

REGULAR MEETING, March 16, 2015

A quorum of commissioners and City Attorney Riggins were present at 3:30 p.m. to answer questions from citizens regarding Ordinance #1211, amending Chapter 17.68 Historic Preservation and review eleven proposed amendments presented by City Attorney Williams. No action taken.

At 4:30 p.m. a quorum of commissioners, City Attorney Riggins, Police Chief Kelly Fuller, and representatives from Chamberlain Architects were present to view presentation and hear questions from citizens regarding proposed Lower Main Visitor Center improvements. No action taken.

The Regular Session of the Deadwood City Commission convened on March 16, 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., Georgeann Silvermail, Gary Todd and Jim Van Den Eykel. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Ruth moved, Silvermail seconded to approve the minutes of March 2, 2015. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Silvermail moved, Todd seconded to approve the March 17, 2015 disbursements plus additional bill. Roll Call: Aye-All. Motion carried.

AASLH	MEMBRSHP	115.00
ABC BUSINESS	SUPPLIES	224.92
ALBERTSON ENGINEERING	PROJECT	5,826.40
ALL AROUND AUTO	SUPPLIES	765.41
ALSCO	SUPPLIES	132.64
AMAZON WEB	SERVICE	207.71
BH PIONEER	ADS	582.14
BH POWER	SERVICE	29,707.93
BH URGENT CARE	TESTING	296.18
BUTLER MACHINERY	SUPPLIES	13,981.84
CAMPBELL SUPPLY	BEARINGS	44.76
CENTURY BUSINESS	SERVICE	428.61
COCA COLA	SUPPLIES	234.20
CULLIGAN	SUPPLIES	111.00
CUSTOM MICRO	MAINTENANCE	3,150.00
DAKOTA BUSINESS	MAINTENANCE	151.47
DAKOTA SECURITY	SERVICE	341.58
DAKOTA SUPPLY	TABLET	97.04
DALES TIRE	WHEELS	2,015.00
DAVE STAFFORD	PROJECT	31,774.00
DEADWOOD CHAMBER	ADVERTISING	34,745.99
DEADWOOD DEVELOPMENT	FREIGHT	19.20
ECOLAB	SERVICE	129.38
FARMER BROTHERS	TESTING	96.20
FASTENAL	SUPPLIES	35.55
FULLER, KELLY	EIMBURSEMENT	426.62
GENE'S LOCK SHOP	KEYS	68.98
GLOVER, WILLIAM	MEETINGS	125.00
GOLDEN WEST	SERVICE	895.78
GREEN, RON	REIMBURSEMENT	118.74
GRIMM'S PUMP	NOZZLE	112.25
INLAND TRUCK PARTS	SUPPLIES	684.00
JACOBS WELDING	SERVICE	771.82
KDSJ	SERVICE	220.00
KIMBALL MIDWEST	SUPPLIES	431.95
KNECHT	SUPPLIES	104.71
LAWRENCE CO. REGISTER	FEES	30.00
LEAD-DEADWOOD SANITARY	USAGE	23,352.21
LOWE ROOFING	PROJECT	4,496.00
M & T FIRE	MASK	192.56
M&M SANITATION	RENTAL	205.00
MARKETING & TECHNICAL	SUPPLIES	2,280.60
MENARD'S	SUPPLIES	659.00
MERTENS, KENNETH	REIMBURSEMENT	293.72
MIDCONTINENT	SERVICE	65.00
NATIONAL TRUST	MEMBERSHIP	140.00
NORTHERN HILLS TECHNOLOGY	STORAGE	38.00
PARTSMASER	PLIERS	53.72
PINNACLE CARPET	CLEANING	999.38
PITNEY BOWES	POSTAGE	500.00
POOL & SPA CENTER	SUPPLIES	182.85
PUSH-PEDAL-PULL	SUPPLIES	89.00
RC JOURNAL	BOOKS	95.85
REAL ESTATE CENTER OF LEAD	DESK	200.00
REGIONAL HEALTH CLIENT	TESTING	60.00
REGIONAL HEALTH PHYSICIANS	TESTING	150.00
RENNER, DONOVAN	REIMBURSEMENT	233.05
RUD-CHAIN	SUPPLIES	1,325.30
SD COMMISSION ON GAMING	CITY SLOTS	18,852.27
SD DEPT. OF CORRECTIONS	FIREWISE	6,341.71
SD DEPT. OF REVENUE	RENEWAL	4.00
SD DEPT. OF REVENUE	TAX	2,412.94
SD ONE CALL	FEES	12.21
SD PUBLIC HEALTH LAB	TESTING	30.00

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SD SHERIFFS' ASSOCIATION	REGISTRATION	170.00
SDN COMMUNICATIONS	SERVICE	571.20
SOUTHSIDE SERVICE	REPAIR	1,302.77
STURDEVANT'S	SUPPLIES	357.52
TALLGRASS	PROJECT	1,800.00
TOM'S T'S	TSHIRT	7.33
TREWHELLA, MISTY	REIMBURSEMENT	121.88
TRIDLE, JOHN	REIMBURSEMENT	63.15
TRIPLE K	TIRES	1,783.24
TYLER TECHNOLOGIES	TRAINING	5,225.10
US FOREST SERVICE	GRANT	2,557.32
WASTE CONNECTIONS	SERVICE	7,754.59
WESTERN STAR	REPAIRS	253.54
WOW	SERVICE	1,591.97
	TOTAL	\$216,027.98

ITEMS FROM CITIZENS ON AGENDA

Awards

Fire Chief Matt Helmin presented Bob Nelson Sr. and Bill Glover a certificate for 30 years of service as volunteer firefighter. Mayor Turbiville thanked them for their years of service.

Presentation

Mike Runge and Grant Welford gave a presentation and update of the efforts of the Deadwood Historic Preservation office to utilize social media to further educate the public of the projects, activities and history of Deadwood.

Report

Brad Burns, Ted Schultz, and Mark Jobman, on behalf of Chamberlain Architects, gave a presentation of schematic design and final report on Lower Main Visitor Center project. Burns stated there are several parts to this project, which include a beautification project, enhancing Whitewood Creek, and public safety. He also presented the building design, Schultz presented the parking and civil design and Jobman presented the landscape design. After discussion and questions concerning history and parking, Van Den Eykel moved, Silvernail seconded to approve schematic design of phase one and two as presented and allow Chief Fuller to negotiate architecture designs and engineering fees to date. Roll Call: Aye-All. Motion carried.

Trolley

Silvernail moved, Van Den Eykel seconded to allow Deadwood History Inc. use of the trolley and waiver of group fee on August 29 and 30, and September 5 and 6, from 10:45 a.m. to 1:00 p.m. and 1:45 p.m. to 4:00 p.m. Pick up guests at HARCC, Adams House, Days of 76 Museum, Adams Museum, and return to HARCC for progressive-style play. Roll Call: Aye-All. Motion carried.

Resolution 2015-07

Thomas Grimmond and Ray Woodsend, on behalf of Dougherty and Company, asked the Commission to approve Resolution 2015-07, Relating to the Issuance of Refunding Certificates of Participation; Authorizing Execution and Delivery of a Twelfth Amendment to Lease-Purchase Agreement to Refund Series 2005 and 2006 Certificates of Participation. Grimmond stated that although bonds are not callable until November, passing a resolution now will give the city the most flexibility to provide a rating on bonds, lock interest rates and set refinancing at that time. He also stated the total savings is approximately \$630,000.00 over the next six years or a 5% savings. Finance Officer Nelson stated the refinancing is not extending payments. Silvernail moved, Ruth seconded to approve Resolution 2015-07. Roll Call: Aye-All. Motion carried.

RESOLUTION NO. 2015-07

RESOLUTION RELATING TO THE ISSUANCE OF REFUNDING CERTIFICATES OF PARTICIPATION; AUTHORIZING THE EXECUTION AND DELIVERY OF A TWELFTH AMENDMENT TO LEASE-PURCHASE AGREEMENT AND APPROVING AND AUTHORIZING EXECUTION OF RELATED DOCUMENTS

BE IT RESOLVED by the City Commission of the City of Deadwood, South Dakota (the City), as follows:

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Section 1. RECITALS.

1.01. The City is authorized by South Dakota Codified Laws, Section 9-12-1 and Sections 9-40-34 through 9-40-40, inclusive, as amended (the Act), to enter into lease-purchase agreements for acquisition of real or personal property that the governing body considers necessary or appropriate to carry out its governmental and proprietary functions.

1.02. The First National Bank in Sioux Falls, in Sioux Falls, South Dakota (the Trustee) has previously acquired from the City certain interests in real property (the Land) pursuant to a Ground Lease and Easement Agreement, dated as of November 1, 1990 (the Original Ground Lease), as amended by the First Amendment to Ground Lease and Easement Agreement, dated as of October 1, 1991 (the First Amendment to Ground Lease), the Second Amendment to Ground Lease and Easement Agreement, dated as of December 15, 1994 (the Second Amendment to Ground Lease), the Third Amendment to Ground Lease and Easement Agreement, dated as of December 1, 1999 (the Third Amendment to Ground Lease), and the Fourth Amendment to Ground Lease and Easement Agreement, dated as of April 13, 2007 (the Fourth Amendment to Ground Lease).

1.03. The City has previously entered into a Lease-Purchase Agreement, dated as of November 1, 1990 (the Original Lease), as amended by a First Amendment to Lease-Purchase Agreement, dated as of October 1, 1991 (the First Amendment), a Second Amendment to Lease-Purchase Agreement, dated as of January 1, 1992 (the Second Amendment), a Third Amendment to Lease-Purchase Agreement, dated as of December 15, 1994 (the Third Amendment), a Fourth Amendment to Lease-Purchase Agreement, dated as of December 1, 1997 (the Fourth Amendment), a Fifth Amendment to Lease-Purchase Agreement, dated as of November 15, 1998 (the Fifth Amendment), a Sixth Amendment to Lease-Purchase Agreement, dated as of December 1, 1999 (the Sixth Amendment), a Seventh Amendment to Lease-Purchase Agreement, dated as of December 1, 2003 (the Seventh Amendment), an Eighth Amendment to Lease-Purchase Agreement, dated as of December 15, 2005 (the Eighth Amendment), a Ninth Amendment to Lease-Purchase Agreement, dated as of April 13, 2007 (the Ninth Amendment), a Tenth Amendment to Lease-Purchase Agreement, dated as of October 1, 2009 (the Tenth Amendment) and an Eleventh Amendment to Lease-Purchase Agreement, dated as of January 1, 2012 (the Eleventh Amendment) with the Trustee, pursuant to which the Trustee has caused the Facilities to be acquired and constructed and is leasing and has agreed to sell the Facilities to the City.

1.04. The City has previously joined in, with the Trustee, a Declaration of Trust, dated as of November 1, 1990 (the Original Trust Agreement), as amended by a First Supplemental Declaration of Trust, dated as of October 1, 1991 (the First Supplement), a Second Supplemental Declaration of Trust, dated as of January 1, 1992 (the Second Supplement), a Third Supplemental Declaration of Trust, dated as of December 15, 1994 (the Third Supplement), a Fourth Supplemental Declaration of Trust, dated as of May 4, 1995 (the Fourth Supplement), a Fifth Supplemental Declaration of Trust, dated as of December 1, 1997 (the Fifth Supplement), a Sixth Supplemental Declaration of Trust, dated as of November 15, 1998 (the Sixth Supplement), a Seventh Supplemental Declaration of Trust, dated as of December 1, 1999 (the Seventh Supplement), an Eighth Supplemental Declaration of Trust, dated as of December 1, 2003 (the Eighth Supplement), a Ninth Supplemental Declaration of Trust, dated as of December 15, 2005 (the Ninth Supplement), a Tenth Supplemental Declaration of Trust, dated as of October 1, 2009 (the Tenth Supplement) and an Eleventh Supplemental Declaration of Trust, dated as of January 1, 2012 (the Eleventh Supplement).

1.05. The Trustee has executed and delivered Certificates of Participation in a Lease-Purchase Agreement (Sewer, Water and Public Building Projects), Series 1990A and Series 1990B, dated as of November 1, 1990, pursuant to the Original Trust Agreement (collectively, the Series 1990 Certificates); Certificates of Participation in a Lease-Purchase Agreement (Sewer, Water and Improvement Projects), Series 1991, dated as of October 1, 1991, pursuant to the First Supplement (the Series 1991 Certificates); Refunding Certificates of Participation in a Lease-Purchase Agreement (Sewer, Water and Improvement Projects), Series 1992, dated as of January 1, 1992, pursuant to the Second Supplement (the Series 1992 Certificates); Certificates of Participation in a Lease-Purchase Agreement (Sewer, Water and Improvement Projects), Series 1994A and Series 1994B (collectively, the Series 1994 Certificates), dated as of December 30, 1994, pursuant to the Third Supplement; has remarketed the Series 1994B Certificates, on May 4, 1995, pursuant to the Fourth Supplement; Certificates of Participation,

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Series 1997, dated as of December 1, 1997, pursuant to the Fifth Supplement (the Series 1997 Certificates), Certificates of Participation, Series 1998, dated as of November 15, 1998, pursuant to the Sixth Supplement (the Series 1998 Certificates), Certificates of Participation, Series 1999, dated as of December 1, 1999 (the Series 1999 Certificates), and Certificates of Participation, Series 2000, dated as of January 1, 2000 (the Series 2000 Certificates) pursuant to the Seventh Supplement, Certificates of Participation, Series 2003, dated as of December 1, 2003 (the Series 2003 Certificates), and Certificates of Participation, Series 2004, dated as of January 1, 2004 (the Series 2004 Certificates) pursuant to the Eighth Supplement, Certificates of Participation, Series 2005, dated as of December 15, 2005 (the Series 2005 Certificates), Certificates of Participation, Series 2006, dated as of January 1, 2006 (the Series 2006 Certificates), pursuant to the Ninth Supplement, Refunding Certificates of Participation, Series 2009, dated as of October 1, 2009 (the Series 2009 Certificates), pursuant to the Tenth Supplement and Refunding Certificates of Participation, Series 2012, dated as of January 1, 2012 (the Series 2012 Certificates). The Series 1990 Certificates, the Series 1991 Certificates, the Series 1992 Certificates, the Series 1994 Certificates, the Series 1997 Certificates, the Series 1998 Certificates, the Series 1999 Certificates, the Series 2000 Certificates, Series 2003 Certificates and the Series 2004 Certificates have been refunded or have matured and are no longer Outstanding under the Original Trust Agreement.

1.06. The City Commission hereby finds it necessary and appropriate to refund in advance of maturity all or a portion of (i) the Series 2005 Certificates, outstanding in the aggregate principal amount of \$5,440,000, and (ii) the Series 2006 Certificates, outstanding in the aggregate principal amount of \$3,700,000 (collectively, the Refunded Certificates), on November 1, 2015 (the Redemption Date), in a current refunding (the Refunding).

1.07. To accomplish the Refunding, the City and the Trustee will enter into an Twelfth Amendment to Lease-Purchase Agreement (the Twelfth Amendment).

1.08. The Trustee will execute and deliver an Twelfth Supplemental Declaration of Trust (the Twelfth Supplement), pursuant to which the Trustee will (i) issue Refunding Certificates of Participation, Series 2015 (the Series 2015 Certificates) in the Lease Payments to be made by the City under the Lease, (ii) receive, hold and invest the proceeds of the Series 2015 Certificates, and (iii) pay Costs of Issuance (as defined in the Lease). The Series 2015 Certificates will be purchased by Dougherty & Company LLC (the Underwriter). The Trustee will assign its interest in the Ground Lease and the Twelfth Amendment to the trust created for the benefit of the owners of the Series 2015 Certificates and all other Certificates issued and Outstanding under the Trust Agreement, pursuant to the Twelfth Supplement.

1.09. Forms of the following documents relating to the Refunding will be prepared and submitted to the City and, when received, are hereby directed to be filed with the Finance Officer:

(a) the Twelfth Amendment, proposed to be made and entered into between the City and the Trustee;

(b) the Twelfth Supplement, proposed to be executed and delivered by the Trustee and joined in by the City;

(c) an Official Statement to be prepared by the Underwriter: and

(d) a Certificate Purchase Agreement, proposed to be made and entered into between the City and the Underwriter.

1.10. The Original Ground Lease, as amended by the First through Fourth Amendments to Ground Lease, is referred to herein as the "Ground Lease." The Original Lease, as amended by the First through Twelfth Amendments, is referred to herein as the "Lease." The Original Trust Agreement, as amended by the First through Twelfth Supplements, is referred to herein as the "Trust Agreement."

Section 2. FINDINGS. On the basis of information given the City to date, it is hereby found, determined and declared that:

(a) the Refunding is found to be favorable to the City and is hereby approved;
and

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(b) it is desirable and in the best interest of the City to enter into the Twelfth Amendment, the Certificate Purchase Agreement and to join in the Twelfth Supplement.

Section 3. AUTHORIZATION.

3.01. The Series 2015 Certificates shall be sold to the Underwriter in an aggregate principal amount not to exceed the sum of (i) the amount necessary to accomplish the Refunding, plus (ii) costs of issuance (including underwriters' discount not exceeding 1.5% of par), (iii) bond insurance premium, if any, and (iv) any allowance for original issue discount not to exceed 2.00% of par. The Series 2015 Certificates shall bear interest at a rate or rates per annum resulting in an average interest rate yield not greater than 3.90% per annum and shall mature over a period not to exceed six years. The Mayor and Finance Officer are hereby authorized and directed to agree with the Underwriter upon the exact purchase price, principal amount, maturities, redemption provisions and interest rates for the Series 2015 Certificates, within the parameters set forth in this subsection. The execution by the Mayor and Finance Officer of a Certificate Purchase Agreement setting forth such final terms is hereby approved and authorized and such execution shall be conclusive evidence of such agreement and shall be binding upon the City and the provisions of the Certificate Purchase Agreement as so executed, including all Exhibits and Appendices thereto, are incorporated herein by reference. The law firm of Dorsey & Whitney LLP, in Minneapolis, Minnesota, is hereby appointed as bond counsel and disclosure counsel for the Series 2015 Certificates.

3.02. The Mayor, Finance Officer and City Attorney are hereby authorized and directed to execute and deliver the Certificate Purchase Agreement and all documents required thereunder, the Official Statement, the Series 2015 Certificates and any other documents required to complete the financing contemplated hereby. Execution and delivery of such documents by the Mayor, Finance Officer and City Attorney shall constitute evidence that such items are consistent with the terms of this resolution and have been duly authorized, executed and delivered by the City and are enforceable against the City in accordance with their terms, subject to customary exceptions relating to bankruptcy, reorganization, insolvency and other laws affecting creditors' rights. The Mayor, Finance Officer and City Attorney are further authorized to take such other actions as may be required to effectuate the terms and intent of this resolution. In the event of the absence or disability of the Mayor, Finance Officer and City Attorney, the acting Mayor, assistant Finance Officer or acting City Attorney are hereby authorized to act in their place and stead and to take all actions and execute all documents approved hereby.

3.03. The Mayor, Finance Officer and City Attorney, are authorized, in cooperation with the Underwriter, to prepare an Official Statement to be distributed to prospective purchasers of the Series 2015 Certificates. The Mayor, Finance Officer and City Attorney are hereby authorized and directed to approve, and, if requested, to execute the final Official Statement.

Section 4. PAYMENT OF LEASE PAYMENTS; PLEDGED REVENUES.

4.01. The City will pay to the Trustee promptly when due, all of the Lease Payments (as defined in the Lease) and other amounts required by the Lease. To provide moneys to make such payments, the City will include in its annual budget, for each fiscal year during the term of the Lease, moneys sufficient to pay and for the purpose of paying all Lease Payments and other amounts payable under the Lease, and will take all other actions necessary to provide moneys for the payment of the obligations of the City under the Lease from sources of the City lawfully available for this purpose. The agreement of the City in this Section is subject to the provisions of Section 4.6 of the Original Lease.

4.02. The City intends to pay the Lease Payments primarily from the revenues received from gaming activities in the City, which have been irrevocably appropriated to the City's Historic Renovation and Preservation Fund. As additional security for the Lease Payments, the City hereby irrevocably pledges and assigns to the Trustee, for the benefit of the holders of the Series 2015 Certificates, so long as the Lease is in effect, from amounts received by the City pursuant to Article III, Section 25 of the Constitution of the State of South Dakota and Sections 42-7B-48 and 42-7B-48.1, South Dakota Codified Laws, (such amounts are herein referred to as the Pledged Revenues), an amount in each calendar year equal to the total amount of the Lease Payments due in such calendar year. The obligations of the City under this Section shall continue for each calendar year for which the Lease is in effect, but shall be subject to the provisions for termination set forth in the Lease.

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Section 5. TAX AND ARBITRAGE MATTERS.

5.01. Covenant. The City covenants and agrees with the owners from time to time of the Certificates, that it will not take, or permit to be taken by any of its officers, employees or agents, any action which would cause the interest component of the Lease Payment to become subject to taxation under the Internal Revenue Code of 1986, as amended (the Code) and any regulations issued thereunder (the Treasury Regulations), in effect at the time of such action, and that it will take, or it will cause its officers, employees or agents to take, all affirmative actions within its powers which may be necessary to insure that the interest component of the Lease Payment will not become subject to taxation under the Code and the Treasury Regulations, as presently existing or as hereafter amended and made applicable to the Certificates. The City represents and covenants that the City is the owner of the Facilities and uses them for its municipal functions. So long as the Certificates are outstanding, the City will not enter into any lease, use agreement or other contract or agreement respecting the Facilities which would cause the Certificates to be considered "private activity bonds" or "private loan bonds" pursuant to the provisions of Section 141 of the Code.

5.02. Arbitrage Certification. The Mayor and Finance Officer being the officers of the City charged with the responsibility for issuing the Certificates pursuant to this resolution, are authorized and directed to execute and deliver to the Underwriter a certificate in accordance with the provisions of Section 148 of the Code, and Section 1.148-2(b) of the Treasury Regulations, stating the facts, estimates and circumstances in existence on the date of issue and delivery of the Certificates which make it reasonable to expect that the proceeds of the Certificates will not be used in a manner that would cause the Certificates to be arbitrage bonds within the meaning of the Code and Treasury Regulations.

5.03. Arbitrage Rebate. The City acknowledges that the arbitrage rebate requirements of Section 148(f)(4)(D) of the Code are applicable to the Certificates, the City hereby covenants and agrees to make computations, retain records and pay amounts to the United States at the times and in the manner required by said Section 148(f)(4)(D) of the Code, and as set forth in the tax compliance agreement or similar document executed in connection with the delivery of the Certificates to the Underwriter.

5.04. Qualified Tax-Exempt Obligations. The Commission may designate the Series 2015 Certificates as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code relating to the disallowance of interest expense for financial institutions, , and will make any such designation in the Twelfth Supplement and form of 2015 Certificate.

Section 6. CONTINUING DISCLOSURE. The City acknowledges that Series 2015 Certificates are subject to the continuing disclosure requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 (17 C.F.R. § 240.15c2-12) (as in effect and interpreted from time to time, the Rule). The Rule governs the obligations of certain underwriters to require that issuers of municipal obligations enter into agreements for the benefit of the holders of the obligations to provide continuing disclosure with respect to the obligations. To provide for the public availability of certain information relating to the Series 2015 Certificates and the security therefor and to permit participating underwriters in the primary offering of the Series 2015 Certificates to comply with the Rule, which will enhance the marketability of the Series 2015 Certificates, the Mayor and Finance Officer are hereby authorized and directed to enter in to a Continuing Disclosure Agreement with the Trustee (the Disclosure Agreement), under which the City agrees to provide such information, to the Trustee as disclosure agent. The City hereby covenants and agrees to observe and perform the covenants and agreements contained in the Disclosure Agreement, unless amended or terminated in accordance with the provisions thereof, for the benefit of the registered owners or beneficial owners from time to time of the outstanding Series 2015 Certificates as provided in the Disclosure Agreement.

Section 7. AMENDMENT. This Resolution may be amended in order to clarify or modify the terms of or security for the Series 2015 Certificates, prior to the delivery thereof to the Underwriter, by administrative resolution adopted by the City Commission.

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Dated this 16th day of March, 2015

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

Trolley

Ken Gienger, on behalf of Deadwood Business Club, requested use of trolley and waiver of group fee on June 6 from 3:00 p.m. to 10:00 p.m. in conjunction with Mickelson Trail Marathon. Ruth moved, Van Den Eykel seconded said request. Trolley Manager Nelson requested sample of pass. Roll Call: Aye-All. Motion carried.

CONSENT

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

- A. Acknowledge receipt of 2014 Police Report from Chief Fuller. Copy will be displayed on city website and available at City Hall.
- B. Permission to hire Peggy McDonald as Parking Ramp Attendant at \$10.73 an hour effective March 17, 2015.
- C. Permission to increase wage of Parking Ramp Attendant David Swaney from \$10.03 an hour to \$10.73 an hour effective March 14, 2015 after three years of service.
- D. Permission to increase wage of Public Works Administrative Assistant Caitlyn Engbretson from \$16.73 an hour to \$17.80 an hour effective March 18, 2015 after two years of service.
- E. Permission for Mayor to sign contract with Forgey Construction for gabion basket repair in the amount of \$18,862.00.
- F. Permission for Mayor to sign Oakridge Cemetery Certificate of Purchase and Warranty Deed for Mark D. Larson.
- G. Permission to hire Rec Center employee Linsey Sandidge as receptionist at \$8.50 an hour and Emilia Anderson as lifeguard at \$8.50 an hour effective March 18, 2015 pending pre-employment drug screening.
- H. Permission for Historic Preservation to spend \$6,241.80 for 60 bronze plaques to display on completed projects from Outside of Deadwood Grant program. To be paid from Advocacy and Public Education line item.
- I. Permission for Mayor to sign electrical service agreement with Black Hills Power for utility work on rodeo grounds project.

BID ITEMS

Finance Officer Nelson opened two bids for the real property between Selbie and Forest Streets previously appraised on January 22, 2015 for \$2,283.00. Bids are as follows:

Adrian Newkirk Jr. - \$7,650.00

Kenneth Rehberg - \$3,651.75

Silvernail moved, Todd seconded to accept the bid from Newkirk. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS

Mickelson Trail Marathon

Public hearing was opened at 5:52 p.m. by Mayor Turbiville. Emily Wheeler requested approval for the following:

Silvernail moved, Todd seconded to approve the use of the Sherman Street Parking Lot on June 6 and 7, 2015, use of Lower Main Parking Lot on June 7, 2015 and use of the Days of 76 Rodeo Grounds parking area from 5:00 a.m. to 3:00 p.m. on June 7, 2015. Roll Call: Aye-All. Motion carried.

Trolley

Todd moved, Van Den Eykel seconded to allow special trolley and waiver of group fee from 5:00 a.m. to 6:30 a.m. for Mickelson Trail Marathon on June 7, 2015. Roll Call: Aye-All. Motion carried.

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Forks, Corks, Kegs

Public hearing was opened at 5:56 p.m. by Mayor Turbiville. Sarah Anderson requested approval for the following:

Open Container

Friday April 10, 2015

Ruth moved, Todd seconded to allow the relaxation of the open container ordinance on Main Street from the Four Aces to Masonic Temple, 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 5:00 p.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Saturday April 11, 2015

Ruth moved, Silvernail seconded to allow the relaxation of the open container ordinance for same area as approved on April 10, 2015 from 11:00 p.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Anderson thanked the Commission and City staff for the support during St. Patrick's Day Events. Mayor Turbiville thanked the Chamber as well.

Snowmobile Access

Public hearing was opened at 5:59 p.m. by Mayor Turbiville. No one spoke in favor or against, hearing closed. Planning and Zoning Administrator Nelson stated no comment was received in his office as well. Commissioner Van Den Eykel stated this access should be a conditional use permit if problems occur. Nelson suggested a waiver of the ordinance for upcoming snowmobile season and if no problems occur, amend the ordinance rather than issuance of permit. Van Den Eykel moved, Ruth seconded to approve snowmobile access and grooming from Walnut Street to the Sherman Street Parking Lot for mixed use trail to include snowmobiles and walkers from December 15 through March 15. Roll Call: Aye-All. Motion carried.

OLD BUSINESS

Request

Silvernail moved, Ruth seconded to deny request to waive \$500.00 per day rodeo ground user fee for Hall-Prince promotions ATV Event on May 16, and 17. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Second Reading

After review of proposed amendments to Ordinance #1211 and discussion among commissioners and Historic Preservation Commission chairperson Laura Floyd, Todd moved, Ruth seconded to approve second reading of Ordinance #1211 as presented, and then vote on each proposed amendment after comments from Commissioners, Floyd, and all interested parties. Vote on each amendment as follows:

Amendment 1-delete "herein or" from line 86-87 from working document of Ordinance #1211. Silvernail moved, Van Den Eykel seconded. Roll Call: Aye-All. Motion carried.

Amendment 2-delete "including the owner's efforts to properly maintain the resource." Add "as determined by the City Building Inspector following the," With the proposed modifications, item number 4 would now read "Whether or not the resource is structurally sound, as determined by the City Building Inspector." from line 214-215. Ruth moved, Todd seconded to deny amendment as presented. Roll Call: Aye-Ruth, Todd, Turbiville. Nay-Silvernail, Van Den Eykel. Motion carried.

Amendment 3-delete "to provide for a reasonable beneficial" and replace "with a productive..." from line 216-218. Silvernail moved, Todd seconded. Roll Call: Aye-Silvernail. Nay-Ruth, Todd, Van Den Eykel, Turbiville. Motion failed.

Amendment 4-delete "or negligent". Add a period after agent and delete the remainder. Thus, it would read "The consideration for economic hardship shall not include willful acts by the owner or by their agent." from line 336-339. Ruth moved, Todd seconded to deny amendment as presented. Roll Call: Aye-Ruth, Todd, Turbiville. Nay-Silvernail, Van Den Eykel. Motion carried.

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Amendment 5-delete "must" and replace with "may" from line 342-344. Silvernail moved, Van Den Eykel seconded. Roll Call: Aye-Ruth, Silvernail, Van Den Eykel, Turbiville. Nay-Todd. Motion carried.

Amendment 6-after "investment" add ",with approval of City Commission..." from line 346. Ruth moved, Silvernail seconded. Roll Call: Aye-All. Motion carried.

Amendment 7-delete "Circuit Court of Lawrence County" and replace the same with "Deadwood City Commission". Also, delete "in the manner provided by law." Thus, it should read, "The applicant who desires to appeal a decision by the Historic District or Historic Preservation Commission shall file an appeal with the Deadwood City Commission within thirty (30) days after the determination of the issue by the Historic Commission." from line 353-355. Silvernail moved, Van Den Eykel seconded. Roll Call: Aye-Silvernail, Van Den Eykel. Nay-Ruth, Todd, Turbiville. Motion failed.

Amendment 8-Add "up to" before ten (10) years. Add "The City's ability to prohibit the issuance of permits is subject to compliance with state and/or federal statutory mandates." from line 558-562. Ruth moved, Silvernail seconded. Roll Call: Aye-All. Motion carried.

Amendment 9-Add "up to" before five (5) years. Add "The City's ability to prohibit the issuance of permits is subject to compliance with state and/or federal statutory mandates." from line 566-574. Ruth moved, Silvernail seconded. Roll Call: Aye-All. Motion carried.

Amendment 10-Add "up to" before ten (10) years. Add "The City's ability to prohibit the issuance of permits is subject to compliance with state and/or federal statutory mandates." from line 575-584. Ruth moved, Van Den Eykel seconded. Roll Call: Aye-All. Motion carried.

Amendment 11-Delete the entirety, as it is redundant and not subjected to statutory limitations from line 585-588. Ruth moved, Todd seconded. Roll Call: Aye-All. Motion carried.

Quentin stated the pending motion is to approve ordinance revisions second reading as amended. Roll Call: Aye-Ruth, Todd, Turbiville. Nay-Silvernail, Van Den Eykel. Motion carried.

Floyd thanked the Commission for the consideration and thought put into the ordinance and amendments. Floyd also stated this is the first step towards strengthening our ability to defend and protect Deadwood's history and better serve the citizens.

A copy of the document will be attached to the minutes in the Finance Office.

Second Reading

Silvernail moved, Ruth seconded to approve second reading of Ordinance #1224 to supplement Historic Preservation budget by \$1,029,000.00 for expenditures related to rodeo grounds upgrade. Roll Call: Aye-All. Motion carried.

Deed

Todd moved, Van Den Eykel seconded to allow the Mayor to sign corrective Warranty Deed to correct legal description in Document Number 2015-00464. Document prepared as part of Tim Davis and City of Deadwood land exchange. Roll Call: Aye-All. Motion carried.

Contract

Silvernail moved, Ruth seconded to approve amended contract with Dave Stafford Architecture for rodeo grounds for additional \$5,000.00, bringing total cost to \$48,500.00 plus reimbursables and allow the Mayor to sign amended contract. Historic Preservation Officer stated this change is the expansion of Crescent Street and concessions. Roll Call: Aye-All. Motion carried.

Request

Lee Harstad, on behalf of Revitalization Committee, requested the City adopt and transition to the new Deadwood brand logo. Harstad stated the Chamber has begun using the new logo. Ruth moved, Van Den Eykel seconded to approve the recommendation from Revitalization committee. Roll Call: Aye-All. Motion carried.

Purchase

Todd moved, Silvernail seconded to purchase 5500 gallons of #2 diesel fuel from Southside Service. Dollar amount will be available at the next Commission Meeting on Monday April 6, 2015. Roll Call: Aye-All. Motion carried.

REGULAR MEETING, March 16, 2015

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Turbiville acknowledged receipt of Federal Equitable Share Revenue for Police Department as result of drug enforcement efforts in the amount of \$51,862.35. Chief Fuller stated this amount will be used to buy equipment as needed by the Police Department.

Turbiville stated South Dakota Municipal League District 10 Meeting in Sturgis on April 9, 2015. Deadline for registration is March 26, 2015. Contact Finance Office if interested in attending.

Chief Fuller thanked the Commission and community for the support of the Lower Main Project.

Chief Helmin read the annual fire report. He stated the fire department had a total of 107 calls.

Public Works Director stated free dump week will be March 19, 20, and 21 and additional information including spring clean-up will be in the Black Hills Pioneer.

Commissioners welcomed newly appointed Fire Chief Matt Helmin.

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

ADJOURNMENT

Van Den Eykel moved, Ruth 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) with possible action. The next regular meeting will be on Monday April 6, 2015.

After coming out of executive session at 7:10 p.m., Ruth moved, Van Den Eykel seconded to adjourn.

ATTEST:


Mary Jo Nelson, Finance Officer



DATE: April 6, 2015
BY: 
Charles M Turbiville, Mayor

Published once at the total approximate cost of _____