

REGULAR MEETING, November 2, 2015

The Regular Session of the Deadwood City Commission convened on November 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., 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 October 19, 2015. Roll Call: Aye-All. Motion carried.

OCTOBER, 2015 PAYROLL: COMMISSION, \$4,096.14; FINANCE, \$24,497.10; PUBLIC BUILDINGS, \$7,635.22; POLICE, \$74,912.30; FIRE, \$7,362.82; BUILDING INSPECTION, \$5,018.55; STREETS, \$40,565.28; PARKS, \$26,942.52; PLANNING & ZONING, \$7,014.54; LIBRARY, \$9,633.27; RECREATION CENTER, \$16,078.55; HISTORIC PRESERVATION, \$22,658.30; WATER, \$22,018.50; MT. MORIAH, \$7,291.69; PARKING METER, \$13,085.04; TROLLEY, \$25,797.51; PARKING RAMP, \$7,044.54; RUBBLE SITE, \$5,205.06.
PAYROLL TOTAL: \$326,856.93

OCTOBER, 2015 PAYROLL PAYMENTS:

Internal Revenue Service, \$81,063.38; S.D. Retirement System, \$34,315.16; Delta Dental, \$3,759.20

APPROVAL OF DISBURSEMENTS

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

A & B BUSINESS	LEASE	288.73
A & B WELDING	ACETYLENE	141.14
A TO Z SHREDDING	SERVICE	75.75
A&L CONTRACTORS	PROJECT	47,098.80
ABC BUSINESS	SUPPLIES	220.68
ACE INDUSTRIAL	SUPPLIES	737.28
ALL AROUND AUTO	SUPPLIES	40.31
AMERICAN ENGINEERING	PROJECT	10,050.00
BEST WESTERN RAMKOTA	CONFERENCE	121.99
BH ASPHALT	PROJECT	15,765.33
BH CHEMICAL	SUPPLIES	823.21
BH POWER	ELECTRICITY	24,223.08
BH SECURITY	MONITORING	454.35
BH SPECIAL SERVICES	CLEANING	2,086.00
BLACKSTRAP	SALT	11,186.85
BUTLER MACHINERY	SERVICE	909.85
CAI CONSTRUCTION	PROJECT	68,580.00
CENTURY LINK	SERVICE	385.12
CHAMBERLIN ARCHITECTS	PROJECT	90,611.73
CHEMSEARCH	SUPPLIES	301.56
DAKOTA PRAIRIE LANDSCAPES,	PROJECT	24,867.13
DEADWOOD CHAMBER	SERVICE	82,742.22
DEADWOOD ELECTRIC	REPAIR	5,203.14
DVFD	REIMBURSEMENT	451.21
DEADWOOD HISTORY	REIMBURSEMENT	257.74
DELAHOYDE'S	REPAIR	3,634.93
EMERY-PRATT	BOOKS	52.84
FASSBENDER COLLECTION	PHOTOGRAPHY	90.00
FULLER, KELLY	REIMBURSEMENT	426.62
GALLS,	SUPPLIES	58.94
GENERAL TRAFFIC CONTROLS,	TRANSCEIVERS	1,426.84
GOLDEN WEST	SERVICE	202.20
HAWKINS	SUPPLIES	953.92
HILLS MATERIALS	SUPPLIES	146.05
INTOXIMETERS	DRYGAS	198.50
JACOBS WELDING	SERVICE	157.50
KNECHT	SUPPLIES	325.59
KUCHENBECKER, KEVIN	REIMBURSEMENT	79.95
LAMB MOTOR	TRUCK	25,528.00
LAWRENCE TITLE	REPORTS	750.00
LAWSON PRODUCTS	SUPPLIES	216.70
LEWIS, TRACY	GRANT	1,001.59
LIGHTING PLASTICS	GLOBES	511.70
MARIAH PRESS	PROJECT	364.20
MERTENS, KENNETH	REIMBURSEMENT	293.92
MIDWEST TAPE	DVD	125.94
MS MAIL	SERVICE	4,884.00
NEIGHBORHOOD LENDING	GRANT	1,161.76
NELSON, MARY JO	REIMBURSEMENT	314.70
NETWORK SERVICES	SUPPLIES	157.56
NEVE'S	UNIFORMS	211.27
NORTHWEST PIPE FITTINGS	SUPPLIES	480.66
OFFICE DEPOT	SUPPLIES	227.38
OVERHEAD DOOR	SERVICE	1,771.00
PARTSMASTER	SUPPLIES	154.16
PEPPMEIER, JANICE	REIMBURSEMENT	543.15
PIKE, MATTHEW	GRANT	5,963.12

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PONTIUS, JERRY	REIMBURSEMENT	133.16
QUICK TROPHY	TAGS	171.40
QUILL	SUPPLIES	683.39
RASMUSSEN MECHANICAL	REPAIRS	583.81
S&C CLEANERS	CLEANING	1,125.75
SAFETY BENEFITS	REGISTRATION	260.00
SCHMIDT, WILLIAM	REPAIR	1,665.00
SD DEPT. OF CORRECTIONS	FIREWISE	5,112.58
SD PUBLIC HEALTH LAB	TESTING	30.00
SERVALL	SUPPLIES	1,139.89
SIRCHIE	SUPPLIES	123.04
STONE, LINDSEY	REFUND	25.00
SUMMIT SIGNS	SIGNS	110.60
THE JOURNEY MUSEUM	GRANT	7,037.00
THE LORD'S CUPBOARD	RECYCLING	49.92
TSP	PROJECT	4,069.18
TWIN CITY HARDWARE	SUPPLIES	5,508.18
VAST	SERVICE	1,277.73
VECCHI, GREG	GRANT	3,130.00
VERIZON	METERS	40.01
WELLMARK	INSURANCE	42,482.77
WELLS PLUMBING	SERVICE	404.48
WHITE'S CANYON	BOOST	899.75
	TOTAL	\$516,100.53

ITEMS FROM CITIZENS ON AGENDA

Request

Lenessa Keehn, resident, requested a variance from ordinance 15.32.130, paragraph seven regarding Christmas lighting. Keehn stated the variance would allow holiday decorating prior to Thanksgiving instead of one week after. Todd moved, Van Den Eykel seconded to allow the variance. Roll Call: Aye-All. Motion carried.

Enforcement

Rick Oleson, Wild Bill Bar, appeared before the Commission regarding enforcement of ordinance 15.32, Signs. He stated the Wild Bill Bar sign currently is located at 610 Main St., which is advertising the Wild Bill Bar at 622 Main St. Oleson would like to have the sign be relocated to 622 Main St. After discussion between Commission and Mr. Oleson regarding sign's history and placement, no action was taken. Roll Call: Aye-All. Motion carried.

Request

Sarah Anderson, Deadwood Chamber appeared before the Commission to request free parking in metered spaces and lots, excluding the Broadway Parking Ramp from Thursday November 26, 2015 through Saturday December 26, 2015. Todd moved, Van Den Eykel seconded to approve the request. Roll Call: Aye-All. Motion carried.

Sarah Anderson thanked the Commission and City staff for the support during Deadweird.

Renewals

Van Den Eykel moved, Ruth seconded to approve the Mt. Moriah Tour Bus Licenses for Alkali Ike, Boot Hill, and Original Deadwood Tours for 2016. Roll Call: Aye-All. Motion carried.

CONSENT

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

- A. Permission for Mayor to sign contract with Albertson Engineering in the amount of \$18,030.00 plus reimbursable expenses for Fremont Street retaining wall and drainage issues, to be paid from HP Capital Asset retaining wall.
- B. Permission for Mayor to sign Quit Claim Deed to Deadwood-Lead Economic Development for the following Property: Lot A of Probate Lot 162, City of Deadwood, Lawrence County, South Dakota, according to Plat Book 2 Page 77. Also Lot 9, Block P, Original Town, City of Deadwood, Lawrence County, South Dakota, according to P.L. Rogers Map of the City of Deadwood, INCLUDING a portion of Lot 9, Block P sometimes described as the North part of triangular area but EXCEPT Selbie Street right of way as deeded to the City of Deadwood in Book 105 Page 539
- C. Permission to increase wage of Rec Center employee Susan Stalder from \$8.97 an hour to \$9.50 an hour effective October 31, 2015 after three years of service.
- D. Permission to increase wage of Administrative Asst. Bonny Fitch from \$16.03 an hour to \$16.92 an hour effective November 4, 2015 after one year of service (95% prevailing wage)

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- E. Permission to hire Midco Diving and Marine Services to perform cleaning and inspection services on two water tanks at cost of \$2,699.00.
- F. Permission to hire Chelsie Bauer as lifeguard at \$9.25 an hour effective November 12, pending pre-employment screening.
- G. Approval of Retail Liquor and Wine Renewals for 2016 pending payment of property taxes and BID taxes.

**APPROVAL OF APPLICATIONS
FOR LIQUOR/WINE LICENSE RENEWALS FOR 2016**

CONVENTION CENTER LICENSES

Blue Sky Gaming, Tin Lizzie Gaming Resort (CL-505)
BY Development Inc., Cadillac Jacks (RL-504)
Deadwood Hospitality Resort LLC, Deadwood Gulch Resort (CL-15404)
Deadwood Resort LLC, The Lodge at Deadwood, (CL-509)
First Gold, Inc., First Gold Hotel, (CL-502)
Gold Dust Lodging Group LLC, Holiday Inn Express Hotel & Suites (CL-503)
GR Deadwood LLC, Mineral Palace Hotel & Gaming (CL-507)
Gulches LLC, Deadwood Comfort Inn/Gulches of Fun (CL-501)
Historic Deadwood Convention Facility, LLC, Wooden Nickel, Iron Horse Inn, Martin
Mason Hotel, (CL-511)
Hotel Franklin Inc., Historic Franklin Hotel (CL-506)
NMD Venture, NMD Venture -Hickok's Hotel & Casino (CL-508)
Tentexkota, Deadwood Mountain Grand Hotel & Casino (CL-510)

PACKAGE (OFF-SALE) LIQUOR

Black Diamond Capital LLC, Gold Dust (PL-4520)
Blue Sky Gaming, Tin Lizzie Gaming Resort, (PL-4521)
Deadwood Hospitality Resort, LLC., Deadwood Gulch Resort, (PL-4522)
GR Deadwood LLC, Mineral Palace Hotel & Gaming, (PL-4524)
Packhorse Liquor & Convenience Inc., Pack Horse Liquor & Convenience (PL-4523)

RETAIL LIQUOR LICENSES

Black Diamond Capital LLC, Gold Dust (RL-5792)
B.P.O Elks Lodge #508, Elks Lodge (RL-5540)
Bullock Hospitality, Bullock Hotel (RL-5542)
Midnight Star Enterprises, Midnight Star I & II (RL-5995)
Midwest Motels of Deadwood, Buffalo Bodega (RL-5535)
Nugget Saloon, LLC, Nugget Saloon, (RL-5536)
Old Style Saloon No. 10 Inc., Saloon No. 10 (RL-5537)
Pink Blossom, The Old Gringo (RL-5534)
Super G Investments Inc., Silverado Gaming Establishment (RL-5538)
VFW Post 5969, VFW (RL-5541)

RETAIL (ON-OFF SALE) WINE

Adams Museum & House Inc., Adams Museum & House, (RW-19327)
Blue Sky Gaming, Tin Lizzie Gaming Resort, (RW-6415)
Blue Sky Gaming, Inc., Tin Lizzie, (RW-6491)
BRI, Inc., Best Western Hickok House, (RW-6466)
B Y Development, Inc., Cadillac Jacks, (RW-6537)
Dakotas Best Wine & Gifts, Dakotas Best Gifts, (RW-21479)
Days of 76 Museum Inc., Days of 76 Museum Inc. (RW-20401)
Deadwood Hospitality Resort LLC, Deadwood Gulch Resort, (RW-6401)
Deadwood Inc. & Gamblers Gulch, Inc., Deadwood Gulch Saloon, (RW-6646)
Deadwood Resort LLC, The Lodge at Deadwood, (RW-19226)
Fairmont Hotel Corp., Fairmont Hotel, (RW-6461)
GR Deadwood LLC, Mineral Palace Hotel & Gaming, (RW-6480)
Hotel Franklin Inc., Historic Franklin Hotel, (RW-6643)
Jackson Winery & Vineyard LLC, Belle Joli Winery, (RW-7568)
Kodiaks Inc., Kodiaks Arcade & Shooting Gallery, (RW-21877)

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Mary Larson, Deadwood Dicks Saloon, RW-20965
Mustang Sallys Inc., Mustang Sallys, (RW-6499)
Princeton, Inc., Deadwood Super 8/Lucky 8 Gaming, (RW-6447)
Richard & Marguerite Olesen, Deadwood Wild Bills Trading Post (RW-21777)
Rolling Hills Farm Investments LLC, Celebrity Hotel, (RW-6542)
Old Style Saloon No. 10 Inc., Saloon No. 10, (RW-19210)
Savour Your Soul LLC, Savour Your Soul (RW-20691)
Super G Investments, Inc., Silverado Gaming, (RW-6436)
Tentexkota, Deadwood Mountain Grand Hotel (RW-21330)
Vaughn & Mary Boyd, Deadwood Tobacco Company, (RW-6648)
Willy's Wild West, Deadwood Station, (RW-20626)

BID ITEMS

Speirs moved, Todd seconded to set bid opening to lease five parking spaces on Main and Deadwood Streets at 10:00 a.m. on November 19, with results to City Commission at regularly scheduled meeting on December 7. Parking and Transportation recommends submittal of one bid for all five spaces and \$180.00 plus tax minimum bid per space. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS

Speirs moved, Todd seconded to set public hearing at 5:00 p.m. on November 16 for Resolution 2015-17 to Annex property into city limits and approve or deny the annexation agreement. Roll Call: Aye-Speirs, Todd, Van Den Eykel, Turbiville. Abstained-Ruth. Motion carried.

Public hearing was opened at 5:15 p.m. by Mayor Turbiville. No one spoke in favor or against, hearing closed. Speirs moved, Van Den Eykel seconded to approve the Notice of Intent to Continue 2016 Business Improvement Districts 1-6 per Resolution 2015-13 passed September 21, 2015. Roll Call: Aye-All. Motion carried.

Public hearing was opened at 5:16 p.m. by Mayor Turbiville. No one spoke in favor or against, hearing closed. Todd moved, Ruth seconded to approve the Notice of Intent to Continue 2016 Business Improvement District 7 per Resolution 2015-14 passed September 21, 2015. Roll Call: Aye-All. Motion carried.

Ruth moved, Van Den Eykel seconded to set public hearing on November 16 for open container on January 29 and 30, street closure and waiver of banner fees on January 30 for Mardi Gras Event. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Second Readings

Ken Gienger, General Manager, asked the Commission if a business would have input who could perform in front of a business. After discussion about performing and permits, Ruth moved, Todd seconded to approve second reading of Ordinance #1230 for Actors and Street Performers. Roll Call: Aye-All. Motion carried.

Ruth moved, Van Den Eykel seconded to approve second reading of Ordinance #1231 to Amend Chapter 5.44 Trolleys, and set fees by Resolution effective January 1, 2016. Roll Call: Aye-All. Motion carried.

Ruth moved, Todd seconded to approve second reading of Ordinance #1232 to Amend Chapter 12.44, Recreation Center, and set fees by Resolution effective January 1, 2016. Roll Call: Aye-All. Motion carried.

Ruth moved, Van Den Eykel seconded to approve second reading of Ordinance #1233 to Amend Chapter 10, and set fees by Resolution effective January 1, 2016. Roll Call: Aye-All. Motion carried.

Todd moved, Ruth seconded to approve second reading of Ordinance #1234 to Amend Chapter 13.04, Water System, and set fees by Resolution effective January 1, 2016. Roll Call: Aye-All. Motion carried.

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First Readings

Van Den Eykel moved, Ruth seconded to approve first reading of Ordinance #1235 to Continue Business Improvement District 1-6 for 2016. Roll Call: Aye-All. Motion carried.

Speirs moved, Van Den Eykel seconded to approve first reading of Ordinance #1236 to Continue Business Improvement District 7 for 2016. Roll Call: Aye-All. Motion carried.

Pay

Speirs moved, Van Den Eykel seconded to pay \$55,412.00 to SDML Workers Compensation Fund for 2016 coverage. Roll Call: Aye-All. Motion carried.

Change Order

Speirs moved, Van Den Eykel seconded to approve change order #1 with CAI Construction for St. Ambrose Cemetery project in the amount of \$2,367.90, bringing total contract to \$395,076.90. Roll Call: Aye-All. Motion carried.

Contract

Lee Harstad, Deadwood Chamber, presented the Commission with a proposal for Event Specialist/Facilities Coordinator. Harstad explained the proposal in detail. After discussion, Speirs moved, Todd seconded to enter into a one-year contract with Deadwood Chamber of Commerce for Event Specialist/Facilities Coordinator at a cost of \$22,425.00. Roll Call: Aye-All. Motion carried.

First Reading

Todd moved, Speirs seconded to approve first reading of Ordinance #1237 Amending Chapter 15.32, Article II, Disallowed Signs. Ordinance removes time requirement for putting up and dismantling Christmas holiday decorations. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Mayor Turbiville stated the Mickelson Trail lights will be off until further notice.

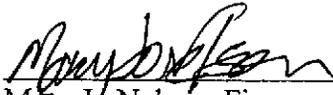
Attorney Riggins requested Executive Session for legal matters per SDCL 1-25-2 (3) with possible action.

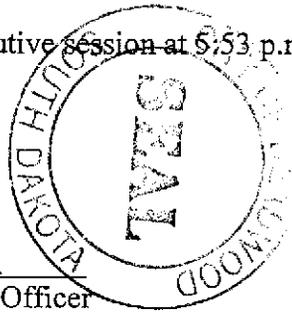
ADJOURMENT

Speirs moved, Ruth seconded to adjourn the regular session at 5:49 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 November 16, 2015.

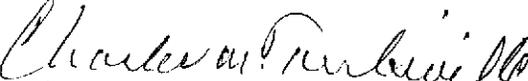
After coming out of executive session at 6:53 p.m., Speirs moved, Van Den Eykel second to adjourn.

ATTEST:


Mary Jo Nelson, Finance Officer



DATE: Nov. 17, 2015

BY: 
Charles M Turbiville, Mayor

Published once at the total approximate cost of _____