

REGULAR MEETING, September 8, 2015

At 7:00 a.m. on August 25, 2015, a 2016 budget meeting was held with all Commissioners present, as well as some department heads. After discussion and input, Finance Officer will prepare an appropriation ordinance for first reading on September 8, 2015. Meeting ended at 9:00 a.m.

At 3:00 p.m. on September 8, 2015 a meeting was held with all Commissioners present, as well as department heads to review citywide fees. No action taken. Meeting ended at 4:50 p.m.

The Regular Session of the Deadwood City Commission convened on September 8, 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

At this time Commissioner Speirs raised a point of order and stated in part that the minutes of the August 17th commission meeting need to be amended to include a phone vote taken by the Mayor that changed the vote of the whole commission, to allow the rodeo grounds concessions to be used by the '76 Steer Roping event on August 28th, 29th and 30th. Speirs expressed his displeasure at the open meeting law violation, and reminded Commissioners to abide by their oath of office. (Complete statement attached to minutes on file.) After additional discussion from Mayor and input from Attorney Riggins, Speirs moved, Ruth seconded to rescind the motion on August 17 concerning the Steer Roping event and approve the amended minutes of August 17, 2015. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Todd moved, Van Den Eykel seconded to approve the September 8, 2015 disbursements plus additional bills. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	MAINTENANCE	398.88
ABC BUSINESS	SUPPLIES	202.89
ACES	ENGINEERING	3,800.00
AINSWORTH-BENNING	PROJECT	1,085.65
ALBERTSON ENGINEERING	PROJECT	5,944.57
ALL ANGELS EPISCOPAL	GRANT	25,000.00
ALL AROUND AUTO	SUPPLIES	853.40
ALSCO	SUPPLIES	245.91
AMERICAN TECHNICAL	TESTING	1,200.00
APEX 1996	REFUND	1,000.00
ARLETH LAND SURVEYING	SERVICE	157.50
ATCO INTERNATIONAL	SUPPLIES	207.00
BERENDSE & SONS	PROJECT	9,973.80
BIERSCHBACH EQUIPMENT	TUBES	45.00
BH CHEMICAL	SUPPLIES	4,245.16
BH POWER	ELECTRICITY	25,139.70
BH SECURITY	SERVICE	194.70
BH SPECIAL SERVICES	CLEANING	2,220.00
BUTLER MACHINERY	SUPPLIES	256.08
CENTURY LINK	SERVICE	181.23
CHAMBERLIN ARCHITECTS	PROJECT	89,762.50
CHRONICLE OF THE OLD WEST	RENEWAL	30.00
DAKOTA BUSINESS	MAINTENANCE	155.88
DAKOTA SECURITY	SUPPORT	1,021.22
DEADWOOD CHAMBER	ADVOCACY	5,500.00
DEADWOOD ELECTRIC	SERVICE	2,635.39
DVFD	STAFFING	2,350.90
DEADWOOD HISTORY	BILLING	12,122.50
EAGLE ENTERPRISES	LIGHTS	360.00
EB COMMUNICATIONS	SERVICE	634.10
ECOLAB	SERVICE	353.46
EDDIE'S CENTER	SUPPLIES	178.82
EMERY-PRATT	BOOK	17.37
FARMER BROTHERS	SUPPLIES	70.95
FASTENAL	SUPPLIES	136.62
FIRST GOLD	REFUND	1,000.00
FIRST INTERSTATE BANK	TIF	2,344.74
FLACK TRUCKING	SERVICE	380.00
FULLER, KELLY	REIMBURSEMENT	426.62
GAYLORD BROS.	STORAGE	37.44
GREAT WESTERN	REPAIR	229.00
GUNDERSON, PALMER, NELSON	SERVICE	6,775.34
HD SUPPLY WATERWORKS	SUPPLIES	278.58
HILLS MATERIALS	SERVICE	652.96
HILTON GARDEN INN	SERVICE	547.80
INTEGRATED PARKING	STYLUS	44.08
JACOBS WELDING	SERVICE	136.61
KORMAN SIGNS	SUPPLIES	136.01
KUCHENBECKER, KEVIN	REIMBURSEMENT	195.50
LAWRENCE CO. REGISTER	RECORDING	90.00
LEAD-DEADWOOD SANITARY	USAGE	34,178.22
LIGHTING PLASTICS	GLOBES	1,109.45

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LOST CREEK BOOKS	BOOK	15.95
LYNN'S	SUPPLIES	106.46
MATCO TOOLS	KIT	139.30
MCDIRT EXCAVATION	SERVICE	440.00
MERTENS, KENNETH	REIMBURSEMENT	587.44
MIDWEST TAPE	DVDs	41.98
MDU	SERVICE	1,855.09
MUTUAL OF OMAHA	INSURANCE	229.19
NELSON, ROBERT JR.	REIMBURSEMENT	155.00
NETWORK SERVICES	SUPPLIES	339.20
NEVE'S	UNIFORMS	114.75
NEWMAN TRAFFIC	CLAMPS	102.36
NORTHWEST PIPE FITTINGS	SUPPLIES	59.26
OFFICE DEPOT	CARTRIDGES	114.50
PEPPMEIER, JANICE	REIMBURSEMENT	543.15
PETTY CASH	FINANCE	92.18
PHEASANTLAND INDUSTRIES	SIGN	535.18
PITNEY BOWES	POSTAGE	500.00
QUILL	SUPPLIES	142.99
S&C CLEANERS	CLEANING	2,655.00
SALSBURY INDUSTRIES	LOCKERS	4,670.54
SCHMIDT, WILLIAM	PROJECT	5,410.00
SD COMMISSION ON GAMING	CITY SLOTS	27,443.18
SD DEPT. OF REVENUE	LICENSE	12.50
SD DEPT. OF REVENUE	TAX	5,157.59
SD DEPT. OF TRANSPORTATION	REFUND	380.09
SD LIBRARY NETWORK	SERVICE	1,119.75
SD PUBLIC ASSURANCE	INSURANCE	211,747.76
SD PUBLIC HEALTH LAB	TESTING	15.00
SD STATE HISTORICAL	PROJECT	1,932.06
SDN COMMUNICATIONS	SERVICE	571.20
SERVALL	SUPPLIES	2,502.36
SOUTHSIDE SERVICE	KEROSENE	1,412.50
SPECIALTY VEHICLES	SUPPLIES	635.98
STAN HOUSTON	SUPPLIES	571.00
STRETCH'S	URETHANE	188.39
THE LORD'S CUPBOARD	RECYCLING	59.40
THOMPSON INFORMATION	SUBSCRIPTION	536.99
TRIPLE K	SERVICE	3,440.84
TROUTON, JEFF AND LAUREN	GRANT	800.00
TRUGREEN	SERVICE	388.55
TSP	PROJECT	6,581.09
TWILIGHT	SUPPLIES	304.95
TWIN CITY HARDWARE	SUPPLIES	3,395.53
VANWAY TROPHY	AWARD	141.95
VAST	SERVICE	1,381.87
VERIZON WIRELESS	METERS	40.01
WEAPON CONCEPTS	QUALIFICATIONS	2,025.00
WELLMARK	INSURANCE	34,994.42
WHITE'S CANYON	ROD	223.92
WL CONSTRUCTION	BLADE	145.19
ZEP SALES	SUPPLIES	485.01
	TOTAL	\$573,727.13

ITEMS FROM CITIZENS ON AGENDA

Update

Paul Thomson, Director of Lawrence County Emergency Management, gave an overview of elected officials briefing. Thomson discussed the disaster process, emergency management overview, emergency planning and the Incident Command System. Commission thanked Thomson for his time.

Request

Todd moved, Van Den Eykel seconded to allow a short street closure on Main Street to set rooftop units on Saloon #10. Commissioner Van Den Eykel stated that Air Connections will give notification to the Police Department prior to needing the closure and will do so around 5:30 a.m. Roll Call: Aye-All. Motion carried.

CONSENT

Ruth moved, Speirs seconded to approve the following consent items with exception of (a) Northern Hills Alliance for Children requesting permission to serve beer at Days of '76 Museum, which was moved to the September 21 meeting. Roll Call: Aye-All. Motion carried.

- A. Accept resignations from the following Rec Center employees: Toni Schavone effective August 1, 2015, Courtney Gould effective August 10, 2015, and Madisen Dean effective August 13, 2015.
- B. Designate Black Hills Pioneer as official newspaper for City of Deadwood for period of one year per SDCL 9-12-6.
- C. Permission to order 5000 walking tour brochures from MS Mail at cost of \$5,000.00.
- D. Permission to increase wage of Trolley Drivers Dave Semingson from \$9.50 an hour to \$10.55 an hour retroactive to March 4, 2015 after one year of service, Lance Sandidge

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- from \$9.50 an hour to \$10.55 an hour effective September 13, 2015 and Phillip Arellano from \$9.50 an hour to \$10.55 an hour effective September 14, 2015.
- E. Promote Phillip Arellano to weekend manager position at Trolley Department effective September 9, 2015 and increase wage from \$10.55 an hour to \$12.55 an hour while performing weekend manager duties.
 - F. Permission to serve wine and beer in the library on Thursday, September 24, 2015 from 5:00 p.m. to 8:00 p.m. for Women Behaving Badly Among Books event for the Festival of Books.
 - G. Permission for Mayor to sign Oakridge Cemetery Certificates of Purchase and Warranty Deeds for Richard and Sherill Dunwiddie, Don and Theo Rogers, Beverly and Howard Fisher, Sr. and Howard Fisher II.
 - H. Permission to hire Jerity Krambeck to fill Historic Preservation Administrative Assistant position at \$15.99 an hour effective September 9, 2015 pending pre-employment screening.
 - I. Permission to hire Heather Monson to fill Ordinance Officer position at \$15.99 an hour effective September 9, 2015 pending pre-employment screening.
 - J. Permission for Mayor to sign contract with Travis Conrad and CAI2 for retaining wall at 10 Harrison Street. Action approved on August 17, 2015.
 - K. Permission for Mayor to sign agreement between City of Deadwood and Ace Signs of Arkansas, LLC to install archway over Lower Main Street. Action approved on August 3, 2015.
 - L. Permission for Mayor to sign contract with Lead-Deadwood Regional Hospital for use of swimming pool from November 1, 2015 to October 31, 2016. (no changes from previous year)
 - M. Pay 2015 allocation to Friends of Twins Cities Animal Shelter in the amount of \$3,000.00 for spay and neuter fund. (budgeted in Animal Control General Fund)
 - N. Hire William Schmidt to replace 43' of curb and gutter on Main Street near Mineral Palace at cost of \$2,884.00 from Streets budget.
 - O. Approve purchase of wood fencing from Wheeler Lumber at cost of \$4,420.80 from Parks budget. Supplies will be kept on hand for repairs and possible new installations in various areas.
 - P. Permission to hire Jeanne Reif as front desk personnel at Rec Center starting September 9, 2015 at \$8.50 per hour pending pre-employment screening.

BID ITEMS

Results

Public Works Director Green stated one bid was opened for the Mt. Moriah Drainage project at 2:00 p.m. as advertised. Cashier's Check was included in the following bid submittal:

Gardner Construction - \$119,750.00

Green requested Commission reject bid. Speirs moved, Van Den Eykel seconded request. Roll Call: Aye-All. Motion carried.

Set

Ruth moved, Speirs seconded to set bid opening for Mickelson Trail drainage project at 2:00 p.m. on September 21, 2015. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS

Public hearing was opened at 5:22 p.m. by Mayor Turbiville. No one spoke in favor or against, hearing closed. Ruth moved, Speirs seconded to approve Special Alcohol License for Elks Lodge to sell liquor at Masonic Temple on September 12, 2015 from 7:30 p.m. to close, or until 2:00 a.m. Roll Call: Aye-All. Motion carried.

Set

Todd moved, Van Den Eykel seconded to set public hearing at 5:00 p.m. on September 21 for Retail (on-off sale) Malt Beverage License (RB-21478) and Retail (on-off sale) Wine License (RW-21479) transfers from Schade Winery and Dakota's Best Wine and Gifts at 250 Hwy 14A to Schade Winery and Dakota's Best Wine and Gifts at 696 Main Street. Roll Call: Aye-All. Motion carried.

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OLD BUSINESS

Easement

Discussion was held to continue easement with Deadwood Mountain Grand regarding use of snowmobile trail until September 21. Planning and Zoning Administrator Nelson Jr. stated he had delivered notices to adjacent landowners, and stated most of the landowners he visited with approved of the easement. Lyman Toews, Terri Adler, Larry and Marcy Shama spoke about concerns regarding pedestrians on path, speed limit and noise control. After much discussion Todd moved, Speirs seconded to continue easement with Deadwood Mountain Grand until September 21 meeting. Commissioner Todd requested a representative from the Deadwood Mountain Grand be present as well to address concerns and answer any questions. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

First Readings

Van Den Eykel moved, Ruth seconded to approve first reading of Ordinance #1227, Supplemental Budget Ordinance #3 for 2015. Finance Officer Nelson explained the supplements by fund. Roll Call: Aye-All. Motion carried.

Ruth moved, Van Den Eykel seconded to approve first reading of 2016 Budget Ordinance #1228. Finance Officer Nelson informed Commission the total budget for 2016 is \$31,717,932.00, which includes \$6,000,000.00 for Lower Main Project. Nelson also provided a summary of budgeted revenues and expenditures by fund, a list of non-profit allocations and the budgeted Capital Improvement projects. Roll Call: Aye-All. Motion carried.

Discussion was held on first reading of Noise Ordinance #1229. Chief Fuller stated Police Department has received complaints in regard to excessive noise and the sources. Fuller stated the current ordinance has been declared invalid, and the proposed ordinance addresses many issues that the community deals with, provides a framework in the structure to determine if the source of the noise is excessive and provides a tool or guide to enforce each individual complaint. Terry Adler and Willie Aldrich spoke in support of the ordinance. Mike Trucano spoke concerning certain venues that rely on outdoor entertainment during the summer months. Fuller stated the ordinance will assign acceptable decibel levels depending on different districts whether residential or commercial. Fuller also stated a letter in support was received from Kim and Dean George. After much discussion Todd moved, Ruth seconded to approve first reading of Noise Ordinance #1229. Roll Call: Aye-All. Motion carried.

Appoint

Speirs moved, Van Den Eykel seconded to appoint the following to serve additional two year terms as members of Board of Appeals: Leroy Stuen, with term expiring on May 31, 2017, Darin Derosier and Ted Spencer with terms expiring on May 31, 2018. Roll Call: Aye-All. Motion carried.

Grant

Ruth moved, Speirs seconded to approve emergency Outside of Deadwood Grant to Newell Museum for additional repairs in the amount of \$3,848.50 from Historic Preservation. Roll Call: Aye-All. Motion carried.

Contract

Discussion was held concerning a contract with Chad Adams to operate and manage the Tri-City Rubble site. Public Works Director Green stated the Tri-Cities along with Lawrence County, Finance Officer Nelson and himself have met over the last several months to discuss the current rubble site operations and costs. Green stated the proposed contract would be for one-year term with two six-month review periods, followed by evaluations to determine if the contract should be rescinded or continued. After discussion concerning insurance, Speirs moved, Van Den Eykel seconded to allow contracting with Chad Adams. Roll Call: Aye-All. Motion carried.

Change order

Todd moved, Ruth seconded to approve Change Order #2 for Mickelson Bike path extension and extend final substantial completion date to September 16, 2015 with no change in contract amount. Roll Call: Aye-All. Motion carried.

Contracts

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Van Den Eykel moved, Speirs seconded to enter into a contract with A & L Contractors to provide a loop of water main in Calamity Lane-Peck-Burlington area in the amount of \$20,292.00 and pay from Water Fund, budgeted item. Roll Call: Aye-All. Motion carried.

Todd moved, Speirs seconded to enter into a contract with A & L Contractors to provide loop in the Madison Street-Washington Street area in the amount of \$26,806.80 and pay from Water Fund, budgeted item. Roll Call: Aye-All. Motion carried.

Ruth moved, Speirs seconded to enter into contract with Black Hills Asphalt in the amount of \$15,765.33 to perform crack and joint sealing in the Presidential section from Streets budget. Roll Call: Aye-All. Motion carried.

Payment

Speirs moved, Ruth seconded to approve payment to New Deal Tire for disposal of 131 tons of tires at \$220 per ton. Total cost \$28,545.00 to be paid from Rubble Site Fund. Roll Call: Aye-All. Motion carried.

Hire

Speirs moved, Ruth seconded to hire contractor in an amount not to exceed \$10,000.00 for porch and balcony repairs at Adams House Museum, budgeted in Historic Preservation Capital Assets. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Mayor Turbiville stated due to observance of Labor Day, residential garbage will be picked up on Saturday, September 12.

Resident Jan Van Tassel expressed concerns about the location of Deadwood Jam and felt the Rodeo Grounds would be more appropriate. Commissioner Speirs and Van Den Eykel would also like to see more events at the rodeo grounds and stated the upgrades are a great improvement to that facility.

Commissioner Ruth thanked the residents for coming and encouraged them to come to the next meeting to voice their concerns.

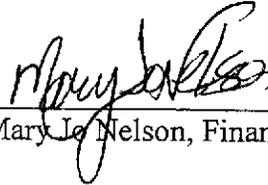
Attorney Riggins requested Executive Session for legal matters per SDCL 1-25-2 (3) with possible action and union negotiations per SDCL 1-25-2(4) with no action.

ADJOURNMENT

Speirs moved, Turbiville seconded to adjourn the regular session at 6:08 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3) with possible action and union negotiations per SDCL 1-25-2(4) with no action. The next regular meeting will be on Monday September 21, 2015.

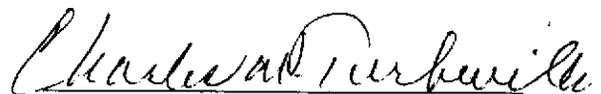
After coming out of executive session for legal matters per SDCL 1-25-2(3) and union matters per SDCL 1-25-2(4) Speirs moved, Todd second to adjourn at 6:35 p.m.

ATTEST:


Mary Le Nelson, Finance Officer



DATE: 9-21-15

BY: 
Charles M Turbiville, Mayor

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