

**REGULAR MEETING, July 6, 2015**

The Regular Session of the Deadwood City Commission convened on July 6, 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 June 15. Roll Call: Aye-All. Motion carried.

**JUNE, 2015 PAYROLL:** COMMISSION, \$2,730.76; FINANCE, \$18,308.51; PUBLIC BUILDINGS, \$5,228.10; POLICE, \$50,396.13; FIRE, \$4,820.92; BUILDING INSPECTION, \$3,345.70; STREETS, \$27,061.12; PARKS, \$26,791.19; PLANNING & ZONING, \$4,676.36; LIBRARY, \$6,558.18; RECREATION CENTER, \$12,286.00; HISTORIC PRESERVATION, \$16,141.06; WATER, \$14,380.26; MT. MORIAH, \$4,604.36; PARKING METER, \$11,003.17 TROLLEY, \$21,481.41; PARKING RAMP, \$6,390.92; RUBBLE SITE, \$2,864.16.  
**PAYROLL TOTAL: \$239,068.31**

**JUNE, 2015 PAYROLL PAYMENTS:**

Internal Revenue Service, \$58,677.01; S.D. Retirement System, \$23,149.78; Delta Dental, \$3,802.08.

**APPROVAL OF DISBURSEMENTS**

Todd moved, Ruth seconded to approve the July 6, 2015 disbursements plus additional bill. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	LEASE	421.78
A & B WELDING	SUPPLIES	68.92
ABC BUSINESS	SUPPLIES	1,213.54
ALL AROUND AUTO	SUPPLIES	1,326.39
ALL SERVICE ELECTRIC	SERVICE	9,873.47
ALSCO	SUPPLIES	81.97
AMANO MCGANN	SWITCHES	234.66
AMERICAN TECHNICAL	SERVICE	520.00
ARLETH LAND SURVEYING	PROJECT	2,149.25
ATCO INTERNATIONAL	SUPPLIES	908.75
BERENDSE & SONS	PROJECT	17,852.40
BEST WESTERN RAMKOTA	LODGING	287.97
BIERSCHBACH EQUIPMENT	TILE	95.40
BH ASPHALT	PROJECT	2,199.28
BH CHEMICAL	SUPPLIES	3,140.17
BH POWER	SERVICE	25,386.25
BH POWER EQUIPMENT	SUPPLIES	125.72
BH SECURITY	SERVICE	1,017.97
BH SPECIAL SERVICES	CLEANING	1,419.00
BH URGENT CARE	TESTING	852.00
BOYS & GIRLS CLUB	CURRICULUM	2,500.00
BROKEN BOOT GOLD MINE	GRANT	7,568.16
CAI CONSTRUCTION	PROJECT	21,031.52
CDW GOVERNMENT	COMPUTERS	2,428.92
CENTURION TECHNOLOGIES	RENEWAL	50.00
CENTURY BUSINESS PRODUCTS	LEASE	643.78
CHAINSAW CENTER	SUPPLIES	427.44
CHAMBERLIN ARCHITECTS	PROJECT	36,016.04
COCA COLA	SUPPLIES	25.75
COMPANION LIFE	INSURANCE	230.91
CREATIVE PRODUCT	SHIPPING	9.00
CULLIGAN	SUPPLIES	62.50
DAKOTA BUSINESS	MAINTENANCE	151.47
DAKOTA PLAINS AUCTION	PROJECT	873.43
DAKOTACARE	INSURANCE	42,784.95
DATA FLOW	CHECKS	196.32
DEADWOOD ALIVE	SUPPORT	40,000.00
DEADWOOD ELECTRIC	REPAIRS	1,222.20
DVFD	STAFFING	990.29
DEADWOOD HISTORY	EVENT	12,000.00
DEMCO	SUPPLIES	125.16
DMI	ROLLER	39,000.00
EMERY-PRATT	BOOKS	307.63
F & G ENTERPRISES	PROJECT	475.00
FARMER BROTHERS	SUPPLIES	117.95
FEDERAL EXPRESS	SHIPPING	28.69
FITNESS	SUBSCRIPTION	14.98
FULLER, KELLY	REIMBURSEMENT	426.62
GALLS	UNIFORMS	183.94
GENPRO POWER	REPAIR	432.60
GOLDEN WEST	SERVICE	505.75
GREAT WESTERN TIRE	SERVICE	134.45
GUNDERSON, PALMER, NELSON	SERVICE	4,508.05
HAMANN, ALEX	REIMBURSEMENT	110.19
HAWKINS	CHEMICALS	1,024.75
HILLS INTERIORS	SUPPLIES	1,876.23
HILLS MATERIALS	SAND	1,489.97
JACOBS WELDING	REPAIR	72.68
KNIGHT SECURITY	PROEJECT	14,658.53

**REGULAR MEETING, July 6, 2015**

KONE		
KRUZEL, TOM		
L.L. BEAN		
LAWRENCE CO. AUDITOR		
LAWRENCE CO. REGISTER		
LAWSON PRODUCTS		
LESKCA		
LYNN'S		
M&M SANITATION		
MERTENS, KENNETH		
MIDWEST TAPE		
MITZI'S BOOKS		
MDU		
MOTOROLA		
MS MAIL		
NELSON, MARY JO		
NETWORK SERVICES		
NEVE'S		
NH SOD FARM		
NORTHWEST PIPE FITTINGS		
OSBORN, JANET		
OTIS ELEVATOR		
PEPPMEIER, JANICE		
PIONEER PRODUCTS		
PITNEY BOWES		
QUILL		
REDBOOK		
REGIONAL HEALTH PHYSICIANS		
ROCKMOUNT RESEARCH		
RUNGE, MIKE		
SD DEPT. OF CORRECTIONS		
SD ONE CALL		
SD STATE ARCHIVES		
SERVALL		
SOUTHSIDE OIL		
SPEARFISH HUSKY		
STRETCH'S GLASS		
SUMMIT SIGNS		
TENTEXKOTA		
THE LORD'S CUPBOARD		
THE VEST MAN		
TOMS, DON		
TRIPLE K		
TRUGREEN		
TSP		
TTG ENTERPRISES		
TWIN CITY HARDWARE		
VAST		
VERIZON		
WELLS PLUMBING		
WESTERN COMMUNICATIONS		
WHITE'S QUEEN CITY		
ZEP SALES		
ZOGICS		
MAINTENANCE		266.80
REIMBURSEMENT		113.30
SHIRTS		424.35
ELECTION		688.48
FEES		210.00
PATCH		486.50
PROJECT		156,740.00
SUPPLIES		31.38
SERVICE		250.00
REIMBURSEMENT		47.30
DVDs		154.93
BOOKS		257.82
GAS		3,309.32
RADIOS		4,892.55
SERVICE		1,176.83
REIMBURSEMENT		195.73
SUPPLIES		311.21
UNIFORMS		103.74
SUPPLIES		247.00
EXTENSION		1,342.27
SUPPLIES		358.08
CONTRACT		120.81
REIMBURSEMENT		543.15
SUPPLIES		404.60
LEASE		237.93
SUPPLIES		161.92
SUBSCRIPTION		43.94
TESTING		525.00
SUPPLIES		313.90
REIMBURSEMENT		63.24
FIREWISE		3,524.09
FEES		31.36
MICROFILM		115.20
SUPPLIES		2,132.74
GAS		14,452.65
SUPPLIES		240.00
PROJECT		236.04
SIGNS		205.60
PAYMENT		510,944.20
ALLOCATION		2,500.00
CARRIER		305.00
PROJECT		630.00
SERVICE		1,786.40
SERVICE		2,497.75
RECONSTRUCTION		3,537.04
SERVICE		442.50
SUPPLIES		6,911.87
SERVICE		2,638.80
METERS		40.01
SERVICE		934.51
ANTENNAS		54.00
HARNESSES		43.47
SUPPLIES		127.12
SUPPLIES		719.70
	TOTAL	\$1,032,952.87

**ITEMS FROM CITIZENS ON AGENDA**

Request

Talli Nauman and Dahl McLean with Moonrise Mountain Enterprises asked the Commission to allow them to operate a Farmers Market on city property located at the corner of Deadwood and Siever Streets. Commissioner Van Den Eykel asked Moonrise Mountain to provide a copy of insurance. Nelson Jr., Zoning Administrator asked them to coordinate with the Chamber of Commerce during special events. Ruth moved, Speirs seconded to set public hearing to allow vending on public property on July 20, 2015 at 5:00 p.m. Roll Call: Aye-All. Motion carried.

Permission

Amanda Kille on behalf of Deadwood Chamber of Commerce asked the Commission for permission for film crew to film at Mt. Moriah from 6:00 a.m. to 8:00 a.m. on July 16, 2015. Mayor Turbiville stated the Commission would like someone from the Chamber there with them during filming. Kille stated she would be accompanying crew. Ruth moved, Speirs seconded request. Roll Call: Aye-All. Motion carried.

Award

Fire Chief Matt Helmin presented Randy Addington a certificate for 20 years of service as volunteer firefighter. Commission thanked Addington for his years of service.

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### Discussion

Discussion was held on Apex 1996 event planned at rodeo grounds July 28 through August 10, 2015. Commissioner Van Den Eykel stated for clarification purposes, Northern Hills Railroad Society is not in conjunction with Model Railroad Society and the former organization has been in existence for 29 years. Commissioner Speirs asked about the profits. Tommy Merritt Jr. stated a percent of the proceeds will be donated to the Boys and Girls Club.

### CONSENT

Ruth moved, Speirs seconded to approve the following consent items with exception of Parking and Transportation Committee recommendation to approve proposal from FMG, which was moved to new business by Commissioner Todd. Roll Call: Aye-All. Motion carried.

- A. Accept results of city slot auction for forty machines held on June 16, 2015 and request permission for Mayor to sign contracts with following three year leases: \$127,500.00 – Cadillac Jack's for fifteen machines, \$80,000.00 – First Gold for ten machines, \$90,000.00 – Tin Lizzie for ten machines, and \$42,500.00 – Silverado for five machines. Total leases = \$340,000.00.
- B. Correct pay for Rec Center employee Emilia Anderson from \$10.16 an hour to \$10.25 an hour effective June 15, 2015 per wage scale.
- C. Permission for Mayor to sign EMS agreement for Wild Bill Days ambulance coverage at cost of \$1,050.00, with 50% paid by Deadwood Chamber.
- D. Permission for Mayor to sign contract with Renegade Pictures to allow filming in city limits.
- E. Approve 2015 allocation of \$5,000.00 from Bed and Booze Fund for Gold Camp Jubilee July 4 celebration (budgeted)
- F. Permission for Mayor to sign Oakridge Cemetery Certificates of Purchase and Warranty Deeds for Marlys Eggleston and Robyn Novotny.
- G. Permission to hire Jim Doolittle for 2016 union negotiations at \$400.00 per session.
- H. Remove Trent Olson from Streets payroll effective June 1, 2015.
- I. Permission for Mayor to sign contract with Mariah Press for services connected with The Deadwood Baseball Book documenting the history of baseball in Deadwood to 1922.
- J. Permission for Mayor to sign two agreements with GENPRO Energy Solutions, LLC for the purchase and installation of generators; one at the Rec Center and one at the Public Works building.
- K. Follow recommendation of Historic Preservation Commission and award ten Outside of Deadwood Grants totaling \$125,000.00. The approved grants are: All Angels Episcopal Church – Roof - \$25,000.00, Emmanuel Episcopal Church – Tuckpointing - \$15,463.00, Honoring Our Heroes – Freedom Trail Statue - \$10,000.00, Philip Masonic Cemetery Association – Masonic Cemetery Project - \$9,139.00, City of Mobridge – Auditorium Bathroom - \$5,375.00, Deadwood Trust for Historic Preservation – Mt. Roosevelt Friendship Tower - \$8,000.00, Historic Homestake Opera House Society - Bushnell Building Restoration - \$5,564.50, Pyle House Museum – Lead Paint Abatement - \$16,755.00, SD Science and Technology Authority – Interactive Elevator Exhibit - \$25,000.00, Windcross Conservancy Inc.- Building Repairs - \$4,703.50.
- L. Permission for Mayor to sign contract with Black Hills State University for identification and conservation treatments of botanical collection within Historic Preservation Archives and Archeological collections at cost of \$2,850.00
- M. Permission to increase wage of Police Reserve Matt Hardin from \$11.60 an hour to \$12.14 an hour effective July 15, 2015 after two years of service.
- N. Permission to hire Samuel Otto as part-time police officer at \$19.15 an hour effective July 6, 2015.
- O. Purchase twenty-five fence panels from Twin City Hardware at cost of \$3,375.00 from Parks budget to be used for special events (budgeted).
- P. Add Nate Allen to the Volunteer Fire Department roster effective June 11, 2015 for workers compensation purposes.

### BID ITEMS

#### Reject

Public Works Director Green recommended that the Commission reject bid from CAI Construction opened on June 15, 2015 in the amount of \$145,000.00 for drainage project at Mt. Moriah and rebid at a later date. Todd moved, Speirs seconded to reject bid and rebid at a later date. Roll Call: Aye-All. Motion carried.

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### Publish

Speirs moved, Ruth seconded to publish RFP for operation of the jointly owned Type III Restricted use Solid Waste Facility and accept sealed proposals until 2:00 p.m. on July 20, 2015. Roll Call: Aye-All. Motion carried.

## PUBLIC HEARINGS

### Set

Speirs moved, Van Den Eykel seconded to set public hearing at 5:00 p.m. on July 20 for Retail (on-off sale) Malt Beverage License for Savour Your Soul, LLC at 637 Main Street. Roll Call: Aye-All. Motion carried.

Todd moved, Ruth seconded to set public hearing on July 20 at 5:00 p.m. for the following temporary vending applications in conjunction with Party in the Black Hills: Daren Berg, The Highwayman Ink, America's Bikers Inc. and Army Grill. Planning and Zoning Administrator Nelson Jr. stated the Commission has the right to choose whether or not to set a public hearing in lieu of 60 days per ordinance. Roll Call: Aye-Ruth, Todd, Turbiville. Nay-Speirs, Van Den Eykel. Motion carried.

## OLD BUSINESS

### Contract

Ruth moved, Todd seconded to allow the Mayor to sign annual contract with NeighborWorks-Dakota Home Services for administration of the Historic Preservation Commission Revolving Loan program. Commissioner Van Den Eykel stated last year Historic Preservation Officer proposed the need for additional employee to handle various programs coming from NeighborWorks and as of this date that has not occurred. Historic Preservation Officer Kuchenbecker stated the second half of contract for 2015 is reduced and changed to an hourly rate rather than quarterly billing. He also stated all programs have been reviewed and adopted through historic preservation. Commissioner Ruth stated the office has worked diligently and are heading in the right direction with further cost savings to the city. Roll Call: Aye-Ruth, Speirs, Todd, Turbiville. Nay-Van Den Eykel. Motion carried.

### Second Reading

Attorney Riggins stated since last reading he made changes to insure that birds were not part of the ordinance and received changes from community members as well. He believes one section warrants further review before second reading, specifically relating to the grandfather section. Tim Conrad spoke about his bird and the facility and has concerns about the ordinance as proposed. Van Den Eykel moved to dismiss second reading, motion died for lack of second. He believes it duplicates state law. Sharon Martinisko spoke in favor of ordinance and thanked Commission for pursuing. After discussion Ruth moved, Todd seconded to continue second reading for purposes of clarification. Roll Call: Aye-Ruth, Speirs, Todd, Turbiville. Nay-Van Den Eykel. Motion carried.

## NEW BUSINESS

### Recommendation

Public Works Director Green stated Parking and Transportation Committee was requested contracting with architect for geotechnical services, which is a line item from architect's proposal. After additional questions, Van Den Eykel moved, Speirs seconded to approve the recommendation from Parking and Transportation Committee to approve proposal from FMG, Inc. for Phase I of Geo-Tech Services for Lower Main Visitor Center project at a cost of \$5,320.00. Roll Call: Aye-All. Motion carried.

### Insurance

Van Den Eykel moved, Ruth seconded to accept health insurance rates offered by Wellmark/Blue Cross and allow Mayor to sign contract for employee health insurance from August 1, 2015 to July 31, 2016. Cost is slightly lower than existing plan with Dakotacare. Finance Officer Nelson stated there is no change in deductible. Darin Derosier stated quotes were submitted from Dakotacare and Wellmark/Blue Cross. Roll Call: Aye-All. Motion carried.

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### Application

Todd moved, Van Den Eykel seconded to allow the Mayor to sign Application for Right to Occupy with South Dakota Department of Transportation to install posts for permanent archway over Main Street. Historic Preservation Officer Kuchenbecker stated this is part of wayfinding and was reviewed by the state. Roll Call: Aye-All. Motion carried.

### Resignations

Todd moved, Speirs seconded to accept the resignation of John Marshall from Deadwood Police Department. Applications to fill position are being accepted until July 17, 2015. Commissioner Ruth thanked Marshall for his service. Roll Call: Aye-All. Motion carried.

Speirs moved, Ruth seconded to accept the resignation of Kate Storhaug as Administrative Assistant for Historic Preservation and Planning and Zoning and post vacancy in house five days, then advertise if necessary. Commissioner Van Den Eykel requested further clarification regarding the position. Roll Call: Aye-Ruth, Speirs, Todd, Turbiville. Nay-Van Den Eykel. Motion carried.

### Easement

Todd moved, Speirs seconded to allow the Mayor to sign easement with Black Hills Power Inc. for repairs on Railroad Property in McGovern Hill area. Roll Call: Aye-All. Motion carried.

### Payment

Speirs moved, Ruth seconded to allow payment of \$7,757.00 to Forcoli and Sons for historic light pole painting through Deadwood, to be paid from Historic Preservation Capital Assets. Roll Call: Aye-All. Motion carried.

### Agreement

Discussion was held concerning performances from Buffalo Dreamers on Main Street. Commissioner Speirs questioned if the performers have been coordinating with other entities on the street. Commissioner Van Den Eykel stated he supports the dancers but does not support street closure in that area of Main Street and would like to investigate alternative sites. Commissioner Todd agrees with Van Den Eykel and believes Main Street closure several times a day is detrimental. Commissioner Spiro agrees as well with Todd and Van Den Eykel. Mayor Turbiville proposed visiting with other entities to discuss street closure. After further discussion Todd moved, Ruth seconded to allow the Mayor to sign programmatic agreement with Buffalo Dreamers, LLC to allow performances on Main Street at times and dates specified in agreement. Roll Call: Aye-Ruth, Speirs, Todd, Turbiville. Nay-Van Den Eykel. Motion carried.

### Appoint

Speirs moved, Ruth seconded to appoint Francis Toscana to Fassbender Photographic Collection board for three-year term expiring May 31, 2018. Roll Call: Aye-All. Motion carried.

### Permission

Todd moved, Speirs seconded to allow discharge of firearms on the following dates and locations: Main Street on September 25 in conjunction with Book Festival, Rodeo grounds complex July 10 and 11 in conjunction with Stage Coach Days. Roll Call: Aye-All. Motion carried.

### Contract

Speirs moved, Todd seconded to move contract with S and C Cleaners into executive session due to contract and personnel discussion. Roll Call: Aye-All. Motion carried.

### Agreement

Van Den Eykel moved, Speirs seconded to allow the Mayor to sign agreement with South Dakota Department of Transportation to allow parking on state property during special events. Roll Call: Aye-All. Motion carried.

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INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Mayor Turbiville acknowledged receipt of recommended 2016 budget from Historic Preservation.

Discussion was held for the 2016 budget schedule. Finance Officer Nelson proposed meeting before the rally to meet with non-profits requesting city funding. After questions and comments, Commission is going to meet July 20 and 21 from 7:00 a.m. to 8:30 a.m.

Kenny Hall presented a packet for Commission to review for his request to reconsider previous decision and grant a refund of rodeo ground use fee for next meeting on July 20.

Attorney Riggins requested Executive Session for legal matters per SDCL 1-25-2 (3), personnel per SDCL 1-25-2 (1) and union negotiations per SDCL 1-25-2 (4) with possible action.

Commissioner Ruth spoke on behalf of NAJA Shriners and thanked the City and staff for help with circus.

ADJOURMENT

Van Den Eykel moved, Ruth seconded to adjourn the regular session at 6:11 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3), personnel per SDCL 1/25/2 (1) and union negotiations per SDCL 1-25-2 (4) with possible action. The next regular meeting will be on Monday July 20, 2015.

After coming out of executive session at 6:50 p.m. the following motions were made:

PERSONNEL

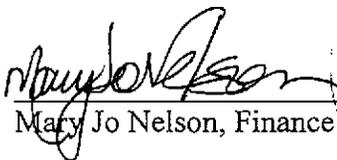
Motion by Ruth, second by Speirs to increase wage of Ron Green to \$74,500 effective June 3, 2015. Aye: All.

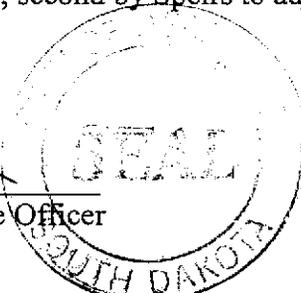
LEGAL

Motion by VandenEykel, second by Ruth to contract with S and C Cleaners to provide additional cleaning services in public bathrooms at rate of \$15.00 per hour at an amount not to exceed \$3,000.00 per month through September 2015. Cleaning times and frequency will be at discretion of Works Director. Aye: All.

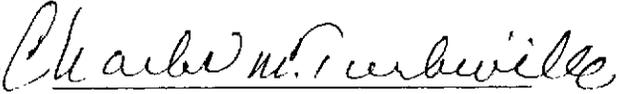
Motion by VandenEykel, second by Speirs to adjourn.

ATTEST:

  
Mary Jo Nelson, Finance Officer



DATE: July 21, 2015

BY:   
Charles M Turbiville, Mayor

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