

REGULAR MEETING, June 1, 2015

The Regular Session of the Deadwood City Commission convened on June 1, 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 May 18, 2015. Roll Call: Aye-All. Motion carried.

MAY, 2015 PAYROLL: COMMISSION, \$2,730.76; FINANCE, \$16,180.88; PUBLIC BUILDINGS, \$4,948.34; POLICE, \$48,787.86; FIRE, \$4,818.06; BUILDING INSPECTION, \$3,345.70; STREETS, \$26,681.36; PARKS, \$17,039.07; PLANNING & ZONING, \$4,676.36; LIBRARY, \$6,129.78; RECREATION CENTER, \$13,488.60; HISTORIC PRESERVATION, \$15,710.00; WATER, \$13,096.24; MT. MORIAH, \$1,786.55; PARKING METER, \$8,945.55; TROLLEY, \$14,869.72; PARKING RAMP, \$5,403.95; RUBBLE SITE, \$3,417.00.

PAYROLL TOTAL: \$212,055.78

MAY, 2015 PAYROLL PAYMENTS:

Internal Revenue Service, \$52,023.46; S.D. Retirement System, \$22,493.96; Delta Dental, \$3,761.08.

APPROVAL OF DISBURSEMENTS

Todd moved, Van Den Eykel seconded to approve the June 1, 2015 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	MAINTENANCE	274.20
A & B WELDING	SERVICE	1,669.99
ABC BUSINESS	SUPPLIES	559.87
ALBERTSON ENGINEERING	PROJECT	290.00
ALSCO	SUPPLIES	81.97
ARBOR DAY FOUNDATION	RENEWAL	15.00
ATCO INTERNATIONAL	SUPPLIES	213.00
BIERSCHBACH EQUIPMENT	PATCH	37.50
BH CHEMICAL	SUPPLIES	1,421.35
BH PHYSICAL THERAPY	TRAINING	150.00
BH POWER	ELECTRICITY	17,567.19
BH SECURITY	INSPECTION	634.09
BH SPECIAL SERVICES	CLEANING	1,120.00
CHAINSAW CENTER	SUPPLIES	154.17
CHAMBERLIN ARCHITECTS	PROJECT	480.44
COCA COLA	SUPPLIES	72.10
CSU	PROJECT	1,500.00
CULLIGAN	SUPPLIES	45.50
DAKOTA BUSINESS	MAINTENANCE	151.47
DAKOTACARE	INSURANCE	42,277.50
DEADWOOD CHAMBER	MEETING	12.00
DEADWOOD ELECTRIC	REPAIR	1,054.67
DELL RAPIDS SOCIETY	GRANT	22,500.00
DEMCO	SUPPLIES	174.36
EB COMMUNICATIONS	HEADSET	395.00
EDDIE'S TRUCK	CLUTCH	1,234.79
EMERY-PRATT	BOOK	36.95
FIRST INTERSTATE BANK	TIF PAYMENT	248,134.68
GOLDEN WEST	SERVICE	8,746.88
GUNDERSON, PALMER, NELSON	SERVICE	4,200.45
HAWKINS	SUPPLIES	1,033.10
HD SUPPLY WATERWORKS	SERVICE	504.50
HELMIN, MATT	MEETINGS	125.00
HOMETOWN TROLLEY	SWITCH	199.86
INTERSTATE BATTERY	BATTERIES	599.40
JENSEN HARDWOOD FLOORS	PROJECT	17,115.00
KONE	SERVICE	266.80
LAWRENCE CO. REGISTER	RECORDING	30.00
LAWRENCE TITLE	SERVICE	150.00
LESTER, ROB	REIMBURSEMENT	1,197.00
LIBERTY NATIONAL BANK	TIF PAYMENT	66,768.90
M.R. GUSTAFSON SELF-DIRECT	TIF PAYMENT	44,482.07
MATCO TOOLS	TOOLS	770.05
MENARD'S	SUPPLIES	247.66
MIDWEST TAPE	DVD	58.97
MDU	GAS	5,414.05
MORRIS, WAYNE	PROJECT	11,200.00
MS MAIL	SERVICE	680.00
NAPC	MEMBERSHIP	150.00
NETWORK SERVICES	SUPPLIES	132.89
NEVE'S	UNIFORMS	135.90
NORTHWEST PIPE FITTINGS	SUPPLIES	529.69
PEPPMEIER, JANICE	REIMBURSEMENT	521.55
PITNEY BOWES	POSTAGE	500.00
PUSH-PEDAL-PULL	SERVICE	195.00
QUICK TROPHY	PLATE	18.29
ROCKINGTREE LANDSCAPES	FLOWERS	413.48
RUNGE, MIKE	REIMBURSEMENT	90.30
SANITATION PRODUCTS	SERVICE	278.99

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SD COMMISSION ON GAMING	CITY SLOTS	18,852.27
SD DEPT. OF CORRECTIONS	FIREWISE	4,649.33
SD DEPT. OF ENVIRONMENT	PROJECT	650.00
SD DEPT. OF REVENUE	LICENSE	150.00
SD MUNICIPAL LEAGUE	TRAINING	100.00
SECOND CENTURY DEVELOPMENT	GRANT	1,410.33
SEMAPHORE CORPORATION	SOFTWARE	105.50
SERVALL UNIFORM AND LINEN	SUPPLIES	1,954.86
SOCIETY FOR HUMAN RESOURCE	MEMBERSHIP	190.00
SPECIALTY VEHICLES	MOTOR	629.03
STAN HOUSTON EQUIPMENT	SUPPLIES	324.00
STREICHER'S	GRAPHICS	75.97
SUMMIT SIGNS	SIGNS	59.50
TRIPLE K	SERVICE	2,325.25
TRUGREEN	SERVICE	2,665.50
TSP	PROJECT	2,180.23
TWIN CITY HARDWARE	SUPPLIES	1,638.39
TYLER TECHNOLOGIES	MAINTENANCE	722.40
VAST BROADBAND	SERVICE	1,316.65
VERIZON WIRELESS	SERVICE	40.01
WESTERN STATES FIRE	REPAIR	275.62

TOTAL \$549,328.41

ITEMS FROM CITIZENS ON AGENDA

Requests

Joyce with Joycie's Street Meats asked the Commission for a refund of the \$750.00 temporary vending license issued for the ATV event that never occurred on May 16 and 17. After further discussion, Van Den Eykel moved, Ruth seconded to allow a refund in the amount of \$375.00. Roll Call: Aye-All. Motion carried.

Van Den Eykel moved, Speirs seconded to allow street closure on Main Street from Lee Street to Gold Street to set rooftop units on Bodega. Commissioner Van Den Eykel stated the Rick Ripley will give notification to the Police Department prior to needing the closure. Roll Call: Aye-All. Motion carried.

Tommy Merritt requested a change to ordinance to expand the \$1,500.00 convention center vending permit to include the rodeo grounds complex. He stated no vendors have signed up for the event July 28 through August 10 and the deadline has passed to apply for a vending license. He also stated the fee could be non-refundable and vendors would sign up under the organizer's insurance that is requesting the permit. Harley Kirwan spoke against. After much discussion about utilizing the rodeo grounds, sales tax license and vendors, Mayor Turbiville recommended Merritt bring an amendment to the ordinance to the meeting on June 15 with possible first reading.

Shantel Herman representing Deadwood History Inc. requested permission to use a special trolley and waiver of group fee to pick up Boys and Girls Club participants from either Adams Museum or Days of '76 Museum and transport to Lead on June 17, July 1, July 8 and July 29. Speirs moved, Ruth seconded request. Roll Call: Aye-All. Motion carried.

Tom Adams representing Lead-Deadwood American Legion requested the use of public space in Interpretive parking lot in conjunction with Kool Deadwood Nites, from Wednesday, August 19 through Sunday, August 23. Todd moved, Van Den Eykel seconded request. Roll Call: Aye-All. Motion carried.

Residents from Shirt Tail Gulch and other individuals expressed concerns about the outdoor firing range in city limits. Individuals spoke about the noise level, safety and location of the range and asked the Commission to consider moving the range out of the city limits. Greg Vecchi, owner of the outdoor shooting range presented a presentation addressing the purpose, overview, safety and rules of the range. Police Chief Fuller stated a sound test was done on May 27 within areas of the Shirt Tail Gulch Subdivision, and read the results of the testing. Kyle Weiss, Vecchi's Attorney spoke about the legal considerations. Individuals also spoke in favor of the range, stating the great opportunity, classes available and the safety of the range. Commissioners thanked the individuals for expressing the concerns and input, but at present time, the gun range meets the requirements to ordinances. Attorney Riggins stated a review on an annual basis of the variance can take place and can be revoked upon giving 30 days' notice under the terms of the agreement. Letters were received from those opposed and those that were in support of the range.

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CONSENT

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

- A. Acknowledge interest payment of \$334,293.75 to bondholders on May 1, 2015 by First National Bank, bond trustee. This payment is for Series 2005, 2006 and 2012 Certificates of Participation.
- B. Accept resignation from trolley Driver Clyde Stratman effective May 23, 2015.
- C. Permission to hire Baylee Dittman as lifeguard at \$9.25 an hour effective June 3, 2015.
- D. Permission to increase wage of Trolley Driver Rodney Fischer from \$11.60 an hour to \$12.38 an hour effective May 25, 2015 after completing three years of service, and increase wage of Parking Ramp Attendant Karol Flueckinger from \$8.97 an hour to \$9.50 an hour effective May 27, 2015 after completing one year of service.
- E. Per recommendation of Deadwood Volunteer Fire Department, request permission for Mayor to sign Memorandum of Understanding for Mutual Aid concerning Lawrence County Fire Protection and Emergency Service.
- F. Per recommendation of Deadwood Volunteer Fire Department, request permission for Mayor to sign Wildland Fire Suppression Agreement with State of South Dakota.

BID ITEMS

Speirs moved, Ruth seconded to seek bids for generator at Street Shop and Rec Center, and set two bid openings on June 15, 2015 at 2:00 p.m. Roll Call: Aye-All. Motion carried.

Speirs moved, Ruth seconded to seek bids to address drainage issues at Mt. Moriah, and set bid opening on June 15, 2015 at 2:00 p.m. to be paid from Mt. Moriah Fund. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS

Pam's Purple Door

Public hearing was opened at 6:51 p.m. by Mayor Turbiville. No one spoke in favor or against, hearing closed. Van Den Eykel moved, Ruth seconded to approve the Retail (on-off sale) Malt Beverage for Pam's Purple Door at 637 Main Street. Roll Call: Aye-All. Motion carried.

Transfer

Public hearing was opened at 6:53 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-sale) Liquor License (RL-5536) transfer from First Interstate Bank to Nugget Saloon, LLC at 604 Main Street. Roll Call: Aye-All. Motion carried.

Set

Todd moved, Van Den Eykel seconded to set public hearing at 5:00 p.m. on June 15 for 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.

Todd moved, Van Den Eykel seconded to set public hearing at 5:00 p.m. on June 15 for Retail (on-off sale) Malt Beverage License for Belle Joli Winery at 594 Main Street. Roll Call: Aye-All. Motion carried.

Ruth moved, Speirs seconded to set public hearing at 5:00 p.m. on June 15 for Deadwood Jam activities: Street closure September 17 through September 20, open container and special malt beverage license in Interpretive lot only on September 18 and 19, waiver of banner and vending fees September 18 and 19, and use of Interpretive lot: September 17 through September 20. Roll Call: Aye-All. Motion carried.

Todd moved, Van Den Eykel seconded to set public hearing at 5:00 p.m. on June 15 for Mustang Rally Event: Use of Interpretive lot on September 3 from 10:00 a.m. to 4:00 p.m. Roll Call: Aye-All. Motion carried.

Speirs moved, Ruth seconded to set public hearing at 5:00 p.m. on June 15 for Tractor Parking: Street closure September 9 from 2:30 p.m. to 4:30 p.m. Roll Call: Aye-All. Motion carried.

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Speirs moved, Ruth seconded to set public hearing at 5:00 p.m. on June 15 for special temporary alcohol license for Model railroad Society in conjunction with Party in the Black Hills at rodeo ground complex from July 28 to August 10, 2015. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Payment

Speirs moved, Van Den Eykel seconded to approve payment to South Dakota Arts Council in the amount of \$10,000.00 from Bed and Booze Funds for Book Festival in Deadwood, budgeted item. Roll Call: Aye-All. Motion carried.

Quotes

Ruth moved, Speirs seconded to accept quote from Gardner Construction Inc. for construction of city retaining wall at 376 Main Street for cost of \$10,910.00 to be paid from Historic Preservation Capital Assets and allow Mayor to sign contract. Roll Call: Aye-All. Motion carried.

Van Den Eykel moved, Speirs seconded to accept quote form Commercial Kitchen Products in the amount of \$24,613.96 for commercial grade kitchen equipment for concession area at Days of '76 Rodeo Grounds, to be paid from Parks Department budget. Roll Call: Aye-All. Motion carried.

Permission

Speirs moved, Van Den Eykel seconded to hire ACES to provide engineering services at cost of \$3,800.00 to provide consulting services for design work of collection system on the Mickelson Trail between Highway 85 turn-off to Deadwood Gulch Convention Center. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Turbiville reminded residents to weed control and mow yards.

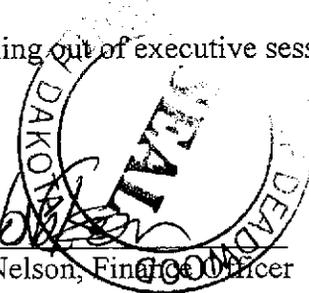
Attorney Riggins requested Executive Session for legal matters per SDCL 1-25-2 (3) and union matters per SDCL 1-25-2 (4) with no action.

ADJOURNMENT

Speirs moved, Van Den Eykel seconded to adjourn the regular session at 6:53 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3) and union matters per SDCL 1-25-2 (4). The next regular meeting will be on Monday June 15, 2015.

After coming out of executive session at 7:07 p.m., Speirs moved, Ruth seconded to adjourn.

ATTEST:


Mary Jo Nelson
Mary Jo Nelson, Finance Officer

DATE: June 15, 2015

BY: Charles M Turbiville
Charles M Turbiville, Mayor

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