

**REGULAR MEETING, March 2, 2015**

The Regular Session of the Deadwood City Commission convened on March 2, 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 Silvernail, Gary Todd and Jim Van Den Eykel. All motions passed unanimously unless otherwise stated.

**APPROVAL OF MINUTES**

Ruth moved, Silvernail seconded to approve the minutes of February 17, 2015. Roll Call: Aye-All. Motion carried.

**FEBRUARY, 2015 PAYROLL:** COMMISSION, 2,730.76; FINANCE, \$16,231.77; PUBLIC BUILDINGS, \$4,955.81; POLICE, \$51,368.88; FIRE, \$4,839.20; BUILDING INSPECTION, \$4,100.23; STREETS, \$25,890.31; PARKS, \$17,683.72; PLANNING & ZONING, \$4,676.36; LIBRARY, \$6,252.18; RECREATION CENTER, \$11,639.66; HISTORIC PRESERVATION, \$15,905.35; WATER, \$13,154.85; PARKING METER, \$9,266.64; TROLLEY, \$15,931.08; PARKING RAMP, \$5,116.00; RUBBLE SITE, \$1,591.20. **PAYROLL TOTAL: \$211,334.00**

**FEBRUARY, 2015 PAYROLL PAYMENTS:**

Internal Revenue Service, \$51,899.05; S.D. Retirement System, \$23,340.20; Delta Dental, \$3,884.08

**APPROVAL OF DISBURSEMENTS**

Todd moved, Van Den Eykel seconded to approve the March 2, 2015 disbursements plus additional bill. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	RENTAL	311.89
ABC BUSINESS	SUPPLIES	506.08
ACTIVE DATA	SUPPORT	6,074.54
ALL AROUND AUTO	CHAMBER	84.32
ALSCO	MATS	71.57
ATCO INTERNATIONAL	SUPPLIES	740.00
AVX NORTHWEST	MICROPHONE	449.00
BICKLE TRUCK	SUPPLIES	183.20
BH CHEMICAL	ICE MELT	1,005.03
BH COUNCIL	MEMBERSHIP	1,565.00
BH PIONEER	SUBSCRIPTION	103.77
BH POWER	SERVICE	2,793.48
BH SECURITY	SERVICE	89.85
BH SPECIAL SERVICES	CLEANING	1,081.00
BH WINDOW	CLEANING	345.00
CAI CONSTRUCTION	PROJECT	13,499.36
CENTURY BUSINESS	CONTRACT	715.13
CENTURY LINK	SERVICE	253.80
CHAMBERLIN ARCHITECTS	PROJECT	22,429.03
CITY OF LEAD	SHELTER	2,535.67
CNA SURETY	NOTARY	50.00
COCA COLA	SUPPLIES	141.85
COMPANION LIFE	INSURANCE	240.81
CON-WAY FREIGHT	REPAIR	49.46
CONTRACTORS INSULATION	SUPPLIES	217.60
CRESCENT ELECTRIC	SUPPLIES	242.77
CULLIGAN	SUPPLIES	137.00
DAKOTA BUSINESS	MAINTENANCE	151.47
DAKOTACARE	INSURANCE	43,685.68
DEADWOOD CHAMBER	MARKETING	1,052.84
DOOLITTLE, JAMES	NEGOTIATIONS	800.00
ECOLAB	SERVICE	224.08
FERGUSON WATERWORKS	LOCATOR	4,238.16
GALLS	SUPPLIES	776.93
GOLDEN WEST	UPGRADE	2,280.75
GRIMM'S PUMP	FILTER	20.16
GUNDERSON, PALMER, NELSON	SERVICE	4,629.35
HILLS PRODUCTS	SERVICE	171.84
INTERSTATE BATTERY	SUPPLIES	47.50
JACK'S TRUCK	SKATES	2,033.47
JACOBS WELDING	WRENCH	130.97
JOHNSON MACHINE	PUMP	359.00
KADRMAS LEE	PROJECT	5,604.45
KONE	MAINTENANCE	266.80
LAWRENCE CO. REGISTER	EASEMENTS	90.00
LEAD-DEADWOOD LIONS	LIGHTS	200.00
LESTER, ROB	REIMBURSEMENT	997.50
MIDWEST TAPE	DVDs	763.68
MITZI'S	BOOKS	19.95
MOLLY CORPORATION	ASSEMBLY	2,550.00
MDU	SERVICE	11,223.87
NATIONAL STAGECOACH	MEMBERSHIP	250.00
NETWORK SERVICES	CLEANER	105.14
NEVE'S	BATTERY	80.07
OFTEDAL CONSTRUCTION	PROJECT	9,273.43
PASSPORT PARKING	METERS	19.00
PEARSON, TRAVIS	REIMBURSEMENT	52.52
PEPPMEIER, JANICE	REIMBURSEMENT	521.55
PUSH-PEDAL-PULL	REPAIRS	89.00

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RADENSLIEBEN, ROBERT	REIMBURSEMENT	175.00
RANGEL CONSTRUCTION	PROJECT	22,300.00
RAPID DELIVERY	BUTLER	133.80
RASMUSSEN MECHANICAL	VALVE	152.09
REGIONAL HEALTH PHYSICIANS	TESTING	25.00
SAVE THE PEARL HOTEL	GRANT	7,920.93
SD BUILDING OFFICIALS	CONFERENCE	75.00
SD DEPT. OF MOTOR VEHICLES	PLATES	14.00
SD ONE CALL	FEES	7.77
SDN COMMUNICATIONS	SERVICE	571.20
SEMAPHORE	SUPPLIES	105.50
SERVALL	SUPPLIES	1,829.44
SIRCHIE	TESTS	426.17
SOUTH DAKOTA REAL ESTATE	SEMINAR	75.00
SPECIALTY VEHICLES	DOOR	303.78
SYMBOL ARTS	BADGE	95.00
TASER INTERNATIONAL	HOLSTER	66.21
THE BLIND GUY	BLINDS	3,632.00
THE LORD'S CUPBOARD	RECYCLING	70.74
TRIPLE K	REPAIR	638.11
TURBIVILLE, CHARLES	REIMBURSEMENT	222.10
TWILIGHT	SUPPLIES	430.25
TWIN CITY HARDWARE	SUPPLIES	2,644.09
TYLER TECHNOLOGIES	LICENSES	2,432.25
US POSTAL SERVICE	PERMIT	220.00
WEST RIVER INTERNATIONAL	PARTS	371.77
WHITE'S CANYON	SUPPLIES	70.24
WOW	SERVICE	920.29
	<b>TOTAL</b>	<b>\$ 194,553.10</b>

## ITEMS FROM CITIZENS ON AGENDA

### Trolley

Silvernail moved, Van Den Eykel seconded to allow Deadwood History Inc. to use the trolley on the following dates: May 7 to pick up students from Elementary School Stop 'n' Grow to HARCC and return back to school at 5:00 p.m., May 19 to pick up students from Elementary School Stop 'n' Grow to Days of '76 Museum and return back to school, and to transport campers from Adams House to site for archeology camp from July 13 through 17 and July 20 through 24. Roll Call: Aye-All. Motion carried.

### Pastport

Rose Speirs, Deadwood History Inc., requested approval to renew Pastport program. Speirs explained Pastport, its popularity in previous years, and informed Commission that two more locations will be added. Todd moved, Van Den Eykel seconded said request. 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 Annual Financial Report and authorize Finance Officer to submit to South Dakota Legislative Audit per SDCL 9-22-21.
- B. Set Local Review Board Meeting for March 16, 2015 at 10:00 a.m. and request permission to publish notice in official newspaper.
- C. Permission for Mayor to sign Oakridge Cemetery Certificate of Purchase and Warranty Deed for Anton E. and Beata Schwindt.
- D. Permission to renew CustomMicro software at cost of \$3,150.00 to be paid from Police Department, budgeted item.
- E. Permission to increase wage of Rec Center employee Norma Cooper from \$8.97 an hour to \$9.50 an hour effective February 28, 2015 after three years of service.
- F. Permission for Mayor to sign agreement with Don Toms to index eleven receiving books and one lode claim ledger at cost not to exceed \$8,000.00
- G. Permission for Mayor to sign agreement with Dakota Tree Spraying and Services for protection against mountain pine beetle at cost of \$10,668.00.
- H. Permission for Mayor to renew and sign Adaptive Swim Class Contract with Lead-Deadwood School District for Rec Center pool use at fee of \$2,340.00 for 117 hours at \$20.00 per hour from March 22, 2015 to March 22, 2016.
- I. Permission for Mayor to sign Contract with Lead-Deadwood School District for use of Rec Center swimming pool for elementary school at cost of \$1,500.00 from March 3, 2015 to May 19, 2015.
- J. Permission for Mayor to sign and renew parking lease with South Dakota Commission on Gaming for five parking spots at Miller Lot at total of \$250.00 per month.

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- K. Permission for Mayor to sign CAI2 contract for St. Ambrose Cemetery Restoration Phase V.
- L. Underwrite and support 2015 Archeology Camp in conjunction with Deadwood History Inc. in the amount of \$3,000.00 from Archeology line item, budgeted item.
- M. Permission for Mayor to sign Agreement for Use of Property with Bill Pearson for Archeology camp.
- N. Permission to hire Archives intern Chris Bren effective march 9, 2015 at \$8.50 an hour.

### BID ITEMS

Finance Officer, Nelson opened two bids for the metal lathe, previously surplusd on Resolution 2015-05. Bids are as follows:

Wold's Welding - \$1,378.00  
Jacobs Welding - \$1,500.00

Ruth moved, Silvernail seconded to accept the bid from Jacobs Welding. Roll Call: Aye-All. Motion carried.

#### Accept

Historic Preservation Officer Kuchenbecker opened two bids for the Days of '76 Grandstand project on Tuesday February 24 as advertised. Bid bonds were included in the following bid submittals:

MAC Construction - \$1,268,000.00  
Scull Construction - \$1,229,000.00

Silvernail moved, Ruth seconded to accept low bid from Scull Construction in the amount of \$1,229,000.00 for Rodeo Grounds upgrade project and allow the Mayor to sign contract. Roll Call: Aye-All. Motion carried.

### PUBLIC HEARINGS

#### ATV Event

Public hearing was opened at 5:10 p.m. by Mayor Turbiville. Kenny Hall, on behalf of K and H Motor Sports, explained the event and requested approval for the following:

Silvernail moved, Todd seconded to approve the street closure on Main Street from Four Aces to Shine Street from 9:00 a.m. to 10:00 a.m. or until parade ends and waiver of vending fee for American Legion at the Rodeo Grounds on May 16 and 17, 2015. Roll Call: Aye-All. Motion carried.

Silvernail moved, Todd seconded to allow the relaxation of the open container ordinance and special full temporary liquor license for Deadwood Chamber of Commerce at the Rodeo Grounds on Saturday May 16, 2015 from 10:00 a.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Silvernail moved, Todd seconded to allow the relaxation of the open container ordinance and special full temporary liquor license for Deadwood Chamber of Commerce at the Rodeo Grounds on Sunday May 17, 2015 from 10:00 a.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Mr. Hall also requested waiver of the use fee due to lack of facilities. Mayor stated the waiver of the use fee for Rodeo Grounds will be discussed at the next Commission meeting to be held on March 16, 2015. Finance Officer added that safety committee would not recommend waiving the fee since the group is a for-profit entity.

#### Set

Ruth moved, Van Den Eykel seconded to set public hearing at 5:00 p.m. on March 16, 2015 for Deadwood Mickelson Trail Marathon: use of Sherman Street Lot on June 6 and 7, use of Lower Main Street Lot on June 7 and use of Rodeo Grounds parking area on June 7, 2015. Roll Call: Aye-All. Motion carried.

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Todd moved, Ruth seconded to set public hearing at 5:00 p.m. on March 16, 2015 for Forks Corks Kegs Event: open container in zones 1 and 2 on April 10 and 11, 2015. Roll Call: Aye-All. Motion carried.

### NEW BUSINESS

#### First Reading

Van Den Eykel moved, Ruth seconded to approve first reading of Ordinance #1224 to supplement Historic Preservation budget by \$1,029,000.00 to pay for expenditures related to Days of '76 rodeo ground concession and bathroom upgrade. Roll Call: Aye-All. Motion carried.

#### First Reading

Discussion was held concerning first reading of Ordinance #1211 changes in Chapter 17.68 – Historic Preservation. Mayor asked if this ordinance was reviewed by legal counsel. Quentin stated attorney Williams reviewed and if anyone has comments or concerns following first reading they can visit with Williams prior to second reading. Laura Floyd, Historic Preservation Commission Chair, stated that these changes came about after several difficult decisions that were made by the Historic Preservation Commission recently. She added that the task force reviewed recommendations from former Historic Preservation Office Mark Wolfe, considered whether or not those suggestions were still relevant, and lastly took input from other interested parties. Floyd further stated that this will be a means to clarify and strengthen decisions made by both elected officials and Historic Preservation Commission. Lyman Toews, member of Historic Preservation Commission, explained three main areas that were changed. First, clarifications were made to areas of existing ordinance. Secondly, penalties were removed that were “toothless” and inserted language that allows for any permit to be rejected by commission. Finally, references to demolition by neglect and minimum maintenance section were removed. Silvernail expressed concern about the demolition permit needing approval by both the building inspector and historic preservation officer. Toews explained that state requires an action by the historic preservation officer as well as the building inspector. Commissioner Ruth stated this ordinance provides much needed clarification, and insures that we have the ability as elected officials to protect our national landmark status and are serious about doing so. Todd agreed, and stated these changes are necessary and long overdue. Vanden Eykel recommended that Attorney Williams come to the next meeting to answer questions and stated that he cannot support in its current form because it is too punitive for residents and property owners. VandenEykel requested review of entire ordinance, including criminal penalties for noncompliance. After further discussion Ruth moved, Todd seconded to approve first reading of Ordinance #1211. Roll Call: Aye-Ruth, Todd, Turbiville. Nay-Silvernail, Van Den Eykel. Motion carried.

#### Easement

Tim Conrad, on behalf of Deadwood Mountain Grand, asked the Commission to allow Deadwood Mountain Grand to access the Mickelson Trail from December 15 to March 15 for snowmobiling. Zoning Administrator Nelson Jr. stated a public hearing will need to be held to allow the snowmobile access and grooming on Mickelson Trail from Walnut Street to the Mickelson Trailhead. Nelson also stated he would like input from the Charles Street and other residents that use the trail. Todd moved, Van Den Eykel seconded to set public hearing on March 16, 2015. Roll Call: Aye-All. Motion carried.

#### Hire

Silvernail moved, Ruth seconded to hire Forgey Construction to perform work needed to repair Whitewood Creek gabion basket wall adjacent to property at 116 Charles Street at cost of \$18,862.00. Roll Call: Aye-All. Motion carried.

#### Purchase

Todd moved, Ruth seconded to purchase trash receptacles and benches in the amount of \$16,904.00 from Historic Preservation Capital Assets, budgeted item. Roll Call: Aye-All. Motion carried.

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Petitions

Mayor Turbiville stated a petition was accepted by Finance Office on February 26, 2015 and declared valid. Petition proposes ordinance for: Limited Daily Customer Parking on Main Street, allow diagonal parking on the East side of Main Street from 600-624 Main and 670-688 Main, parking shall be restricted to two hours per vehicle only from noon to midnight. Attorney Riggins stated he is concerned about the street width requirements, which will mandate that Main Street become one-way designation if the ordinance passes. Turbiville informed those present about other items to consider including the conditional use permit that allows valet parking for Gold Dust, reenactor performances on Main Street, tour buses, limited trolley service and other service vehicles leading to safety concerns. Commissioner Todd stated he thought the trend was more toward no traffic on Main Street and more of a walking atmosphere downtown. Willie Steinlicht, on behalf of Deadwood Alive, spoke against and said this action would have a definite impact on performances, and wanted to go on record that Deadwood Alive was against passage. He added that this idea is not in agreement with Deadwood Revitalization efforts. Fire Chief Bill Glover was also opposed, and has concerns about space for fire truck if necessary. Ruth moved, Van Den Eykel seconded to accept the petition and set election for April 14, 2015. Roll Call: Aye-All. Motion carried.

Turbiville stated a petition was accepted by Finance Office on February 26, 2015 and declared valid. Petition proposes ordinance for the following: It shall be unlawful for any entity of any kind whatsoever to move, demolish, or destroy any historic property listed on the State or National Register of Historic Landmark without majority consent of the lawful voters in a municipal election as prescribed by law. Turbiville stated that if measure were to pass and a house has been destroyed by fire, the matter has to come before a vote from the residents before anything can be done. Attorney Riggins added that if initiated measure were to pass, the Commission would have to address appeal rights that someone would have and commission would need to make sure the due process requirements are taken care of. Commissioner Silvernail stated this is infringing on people's rights in the community. Historic Preservation Officer Kuchenbecker contacted State Historic Preservation Office and National Parks Service. Kuchenbecker is concerned that this circumvents the process already in place. Ruth moved, Van Den Eykel seconded to accept the petition and set election for April 14, 2015. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Turbiville informed those present that Deadwood Rec Center will be closed from March 1 to March 7 for cleaning and repairs.

Turbiville reminded everyone of the bid opening on March 16, 2015 at 5:00 p.m. for .262 acres of real property between Forest and Selbie Street. Minimum bid is \$2,000.00.

Finance Officer Nelson informed Commission that Board of Adjustment meeting scheduled at 10:00 a.m. on March 16 will include a member of the school board, and is the time set aside to hear complaints on property valuation.

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

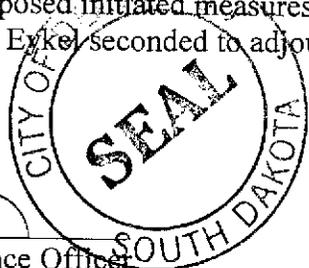
ADJOURNMENT

Van Den Eykel moved, Todd seconded to adjourn the regular session at 6:15p.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 March 16, 2015.

After coming out of executive session at 6:30 p.m., Ruth moved, Silvernail seconded to accept ballot language on proposed initiated measures prepared by City Attorney Riggins. Aye: All. Ruth moved, Van Den Eykel seconded to adjourn.

ATTEST:

  
Mary Jo Nelson, Finance Officer



DATE: March 14, 2015

BY: Charles M. Turbiville  
Charles M Turbiville, Mayor