April 18 for CHVA Event: street closure September 12. Roll Call: Aye-All. Motion carried.

Speirs moved, Ruth seconded to set public hearing on April 18 for Days of '76 Events: waiver of vending fee July 26 through July 30, use of the Event Complex July 20 through August 5, street closure July 29 and July 30, open container July 23 through July 30 and special liquor license July 26 through July 30. Roll Call: Aye-All. Motion carried.

Speirs moved, Ruth seconded to set public hearing on April 18 Days of '76 Steer Roping Event: waiver of vending fee August 21 through August 23, use of the Event Complex August 20 through August 24, open container and special liquor license August 21 through August 23. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Quote

Speirs moved, Van Den Eykel seconded to approve quote with Custom Décor Masonry to provide interpretation at Powerhouse Park in the amount of \$19,346.63. Roll Call: Aye-All. Motion carried.

Contract

Van Den Eykel moved, Ruth seconded to contract with Split Rock Studios at cost of \$35,560.00 for three phases of overall project to design displays at Deadwood Welcome Center. Roll Call: Aye-All. Motion carried.

Ordinance

Van Den Eykel moved, Ruth seconded to approve second reading of Supplemental Budget Ordinance #1243. Roll Call: Aye-All. Motion carried.

Agreement

Van Den Eykel moved, Speirs seconded to allow Mayor to sign addendum to Agreement with FMG Inc. dated December 28, 2015 to conduct additional construction testing at Lower Main with an additional amount of \$5,000.00, total contract not to exceed \$23,208.00, to be paid from Lower Main Capital Project Fund. Roll Call: Aye-All. Motion carried.

Contract

Ruth moved, Van Den Eykel seconded to allow Mayor to sign contract with Advanced Engineering and Environmental Services Inc. to provide extended construction services on hourly basis in an amount not to exceed \$95,750.00, to be paid from Lower Main Capital Project Fund. Roll Call: Aye-All. Motion carried.

Change Order

Van Den Eykel moved, Ruth seconded to approve Change Order #1 in the amount of \$88,965.09 from Ainsworth Benning at Lower Main Welcome Center, bringing total contract cost to \$6,396,415.09. Change order is result of over-excavation and additional waste removal, retaining wall expansion joints, light fixture changes, and retaining wall adjustments. Roll Call: Aye-All. Motion carried.

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Contracts

Speirs moved, Ruth seconded to contract with Rasmussen at cost of \$4,468.00 and Lowe Roofing for crane not to exceed \$1,000.00 for roof repair at City Hall, to be paid from Public Buildings. Roll Call: Aye-All. Motion carried.

Todd moved, Ruth seconded to contract with Convergent Technologies to upgrade card reader access control system at Rec Center at cost of \$5,319.29, excluding cost of cards, to be paid from Rec Center budget. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Mayor Turbiville stated a raffle permit was received from Deadwood Business Club. Drawing will be held on May 7, 2016. No action per SDCL 22-27

Public Works Director Green stated Rubble site summer hours are Monday through Saturday 8:00 a.m. to 4:00 p.m.

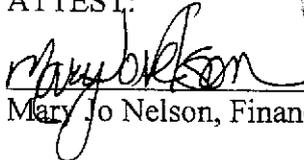
Attorney Riggins requested Executive Session for legal matters per SDCL 1-25- 2(3) with possible action.

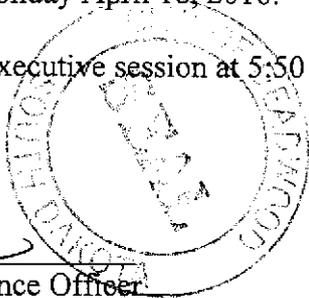
ADJOURNMENT

Speirs moved, Todd seconded to adjourn the regular session at 5:33 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 April 18, 2016.

After coming out of executive session at 5:50 p.m., Speirs moved, Van Den Eykel seconded to adjourn.

ATTEST:


Mary Jo Nelson, Finance Officer



DATE: April 19, 2016

BY: Charles M. Turbiville
Charles M Turbiville, Mayor

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