

REGULAR MEETING, June 15, 2015

The Regular Session of the Deadwood City Commission convened on June 15, 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, Todd seconded to approve the minutes of June 1, and special meeting June 8, 2015. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Speirs moved, Todd seconded to approve the June 15, 2015 disbursements plus additional bill. Roll Call: Aye-All. Motion carried.

ABC BUSINESS	SUPPLIES	632.23
ALBERTSON ENGINEERING	PROJECT	9,023.70
ALL AROUND AUTO	SUPPLIES	781.66
AMAZON	SERVICE	229.26
ARLETH LAND SURVEYING	PROJECT	1,120.00
BERGEN, SHIRLEY	ELECTION	168.00
BERTALOT, SONYA	REIMBURSEMENT	63.65
BEST WESTERN	LODGING	395.96
BH CHEMICAL	SUPPLIES	354.46
BH DISPOSAL	DUMPSTERS	800.00
BH PIONEER	ADS	1,669.91
BYRNES, STEPHEN	GRANT	2,590.00
CAI CONSTRUCTION	PROJECT	24,010.00
CHAINSAW CENTER	SUPPLIES	119.70
COCA COLA	SUPPLIES	109.20
COMPANION LIFE	INSURANCE	224.64
CULLIGAN	SUPPLIES	178.25
DAN'S DUMPSTER	SERVICE	279.88
DAVE STAFFORD	PROJECT	8,323.00
DEADWOOD CHAMBER	MARKETING	247,871.23
DEADWOOD HISTORY	REIMBURSEMENT	7,355.00
DITCH WITCH OF SD	REPAIR	685.27
FARMER BROTHERS	SUPPLIES	109.70
FASTENAL	SUPPLIES	29.86
FIRST NATIONAL BANK	FEES	600.00
FITCH, BONNY	REIMBURSEMENT	43.00
FORGEY CONSTRUCTION	PROJECT	15,636.00
FULLER, KELLY	REIMBURSEMENT	426.62
GENE'S LOCK SHOP	SERVICE	14.98
GOLDEN WEST	SERVICE	2,156.78
GOVERNMENT FINANCE OFFICER	SUBSCRIPTION	50.00
GRIMM'S PUMP	REPAIRS	600.98
GUSTAFSON, ARLENE	ELECTION	143.00
HAUFF MID	SERVICE	623.70
HD SUPPLY WATERWORKS	SUPPLIES	823.50
HILLS MATERIALS	SUPPLIES	844.15
INTERSTATE BATTERY	SUPPLIES	109.00
J. SCULL CONSTRUCTION	PROJECT	323,908.12
JACOBS WELDING	SERVICE	57.67
JOYCE'S STREET MEATS	REIMBURSEMENT	375.00
KDSJ	SERVICE	160.00
KONE	SERVICE	679.94
KUCHENBECKER, KEVIN	REIMBURSEMENT	43.00
L.L. BEAN	UNIFORMS	631.55
LAKER CHEMICAL	SUPPLIES	869.00
LAWRENCE CO. AUDITOR	ELECTION	515.62
LAWSON PRODUCTS	SUPPLIES	1,107.80
LEAD THE WAY	PROJECT	200.00
LEAD-DEADWOOD SANITARY	USAGE	26,309.56
LYNN'S	SUPPLIES	120.77
M&M SANITATION	RENTAL	440.00
MACROVISION	PROJECT	2,190.00
MERTENS, KENNETH	REIMBURSEMENT	293.72
MICHAEL TODD	SHOVELS	122.84
MIDCONTINENT	SERVICE	65.00
NETWORK SERVICES	SUPPLIES	33.20
NORTHERN HILLS TECHNOLOGY	SERVICE	41.00
NORTHWEST PIPE FITTINGS	SUPPLIES	24.84
OFTEDAL CONSTRUCTION	PROJECT	9,199.56
PANNIER	PANELS	715.00
PUSH-PEDAL-PULL	SERVICE	260.00
QUILL	SUPPLIES	1,815.91
RDO EQUIPMENT	SUPPLIES	2,292.40
RENNER, DONOVAN	REIMBURSEMENT	242.27
ROCKINGTREE LANDSCAPES	FLOWERS	156.88
SANDIDGE, VERNA	ELECTION	143.00
SD ASSN. OF RURAL WATER	EXPO	80.00
SD COMMISSION ON GAMING	CITY SLOTS	18,852.27
SD DEPT. OF REVENUE	TAX	2,873.49
SD DEPT. OF REVENUE	LICENSE	300.00
SD HUMANITIES COUNCIL	SERVICE	20,000.00
SD MAGAZINE	RENEWAL	69.00
SOUTHSIDE SERVICE	REPAIR	239.90
SPEARFISH HUSKY	SUPPLIES	96.00
STRETCH'S GLASS	SERVICE	401.19
STURDEVANT'S	SUPPLIES	1,000.95
SUMMIT SIGNS	SIGNS	637.20

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TALLGRASS	PROJECT	4,950.00
THE ARCHAEOLOGICAL CONSERV	RENEWAL	25.00
THE LORD'S CUPBOARD	RECYCLING	70.60
TRIDLE, JOHN	REIMBURSEMENT	166.17
TWC CONSTRUCTION	REFUND	75.00
TWILIGHT	SUPPLIES	722.55
TWIN CITY HARDWARE	SUPPLIES	556.64
UMENTHUM CARPENTRY	PROJECT	408.00
VAST	SERVICE	546.82
WASTE CONNECTIONS	DUMPSTER	7,895.61
WEST RIVER HISTORY	CONFERENCE	500.00
WHITE'S CANYON MOTORS	TANK	87.69
WL CONSTRUCTION	SUPPLIES	244.97
	TOTAL	\$763,008.97

ITEMS FROM CITIZENS ON AGENDA

Requests

Kenny Hall requested a refund of rodeo ground user fee of \$500.00 for an event scheduled on May 17, 2015. Hall stated the grounds were never used that day due to rain. After questions from Commission, Ruth moved, Speirs seconded to deny request. Roll Call: Aye-All. Motion carried.

Proposal

Tommy Merritt presented the Commission with a proposal to amend temporary vending ordinance at rodeo grounds. Merritt stated this amendment is similar to the convention center vending. Mayor Turbiville stated the staff is in the process of revising the existing ordinance and appreciates Merritt's concerns. After much discussion Todd moved, Speirs seconded to deny Merritt's request. Roll Call: Aye-All. Motion carried.

Easement

Julie Stone representing Homestake Mining Company asked the Commission for an easement to allow for a placement of concrete apron near Yates water treatment plant located in Kirk along Mickelson Trail. Public Works Director Green spoke in support and recommended approval. Van Den Eykel moved, Ruth seconded to allow the Mayor to sign the easement with Homestake Mining Company. Roll Call: Aye-All. Motion carried.

Request

Anne Rogers representing Boys and Girls Club requested permission for special trolley and waive group fee to transport students to Tomahawk Golf Course and back on Thursdays from 9:00 a.m. to 1:00 p.m. starting June 25 through July 30. Todd moved, Speirs seconded request. Roll Call: Aye-All. Motion carried.

CONSENT

Ruth moved, Speirs seconded to approve the following consent items with exception of NeighborWorks-Dakota Home Services contract, which was moved to new business by Commissioner Van Den Eykel, and contract with Mariah Press which was removed from agenda at the request from Historic Preservation. Roll Call: Aye-All. Motion carried.

- A. Permission for Mayor to sign contract with ACES to provide design services for Mickelson Trail Drainage Improvements, approved June 1, 2015.
- B. Remove Gary Gould effective May 5, 2015 and Allen Sternhagen effective June 1, 2015 from the Volunteer Fire Department roster for workers compensation purposes.
- C. Permission for Mayor to sign Oakridge Cemetery Certificate of Purchase and Warranty Deed for Anna Lou Lanphear.
- D. Approve updated Trolley Policy manual, a copy of the manual is on file at the finance office.
- E. Approve 2015 allocation of \$2,500.00 to the Lord's Cupboard, Inc. from Bed and Booze Fund, budgeted.
- F. Approve purchase of 5500 gallons of gasoline at \$2.80 per gallon from Southside.
- G. Deadwood History Inc. request approval to serve liquor at Days of '76 Museum Saturday July 18 from 2:00 p.m. to 11:00 p.m. for party.
- H. Permission to transfer Emilia Anderson to swim instructor at Deadwood Rec Center and change rate of pay to \$10.16 per hour.

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BID ITEMS

Deadwood City-wide Wayfinding

Finance Officer Nelson stated one bid was received for the Deadwood City-wide Wayfinding at 2:00 on June 12 and determined to be incomplete. She recommended rejecting and rebidding on July 17 at 2:00 p.m. with results to City Commission on July 20. Ruth moved, Todd seconded recommendation. Roll Call: Aye-All. Motion carried.

Generator

Public Works Director Green opened one bid for the Generator at Streets Shop at 2:00 p.m. as advertised. Bid bonds were included in the following bid submittals:

GenPro Energy Solutions - \$59,400.00

At recommendation of Public Works Director Green, Speirs moved, Ruth seconded to accept bid from GenPro. Roll Call: Aye-All. Motion carried.

Generator

Public Works Director Green opened one bid for the Generator at Recreation Center at 2:00 p.m. as advertised. Bid bonds were included in the following bid submittals:

GenPro Energy Solutions - \$128,975.00

Green stated the purchase was necessary if Commission is committed to use the Rec Center to house people during emergencies. Planning and Zoning Administrator Nelson Jr. stated the Rec Center could be incorporated into Lawrence County Emergency Management Plan. Ruth moved, Speirs seconded to accept the bid from GenPro. Roll Call: Aye-All. Motion carried.

Mt. Moriah Drainage

Public Works Director Green opened one bid for the Mt. Moriah Drainage project at 2:00 p.m. as advertised. Bid bonds were included in the following bid submittals:

CAI Construction - \$145,000.00

Green requested Commission continue to allow for review. Todd moved, Van Den Eykel seconded request. Roll Call: Aye-All. Motion carried.

Advertise

Ruth moved, Speirs seconded to advertise for retaining wall at 10 Harrison July 14 at 2:00 p.m. with results to City Commission on July 20. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS

Wild Bill Bar

Public hearing was opened at 5:44 p.m. by Mayor Turbiville. No one spoke in favor or against, hearing closed. Todd moved, Van Den Eykel seconded to approve the Retail (on-off sale) Malt Beverage and Retail (on-off sale) Wine License for Wild Bill Bar at 624 Main Street. Roll Call: Aye-All. Motion carried.

Belle Joli

Public hearing was opened at 5:45 p.m. by Mayor Turbiville. No one spoke in favor or against, hearing closed. Ruth moved, Van Den Eykel seconded to approve Retail (on-off sale) Malt Beverage license for Belle Joli Winery at 594 Main Street. Roll Call: Aye-All. Motion carried.

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Deadwood Jam

Public hearing was opened at 5:46 p.m. Sarah Anderson, Deadwood Chamber of Commerce, requested approval for the following:

Street Closures, Waiver of Vending and Banner Fees

Ruth moved, Speirs seconded to approve street closures on Siever Street at 10:00 a.m. on Thursday September 17 through Sunday September 20 at 2:00 a.m., Deadwood Street from noon on Thursday September 17 through Saturday September 20 at 2:00 a.m., waiver of vending and banner fees on Friday September 18 and Saturday September 19. Roll Call: Aye-All. Motion carried.

Open Container, Special Alcohol License

Friday September 18, 2015

Speirs moved, Todd seconded to waive the open container ordinance in Interpretive Center only from 4:00 p.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Saturday September 19, 2015

Speirs moved, Van Den Eykel seconded to allow the same as approved above for Friday September 18, 2015 from noon to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Use of Interpretive Lot

Ruth moved, Speirs seconded to allow the use of Interpretive Lot Thursday September 17 at 8:00 a.m. to Sunday September 20 at 2:00 p.m. Roll Call: Aye-All. Motion carried.

Mustang Rally

Public hearing was opened at 5:48 p.m. Sarah Anderson, Deadwood Chamber of Commerce, requested approval for the following:

Use of Interpretive Lot

Speirs moved, Ruth seconded to allow the use of Interpretive Lot Thursday September 3 from 10:00 a.m. to 4:00 p.m. Roll Call: Aye-All. Motion carried.

Tractor Parking

Public hearing was opened at 5:49 p.m. Sarah Anderson, Deadwood Chamber of Commerce, requested approval for the following:

Street Closure

Todd moved, Speirs seconded to allow street closure on Main Street from Wall to Deadwood Street September 9 from 2:30 p.m. to 4:30 p.m. Roll Call: Aye-All. Motion carried.

License

Public hearing was opened at 5:50 p.m. by Mayor Turbiville. Discussion was held concerning the use of Rodeo Grounds agreement, hearing closed. Ruth moved, Todd seconded to approve special full temporary liquor license for Model Railroad Inc. from July 28 to August 10, 2015 contingent upon compliance with all other items in contract with Tommy Merritt/Apex 1996. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Contract

Van Den Eykel moved, Ruth seconded to continue the contract with NeighborWorks-Dakota Home Services for administration of the Historic Preservation Commission Revolving Loan program until July 6, 2015 due to absence of Historic Preservation Officer Kuchenbecker. Roll Call: Aye-All. Motion carried.

Allow

Ruth moved, Speirs seconded to allow Finance Officer to write annual check from Business Improvement District #7 Fund to Tentexkota after June 20 remittances have been received. Amount owed to date is \$465,629.20. Check amount will be added to bill list presented to Commission on July 6, 2015. Roll Call: Aye-All. Motion carried.

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Permission

Speirs moved, Todd seconded to repair motor grader at cost of \$3,640.00 plus shipping cost of \$750.00 from Butler Machinery. Roll Call: Aye-All. Motion carried.

Speirs moved, Ruth seconded to accept low quote of \$5,300.00 from Schmidt Construction to repair Main Street curb, gutter and handicap slab near Tin Lizzies. Roll Call: Aye-All. Motion carried.

Proposals

Public Works Director Green asked the Commission to pursue proposals to operate the Tri-City Rubble Site. He stated the site is operated by cities of Lead, Deadwood and Central City. Green also stated the cities have been working on a RFP to see if any interested party would operate the site. Van Den Eykel moved, Speirs seconded to allow for proposals. Roll Call: Aye-All. Motion carried.

Change Orders

Ruth moved, Speirs seconded to approve change order #2 for St. Ambrose Cemetery Project Phase IV in the amount of \$3,700.00 bringing total contract to \$353,648.00. Roll Call: Aye-All. Motion carried.

Todd moved, Ruth seconded to approve change order #2 for retaining wall project at 2 Dudley Street in the amount of \$562.50 bringing total contract to \$201,819.20. Roll Call: Aye-All. Motion carried.

Discussion

Chief Fuller spoke on behalf of Parking and Transportation Committee who was approached by a local business requesting a portable sidewalk café. He stated this is a concept Roger Brooks brought forth from Revitalization Committee which involves a bump out for restaurant seating along the curb in front of a business. He stated some issues to consider include alcohol on public property, which businesses could accommodate portable sidewalk cafes due to street width, tour buses, trolleys and daily deliveries on Main Street. Chief Fuller requested that Commission provide direction to Parking and Transportation Committee. After discussion, Commission requested that Revitalization Committee prepare a proposal for review and forward to city attorney prior to placement on agenda.

First Reading

Discussion was held on first reading of Ordinance #1226 for Dangerous Wild/Exotic Animal Prohibited. Attorney Riggins explained that he assisted the public with preparation of the proposed ordinance and that the ordinance grandfathers the two existing businesses with permits under state law. Riggins also directed Commission to review item "O" regarding assessment of a fee. Commissioner Van Den Eykel stated guidelines are already followed with Planning and Zoning and questioned the necessity of this ordinance. Mayor Turbiville allowed comment from Joe Kosel and Tom Huhnerhoch concerning issues with the animals and said ordinance. Terri Petter, owner of Fur-Ever Wild also spoke regarding her present operation and provided an alternative view. After discussion among Commissioners and Attorney Riggins regarding merits of the proposed ordinance and possible amendments, Ruth moved, Todd seconded to approve first reading of Ordinance #1226 for Dangerous Wild/Exotic Animal Prohibited. Roll Call: Aye-Ruth, Speirs, Todd, Turbiville. Nay-Van Den Eykel. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Attorney Riggins requested Executive Session for legal matters per SDCL 1-25-2 (3) with no action.

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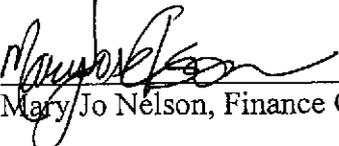
ADJOURNMENT

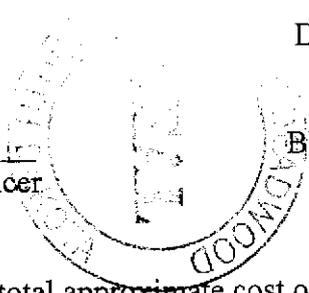
Speirs moved, Todd seconded to adjourn the regular session at 6:41 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3). The next regular meeting will be on Monday July 6, 2015.

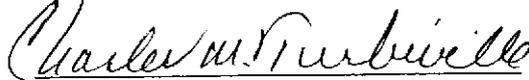
After coming out of executive session at 7:00 p.m., Todd moved, Speirs seconded to adjourn.

ATTEST:

DATE: 7-6-15


Mary Jo Nelson, Finance Officer



BY: 
Charles M Turbiville, Mayor

Published once at the total approximate cost of _____