

REGULAR MEETING, OCTOBER 3, 2016

The Regular Session of the Deadwood City Commission convened on October 3, 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, and Gary Todd. Commissioner Jim Van Den Eykel was absent. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Speirs moved, Ruth seconded to approve the minutes of September 19, 2016. Roll Call: Aye-All. Motion carried.

SEPTEMBER, 2016 PAYROLL: COMMISSION, \$4,096.14; FINANCE, \$24,770.27; PUBLIC BUILDINGS, \$6,706.93; POLICE, \$79,692.26; FIRE, \$7,418.88; BUILDING INSPECTION, \$5,397.76; STREETS, \$41,726.14; PARKS, \$35,367.49; PLANNING & ZONING, \$7,154.49; LIBRARY, \$9,670.31; RECREATION CENTER, \$18,956.26; HISTORIC PRESERVATION, \$23,782.24; WATER, \$20,321.38; MT. MORIAH, \$6,978.40; PARKING METER, \$16,466.09 TROLLEY, \$29,757.26; PARKING RAMP, \$9,344.31 **PAYROLL TOTAL: \$347,606.61**

SEPTEMBER, 2016 PAYROLL PAYMENTS:

Internal Revenue Service, \$85,456.47; S.D. Retirement System, \$35,911.02; Delta Dental, \$4,008.96.

APPROVAL OF DISBURSEMENTS

Ruth moved, Speirs seconded to approve the October 3, 2016 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	CONTRACT	366.80
A & B WELDING	SERVICE	42.82
A & I DISTRIBUTORS	SERVICE	163.41
ADVANCED ENGINEERING	PROJECT	8,914.90
AINSWORTH-BENNING	PROJECT	266,256.00
ALSCO	SUPPLIES	228.10
AMERICAN SODA FOUNTAIN	FOUNTAIN	3,146.67
ANFINSON, BONNY	REIMBURSEMENT	209.80
ARLETH LAND SURVEYING	PROJECT	2,120.00
ASSOCIATED BAG	SUPPLIES	1,101.26
ATCO INTERNATIONAL	SUPPLIES	150.00
BARCO PRODUCTS	TABLES	5,459.51
BH CHEMICAL	SUPPLIES	731.09
BH MINING MUSEUM	GRANT	553.38
BH SECURITY	SERVICE	194.70
BH SPECIAL SERVICES	CLEANING	3,450.00
BLR	HANDBOOK	536.99
BURLESON, BILL	REIMBURSEMENT	365.40
CAI CONSTRUCTION	PROJECT	26,810.00
CENTURY LINK	SERVICE	186.60
CHADWICK, JIM	PROJECT	1,100.00
CHAMBERLIN ARCHITECTS	PROJECT	3,664.58
COCA COLA	SUPPLIES	582.60
CONVERGINT TECHNOLOGIES	PROJECT	2,713.92
CUSTER COUNTY	GRANT	2,377.90
DEADWOOD ALIVE	BURIAL	300.00
DEADWOOD CHAMBER	MARKETING	6,226.60
DEADWOOD ELECTRIC	SERVICE	265.32
DEADWOOD GRANITE	HEADSTONE	650.00
DEADWOOD GULCH SALOON	REFUND	60.00
EAGLE ENTERPRISES	LIGHTS	28,793.58
ECOLAB	SERVICE	90.00
EDDIE'S TRUCK CENTER	SUPPLIES	73.64
EMERY-PRATT	BOOKS	73.36
FIRST NATIONAL CREDIT CARD	SUPPLIES	571.03
FMG ENGINEERING	PROJECT	788.12
FOOTHILLS SEED	SUPPLIES	180.00
FREEMAN'S ELECTRIC	PROJECT	101.84
GAYLORD BROS	STORAGE	820.80
GENERAL TRAFFIC	SIGNS	4,665.00
GUNDERSON, PALMER, NELSON	SERVICE	4,619.46
HAWKINS	SUPPLIES	1,001.25
HILLS MATERIALS	SUPPLIES	240.05
INTERSTATE BATTERY	SUPPLIES	322.00
JACOBS WELDING	SERVICE	69.60
L.L. BEAN	AWARDS	454.89
LAWRENCE CO. REGISTER	FEES	150.00
LAWSON PRODUCTS	SUPPLIES	58.71
LEWIS, TRACY	PROJECT	10,000.00
LIBERTY NATIONAL BANK	TIF	873.23
LYNN'S	SUPPLIES	796.51
MACROVISION	SERVICE	750.00
MCGRATH, RHONDA	REIMBURSEMENT	19.62
MENARD'S	SUPPLIES	10.47
MERTENS, KENNETH	REIMBURSEMENT	359.00
MIDCONTINENT	TESTING	20.25
MIDWEST TAPE	DVD	356.16

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MITZI'S BOOKS	BOOKS	98.29
MDU	SERVICE	2,578.31
MORRISON, RONDA	REIMBURSEMENT	275.54
MS MAIL	SERVICE	971.27
MUTUAL OF OMAHA	INSURANCE	191.44
NEIGHBORHOOD LENDING	CONTRACT	13,025.25
NEVE'S UNIFORMS	UNIFORMS	600.00
NEWELL MUSEUM	GRANT	1,157.70
NORTH SHORE COMPRESSOR	SUPPLIES	742.92
NORTHWEST PIPE FITTINGS	SUPPLIES	231.33
OFFICE DEPOT	SUPPLIES	59.96
OTIS ELEVATOR	CONTRACT	124.98
OWENS INTERSTATE	SUPPLIES	29.64
PANNIER	PANELS	3,695.00
PEPPMEIER, JANICE	REIMBURSEMENT	441.70
PETTY CASH	LIBRARY	47.00
PRAIRIE PLAINS CONSTRUCTION	PROJECT	24,867.39
QUILL	SUPPLIES	274.74
RAIN DROP PRODUCTS	OMNIPOD	6,090.00
RASMUSSEN MECHANICAL	SERVICE	792.29
RCS CONSTRUCTION	PROJECT	110,736.00
RENNER, DONOVAN	REIMBURSEMENT	267.19
ROGERS CONSTRUCTION	CLEANUP	14,642.90
RUSHMORE FENCING	FENCE	32,996.35
S&C CLEANERS	CLEANING	2,470.00
SD DEPT. OF TRANSPORTATION	CHG ORDER	10,111.66
SD LIBRARY ASSOCIATION	CONFERENCE	260.00
SD MUNICIPAL LEAGUE	REGISTRATION	180.00
SD PUBLIC HEALTH LAB	TESTING	30.00
SD STATE ARCHIVES	MICROFILM	28.80
SERVALL	SUPPLIES	1,629.90
SOUTHSIDE OIL	GASOLINE	11,660.00
SPECIALTY VEHICLES	SUPPLIES	934.33
STURGIS AUTO PARTS	SHOCKS	400.27
TENNANT SALES	SUPPLIES	1,888.76
THE LORD'S CUPBOARD	RECYCLING	82.56
THORPE, DEB	BEDDING	13.83
TOMS, DON	PROJECT	780.00
TRIPLE K	SERVICE	2,590.89
TRUGREEN	SERVICE	296.50
TSP	PROJECT	6,774.55
TWILIGHT	SUPPLIES	119.40
TWIN CITY HARDWARE	SUPPLIES	10,432.46
VAST	SERVICE	2,848.85
VERIZON WIRELESS	SERVICE	40.01
VIEHAUSER ENTERPRISES	PROJECT	3,433.56
WELMARK	INSURANCE	45,529.67
WEST RIVER HISTORY	CONFERENCE	55.00
WESTERN STAR	SUPPLIES	751.64
WHITE'S CANYON MOTORS	SUPPLIES	91.72
	TOTAL	\$713,558.47

ITEMS FROM CITIZENS ON AGENDA

Proclamations

The Mayor read a proclamation declaring October 3, 2016 as World Habitat Day in Deadwood. Renee Keech spoke briefly about World Habitat.

Request

Steve Sjomeling, on behalf of Lead-Deadwood Regional Hospital, asked the Commission to allow exception from the sign ordinance to display a banner during the month of October for Breast Cancer Awareness month and waive fee. Todd moved, Speirs seconded request. Roll Call: Aye-All. Motion carried.

Presentation

Marc Oswald, Managing Partner of Deadwood Mountain Grand, thanked the Commission, and introduced Robert Ekman, CEO of Deadwood Mountain Grand, who gave a presentation regarding Chalets at Deadwood Mountain Grand. Ekman stated the chalets would have 103 one or two bedroom units. Partner Marc Oswald also spoke on behalf of owners. Commissioner Ruth thanked those present from the project for taking input from the community, but the community also takes the protection of the Historic Landmark status seriously. Mark Hansen and Don Hansen, McGovern Hill Residents, voiced their concerns as did resident Georgeann Silvernail. Lynn Namminga, Historic Preservation Commissioner, reminded residents Historic Preservation is about preserving character of the community. After much discussion, Ekman stated they would be visiting with the residents on McGovern Hill. Commission thanked everyone for coming.

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CONSENT

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

- A. Purchase annual holiday garland and greens from Trinity United Methodist Church youth at cost of \$1,690.00 from Bed and Booze community promotion.
- B. Accept resignation from seasonal Trolley Driver, Doug Magnuson, effective September 25, 2016.
- C. Permission for Mayor to sign Oakridge Cemetery Replacement Certificate of Purchase for Earl and Maxine Engebretson.
- D. Permission for Mayor to sign contract with Forgey Construction to repair sidewalk across from the library for \$5,500.00 (approved September 19, 2016)
- E. Permission for Mayor to sign contract with Schmidt Construction to replace street panels on Pleasant Street and Shine Street for \$19,100.00 (approved September 19, 2016)
- F. Permission to purchase 100 tons of road salt from Black Strap Inc. at \$82.00 per ton.
- G. Permission to purchase 300 tons of sanding fines from Hills Material at \$14.80 per ton
- H. Permission to make application for Natural Resources Damage Assessment (NRDA) funding for Whitewood Creek Restoration
- I. Pass Resolution 2016-20 to Appoint BID 7 board members

**RESOLUTION 2016-20
DESIGNATING BUSINESS IMPROVEMENT DISTRICT NO. 7 BOUNDARIES
AND
APPOINTING BUSINESS IMPROVEMENT DISTRICT NO. 7 BOARD MEMBERS**

WHEREAS, the City of Deadwood has by previous resolution, ordinances, and action established and designated the boundaries of Business Improvement District No. 7 for the City of Deadwood pursuant to SDCL 9-55-5; and

WHEREAS, SDCL 9-55-5 requires the appointment of a Business Improvement District's Board by the Mayor, with the approval of the governing body; and

BE IT RESOLVED by the City of Deadwood, by its Mayor and with the approval of the City Commission, having first established the above boundaries, that the following members are appointed to the Business Improvement District Board District No. 7 for a term of one (1) year from August 1, 2016 through July 31, 2017:

Diana Graham-Mineral Palace
Willie Welchel-Gold Country Inn/Deadwood Station
Pat Roberts-Best Western Hickok House
Joe Henning-BH Inn and Suites
Caleb Arcenault-Cadillac Jack's/Springhill Suites/Hampton Inn
Gordon Mack-Cedarwood Inn
Susan Kightlinger-Deadwood Mountain Grand
Ken Gienger-Celebrity/Branch House
Tracy Island-Comfort Inn
Ron Island-Super 8
Charles Brimmer-Bullock Hotel
Dave Larson-Deadwood Dick's
Sue Hayes-Deadwood Gulch Resort
Michael Trucano-Hickok Hotel/Iron Horse Inn
Michelle Fischer-The Hotel by Gold Dust
Amber Diers-777/Gold Dust Lodging (Holiday Inn Express)/Hotel by Gold Dust
Steve Schaeffer-First Gold
Tom Rensch-Franklin Hotel
Court French-Thundercove
Dexter Koehne-Butch Cassidy Suites
Blake Haverberg-Martin Mason
Anthony Galbraith-Lodge at Deadwood
Tom Koth-Madame Peacock's

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Dated this 3rd day of October, 2016

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

- J. Accept Public Works Director's recommendation to increase hours of custodian Karla Dower from 19 hours per week to 29 hours per week and add certain benefits effective October 9
- K. Permission to purchase 5500 gallons of gasoline from Southside at \$2.12 per gallon
- L. Permission to increase wages for the following employees: Police Reserve Casey Nelson from \$12.19 hr. to \$13.80 hr. effective October 2, 2016 after four years of service; Administrative Asst. Rhonda McGrath from \$16.32 hr. to \$17.22 hr. effective October 5, 2016 after one year of service; Collections Intern, Lili Sjomeling from \$9.15 hr. to \$9.69 hr. effective October 16, 2016 after three years of service
- M. Publish Request for Proposals for naming rights at Welcome Center, with proposals due on January 10, 2017
- N. Permission for Randy Pfarr, Tom Kruzel, John Tridle, Trent Mohr, Bob Nelson Jr. and Bob Nelson St. to attend 2016 Safety and Loss Control Training Conference in Pierre on November 9 and 10, 2016. Request use of vehicle, lodging and meals not included at conference.

BID ITEMS

Retaining Wall

Mayor Turbiville stated three bids were opened for city steps and retaining wall at 1 Forest Street at 2:00 p.m. on September 29 as advertised. Bid bonds were included and addendum acknowledged in the following bid submittals:

Journey Construction. dba Ainsworth-Benning - \$74,400.00

RCS Construction - \$93,000.00

Tru-Form Concrete - \$130,000.00

Historic Preservation Officer Kuchenbecker recommended Commission award contract to low bidder. Ruth moved, Speirs seconded to approve the low bid from Journey Construction dba Ainsworth-Benning in the amount of \$74,400.00. Roll Call: Aye-All. Motion carried.

Surplus

Mayor Turbiville stated there were no bids received for abandoned vehicle surplus at 3:00 p.m. on September 29 as advertised. Finance Officer Nelson requested permission to sell without notice. Todd moved, Speirs seconded to allow Finance Office to sell without notice. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS

Wild West Songwriters

Mayor Turbiville opened the public hearing 5:42 p.m. Lee Harstad, Deadwood Chamber, was present to answer questions. Hearing closed.

Speirs moved, Ruth 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 83 Sherman Street from 2:00 p.m. to 10:00 p.m. on Friday, October 14, 2016. No one spoke in opposition. Roll Call: Aye-All. Motion carried.

Ruth moved, Speirs seconded to allow the relaxation of the open container ordinance for same area as approved on October 14, 2016 from 2:00 p.m. to 10:00 p.m. on Saturday, October 15. No one spoke in opposition. Roll Call: Aye-All. Motion carried.

Homecoming Parade

Mayor Turbiville opened the public hearing at 5:46 p.m. No one spoke in favor or against, hearing closed. Todd moved, Speirs seconded to approve the street closure on Main Street from Tin Lizzie Gaming Resort to Masonic Temple on October 7 from 2:00 p.m. until parade ends for Lead-Deadwood High School Homecoming Parade. Roll Call: Aye-All. Motion carried.

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Public Hearing continued

On September 19, public hearing was continued to consider lease agreement between City and Deadwood Chamber of Commerce for Welcome Center at 501 Main St. Mayor Turbiville requested Commissioners Ruth and Todd meet with Chamber Board for comments and suggestions of proposed lease and continue discussion on October 17. Speirs moved, Ruth seconded request. Lee Harstad, Deadwood Chamber, asked to hold meeting on Thursday October 6 at 10:00 a.m. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Acknowledge

Commission acknowledged September 30 payoff of Parking Revenue Bond in the amount of \$675,000.00 principal and \$2,946.72 interest. Roll Call: Aye-All. Motion carried.

Change Order

Speirs moved, Ruth seconded to approve Change Order #5 at Deadwood Welcome Center and Parking Lot project. Change order reduces cost of project by \$98,829.00, bringing total cost to \$6,452,603.98. Roll Call: Aye-All. Motion carried.

Recommendation

Todd moved, Speirs seconded to approve Parking and Transportation Committee recommendation to accept letter of intent from Deadwood Business Club for naming rights for meeting room at Lower Main Welcome Center, and allow Attorney to draft contract. Contract term is five years at \$1,000.00 per year. Commissioner Todd thanked Business Club for their participation. Roll Call: Aye-All. Motion carried.

Acknowledge

Commission acknowledged vote taken at Board of Adjustment meeting September 21, 2016 to approve Contract for Private Development, assign number 2016-18 to approved Resolution to Create Tax Increment District #10 Boundaries, assign number 2016-19 to approved Resolution Approving the Project Plan for Tax Increment District #10. Commissioner Todd expressed disappointment that item did not come before City Commission at the regular meeting, rather than acting as Board of Adjustment.

First Readings

Todd moved, Ruth seconded to approve first reading of Ordinance #1247 to amend Chapter 5.28 Vending, and require non-profits to follow application process. Attorney Riggins stated anyone wanting to vend within the City will have to follow application process, which has not been required in the past. Roll Call: Aye-All. Motion carried.

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

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

Speirs moved, Ruth seconded to approve first reading of Ordinance #1250 to amend Chapter 17.68.090 and 17.68.100 Concerning Demolition by Neglect and Minimum Maintenance Ordinance Change. Roll Call: Aye-All. Motion carried.

Change Order

Todd moved, Ruth seconded to approve change order to additional office to Welcome Center. According to Public Works Director Green, cost for one office complete is \$16,600.00 or one office roughed in is \$8,100.00. Mayor Turbiville stated that other agencies may utilize office at a later date. Roll Call: Aye-All. Motion carried.

Quote

Speirs moved, Ruth seconded to accept low quote form Mehlberg Construction in the amount of \$41,428.65 to construct retaining wall at Wabash Street and allow Mayor to sign contract, to be paid from Historic Preservation capital assets-retaining walls. Roll Call: Aye-All. Motion carried.

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Easement

Discussion was held concerning an easement agreement with Berg Jewelry to allow for staircase encroaching upon sidewalk at 650 Main Street. Kuchenbecker stated this request for easement is a result of participation in façade program. Public Works Director Green stated the Safety Committee did not recommend approval of easement as presented at this time due to ADA compliance and other safety issues, including snow removal and leaving only two feet of sidewalk for pedestrian travel. Commissioner Ruth stated it would be a shame to derail this project but ADA compliance is important. Historic Preservation Commissioner Lyman Toews suggested removal of sidewalk and leave the stairway at street level. After discussion, Ruth moved, Todd seconded to continue till October 17 to finalize issues of concern. Mayor Turbiville recommended Dale Berg, Ron Green and Kevin Kuchenbecker meet and discuss options. Roll Call: Aye-All. Motion carried.

Quotes

Speirs moved, Ruth seconded to accept quotes for crow's nest renovation at Event Center until November 1, with results to City Commission on November 7. Roll Call: Aye-All. Motion carried.

Office

Lori Fredrick, Executive Director of Deadwood Lead Economic Development, asked the Commission to utilize an office at City Hall. Fredrick stated the office works with both Deadwood Lead Communities, and wants everyone to know that Economic Development is a separate entity and is not part of the City of Deadwood. Todd moved, Ruth seconded to allow Deadwood Lead Economic Development to occupy a vacant office at Deadwood City Hall when Welcome Center is complete. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Mayor Turbiville read the following informational items:

- City offices are closed October 10 in observance of Native American Day
- 15th Annual Kidweird will take place on Monday, October 31 from 5:00 p.m. to 8:00 p.m. at Deadwood Pavilion.

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

ADJOURNMENT

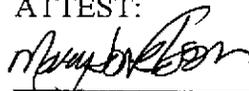
Speirs moved, Turbiville seconded to adjourn the regular session at 6:23 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2 (3) and personnel matter per SDCL 1-25-2 (1) with possible action. The next regular meeting will be on Monday October 17, 2016.

After coming out of executive session for legal and personnel matters at 6:37 p.m., Speirs moved, Ruth seconded to transfer Randy Pfarr to position vacated by Donovan Renner, pay 95% of existing wage, which is \$21.66 per hour plus .81 per hour longevity. Aye: all.

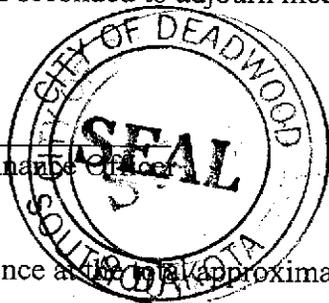
Speirs moved, Ruth seconded to send letter drafted by city attorney to Black Diamond Capital LLC regarding revenue discrepancies at parking garage. Aye: all.

Ruth moved, Speirs seconded to adjourn meeting at 6:39 p.m.

ATTEST:



Mary Jo Nelson, Finance Officer



DATE: Oct. 17, 2016

BY: Charles M. Turbiville
Charles M Turbiville, Mayor