

## REGULAR MEETING, December 7, 2015

The Regular Session of the Deadwood City Commission convened on December 21, 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, and Jim Van Den Eykel. Commissioner Gary Todd was absent. All motions passed unanimously unless otherwise stated.

### APPROVAL OF MINUTES

Speirs moved, Ruth seconded to approve the minutes of November 16, 2015. Roll Call: Aye-All. Motion carried.

### APPROVAL OF DISBURSEMENTS

Van Den Eykel moved, Ruth seconded to approve the December 21, 2015 disbursements plus additional bills. Roll Call: Aye-All. Motion carried.

1ST INTERSTATE LEAD-DWD	LUNCH	30.00
3 PEARL STREET	PROJECT	3,192.33
A & B BUSINESS	SUPPLIES	145.14
ABC BUSINESS	SUPPLIES	410.70
AKIN CONSULTING	ANALYSIS	500.00
ALBERTSON ENGINEERING	PROJECT	1,725.80
AMAZON	SERVICE	222.09
ARMSTRONG EXTINGUISHER	TESTING	1,160.00
BH CHEMICAL	SUPPLIES	1,441.70
BH PIONEER	ADS	334.00
BH SPECIAL SERVICES	CLEANING	1,170.00
BROKEN BOOT GOLD MINE	GRANT	15,262.44
BUTLER MACHINERY	SUPPLIES	529.89
CAI CONSTRUCTION	PROJECT	17,932.50
CHAMBERLIN ARCHITECTS	PROJECT	33,213.38
CITY OF LEAD	GRANT	22,500.00
CULLIGAN	SUPPLIES	56.50
DAKOTA BUSINESS	MAINTENANCE	155.88
DAKOTA SECURITY	REPAIR	840.74
DALES TIRE	TIRES	2,354.00
DANKO	KIT	64.98
DEADWOOD CHAMBER	BILL LIST	17,656.22
DVFD	REIMBURSEMENT	225.00
DEADWOOD HISTORY	SERVICE	8,789.41
EDDIE'S TRUCK	REPAIR	7,586.29
FASTENAL	TESTER	163.99
FEDERAL EXPRESS	SHIPPING	11.84
FIRST BAPTIST CHURCH	LEASE	3,600.00
GARDNER CONSTRUCTION	PROJECT	2,500.00
GREEN, SHEREE	MEETINGS	100.00
GRIMM'S PUMP	BATTERY	166.10
GUNDERSON, PALMER, NELSON	SERVICE	4,220.44
JACOBS WELDING	BAR	26.39
JULIN, SUZANNE	PROJECT	1,300.00
KELLY PRINTING	SUPPLIES	313.90
LAWRENCE CO. REGISTER	RECORDING	30.00
LEE STREET STATION	SERVICE	265.50
LEWIS, TRACY	PROJECT	4,170.01
LIBERTY NATIONAL	PAYMENT	111.63
M&M SANITATION	RENTAL	406.70
MACROVISION	CALENDER	500.00
MED-TECH RESOURCE	SUPPLIES	310.15
MIDCONTINENT	SERVICE	65.00
MIDWEST ART CONSERVATION	SERVICE	11,350.00
MONTANA HISTORICAL SOCIETY	BOOKS	76.84
MS MAIL	SERVICE	1,090.67
NEIGHBORHOOD LENDING	CONTRACT	12,396.25
NEW DEAL TIRE	DISPOSAL	2,395.80
NORTHERN HILLS TECHNOLOGY	STORAGE	56.00
NORTHERN TRUCK EQUIPMENT	GATE-LIFT	3,226.00
OFFICE DEPOT	SUPPLIES	115.96
OPTEDAL CONSTRUCTION	PROJECT	17,685.20
PASSPORT PARKING	METERS	23.50
PEPPMEIER, JANICE	REIMBURSEMENT	556.21
PETTY CASH	FINANCE	95.90
PITNEY BOWES	POSTAGE	500.00
POLLARD WATER	SUPPLIES	1,117.76
POOL & SPA CENTER	CLEANING	118.75
POWERPLAN	RIM	161.49
PUSH-PEDAL-PULL	BREAKER	231.00
QUILL	SUPPLIES	952.14
RAPID DELIVERY	DELIVERY	12.08
RAPID FIRE PROTECTION	SERVICE	400.00
REGIONAL HEALTH	TESTING	25.00
RENNER, DONOVAN	CLUTCH	506.48
RUNGE, MIKE	REIMBURSEMENT	28.08
SABO, DENNIS & BRENDA	PROJECT	6,095.00
SD COMMISSION ON GAMING	CITY SLOTS	27,443.18
SD DENR	RENEWAL	48.00
SD DEPT. OF CORRECTIONS	FIREWISE	6,329.93
SD DEPT. OF LEGISLATIVE AU	AUDIT	13,652.50
SD DEPT OF REVENUE	TAX	2,808.38
SD FIREFIGHTERS	MEMBERSHIP	650.00
SD ONE CALL	SERVICE	52.64
SD RURAL WATER	DUES	500.00

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SD WATER & WASTEWATER	RENEWAL	50.00
SDSM&T	GIS	1,380.00
SHEPHERD, LANNY	PROJECT	3,000.00
SOUTH DAKOTA HISTORICAL	MICROFILM	4,312.95
SOUTHSIDE SERVICE	SERVICE	2,959.68
SPEARFISH AUTO SUPPLY	SUPPLIES	146.92
STRETCH'S	MIRROR	39.99
STURDEVANT'S	SUPPLIES	1,984.07
SUMMIT SIGNS	SIGNS	288.00
TALLGRASS	PROJECT	1,080.00
THOMSON REUTERS	SUBSCRIPTION	92.25
TOMS, DON	PROJECT	630.00
TRI AIR TESTING	ANALYSIS	363.00
TRIDLE, JOHN	REIMBURSEMENT	417.75
TRIPLE K	SERVICE	1,740.48
TSP	PROJECT	1,297.05
TURNBULL & SONS	PROJECT	384.00
TWIN CITY HARDWARE	SUPPLIES	3,090.44
UI ANTHROPOLOGY LAB	SERVICE	2,400.00
UMENTHUM, KEITH	PROJECT	75.00
VAST	SERVICE	388.61
VICTOR STANLEY	RACKS	5,860.00
WASTE CONNECTIONS	SERVICE	8,231.61
WELLMARK	INSURANCE	40,030.70
ZEP SALES	SUPPLIES	109.90

TOTAL \$ 346,813.78

## ITEMS FROM CITIZENS ON AGENDA

### Years of Service

Asst. Chief Bill Glover and Mayor Turbiville recognized Mike Klamm for 30 years of service as a volunteer firefighter. Commission thanked him for his years of service.

### CONSENT

Commissioner Ruth recused himself on the parking lease agreement with Silverado (Item H). Van Den Eykel moved, Speirs seconded to approve the following consent items. Roll Call: Aye-All. Motion carried.

- A. Permission to hire Lance Sandidge in Parks Department effective January 4, 2016 at \$16.16 per hour pending pre-employment screening.
- B. Authorize purchase of 5502 gallons of gasoline at \$2.04 on November 16, 2015 and 5500 gallons of diesel at \$1.62 per gallon by December 21, both from Southside Oil.
- C. Permission for Mayor to sign amended contract with Deadwood Chamber of Commerce for event planning in 2016 (continued from December 7, 2015).
- D. Pay Deadwood Electric \$2,629.75 for lighting repairs to Mickelson Trail.
- E. Authorize Butler Equipment to make repairs to loader at a cost not to exceed \$3,500.00 from Streets Budget.
- F. Remove Rec Center receptionist Dian DeRosier from payroll effective December 1, 2015, and Rubble Site employees James Mattson and Richard Tisdall effective November 28, 2015.
- G. Permission for Mayor to sign contract with Ainsworth Benning for Lower Main Visitor Project (project awarded on December 7, 2015).
- H. Permission for Mayor to sign parking lease agreement with Silverado for five parking spaces at \$205.00 per month plus tax. (approved on December 7, 2015).
- I. Permission to hire Rec Center lifeguards effective December 23, 2015; Cydnee Middlemas at \$9.69 an hour and Seth Fitzgerald at \$9.44 an hour, pending pre-employment drug screening.

## PUBLIC HEARINGS

### Ball Drop

Public hearing was opened at 5:03 p.m. by Mayor Turbiville. No one spoke in favor or against, hearing closed. Van Den Eykel moved, Speirs seconded to approve street closure on Main Street from Pine Street to Deadwood Street from 11:50 p.m. on December 31, 2015 to 12:10 a.m. on January 1, 2016 for the New Year's Eve Ball Drop at the Franklin Hotel. Roll Call: Aye-Speirs, Van Den Eykel, Turbiville. Abstain-Ruth. Motion carried.

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Tailgate Party

Public hearing was opened at 5:04 p.m. by Mayor Turbiville. No one spoke in favor or against, hearing closed.

Sunday February 7, 2016

Speirs moved, Van Den Eykel seconded to allow the relaxation of the open container ordinance on Main Street from the Four Aces to Masonic Temple from 12:00 p.m. to 5:00 p.m. Roll Call: Aye-All. Motion carried.

Speirs moved, Ruth seconded to allow the relaxation of the open container ordinance on Broadway Street from Wall to Shine, Sherman Street from Pioneer Way to the south side of Pine Street, Deadwood Street from Pioneer Way to Sherman Street, Siever Street, Pine Street from Main Street to Sherman Street and Lee Street from Pioneer Way to Sherman Street from 12:00 p.m. to 5:00 p.m. Roll Call: Aye-All. Motion carried.

Speirs moved, Ruth seconded to approve special alcohol license, waive the vending fee at the Interpretive Center and allow the use of Interpretive Lot for Tailgate Party on Sunday February 7, 2016. Roll Call: Aye-All. Motion carried.

Snowcross

Public hearing was opened at 5:05 p.m. by Mayor Turbiville. Lee Harstad, Deadwood Chamber of Commerce was available to answer any questions, and requested use of City services along with the following:

Open Container

Friday January 22, 2016

Speirs moved, Ruth seconded to allow the relaxation of the open container ordinance at the Rodeo Grounds from 10:00 a.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Saturday January 23, 2016

Ruth moved, Speirs seconded to allow the relaxation of the open container ordinance at the Rodeo Grounds from 8:00 a.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Ruth moved, Speirs seconded to waive user fees at the Rodeo Grounds, Football Field, Parks Department Parking Lot, Concession Stands, Crow's Nest and all of the track area on Monday January 18 through January 24, 2016, special alcohol license, waiver of vending fees on public property and allow fireworks display at 6:00 p.m. on Friday January 22 and Saturday January 23, 2016. Roll Call: Aye-All. Motion carried.

Resolution to Lease

Public hearing was opened at 5:11 p.m. by Mayor Turbiville. No one spoke in favor or against. Public Works Director Green gave a brief report on the two proposals that were submitted, hearing closed. Van Den Eykel moved, Ruth seconded to adopt Resolution of Intent to lease to private party for purposes of operating concession facilities at 15 Seventy-Six Drive and allow Mayor to sign contract with Cookie's Chuckwagon for services. Roll Call: Aye-All. Motion carried.

**RESOLUTION NO. 2015-24**

**RESOLUTION OF INTENT TO  
LEASE PROPERTY**

**WHEREAS**, the City of Deadwood intends to adopt a Resolution to lease real property described at 15 Seventy-Six Drive, Deadwood, South Dakota for the purpose of operation of the concession facilities at the above-described location; now therefore

**BE IT RESOLVED** by the City of Deadwood that the City hereby declares its intent to lease real property for the purpose of operating the concession facilities at 15 Seventy-Six Drive,

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Deadwood, South Dakota, for the mutually agreed upon conditions of the Request for Proposals for Concessionaire for the period beginning January 1, 2016 and ending December 31, 2018; and

**BE IT FURTHER RESOLVED** that a hearing shall be held before the Deadwood City Commission on Monday, the 21st day of December, 2015 at 5:00 p.m. or soon thereafter as the matter may be heard at the City Commission Chambers located at 102 Sherman Street, in the City of Deadwood, to consider the lease of real property.

The city finance officer shall give public notice of this hearing at least ten (10) days prior to the public hearing.

Dated this 21st day of December, 2015

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

**OLD BUSINESS**

**Purchase**

Speirs moved, Ruth seconded to purchase fencing materials for city projects at Gordon Park and Rodeo grounds beer garden from Wheeler Lumber from Park budget at cost of \$7,496.70 (continued from December 7, 2015.) Roll Call: Aye-All. Motion carried.

**NEW BUSINESS**

**Second Readings**

Van Den Eykel moved, Speirs seconded to approve seconded reading of Ordinance #1239 to Supplement 2015 Budget. Roll Call: Aye-All. Motion carried.

Ruth moved, Speirs seconded to approve seconded reading of Ordinance #1240 Regarding Chapter 12, Snow Removal. Roll Call: Aye-All. Motion carried.

Van Den Eykel moved, Speirs seconded to approve second reading of Ordinance #1241 Amending Chapter 5.28, Vending in City Limits of Deadwood. Roll Call: Aye-All. Motion carried.

**Resolution 2015-26**

Speirs moved, Van Den Eykel seconded to approve Resolution 2015-26 to Set Fees at Event Center Complex effective January 1, 2016. Roll Call: Aye-All. Motion carried.

**CITY OF DEADWOOD**

**RESOLUTION 2015-26**

**A RESOLUTION SETTING FORTH A SCHEDULE OF RATES FOR USE BY THE CITY OF DEADWOOD**

WHEREAS, City Ordinances require certain use fees, charges for services, and other designations to be established by resolution;

NOW THEREFORE BE IT RESOLVED THAT the City of Deadwood hereby establishes the following fees and other designations effective January 1, 2016:

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	Event Complex Facilities	Parking Lots	Baseball Fields
Private	\$35 / Hr.	\$25 / Hr.	\$25 / Hr.
	\$300 / Day	\$200 / Day	\$100 / Day
Non Profit	\$30 / Hr.	\$25 / Hr.	No charge
	\$250 / Day	\$150 / Day	No charge
For Profit	\$75 / Hr.	\$65 / Hr.	\$35 / Hr.
	\$500 / Day	\$500 / Day	\$300 / Day
Government Agencies	No charge	No charge	No charge

Dated this 21st day of December, 2015

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

Appoint

Speirs moved, Ruth seconded to appoint Brett Runge to represent Planning and Zoning Commission on Capital Improvement Leadership Committee due to resignation of Sheree Green. Roll Call: Aye-All. Motion carried.

Ruth moved, Speirs seconded to appoint Kip Mau to represent Deadwood/School on Capital Improvement Leadership Committee. Roll Call: Aye-All. Motion carried.

Purchase

Speirs moved, Ruth seconded to purchase stadium seats for baseball field from Archer Seating Clearinghouse at cost of \$6,187.77 to be paid from 2016 Parks Department, budgeted in 2016. Roll Call: Aye-All. Motion carried.

Resignation/Appoint

Speirs moved, Ruth seconded to accept resignation of Francis Toscana from Fassbender Board and appoint Brad B. Butturff to fill vacancy with term to expire on May 31, 2018, and John Martinisko, term to expire on May 31, 2017. Roll Call: Aye-All. Motion carried.

Resolution 2015-20

Speirs moved, Van Den Eykel seconded to approve Resolution 2015-20 to Surplus and Transfer City Owned Real Estate to Deadwood-Lead Economic Development, Lot A and Lot B, Meverden Street Subdivision, and allow Mayor to sign Quit Claim Deed. Roll Call: Aye-All. Motion carried.

**RESOLUTION 2015 --20**

**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 and Lot B, Meverden Street Subdivision, City of Deadwood, Lawrence County, South Dakota, according to the plat recorded October 30, 2015 as document no. 2015-4713 in the office of the Register of Deeds, Lawrence County, South Dakota

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

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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 21st day of December, 2015

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

Proposals

Ruth moved, Speirs seconded to approve request for proposals in conjunction with Main Street Historic Reenactment Performances on January 8, 2016 with results to Commission on Tuesday, January 19, 2016. Roll Call: Aye-All. Motion carried.

Change Order

Speirs moved, Van Den Eykel seconded to approve change order #6 at cost of \$2,124.16 with Oftedal Construction for Highway 85/385 project, order necessary to relocate two curb stops. Roll Call: Aye-All. Motion carried.

Purchase

Speirs moved, Van Den Eykel seconded to allow Rec Center to purchase two treadmills from Push-Pedal-Pull at cost of \$6,926.80. Roll Call: Aye-All. Motion carried.

Easements

Speirs moved, Ruth seconded to award façade easement grant from Revolving Loan Fund in the amount of \$1,840.00 to Wayne Morris, property owner at 604 Main St. and allow Mayor to sign Façade Easement Agreement. Roll Call: Aye-All. Motion carried.

Ruth moved, Speirs seconded to award façade easement grant from Revolving Loan Fund in the amount of \$40,800.00 to Wayne Morris, property owner at 606 Main St. and allow Mayor to sign Façade Easement Agreement. Roll Call: Aye-All. Motion carried.

Contract

Speirs moved, Van Den Eykel seconded to allow the Mayor to sign contract with FMG Inc. to perform construction testing for Lower Main Welcome Center at cost of \$18,108.00. Roll Call: Aye-All. Motion carried.

Grant

Speirs moved, Van Den Eykel seconded to approve Not-for-Profit grant to Masonic Center Association to repair second floor restroom in the amount of \$5,500.00, contingent upon approval of Historic Preservation Commission's approval on December 22, 2015. Roll Call: Aye-Speirs, Van Den Eykel, Turbiville. Abstain-Ruth. Motion carried.

Expenditure

Ruth moved, Speirs seconded to approve expenditure not to exceed \$2,972.40 for Deadwood Welcome Center Cultural Resources Survey. Historic Preservation Officer Kuchenbecker stated this survey is for archeological monitoring. Roll Call: Aye-All. Motion carried.

Discussion

Discussion was held concerning granting a holiday for one-half of a shift, up to four hours instead of having the employee take annual leave. Van Den Eykel moved, Speirs seconded to leave as approved on December 7, 2015. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Mayor Turbiville stated raffle permit received from Black Hills Shootist Association with drawing to be held on September 24, 2016. No action approves.

Chief Fuller stated Ordinance Officer Bertalot asked the Parking and Transportation Committee about participating in Combat Wounded Veterans Parking Program. The Program is a way for the community to honor the service men and women with a parking spot, which will be located downtown near Hickok's.

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

Commissioner Speirs complimented Public Works Department on snow removal.

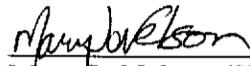
Commissioner Ruth thanked the city staff for all their efforts during 2015.

**ADJOURNMENT**

Van Den Eykel moved, Ruth seconded to adjourn the regular session at 5:29 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 January 4, 2016.

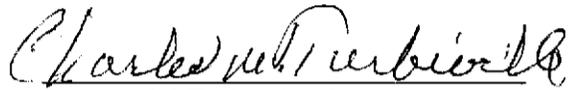
After coming out of executive session at 5:45 p.m., Speirs moved, Van Den Eykel seconded to adjourn.

ATTEST:

  
Mary Jo Nelson, Finance Officer



DATE: 1-4-2016

BY:   
Charles M Turbiville, Mayor

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