

REGULAR MEETING, July 20, 2015

The Regular Session of the Deadwood City Commission convened on July 20, 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 Terri Williams 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 July 6. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Todd moved, Van Den Eykel seconded to approve the July 20, 2015 disbursements plus additional bill. Roll Call: Aye-All. Motion carried.

ABC BUSINESS	SUPPLIES	191.90
ALSCO	SUPPLIES	163.94
ARLETH LAND SURVEYING	PROJECT	2,940.00
BERG, DALE	MEETINGS	150.00
BH ASPHALT	PROJECT	13,737.00
BH CHEMICAL	SUPPLIES	1,319.42
BH DISPOSAL	SERVICE	850.00
BH PIONEER	ADS	536.99
BH POWER	ELECTRICITY	3,126.34
BH SPECIAL SERVICES	CLEANING	2,190.00
BH URGENT CARE	TESTING	90.00
BLAIR, THOMAS	MEETINGS	225.00
BLOOMERS	BASKETS	70.00
BYRNES, STEPHEN	GRANT	7,045.00
CAMPBELL SUPPLY	SUPPLIES	210.30
COCA COLA	SUPPLIES	59.45
CULLIGAN	SUPPLIES	97.50
DAKOTA SECURITY	SERVICE	519.96
DAKOTA TREE SPRAYING	PROJECT	1,668.00
DAYS OF '76	FUNDING	55,000.00
DEADWOOD ALIVE	FUNDING	20,000.00
DEADWOOD ELECTRIC	PROJECT	1,200.77
DEADWOOD GRANITE	SLANT	1,200.00
EDDIE'S TRUCK CENTER	BELT	94.92
EVIDENT	SUPPLIES	115.00
FERGUSON WATERWORKS	CLIPS	62.19
FLOYD, LAURA	MEETINGS	225.00
FMG ENGINEERING	TESTING	510.90
FORCOLI & SONS	PROJECT	7,757.16
GENPRO ENERGY	SUPPLIES	110.00
GOLDEN WEST	PAGER	2,697.40
HAYNES, RANDOLPH	CONSULT	312.15
HD SUPPLY WATERWORKS	SUPPLIES	504.50
HILLS MATERIALS	BALLAST	282.57
HILLS PRODUCTS	PROJECT	1,575.00
INTERSTATE BATTERY	BATTERY	113.53
J. SCULL CONSTRUCTION	PROEJCT	307,822.50
JOHNSON, MICHAEL	MEETINGS	200.00
KIMBALL MIDWEST	SUPPLIES	133.61
KONE	MAINTENANCE	266.80
KUCHENBECKER, KEVIN	REIMBURSEMENT	460.18
LAWRENCE CO. EQUALIZATION	MAP	30.00
LAWRENCE CO. REGISTER	RECORDING	30.00
LAWRENCE TITLE COMPANY	TITLE	120.00
LEAD CHAMBER OF COMMERCE	JUBILEE	5,000.00
LEAD-DEADWOOD SANITARY	USAGE	29,182.86
LYNN'S	SUPPLIES	21.02
M&M SANITATION	RENTAL	440.00
MARYLAND DEPARTMENT	TREATMENT	2,160.00
MCDIRT EXCAVATION	SERVICE	468.75
MERTENS, KENNETH	REIMBURSEMENT	293.58
MIDCONTINENT	SERVICE	65.00
MORRIS, WAYNE	PROJECT	32,200.00
MS MAIL	SERVICE	825.34
MUTUAL OF OMAHA	INSURANCE	212.85
NAMMINGA, LYNN	MEETINGS	300.00
NEIGHBORHOOD LENDING	CONTRACT	43,450.00
NELSON, MARY JO	REIMBURSEMENT	223.80
NETWORK SERVICES	SUPPLIES	351.23
NH TECHNOLOGY	SERVICE	30.00
OFFICE DEPOT	SUPPLIES	132.45
OFTEDAL CONSTRUCTION	PROJECT	150,485.36
PASSPORT PARKING	METERS	71.50
PETTY CASH	FINANCE	113.01
PIONEER PRODUCTS	SUPPLIES	404.68
PITNEY BOWES	POSTAGE	500.00
PL CARPENTRY	PROJECT	2,448.00
PRAIRIE HILLS TRANSIT	ALLOCATION	5,000.00
RAPID DELIVERY	ERVICE	71.64
RAPID FIRE	SERVICE	300.00
RASMUSSEN	PROJECT	2,236.35
REGIONAL HEALTH PHYSICIANS	TESTING	25.00
RENNER, DONOVAN	REIMBURSEMENT	252.01
RON RUSSO	PROJECT	369.59
SD DEPT. OF CORRECTIONS	FIREWISE	5,575.48
SD DEPT. OF REVENUE	LICENSE	150.00
SD DEPT. OF REVENUE	TAX	4,047.54

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SD DEPT. OF TRANSPORTATION	GRANT	9,004.58
SD ONE CALL	MESSAGES	44.80
SD PUBLIC HEALTH LAB	TESTING	15.00
SOUTHSIDE SERVICE	REPAIR	943.32
STUEN CONSTRUCTION	PROJECT	2,024.83
STURDEVANT'S	SUPPLIES	1,692.71
SUMMIT SIGNS	SIGNS	255.60
FALLGRASS	PROJECT	4,930.00
TOEWS, LYMAN	MEETINGS	275.00
TOMS, DON	LETTERS	630.00
TRIPLE K	SUPPLIES	2,772.63
TSP	PROJECT	5,792.08
TWC CONSTRUCTION	REFUND	75.00
TWILIGHT	SUPPLIES	518.65
TWIN CITY HARDWARE	SUPPLIES	1,848.97
USA BLUEBOOK	SUPPLIES	156.11
WASTE CONNECTIONS	SERVICE	7,961.61
WESTERN COMMUNICATIONS	SERVICE	200.00
WILLIAMS, CHUCK	MEETINGS	300.00
WL CONSTRUCTION SUPPLY	BLADES	274.80
WWHA	RENEWAL	60.00
ZEP SALES	SUPPLIES	516.16
	TOTAL	\$ 763,713.87

ITEMS FROM CITIZENS ON AGENDA

Proclamations

The Mayor read a proclamation declaring August 3 through August 7, 2015 as Responsible Gaming Education Week in Deadwood.

The Mayor read a proclamation declaring July 24, 2015 as Sarah Solano Day in Deadwood. Solano received standing ovation from all in attendance. Commission thanked Solano for her time and wished her luck.

CONSENT

Commissioner Ruth offered to recuse himself if Commission felt necessary for the non-profit grant to Masonic Temple (Item E). After no such request from Mayor or Commission, Ruth moved, Van Den Eykel seconded to approve the following consent items. Roll Call: Aye-All. Motion carried.

- A. Parking and Transportation recommendation to enter into contract with Kodiak's Shooting Gallery and Arcade to lease two parking spaces in Miller Street lot at cost of \$100.00 monthly plus tax. Permission for Mayor to sign contract.
- B. Approve grant application to South Dakota Department of Health for mosquito control in the amount of \$1,187.00.
- C. Approve revision to employee policy manual section 4.13, indicating that employee starting pay at 90% of prevailing wage excludes department head positions.
- D. Permission for Bob Nelson Jr. and Kevin Kuchenbecker to attend 2015 Western Planner Conference in Laramie, Wyoming from August 18 through August 21, 2015 at cost of \$1,147.80 for both attendees.
- E. Award emergency non-profit grant to Masonic Temple in the amount of \$4,906.51 for air conditioning unit.
- F. Approve additional cost necessary to repair motor grader in the amount of \$4,906.51.
- G. Permission for Mayor to sign contract with FMG for geotechnical work at Lower Main. Proposal approved by Commission on July 6, 2015.
- H. Remove Anthony Biesiot, Lee Harstad, Jessey Pullen and Keith Wellard from the Volunteer Fire Department roster effective July 9, 2015 for workers compensation purposes.
- I. Purchase lockers for Deadwood Rec Center from Salsbury Industries at a cost of \$4,670.54.
- J. Purchase 5500 gallons of gasoline from Southside at cost of \$2.00 per gallon.

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BID ITEMS

Wayfinding

Historic Preservation Officer Kuchenbecker opened four bids for the Phase I and Phase II Deadwood City-wide Wayfinding project on Thursday July 16 as advertised. Bid bonds were included in the following bid submittals:

<u>Bidder</u>	<u>Wayfinding Bid</u>	<u>Archway Bid</u>
Rosenbaum's Signs	\$197,708.00	\$122,865.00
Ainsworth Benning Construction	\$367,025.00	\$148,560.00
CAI Construction	\$299,638.00	\$157,548.00
ACE Sign Company	\$314,140.06	\$69,382.80

Kuchenbecker recommended that the Commission accept the low bid from Rosenbaum's Signs for the Wayfinding bid and allow the Mayor to sign contract when available. Speirs moved, Ruth seconded to accept the low bid. Roll Call: Aye-All. Motion carried.

Kuchenbecker recommended that the Commission continue the Archway bid for review pending Department of Transportation approval of Right to Occupy agreement. Speirs moved, Van Den Eykel seconded to continue. Roll Call: Aye-All. Motion carried.

Retaining Wall

Historic Preservation Officer Kuchenbecker opened one bid for Reconstruction of Retaining Wall located at 10 Harrison Street on Tuesday July 14 as advertised. Bid bond was included in the following bid submittal:

CAI Construction - \$165,000.00 for wall and \$12,500 for Alternate 1, landscaping associated with adjoining property.

Kuchenbecker recommended that the Commission continue for review. Speirs moved, Ruth seconded to continue. Roll Call: Aye-All. Motion carried.

Proposals

Public Works Director Green stated two proposals were received at 2:00 p.m. for Rubble Site operation, which were Chad Adams and James Christensen. He stated the staff will review and possible interview the two candidates and make a recommendation at a later time.

PUBLIC HEARINGS

Public hearing was opened at 5:13 p.m. by Mayor Turbiville. No one spoke in favor or against, hearing closed. Ruth moved, Van Den Eykel seconded to approve the Retail (on-off sale) Malt Beverage License for Savour Your Soul, LLC at 637 Main Street. Roll Call: Aye-All. Motion carried.

Public hearing was opened at 5:14 p.m. by Mayor Turbiville. Thomas Merritt spoke in favor of approval. Discussion was held on use of kitchen and Commission determined that at this time, kitchen facility would not be available. Hearing closed. Todd moved, Ruth seconded to approve the following temporary vending applications in conjunction with Party in the Black Hills on July 28 through August 10: Daren Berg, The Highwayman Ink, America's Bikers Inc. and Army Grill. Roll Call: Aye-Ruth, Todd, Turbiville. Nay-Speirs, Van Den Eykel. All. Motion carried.

Public hearing was opened at 5:25 p.m. by Mayor Turbiville. No one spoke in favor or against, hearing closed. Todd moved, Ruth seconded to allow Moonrise Mountain Enterprises to conduct farmers market on public property every Friday from July 3 to October 30 from 9:00 a.m. to 2:00 p.m. Roll Call: Aye-All. Motion carried.

Ruth moved, Van Den Eykel seconded to set public hearing for Retail (on-off sale) Malt Beverage and Retail (on-off sale) Wine licenses for Kodiak Shooting Gallery and Arcade at 83 Sherman Street on August 3, 2015 at 5:00 p.m. Roll Call: Aye-All. Motion carried.

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OLD BUSINESS

Second Reading

Attorney Williams stated second reading was amended by modifying grandfather provision. Ruth moved, Speirs seconded to approve second reading of Ordinance #1226 regarding Prohibition of Dangerous Wild/Exotic Animals. Roll Call: Aye-Ruth, Speirs, Todd, Turbiville, Nay-Van Den Eykel. Motion carried.

NEW BUSINESS

Permission

Van Den Eykel moved, Ruth seconded to allow Finance Office to write off the following uncollectible debts in Revolving Loan Fund: principal balance of \$15,039.20 for Mike K. Chaput and principal balance of \$22,500.00 for Ronald Bates. Commissioner Speirs questioned why collection is not collected through agencies. Attorney Williams stated since the individual filed bankruptcy, it is against state law to pursue collection efforts. Roll Call: Aye-All. Motion carried.

Moratorium

Speirs moved, Todd seconded to declare moratorium on 2016 events at rodeo grounds until ordinance is passed and/or policies and procedures are adopted. Roll Call: Aye-All. Motion carried.

Resignation

Speirs moved, Van Den Eykel seconded with regret the resignation of Sarah Solano from Deadwood Police Department effective July 24, 2015. Position has been posted in-house for five days and will be advertised if not filled in-house after that time. Commission thanked Sarah for many years of dedicated service to the City of Deadwood. Roll Call: Aye-All. Motion carried.

Recommendation

Van Den Eykel moved, Todd seconded to approve the recommendation from Parking and Transportation to allow alternate site and route for Stagecoach for hire operation currently operating on Main Street. Chief Fuller stated the alternative route begins at Days of '76 Museum, travels through rodeo arena, around baseball field and through campground area and back to the Museum. Roll Call: Aye-All. Motion carried.

Permission

Todd moved, Ruth seconded to utilize design-build process and publish request for qualifications for Gordon Park All-Inclusive Play System. Deadline for sealed submittals is August 24, 2015. Zoning Administrator Bob Jr. stated the process is to provide design and install new equipment where the City received the land and water conservation grant. Roll Call: Aye-All. Motion carried.

Approval

Ruth moved, Speirs seconded to approve Highway 85 Department of Transportation change orders 1 and 2 for a total amount of \$28,177.09, due to unknown conditions on the site as explained by Public Works Director Green. Roll Call: Aye-All. Motion carried.

Discussion

Discussion was held concerning geotechnical services on Burnham Hill. Public Works Director Green stated 4 years ago the road buckled, street panels were removed and replaced with asphalt. He also stated movement has manifested itself with damage to sidewalk, drop inlet and possibly retaining walls. Green requested permission to hire geotechnical contractor American Engineering and Testing. After discussion about recommendations, Ruth moved, Van Den Eykel seconded to hire contractor at a cost not to exceed \$9,600. Roll Call: Aye-All. Motion carried.

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INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Mayor Turbiville stated a raffle permit was received from Lawrence County Teen Court. Drawing will be held on September 11, 2015 for \$500.00 prize. No action approves.

Mayor Turbiville acknowledged retraction in official newspaper. Ordinance #1226 was published in error prior to second reading.

Mayor Turbiville stated garbage pickup during the rally will begin at 5:00 a.m.

Mayor Turbiville stated yard waste dumpsters at Parks Shop will be removed from July 20 until August 10.

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

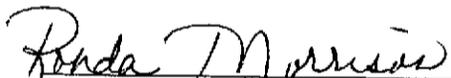
ADJOURNMENT

Speirs moved, Van Den Eykel seconded to adjourn the regular session at 5:53 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3) and personnel per SDCL 1/25/2 (1) with possible action. The next regular meeting will be on Monday August 3, 2015.

After coming out of Executive Session at 6:15 p.m. Van Den Eykel moved, Speirs seconded to add the following statement to Policy 4.13 regarding wage of full-time new hires and transfers: "Upon establishing good cause, a department head may seek approval of the City Commission to suspend this policy". Aye: All.

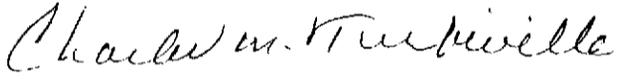
Van Den Eykel moved, Ruth seconded to adjourn.

ATTEST:


Mary Jo Nelson, Finance Officer



DATE: August 4, 2015

BY: 
Charles M Turbiville, Mayor

Published once at the total approximate cost of _____