

REGULAR MEETING, OCTOBER 17, 2016

The Regular Session of the Deadwood City Commission convened on October 17, 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 Terri Williams and Commissioners David Ruth Jr., Mark Speirs, Gary Todd, and Jim Van Den Eykel. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Todd moved, Van Den Eykel seconded to approve the minutes of October 3, 2016. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Ruth moved, Speirs seconded to approve the October 17, 2016 disbursements. Roll Call: Aye-All. Motion carried.

ACE INDUSTRIAL	SUPPLIES	472.40
ADAMS SALVAGE	SERVICE	101.38
ALBERTSON ENGINEERING	PROJECT	9,418.69
ALERT-ALL	SUPPLIES	415.00
AMANO MCGANN	SWITCHES	176.98
AMAZON	SERVICE	203.25
ANFINSON, BONNY	REIMBURSEMENT	142.00
ARMSTRONG EXTINGUISHER	MAINTENANCE	2,730.80
BERBERICH DESIGNS	SIGNAGE	8,410.14
BICKLE TRUCK	SUPPLIES	67.36
BH CHEMICAL	SUPPLIES	225.94
BH ENERGY	SERVICE	28,653.83
BH PIONEER	ADS	786.17
BH SECURITY	SERVICE	240.00
BH URGENT CARE	TESTING	30.00
BH VETERANS MARCH	REFUND	500.00
BH WINDOW CLEANING	CLEANING	437.00
BUTLER MACHINERY	SUPPLIES	6.31
CAI CONSTRUCTION	PROJECT	92,758.00
CENTRAL PARTS	SUPPLIES	341.62
CENTURY LINK	SERVICE	201.39
CHADWICK, JIM	PROJECT	1,100.00
CHAINSAW CENTER	SUPPLIES	430.33
CHANEY-MOODIE, JEANETTE	REIMBURSEMENT	588.23
CHRIS SUPPLY	SUPPLIES	50.70
COCA COLA	SUPPLIES	386.00
COMPETITIVE MASONRY	PROJECT	10,000.00
COMPUTER SUPPORT	SERVICE	292.50
CULLIGAN	SUPPLIES	286.00
DEADWOOD CHAMBER	BILL LIST	213,625.25
DEADWOOD ELECTRIC	SERVICE	685.37
DVFD	SUPPLIES	418.10
DEADWOOD GRANITE	SERVICE	950.00
ECOLAB	SERVICE	1,080.00
EDDIE'S TRUCK	REPAIR	8,485.62
EMERY-PRATT	BOOKS	124.26
FALL RIVER COUNTY	CONFERENCE	250.00
GALLS	HOLSTER	58.94
GOLDEN WEST	SERVICE	2,500.03
HILLS MATERIALS	SERVICE	818.79
HR SPECIALIST	SUBSCRIPTION	211.00
JEEP JAMBOREE	OVERPAYMENT	45.00
KLJ	PROJECT	14,264.88
KDSJ	SPONSOR	160.00
KONE	MAINTENANCE	280.14
KRAMBECK, JERITY	REIMBURSEMENT	55.44
KUCHENBECKER, KEVIN	REIMBURSEMENT	215.00
L.L. BEAN	UNIFORMS	666.95
LAWRENCE CO. REGISTER	FEE	30.00
LAWSON PRODUCTS	SUPPLIES	269.21
LEAD-DEADWOOD REGIONAL	SERVICE	522.00
LEAD-DEADWOOD SANITARY	USAGE	29,490.77
LINDSTAD'S ALIGNMENT	SERVICE	733.05
M & T FIRE	TRAILER	21,073.00
M&M SANITATION	RENTAL	230.00
MENARD'S	SUPPLIES	249.76
MIDCONTINENT	SERVICE	65.00
MIDCONTINENT TESTING	TESTING	20.25
MIDWEST TAPE	DVD	228.36
MITZI'S BOOKS	BOOKS	22.35
MOHR, TRENT	REIMBURSEMENT	95.00
MONSON, HEATHER	REIMBURSEMENT	40.58
MDU	SERVICE	17.97
NELSON, MARY JO	REIMBURSEMENT	70.56
NETWORK SERVICES	SUPPLIES	426.68
NEVE'S UNIFORMS	UNIFORMS	53.95
NFFPA	SUPPLIES	639.27
NH ALLIANCE	REFUND	500.00
NORTHERN HILLS TECHNOLOGY	SERVICE	86.00
PETE LIEN	PROJECT	246.88
PETTY CASH	HIST PRES	211.11
PITNEY BOWES	POSTAGE	500.00
POWERPLAN	REPAIR	362.67
PRO-STEAM CARPET	CLEANING	1,380.00
QUIK SIGNS	BANNERS	289.10

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QUILL	SUPPLIES	777.73
RAE MARIE HOMES	PROJECT	7,232.00
RAPID DELIVERY	DELIVERY	12.65
RASMUSSEN MECHANICAL	SERVICE	357.81
RDO EQUIPMENT	EXCHANGE	500.00
ROCKMOUNT RESEARCH	SUPPLIES	163.58
ROGERS CONSTRUCTION	PROJECT	2,127.56
SACRISON ASPHALT	LIMESTONE	1,221.00
SCHMIDT, WILLIAM	PROJECT	13,500.00
SD COMMISSION ON GAMING	CITY SLOTS	27,443.18
SD DEPT. OF CORRECTIONS	FIREWISE	5,976.91
SD DEPT. OF REVENUE	TAXES	5,877.56
SD FEDERAL PROPERTY AGENCY	TOOLS	194.50
SD ONE CALL	SERVICE	33.60
SD SOLID WASTE MANAGEMENT	REFUND	500.00
SD STATE HISTORICAL SOCIETY	MORATORIUM	55.00
SERVALL	SUPPLIES	789.21
SOCIETY OF AMERICAN	MEMBERSHIP	133.00
SOUTHSIDE SERVICE	SERVICE	321.03
STREICHER'S	PISTOLS	21,218.80
STURDEVANT'S	SUPPLIES	1,073.50
STURGIS AUTO PARTS	KITS	18.62
SUMMIT SIGNS	SIGNS	359.00
SUNSHINE TOWING	TOWING	75.00
TALLGRASS	PROJECT	3,720.00
TEAM LABORATORY	SUPPLIES	776.00
TIME	SUBSCRIPTION	100.00
TOMS, DON	PROJECT	780.00
TRUGREEN	SERVICE	668.50
TURBIVILLE, CHARLES	REIMBURSEMENT	303.66
TWILIGHT	SUPPLIES	479.92
UMENTHUM, KEITH	PROJECT	550.00
USA BLUEBOOK	SUPPLIES	179.69
WASTE CONNECTIONS	SERVICE	7,965.80
WINTER CONSTRUCTION	PROJECT	2,768.00
	TOTAL	\$570,453.12

ITEMS FROM CITIZENS ON AGENDA

Project

Nicole Doub, Head Conservator from Maryland Conservation Archeological Library, spoke to the Commission concerning Historic Preservation metal conservatory project. Doub stated it has been a pleasure working with a city dedicated to their cultural heritage, and who is willing to invest in the preservation. She also stated the collections management is in a very stable condition, the environment constructed out of the facility is beyond satisfactory. For rest of the week, she will be looking at ways to improve condition of environmental controls in summer months, identify artifacts for conservation priority and the long-term conservation plan of the city. Commission thanked Doub for coming and Mike Runge for his excellent care of city's artifacts.

CONSENT

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

- A. Approve Property tax abatement for parcel 30875-00300-030-05 in the amount of \$492.00. James and Laura Lee to City of Deadwood
- B. Permission to grant Water Foreman, Randy Pfarr, the cell phone allowance of \$23.08 per pay period effective October 27, 2016
- C. Approve Job Description for the City Archives Internship Program
- D. Permission to increase wage of Parking Ramp Attendant Andrew Goodwin from \$9.15 hr. to \$9.69 hr. effective October 21, 2016 after one year of service, and Rec Center Receptionist Susan Stalder from \$9.69 hr. to \$9.82 hr. effective October 31, 2016 after 4 years of service
- E. Permission to hire Andrea Barth as police reserve officer effective October 18, 2016
- F. Approve reduction in contract amount with Schmidt Construction for concrete work from \$19,100.00 to \$13,500.00 Contract was signed by city on October 3, 2016
- G. Permission for Mayor to sign contract with Ainsworth Benning for retaining wall at Guy and Forest in the amount of \$74,400.00 (approved October 3, 2016)

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PUBLIC HEARINGS

Vacate

Mayor Turbiville opened the public hearing for petition to vacate a portion of street right-of-way of Williams Street and possible passage of Resolution 2016-17 at 5:04 p.m. Upon questioning by resident Georgeann Silvernail, Planning and Zoning Administrator Nelson Jr. stated developer would remove and construct a new street. Commissioner Todd asked about the value of the property and asked if money should be offered to the city for the square footage. Nelson Jr. stated B.Y. Development and Optima owns property on both sides of the street and so are the only signatures required. Nelson also stated the city invested some money into the retaining wall and will retain the blocks from that project. Commissioner Van Den Eykel mentioned the long-term investment the developer is making in terms of sales and property taxes to the community. Hearing closed. Van Den Eykel moved, Speirs seconded to pass Resolution 2016-17 to Vacate Portion of City Street Right-Of-Way. Roll Call: Aye-All. Motion carried.

RESOLUTION 2016-17

**RESOLUTION TO VACATE PORTION OF
CITY STREET RIGHT-OF-WAY**

WHEREAS, the City Commission of the City of Deadwood, Lawrence County, South Dakota, received a petition from **B.Y. Development Inc. and Optima LLC** for the vacation of a **Portion of Williams Street** pursuant to SDCL 9-45-7, and

WHEREAS, the petition requested vacation of **A Portion of Williams Street** shown on the following plat:

Plat of Bradsky Tract Revised, Bradsky Tract Number 2 and Relocated Williams Street Right-of-Way

With the beginning, course, and termination of the Portion of Williams Street to be vacated described as follows:

All of Williams Street beginning at the southeasterly end abutting the northwesterly right-of-way line of Lower Main Street/US Highways 85 & 14A; thence northwesterly to a point where Williams Street turns to the southwest; Thence southwesterly to a point adjacent to Lot 15 of Block 3 of the Fountain City Addition to the City of Deadwood, said lot being on the southeasterly side of the right-of-way, and adjacent to Lot 4 of Tract A of M.S. 81, said lot lying on the northwesterly side of the right-of-way.

as shown on the Plat attached hereto and incorporated herein(the "Williams St Vacated this Plat"), and

WHEREAS, a public hearing was held on **October 17, 2016** after due notice to the public, and no objections were made or received, and

WHEREAS, the public interest will be better served by vacating the above mentioned portion of Williams Street; **The vacated road will serve to promote public health, welfare and safety. Thus, the petitioner believes the proposed vacation is in the best interests of the City of Deadwood, and that such vacation will be for the advantage of and the best interests of the petitioner and the public generally.**

WHEREAS, the land through which the Vacated Road currently passes is abutted by petitioners by virtue of their ownership of the Bradsky Tract of M.S. 308, a portion of M.S. 308 with 50' frontage on Main St, Lot 1A of Tract A of M.S. 81, Lot 2A of Tract A of M.S. 81, Lot 3 of Tract A of M.S. 81, and Lot 4 of Tract A of M.S. 81, Lots 15, 16, 17, 18, 19, 20, 21 and 22 and the previously vacated portion of right of way adjacent to Lots 21 and 22 all of Block 3 of the Fountain City Addition to the City of Deadwood.

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Located in the NW₁/₄ of Section 23, T₅N, R₃E, B.H.M., City of Deadwood, Lawrence County, South Dakota

now, therefore,

IT IS HEREBY RESOLVED, pursuant to SDCL 9-45-9, that the public interest will be better served by the proposed vacating of the private road described as follows:

That portion of the William Street Right-of-Way shown on the attached proposed plat of Bradsky Tract Revised, Bradsky Tract Number 2 and Relocated Williams Street Right-of-Way

IT IS FURTHER RESOLVED that the City Commission shall make its Order that such **Portion of Williams Street Right-of-Way** be vacated.

Dated this 17th day of October, 2016

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

Public Hearing continued

On October 3, public hearing was continued to consider lease agreement between City and Deadwood Chamber of Commerce for Welcome Center at 501 Main St. Commissioners Ruth and Todd meet with the Chamber board and director to discuss the lease agreement. Commissioner Ruth stated there were four items needing to be addressed which are: 1. Term of lease would be May 1st instead of January 1st. 2. Compensation for Property. Chamber requested payment of a flat monthly fee of \$1,000.00, and would be responsible for payment of telephone, internet, recycling and garbage. 3. Chamber requested that City take responsibility of the 24-hour areas. 4. If Chamber intends on selling merchandise by an outside vendor, a proposal shall be brought before Commission for approval. Commissioner Van Den Eykel suggested a review of the total costs for one year in 2018. No action taken on request for review, but Commissioner Todd said this topic was discussed at meeting with Chamber. Hearing Closed. Speirs moved, Ruth seconded to adopt proposed agreement with changes. Roll Call: Aye-All. Motion carried.

OLD BUSINESS

Easement

On October 3, discussion was continued concerning the easement with Berg Jewelry to allow for staircase encroaching upon sidewalk. Public Works Director Green stated staff supports the redesign with minor reservations. Ruth moved, Van Den Eykel second to allow Mayor to sign easement agreement with Berg Jewelry to allow for staircase encroaching upon sidewalk at 650 Main Street. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Discussion

Discussion was held concerning 1,363 square feet of city property adjacent to 424 Williams Street. Planning and Zoning Administrator Nelson Jr. asked for direction from Commission and stated there were three options available: transfer to Deadwood Lead Economic Development and then to adjacent land owners, surplus lot and begin appraisal process or retain ownership. Ruth moved, Speirs seconded to surplus by deeding property to Deadwood Lead Economic Development for transfer to adjacent landowner. Roll Call: Aye-All. Motion carried.

Second Readings

Todd moved, Speirs seconded to approve second reading of Ordinance #1247 to amend Chapter 5.28 Vending, and require non-profits to follow application process. Roll Call: Aye-All. Motion carried.

Ruth moved, Speirs seconded to approve second reading of Ordinance #1248 to amend Chapter 3.20 to Continue Business Improvement District 7. Roll Call: Aye-All. Motion carried.

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Ruth moved, Speirs seconded to approve second reading of Ordinance #1249 to amend Chapter 3.16 to Continue Business Improvement District 1-6. Roll Call: Aye-All. Motion carried.

Ruth moved, Speirs seconded to approve second reading of Ordinance #1250 to amend Chapter 17.68.090 and 17.68.100 Concerning Demolition by Neglect and Minimum Maintenance Ordinance Change. Resident Georgeann Silvernail expressed disappointment that the residents voted against this a year ago and when the residents of the community vote, it should be followed through by the Commission. Commissioner Ruth stated this revision is simply to eliminate redundancies and contradictions in our ordinances with the uniform building code. He also stated it is giving authority to the building inspector. He went on to state the Commission is listening to what the residents did say at the vote and eliminated items that were voted on previously. Roll Call: Aye-Ruth, Speirs, Todd, Turbiville. Nay-Van Den Eykel. Motion carried.

Contract

Todd moved, Van Den Eykel seconded to contract with Split Rock Studios for Design Development package inside Welcome Center in the amount of \$58,840.00, and allow Mayor to sign agreement, to be paid from Welcome Center Capital Project Fund. Roll Call: Aye-All. Motion carried.

Reappoint

Van Den Eykel moved, Speirs seconded to approve the following reappointment to Deadwood Library Board: Raul Ponce De Leon from January 1, 2017 through December 31, 2017, Charlene Miller and Dawn Burns from January 1, 2017 to December 31, 2018. Roll Call: Aye-All. Motion carried.

Hire

Ruth moved, Speirs seconded to hire Lance Sandidge for vacant position in Water Department effective October 24, 2016 at \$17.87 hr., which is 90% of prevailing wage. Roll Call: Aye-All. Motion carried.

Speirs moved, Ruth seconded to advertise in house for vacant position in Parks Department for five days. Roll Call: Aye-All. Motion carried.

Change Order

Ruth moved, Todd seconded to approve Change Order #1 for St. Ambrose Cemetery Preservation Phase VI in the amount of \$13,750.00 and add ten additional days. Change order is for additional work on three plots and brings total contract to \$309,250.00. Roll Call: Aye-All. Motion carried.

Commissioner Van Den Eykel expressed concern with the number of change orders coming to Commission and asked if we are doing our job by approving each one that comes forward. He requested a moratorium on change orders. Commissioner Todd agreed and stated every city retaining wall project involves a change order.

Contract

Discussion was held concerning an increase to Albertson Engineering contract. Commissioner Van Den Eykel asked if proposed change is due to additional projects. Zoning Administrator Nelson Jr. concurred. Van Den Eykel directed staff to bid contract in the following year. Public Works Director Green stated Albertson Engineering is the structural engineer on city projects, and it is difficult to discover everything visually until the project is started due to tight conditions. Ruth moved, Speirs seconded to increase Albertson Engineering 2016 consulting contract from \$60,000.00 to \$90,000.00. Roll Call: Aye-All. Motion carried.

Change Orders

Discussion was held concerning change order for 84 Van Buren retaining wall for seeding and sodding disturbed lawn in the amount of \$1,018.62, bringing total contract to \$258,065.96. Mayor Turbiville spoke in opposition to seeding lawn in conjunction with retaining wall projects. Van Den Eykel moved, Todd seconded to deny Change Order #3 for 84 Van Buren retaining wall project. Commissioner Ruth stated it would be a shame not to complete this project if this is what it takes to complete, stopping short of giving this homeowner a finished project. Roll Call: Aye-Speirs, Todd, Van Den Eykel, Turbiville. Nay-Ruth. Motion carried.

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Discussion was held concerning change order for 50 Van Buren to add spindles to railing and apply rapid grow hydro seeding in the amount of \$1,068.02, bringing total contract to \$160,414.77. Green stated this change order is needed to meet the City's building codes. Commissioner Todd stated he cannot in good faith deny seeding one yard and approve another but approves the spindles for safety reasons. Upon questioning concerning the two items, Attorney Williams stated the Commission would have to approve or deny change order as a whole. Speirs moved, Ruth seconded to approve Change Order #2 for 50 Van Buren retaining wall project. Commissioner Ruth expressed concern as to why one change order was approved and the other denied. Roll Call: Aye-Ruth, Speirs, Turbiville. Nay-Todd, Van Den Eykel. Motion carried.

Speirs moved, Ruth seconded to approve Change Order #1 for Shine Street retaining wall project. Change order is for omission of rock leveling pad and replacement with concrete footing with rebar in the amount of \$4,366.60, bringing total contract to \$118,166.60. Roll Call: Aye-Ruth, Speirs, Todd, Turbiville. Nay-Van Den Eykel. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Georgeann Silvernail thanked Parks Department and Mike Runge for their prompt service during her employment at Mt. Moriah.

Commissioner Todd recognized employees Tony Bradley, Kelly Fuller, Ken Hawki, Rob Lester, Trent Rchetto, Donovan Renner and Georgeann Silvernail for being inducted into the South Dakota Municipal League 2016 Hall of Fame.

Commissioner Ruth stated a survey went out from the School regarding long range plan and urged anyone interested in the future of Deadwood as a community to get involved and call the business office to fill out the survey and join him in urging the school board to continue to have an educational presence in the community.

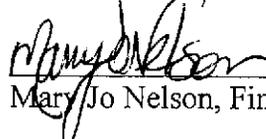
Mayor Turbiville requested Executive Session for union matters per SDCL 1-25-2(4) with possible action.

ADJOURNMENT

Speirs moved, Todd seconded to adjourn the regular session at 5:40 p.m. and convene into Executive Session for union matters per SDCL 1-25-2 (4) with no action. The next regular meeting will be on Monday November 7, 2016.

After coming out of executive session at 6:10 p.m., Speirs moved, Ruth seconded to adjourn.

ATTEST:


Mary Jo Nelson, Finance Officer



DATE: Nov. 7, 2016
BY: Charles M. Turbiville
Charles M Turbiville, Mayor

Published once at the total approximate cost of _____