

REGULAR MEETING, May 2, 2016

OATH OFFICE/MAYOR

The Honorable Michelle Percy, Circuit Judge, administered the Oath of Office to Mayor Charles Turbiville.

SWEAR IN CITY ATTORNEY

The Honorable Michelle Percy, Magistrate Judge, administered the Oath of Office to City Attorney Quentin L. Riggins.

The Regular Session of the Deadwood City Commission convened on May 2, 2016 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.

COMMISSION DEPARTMENTAL APPOINTMENTS

Mayor Turbiville announced the following Commission appointments:

David Ruth Jr. – Historic Preservation, Planning and Zoning Commissioner;

Mark Speirs – Police and Fire Commissioner, Black Hills Council of Local Governments Representative;

Gary Todd – Trolley and Safety Commissioner;

Jim Van Den Eykel – Finance Commissioner and Library Representative, Commission President;

Charles Turbiville – Public Buildings, Parks & Recreation, Public Works Commissioner, Chamber of Commerce Representative.

APPROVAL OF MINUTES

Ruth moved, Speirs seconded to approve the minutes of April 18, 2016. Roll Call: Aye-All. Motion carried.

APRIL, 2016 PAYROLL: COMMISSION, \$2,730.76; FINANCE, \$16,169.19; PUBLIC BUILDINGS, \$3,841.81; POLICE, \$50,220.63; FIRE, \$4,917.80; BUILDING INSPECTION, \$3,609.50; STREETS, \$27,307.90; PARKS, \$15,783.70; PLANNING & ZONING, \$4,769.66; LIBRARY, \$6,355.14; RECREATION CENTER, \$14,567.56; HISTORIC PRESERVATION, \$15,958.39; WATER, \$14,453.74; PARKING METER, \$6,583.66 TROLLEY, \$15,690.88; PARKING RAMP, \$4,807.58. **PAYROLL TOTAL: \$207,767.90**

APRIL, 2016 PAYROLL PAYMENTS:

Internal Revenue Service, \$51,319.17; S.D. Retirement System, \$23,275.18; Delta Dental, \$3,780.64.

APPROVAL OF DISBURSEMENTS

Todd moved, Van Den Eykel seconded to approve the May 2, 2016 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	SUPPLIES	331.51
A & B WELDING	SERVICE	89.26
A & I DISTRIBUTORS	SUPPLIES	77.87
ABBAS, ELENA	REFUND	42.50
ABC BUSINESS	SUPPLIES	385.93
ACE INDUSTRIAL	SUPPLIES	1,697.70
ADAMS MUSEUM	OPERATING	60,000.00
ALSCO	SUPPLIES	180.90
AMICK SOUND	REPAIRS	367.35
BH CHEMICAL	SUPPLIES	389.03
BH SECURITY	SERVICE	556.90
BH SPECIAL SERVICES	CLEANING	1,440.00
BH SWIMMING	CERTICATES	210.00
CABLE COMMUNICATION	SERVICE	6,466.54
CAI CONSTRUCTION	SERVICE	586.66
CENTURY LINK	SERVICE	180.99
CHAINSAW CENTER	SUPPLIES	361.55
CONOVER, MICHAEL	REPAIRS	5,645.15
CONVERGINT TECHNOLOGIES	SERVICE	821.58
DAKOTA BUSINESS	CONTRACT	199.57
DAYS OF '76 MUSEUM	OPERATING	10,000.00
DEADWOOD ELECTRIC	REPAIRS	366.87
EASTMAN, JOANN	REIMBURSEMENT	499.24
EMMANUEL EPISCOPAL	GRANT	15,463.00
FED EX	SHIPPING	11.74
FIRST INTERSTATE BANK	TIF	378.17
FLAT EARTH SIGN	SIGN	165.00
FMG ENGINEERING	TESTING	6,801.80
FULLER, KELLY	REIMBURSEMENT	462.62
GALLS	UNIFORMS	125.90
GOLDEN WEST	SERVICE	2,869.10

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GRACE LUTHERAN CHURCH	GRANT	6,288.88
GUNDERSON, PALMER, NELSON	SERVICE	5,203.56
HAWKINS	SUPPLIES	810.30
HEIMAN	APPARATUS	193,057.00
HILLS MATERIALS	ROADSTONE	187.13
KNECHT	SUPPLIES	74.22
LAWRENCE CO. AUDITOR	ELECTION	344.53
LAWRENCE CO. REGISTER	FEES	270.00
LAWSON PRODUCTS	SUPPLIES	858.26
LEWIS, TRACY	REIMBURSEMENT	669.88
LIGHT AND SIREN	LIGHTBAR	2,166.50
MEHLBERG CONSTRUCTION	SERVICE	1,638.56
MENARD'S	SUPPLIES	556.12
MDU	SERVICE	5,944.52
MONTANA HISTORICAL SOCIETY	MAGAZINE	65.00
MUTUAL OF OMAHA	INSURANCE	229.31
NETWORK SERVICES	SUPPLIES	339.98
NEVE'S UNIFORMS	UNIFORMS	321.62
NH FRATERNAL ORDER	DUES	360.00
NORTHERN HILLS TECHNOLOGY	SERVICE	71.00
OLSON, JAMES W.	RECOUNT	25.00
PEPPMEIER, JANICE	REIMBURSEMENT	556.81
PITNEY BOWES	POSTAGE	500.00
PUSH-PEDAL-PULL	MAINTENANCE	268.00
QUALIFICATION TARGETS	POCKET PRO	139.17
QUIK SIGNS	SIGNS	399.00
QUILL	SUPPLIES	189.34
RANGEL CONSTRUCTION	PROJECT	48,400.00
RASMUSSEN MECHANICAL	REPAIRS	1,270.58
RENNER, DONOVAN	REIMBURSEMENT	254.71
ROWMAN & LITTLEFIELD	PROGRAMMING	46.18
S&C CLEANERS	CLEANING	1,000.00
SD DEPT. OF MOTOR VEHICLES	PLATES	16.20
SD DEPT. OF PUBLIC SAFETY	SERVICE	2,340.00
SD PUBLIC ASSURANCE	LIABILITY	163.00
SD PUBLIC HEALTH LAB	TESTING	30.00
SD STATE HISTORICAL	MEMBERSHIP	50.00
SERVALL	SUPPLIES	1,641.91
SOUTHSIDE OIL	FUEL	10,618.86
STEINLICHT, WILLIE	RECOUNT	25.00
STEVEN SCHUYLER	SUPPLIES	120.00
STRETCH'S	SERVICE	277.15
TEAM LABORATORY	SUPPLIES	439.50
THE LORD'S CUPBOARD	RECYCLING	56.43
TRIPLE K	SUPPLIES	1,756.87
TWIN CITY HARDWARE	SUPPLIES	5,861.85
VAST	SERVICE	1,552.44
VERIZON	METERS	40.01
ZEP SALES	SUPPLIES	411.80
	TOTAL	\$415,080.61

ITEMS FROM CITIZENS ON AGENDA

Appreciation

Leonard Hopper, Lead-Deadwood Baseball Association President, and members of the baseball team thanked the Commission and City of Deadwood for all the upgrades made to the Keene Field. Coach Ballert stated opening ceremonies will be held on May 24 and invited everyone to attend. Commission thanked them for their time.

Requests

Rose Speirs from Deadwood History Inc. requested permission to serve beer and wine at The Adams Museum for the Big Thank you Event on September 23 from 5:00 p.m. to 7:00 p.m. Speirs moved, Van Den Eykel seconded such request. Roll Call: Aye-All. Motion carried.

Rose Speirs from Deadwood History Inc. requested permission to serve beer and wine at The Adams Museum for South Dakota Society Historic Preservation Board of Trustees on July 7 from 5:00 p.m. to 6:30 p.m. Speirs moved, Ruth seconded such request. Roll Call: Aye-All. Motion carried.

Sarah Anderson from Deadwood Chamber requested permission to waive group fee and allow Deadwood Chamber of Commerce use of two special trolleys all day on May 31 and June 1 for FAM Tours. Todd moved, Van Den Eykel seconded such request. Roll Call: Aye-All. Motion carried.

Shantel Herman from Deadwood History Inc. requested permission to waive group fee and allow Deadwood History Inc. to use special trolley for summer activities on June 16, June 21, July 20 and July 21, 2016. Speirs moved, Ruth seconded such request. Roll Call: Aye-All. Motion carried.

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CONSENT

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

- A. Permission for Mayor to sign agreement with Moss Rock Landscaping Inc. to address drainage issues at Mt. Moriah in the amount of \$32,490.00 (approved April 18, 2016)
- B. Permission for Mayor to sign agreement to enable Historic Preservation to purchase cabinet cards from Marlene Todd at cost of \$2,475.00, which will assist in efforts to research historic Deadwood.
- C. Permission to remove Rec Center employees McKenna Swanson and Emily Reif from payroll effective April 1, 2016, and accept resignation from Parking Ramp employee Christine Elliott effective April 22, 2016.
- D. Adopt the vote to annex property into Deadwood according to Resolution 2015-17, sign resolution and development agreement.

RESOLUTION 2015-17
TO ANNEX REAL PROPERTY

WHEREAS, a petition has been filed with the City of Deadwood, Lawrence County, South Dakota in the form and manner required by law, requesting the voluntary annexation of certain real property pursuant to SDCL 9-4-1 and legally described as follows:

Real Property owned by Ruth Family Trust:

Lot 2, being a portion of Mineral Survey 733, located in the NE1/4 NE1/4 of Section 28, T5N, R3E, BHM, Lawrence County, South Dakota, all as shown on that certain plat recorded in the office of the Lawrence County Register of Deeds as Plat Document Number 2003-7006 and comprising .21 acres, more or less.

Lot A of MS 601, located in Section 28, T5N, R3E, BHM, Lawrence County, South Dakota.

Lot A of Placer Mining Claim designated by the Surveyor General as Lot No. 108, as shown by "Plat of subdivision of Placer No. 108, near Gayville, South Dakota:" made by Lyle G. Warren, Registered Land Surveyor, under the date of February 2, 1955, which plat is now on file in the office of the Register of Deeds of said Lawrence County. Said Lot A of Placer No. 108, contains 1.14 Acres, more or less.

Real Property owned by Ole and Lena Group, LLC, a South Dakota Limited Liability Company:

Mineral Survey #601, Less lot A of MS 601, located in Section 28, T5N, R3E, BHM, Lawrence County, South Dakota as set out in Plat Book 5, Page 71, in the office of the Lawrence County Register of Deeds, Lawrence County, South Dakota;

-and-

Lot 1A of Lot A of M.S. 108, as set out in Plat Book 5, Page 71, in the office of the Lawrence County Register of Deeds Lawrence County, South Dakota.

Real Property owned by Broken Boot Mine Inc.:

The Gottland and Gottland Fraction, Mineral Survey 1562, located in Sections 22 and 27, Township 5 North, Range 3 East, Black Hills Meridian, Lawrence County, South Dakota, comprising 15.62 acres, more or less, less any and all encumbrances and easements of record; and

The Bergen and Bergen Fraction, Mineral Survey 1940, located in Sections 22 and 27, Township 5 North, Range 3 East, Black Hills Meridian, Lawrence County, South Dakota, comprising 19.02 acres, more or less, less any and all encumbrances and easements of record.

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All located in Lawrence County, South Dakota as shown on Exhibit A attached hereto and by such reference incorporated herein.

WHEREAS, it has been determined it would be in the public interest for the City of Deadwood to annex the above-described real property consisting of approximately 56.19 acres for use in the future as residential and commercial development of the City of Deadwood;

WHEREAS, it appears that the Petitioners of the property, which is contiguous to the City of Deadwood, South Dakota and that said Petitioners have voluntarily signed the Petition before the City of Deadwood and that said property should be annexed into the City of Deadwood, South Dakota; now therefore,

BE IT RESOLVED, pursuant to SDCL 9-4-1, by the City of Deadwood, South Dakota, that the above-described real estate, which is contiguous to the boundaries of the City of Deadwood, and the same is hereby annexed into the City of Deadwood.

BE IT FURTHER AND FINALLY RESOLVED that the Annexation and Development Agreement of this same date entered into by and between Petitioners and the City of City of Deadwood is incorporated herein and by this express reference made a part hereof as though it was set out in its entirety.

Dated this 2nd day of May, 2016

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

- E. Approve final plat – Define Property Lines, Create a Single Parcel, Library, 435 Williams Street, The Library Lot, Block 23, Formerly Lots 4, 6 and the Remaining Portions of Lots 8, 10 & 12, Block 23, O.T., City of Deadwood, Lawrence County, South Dakota. Approved by Planning and Zoning Commission on April 20, 2018.
- F. Approve final plat – Define Property Lines, Shine Street. Lost 2A, 2B, 2C and 2D of Block 23, Formerly the North Half and South Half of the Southwesterly 20 Feet of Lot 2 and the Northeasterly Five Feet of Lot 21, Block 23, O.T., City of Deadwood, Lawrence County, South Dakota. Approved by Planning and Zoning Commission on April 20, 2016.
- G. Permission to increase wage of Fire Dept. employee Lynette Quaschnick from \$9.15 hr. to \$9.69 hr. effective May 1, 2016 after three years of service, Police Reserve Deam Carollo from \$11.83 hr. to \$12.38 hr. effective May 5, 2016 after two years of service, Lifeguard Kayla Huber from \$9.44 hr. to \$9.69 hr. effective May 6, 2016 after one year of service
- H. Permission to hire trolley drivers Linda Kottke at \$12.63 hr. and Doug Magnuson at \$12.63 hr. effective May 9, 2016.
- I. Rec Center personnel: hire Grace Campbell as lifeguard at \$9.44 an hour effective May 10 and transfer Hailey Trewhella to lifeguard position at \$9.44 an hour effective May 3, 2016. Hire Phillip Madsen at front desk at \$8.67 an hour effective May 5, 2016.
- J. Approve payment to Deadwood Electric in the amount of \$4,119.49 to install new service, pipe and pull wire to football field panel. To be paid from Historic Preservation Capital Asset line item.
- K. Authorize purchase of 5500 gallons of gasoline from Southside Oil at cost of \$1.93 per gallon.
- L. Permission to hire the following seasonal employees at following departments, effective dates and hourly rates pending pre-employment screening: Mt. Moriah effective May 4, 2016 – Pam Goodwin \$9.69, Constance Olsen \$10.40, Jeanne Zurey \$9.69, David Zurey \$9.15, Linda Carrico \$8.67, Georgeann Silvernail \$8.93, Doris Schenk \$10.40. Parks effective May 31, 2016: Coltan Radenslaben \$8.93, Kole Frisinger \$9.15, Brock Hanson \$9.69, Colt Bradley \$8.93, Connor Kuhl \$8.67, Darcy Campbell \$8.67, Miranda Luze \$8.93, Echo Bauer \$8.67, Evelyn Groeger \$8.67, Riley Lundquist \$8.67, Andrew Fessler \$8.67, Trevor Tridle \$10.40 effective May 9, 2016. Landscape effective May 26, 2016 – Randi Coddington \$8.93, Kathleen Goin \$8.67. Streets Greg Nelson effective May 9, 2016.
- M. Permission for Mayor to sign contract with Berberich Design (approved April 18, 2016)
- N. Permission for Mayor to sign contract with Rosenbaum Signs (approved April 18, 2016)
- O. Permission for Mayor to sign contract with Chamberlin Architects (approved April 18, 2016)

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- P. Renew twelve-month lease with South Dakota School for the Deaf for office rental and one parking space at History and Information Center in the amount of \$3,000.00.

BID ITEMS

Retaining Walls

Todd moved, Speirs seconded to accept low bid from RCS Construction for 84 Van Buren retaining wall in the amount of \$237,000.00. Bids were opened on April 14, 2016. Roll Call: Aye-All. Motion carried.

Speirs moved, Ruth seconded to accept low bid from RCS Construction for 50 Van Buren retaining wall in the amount of \$149,000.00. Bids were opened on April 14, 2016. Roll Call: Aye-All. Motion carried.

Retaining Walls

Mayor Turbiville stated five bids were opened for the Fremont Street retaining wall and street improvements at 2:00 p.m. on April 14, 2016 as advertised. Bid bonds were included in the following bid submittals:

Journey Construction dba Ainsworth Benning Construction - \$152,700.00
RCS Construction - \$177,000.00
Mainline Construction - \$186,000.00
CAI Construction - \$324,240.00
Ofstedahl Construction - \$387,234.00

Historic Preservation Officer Kuchenbecker recommended Commission accept the low bid from Journey Construction dba Ainsworth Benning Construction. Speirs moved, Ruth seconded to award bid. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS

Ruth moved, Speirs seconded to set public hearing on May 16, 2016 for Retail (on-off sale) Malt Beverage License (RB-21478) and Retail (on-off sale) Wine License (RW-21479) transfers from Dakota's Best Wine and Gifts to Broken Arrow Trading Company Inc. dba Deadwood Winery at 696 Main Street. Roll Call: Aye-All. Motion carried.

Speirs moved, Ruth seconded to set public hearing on May 16, 2016 for Deadwood Jam Activities. Roll Call: Aye-All. Motion carried.

OLD BUSINESS

Motorcycle Parking

Mayor Turbiville recapped events of prior City Commission meeting and reopened the public hearing. Commissioner Todd expressed concern about providing adequate parking for our guests. Todd also expressed concern about the deficit in the Parking and Transportation Fund. Commissioner Van Den Eykel agreed. Commissioners Speirs and Ruth stated that adequate parking is available in Broadway Ramp and believed signage could direct visitors in that direction. Business owner Russo spoke in favor on behalf of Revitalization. Madame Peacock's co-owner Julie Geyerman also spoke in favor. Mike Rodman spoke in favor on behalf of Deadwood Gaming Association, as did Ron Island, business owner. After hearing was closed Ruth moved, Speirs seconded to allow Motorcycle parking on Main Street and in Interpretive Lot Sunday, July 31 through Sunday, August 14, 2016. Roll Call: Aye-Ruth, Speirs, Todd, Turbiville. Nay-Van Den Eykel. Motion carried.

Proposal

Historic Preservation Officer Kuchenbecker informed the Commission that the last inspection on the bridge was in 1992. Kuchenbecker also did research and if the Commission approves, step one is to hire an engineering firm to provide a load rating and address deficiencies in the bridge. After additional questions from Commission regarding what the report entails, Todd moved, Van Den Eykel seconded to approve proposal from Interstate engineering in the amount not to exceed \$6,000.00 for services related to Old Charles Street Bridge. Roll Call: Aye-All. Motion carried.

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NEW BUSINESS

Change Orders

Public Works Director Green provided details to change order mostly due to soil conditions and recommended approval. Van Den Eykel moved, Ruth seconded to approve Change Order #2 with Ainsworth Benning in the amount of \$49,255.72 at Lower Main Visitor Center, bringing total project cost to \$6,445,670.81. Roll Call: Aye-All. Motion carried.

After information from Public Works Director Green on Change Orders 6, 7, and 8 in the amount of \$6,897.37 with Oftedahl Construction on Highway 85/385 utility relocation project, Speirs moved, Van Den Eykel seconded to approve Change Order #6, 7, and 8 in the amount of \$6,897.37. Roll Call: Aye-All. Motion carried.

Staff

Ruth moved, Speirs seconded to add two additional part time staff employees at Deadwood Rec Center. Roll Call: Aye-All. Motion carried.

Purchase

Historic Preservation Officer Kuchenbecker informed City Commission that the Wild Bill Bar sign is a landmark sign and this agreement would bring sign back to its original location. Commissioner Ruth stated this easement agreement would protect the landmark sign and assist with both parties at a cost neutral situation. Commissioner Van Den Eykel stated this transaction should have taken place between both parties. Upon questioning from Van Den Eykel, Kuchenbecker stated the easement agreement will indicate that maintenance of sign is responsibility of owner. Owners Rick, Margi Olesen and Matt Steiner were available to answer any questions. Ruth moved, Speirs seconded to approve the purchase of Wild Bill Bar sign in the amount of \$13,500.00 from Matt Steiner, 610 Main Street, and enter into lease to own agreement with Rick and Margi Olesen at rate of \$1,500.00 per year for ten years with lease purchase easement to protect sign in perpetuity. Roll Call: Aye-Ruth, Speirs, Todd, Turbiville. Nay-Van Den Eykel. Motion carried.

Payment

Ruth moved, Speirs seconded to approve payment of registration fees for four participants from Deadwood Chamber, Deadwood History and Historic Preservation Commission to attend Experience LAB in Minneapolis on October 17 – 19, 2016. Participants will pay for transportation, hotel and meals. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Mayor Turbiville read the following informational items:

- Arbor Day Celebration has been moved to May 6 at 9:00 a.m. at Gordon Park.
- thanked the Lead-Deadwood Area Lions Club for \$225.00 contribution to defray costs of two Arbor Day trees.
- stated Ordinance #1244 to Adopt Campaign Finance Disclosures enacted after April 12, 2016 election and canvas. Ordinance to be published May 3.
- free dump week will be held May 16 through May 20.
- stated Deadwood Rec Center will be closed on Mother's Day May 8.
- City of Deadwood public water system and system's operation specialists have been awarded the Secretary's Award for Drinking Water Excellence for the fifteenth consecutive year by DENR. Commission thanked Ron and his staff.
- Proclamation declaring May 8 through May 16 Hospital Week and May 6 through May 12 Nurses Week in the City of Deadwood.

Finance Officer Nelson thanked Jim Olson, Willie Steinlicht, Bruce Outka, and Lawrence County Auditor's Office for their help with the recount of the election on April 20.

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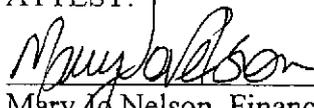
Attorney Riggins requested Executive Session for legal matters per SDCL 1-25- 2(3) with possible action.

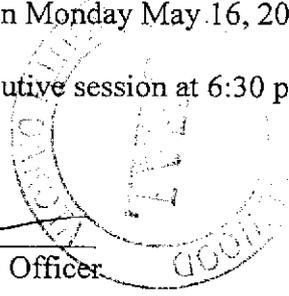
ADJOURMENT

Speirs moved, Van Den Eykel seconded to adjourn the regular session at 5:53 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 May 16, 2016.

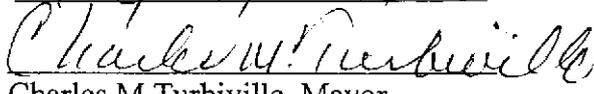
After coming out of executive session at 6:30 p.m., Speirs moved, Todd seconded to adjourn.

ATTEST:


Mary Jo Nelson, Finance Officer



DATE: May 17, 2016

BY: 
Charles M Turbiville, Mayor

Published once at the total approximate cost of _____