

REGULAR MEETING, MAY 1, 2017

SWEAR IN COMMISSIONERS

The Honorable Michelle Percy, Magistrate Judge, administered the Oath of Office to newly elected City Commissioners David Ruth Jr. and Charlie Struble.

The Regular Session of the Deadwood City Commission convened on May 1, 2017 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, Charlie Struble, and Gary Todd. 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;

Charlie Struble – Finance Commissioner and Library Representative and Deadwood History Inc. Board Member;

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

Commission President

Mayor Turbiville appointed Commissioner Gary Todd as Commission President.

APPROVAL OF MINUTES

Speirs moved, Todd seconded to approve the minutes of April 17, 2017. Roll Call: Aye-All. Motion carried.

APRIL, 2017 PAYROLL: COMMISSION, \$2,730.76; FINANCE, \$17,941.96; PUBLIC BUILDINGS, \$5,763.92; POLICE, \$56,084.71; FIRE, \$5,122.61; BUILDING INSPECTION, \$3,884.56; STREETS, \$28,128.71; PARKS, \$16,149.01; PLANNING & ZONING, \$4,912.40; LIBRARY, \$6,702.13; RECREATION CENTER, \$14,387.38; HISTORIC PRESERVATION, \$16,267.57; WATER, \$15,317.06; PARKING METER, \$8,669.82; TROLLEY, \$16,494.59; PARKING RAMP, \$4,071.23 **PAYROLL TOTAL: \$222,628.42**

APRIL, 2017 PAYROLL PAYMENTS:

Internal Revenue Service, \$55,498.79; S.D. Retirement System, \$24,793.12; Delta Dental, \$4,174.84.

APPROVAL OF DISBURSEMENTS

Ruth moved, Speirs seconded to approve the May 1, 2017 disbursement. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	CONTRACT	386.03
A & J SUPPLY	SUPPLIES	15.00
ADVANCED ENGINEERING	PROJECT	1,936.00
AINSWORTH-BENNING	PROJECT	514,225.00
ALBERTSON ENGINEERING	PROJECT	3,471.56
ALBRIGHT CONSTRUCTION	PROJECT	16,080.86
ALSCO	SUPPLIES	130.82
AMANO MCGANN	SPEAKER	54.98
ARMSTRONG EXTINGUISHER	SERVICE	890.00
ASSOCIATED SUPPLY	SUPPLIES	71.97
BAILEY ELECTRIC	PROJECT	1,673.50
BICKLE TRUCK	REPAIRS	2,576.00
BH CHEMICAL	SUPPLIES	343.75
BH ENERGY	SERVICE	25,907.21
BH PIONEER	COMPUTER	2,666.00
BH SECURITY	SERVICE	823.33
BH SPECIAL SERVICES	CLEANING	1,400.00
BRANDON INDUSTRIES	SUPPLIES	1,419.00
CALIFORNIA CONTRACTORS	SUPPLIES	137.77
CAMPBELL SUPPLY	SUPPLIES	440.25
CENTURY BUSINESS	CONTRACT	435.16
CHAINSaw CENTER	SUPPLIES	546.75
CHAMBERLIN ARCHITECTS	PROJECT	4,524.97
CITY OF DEADWOOD	MT MORIAH	500.00
COTE, DAVID	RESTORATION	156.75
CREATIVE PRODUCT	SUPPLIES	546.09
DAKOTA BUSINESS	COPIER	197.72
DEADWOOD CHAMBER	BILL LIST	274,943.61
DVFD	REIMBURSEMENT	1,213.91
E.T. SPORTS	SUPPLIES	57.69
FACIAL IMAGES	RECOGNITION	1,250.00
FIRST NATIONAL CREDIT CARD	SUPPLIES	3,601.48
GALLS	RACK	386.40

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GOLDEN WEST INDUSTRIAL	SUPPLIES	235.74
GOLDEN WEST	SERVICE	5,467.10
GRIMM'S PUMP	SUPPLIES	216.70
HAWKINS	SUPPLIES	1,030.88
HINZ, MARK	PROJECT	3,375.00
IDZONE	SUPPLIES	672.00
INTERSTATE BATTERY	BATTERIES	130.50
IT STRAPS ON	BRACKET	119.39
LAWRENCE CO. AUDITOR	ELECTION	340.18
MARIAH PRESS	BOOKS	6,972.90
MENARD'S	SUPPLIES	160.94
MIDWEST TAPE	DVDS	73.97
MDU	SERVICE	5,709.72
MUTUAL OF OMAHA	INSURANCE	240.70
NEIGHBORHOOD HOUSING	CONTRACT	5,775.00
NETWORK SERVICES	SUPPLIES	457.15
NEVE'S UNIFORMS	UNIFORMS	132.49
NEWMAN TRAFFIC SIGNS	SIGNS	267.11
NORTHWEST PIPE FITTINGS	SUPPLIES	408.48
PETTY CASH	LIBRARY	49.00
PHILLIPS, JIM	RESTORATION	17.00
QUICK TROPHY	PLATE	34.58
QUILL	SUPPLIES	700.42
S AND C CLEANERS	CLEANING	1,000.00
SD DENR	RENEWAL	250.00
SD DEPT. OF REVENUE	LICENSE	150.00
SD GOV. FINANCE OFFICERS	REGISTRATION	75.00
SD GOV. HUMAN RESOURCE	REGISTRATIONS	100.00
SD PUBLIC HEALTH LAB	TESTING	30.00
SD STATE ARCHIVES	MICROFILM	64.00
SERVALL	SUPPLIES	1,682.83
SOUTHSIDE OIL	FUEL	11,550.00
SUMMIT SIGNS	SIGN	195.00
TIME EQUIPMENT RENTAL	REPAIR	120.40
TRUGREEN	SERVICE	352.78
TWILIGHT	SUPPLIES	111.20
TWIN CITY HARDWARE	SUPPLIES	4,659.97
ULTRAMAX	AMMO	1,172.00
UMENTHUM, KEITH	WINDOWS	1,275.00
VAST	SERVICE	3,002.82
VIEHAUSER ENTERPRISES	SERVICE	24,554.94
WELLMARK	INSURANCE	43,570.61
WESTERN COMMUNICATIONS	REPAIR	451.75
ZEP	SUPPLIES	163.34

TOTAL \$990,128.15

ITEMS FROM CITIZENS ON AGENDA

Arbor Day

Joann Eastman requested Mayor Turbiville sign the Proclamation for Arbor Day on May 5 and invited everyone to the tree planting by the welcome sign on Upper Main Street at 9:00 a.m. Eastman stated this is the 25th anniversary of being designated as Tree City USA.

Request

Tom Adams, American Legion Post 31, asked the Commission for permission to use public space at the Interpretive Center during Kool Deadwood Nites. Ruth moved, Speirs seconded to allow Lead-Deadwood American Legion to use public space in Interpretive Center in conjunction with Kool Deadwood Nites, from Wednesday, August 23 through Sunday, August 27. Permission was received for Thursday, August 24 at April 17 meeting. Roll Call: Aye-All. Motion carried.

Petition

Julie Stone, representing South Dakota Science and Technology Authority, asked the Commission to annex approximately 110 acres City of Deadwood property along Mickelson Trail into City of Lead. Annexation has been requested in order to administer future growth of Sanford Lab. Zoning Administrator Nelson Jr. spoke in support and recommended approval. Speirs moved, Ruth seconded to allow the Mayor to sign the petition for annexation. Roll Call: Aye-All. Motion carried. Legal Description as follows: Legal Description is Tract A of the Yates Subdivision, City of Lead, located outside City Limits of Lead, comprising 78.78 acres more or less (APN 26090-00100-000-00); Tract B of the Yates Subdivision, City of Lead, located outside City Limits of Lead, comprising 28.66 acres, more or less (APN 26090-00200-000-00), all located within portion of Sections 33 and 34, T5N, R3E, B.H.M., Lawrence County, South Dakota, and as shown on the certain plat recorded in the office of the Lawrence County Register of Deeds as Plat Document Number 2005-8217; and Tract C of the Yates Subdivision, City of Lead, located outside City Limits of Lead, and located between Tract A and Tract B, comprising 2.7 acres, more or less (APN 26090-00300-000-00), and located within portion of Sections 33 and 34, T5N, R3E, B.H.M., Lawrence County, South Dakota, as shown on that certain plat recorded in the office of the Lawrence County Register of Deeds as Plat Document Number 2005-8217.

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Request

Sarah Anderson from Deadwood Chamber requested permission to waive group fee and allow Deadwood Chamber of Commerce use of trolleys on May 30 and 31 FAM Tours. Speirs moved, Struble seconded request. Roll Call: Aye-All. Motion carried.

Proclamation

The Mayor read a proclamation declaring May 15 through May 19, 2017 Law Enforcement Torch Run for Special Olympics South Dakota Week.

CONSENT

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

- A. Permission to contract with B&H Asphalt paving and Maintenance to clean, coat and stripe or re-stripe Railroad Lot at cost of \$3,356.91, and allow Mayor to sign contract.
- B. Permission for Mayor to sign Oakridge Cemetery Certificates of Purchase and Warranty Deeds for Alcina Brick-Miller and Paul Miller.
- C. Permission to hire trolley drivers, Doug Magnuson at \$13.01 per hr. effective May 8, 2017 and Linda Kottke at \$13.01 per hr. effective May 26, 2017
- D. Permission for Kelly Fuller to sign Joint Powers Agreement with Attorney General's Office to jointly investigate and enforce state's drug, marijuana, and controlled substance laws
- E. Permission for Mayor to sign Agreement with Utility Services Associates to perform water leak detection services in the amount of \$3,039.00
- F. Permission to increase wages for the following employees: Police Reserve Deam Carollo from \$12.75 hr. to \$13.30 hr. effective May 5, 2017 after three years of service, Rec Center Receptionist Philip Madsen from \$8.93 hr. to \$9.20 hr. effective May 5, 2017 after one year of service, and Lifeguard Grace Campbell from \$9.72 hr. to \$9.98 hr. effective May 11, 2017 after one year of service
- G. Permission to hire Nathan Scott Lechner into Police Reserve Program effective May 1 at rate of \$12.18 per hour
- H. Permission to advertise for two lifeguard positions at a rate of \$9.72 per hour
- I. Allow use of Sherman Street lot from 8:00 a.m. to 12:00 p.m. on May 16 and 17, 2017 for Lead-Deadwood School District 4th and 5th Grade Triathlon
- J. Deadwood History Inc. requests trolley service at no cost for Archeology Camp from June 19-22 and June 26-29, 2017
- K. Approve purchase of 5500 gallons of gasoline from Southside at cost of \$1.90 per gallon
- L. Permission to hire the following seasonal employees: Street Dept. – Greg Nelson at \$10.71 hr. effective May 3, 2017; Parks Dept. – Connor Kuhl at \$9.20 hr., Kole Frisinger at \$9.98 hr., Broc Hanson at \$10.54 hr., Colt Bradley at \$9.42 hr. effective May 3, 2017; Mt. Moriah – Pam Goodwin at \$10.54 hr., Linda Carrico at \$9.20 hr., Georgeann Silvernail at \$9.42 hr., Jeanne Zurey at \$10.54 hr., Ardath Waisanen at \$9.20 hr., Lori Allen at \$8.93 hr., Doris Schenk at \$10.71 hr. effective May 15, 2017

BID ITEMS

SCBA breathing apparatus

Mayor Turbiville stated three bids were opened for SCBA Breathing Apparatus at 4:00 p.m. on May 1 as advertised. Bid bonds or cashier's checks were included in the following bid submittals:

M and T Fire Safety – with UN Cylinders - \$39,209.47.00, with ASME Cylinders - \$34,164.37
UE Compression – with UN Cylinders - \$39,995.00, with ASME Cylinders - \$37,985.00
Ed M. Feld Equipment Company – with UN Cylinders \$37,060.00, with ASME Cylinders - \$35,560.00

Fire Chief Rakow recommended Commission awarding bid to low bidder ED M. Feld Equipment. M and T Fire Safety bid did not meet bid specifications. Speirs moved, Ruth seconded to award to low bid to ED M. Feld Equipment in the amount of \$35,560.00. Roll Call: Aye-All. Motion carried.

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Speirs moved, Todd seconded to set bid opening at 2:00 p.m. on May 15 for Days of 76 Grandstand repairs, with results to City Commission at 5:00 p.m. that same day. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS

PBR Pro Event

Public hearing was opened at 5:15 p.m. by Mayor Turbiville. Sarah Anderson, Deadwood Chamber, was available to answer questions. Hearing closed.

Speirs moved, Struble seconded to allow the relaxation of the open container ordinance at the Event Complex from noon to 10:00 p.m. on Friday June 9, 2017. Roll Call: Aye-All. Motion carried.

Ruth moved, Struble seconded to allow the relaxation of the open container ordinance at the Event Complex from noon to 10:00 p.m. on Saturday June 10, 2017. Roll Call: Aye-All. Motion carried.

Ruth moved, Speirs seconded to approve special full temporary liquor license on Friday and Saturday, June 9 and 10, 2017. Roll Call: Aye-All. Motion carried.

3 Wheeler Motorcycle Rally

Public hearing was opened at 5:27 p.m. by Mayor Turbiville. First Gold representative Teresa Schanzenbach was available to answer questions. Hearing closed.

Speirs moved, Ruth seconded to allow the relaxation of the open container at the Event Complex on Friday, July 14, 2017. Roll Call: Aye-All. Motion carried.

Speirs moved, Todd seconded to allow the relaxation of the open container at the Event Complex on Saturday, July 15, 2017. Roll Call: Aye-All. Motion carried.

Transfer

Public hearing was opened at 5:18 p.m. by Mayor Turbiville. Michael Strain, on behalf of Michael Ballard, spoke in favor, hearing closed. Ruth moved, Speirs seconded to approve the transfer for Retail (on-sale) Liquor License (RL-5334) from Pink Blossom, LLC to Deadwood Distillery, LLC at 643 Main Street. Roll Call: Aye-All. Motion carried.

Licenses

Public hearing was opened at 5:19 p.m. by Mayor Turbiville. No one spoke in favor or against, hearing closed. Speirs moved, Ruth seconded to approve Retail (on-off sale) Wine and Retail (on-off sale) Malt Beverage Licenses for Naked Winery at 693 Main St. Roll Call: Aye-All. Motion carried.

Set

Todd moved, Speirs seconded to set public hearing on May 15 for Legends Ride. Roll Call: Aye-All. Motion carried.

Ruth moved, Speirs seconded to set public hearing on May 15 for Motorcycle parking. Roll Call: Aye-All. Motion carried.

Todd moved, Struble seconded to set public hearing on May 15 for Days of '76 Steer Roping Event. Roll Call: Aye-All. Motion carried.

Speirs moved, Ruth seconded to set public hearing on May 15 for July 4th parade. Roll Call: Aye-All. Motion carried.

Speirs moved, Struble seconded to set public hearing on May 15 for Deadwood Jam activities. Roll Call: Aye-All. Motion carried.

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NEWBUSINESS

Ordinance

Speirs moved, Todd seconded to approve second reading of Ordinance #1259 to Rescind Chapter 2.20, Parks and Rec Board. Roll Call: Aye-All. Motion carried.

User Fees

Speirs moved, Struble seconded to waive user fees at Deadwood Rec Center for Job Corps Appreciation Day on May 10 from noon to 4:00 p.m. Job Corp completed a construction project on second floor of Rec Center in January 2017. Roll Call: Aye-All. Motion carried.

Donation

Speirs moved, Struble seconded to accept and acknowledge donation of weight equipment valued at \$38,175.00 donated to Deadwood Rec Center by Christopher Renaud. Roll Call: Aye-All. Motion carried.

Negotiations

Speirs moved, Ruth seconded to direct Mayor to select a committee to enter into negotiations for proposed plaza project. Commissioner Todd questioned why we were negotiating prior to approval. Mayor Turbiville replied that city needs to determine what Century Link will require for the building. Mayor Turbiville appointed Michelle Fischer, Louie LaLonde, Mark Speirs, Lyman Toews and himself to the committee. Roll Call: Aye-All. Motion carried.

Commitment

Historic Preservation Officer Kuchenbecker explained the Historic Preservation Committee recommended providing up to \$2,000,000.00 in matching funds for plaza project. He stated the plans would be vetted thru local and state Historic Preservation Offices, and must meet administrative rules. Commissioner Todd confirmed that this was matching funds only and stated that if funds are not matched, "the deal is over." Commissioner Ruth agreed with Todd and stated this was not the only source of revenue for the project. Commissioner Speirs questioned how this funding relates to Historic Preservation and believes it is Deadwood Lead Economic Development issue. After discussion, Ruth moved, Struble seconded to approve future funding for Main Street Plaza Project of up to \$2,000,000.00 as matching funds, providing plans fit within SD Administrative Rules. Roll Call: Aye-Ruth, Struble, Todd. Nay-Speirs, Turbiville. Motion carried.

Appoint

Speirs moved, Ruth seconded to appoint Bill Rich to Planning and Zoning Commission for five-year term. Roll Call: Aye-All. Motion carried.

Change Order

Speirs moved, Struble seconded to approve change order #10 from Ainsworth Benning at cost of \$5,684.00, bringing total contract to \$6,502,689.00. Roll Call: Aye-All. Motion carried.

Engineering Services

Speirs moved, Ruth seconded to appoint Commissioner Gary Todd to join city staff in interviewing two firms for professional structural engineering services and make final recommendation to City Commission on May 15, 2017. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Members from the audience and Commission welcomed Charlie Struble to the Commission.

Lee Harstad, Deadwood Chamber, invited everyone to Hospitality Day on June 1st at the Springhill Suites starting at 9:00 a.m.

Historic Preservation Officer Kuchenbecker invited everyone to a preview screening of the TV documentary of Deadwood Pioneer, a Face from the Past, on Tuesday, May 16 from 7:00 p.m. to 9:00 p.m. at Deadwood Mountain Grand.

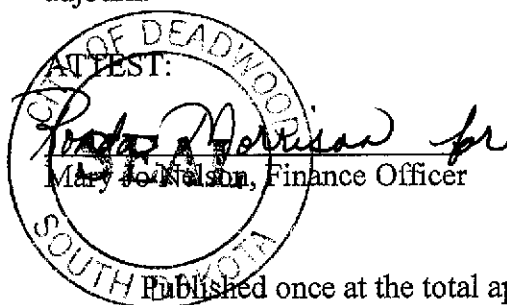
Attorney Riggins requested Executive Session for legal matters per SDCL 1-25-2(3) and personnel matters per SDCL 1-25-2(1) with possible action.

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ADJOURNMENT

Struble moved, Speirs seconded to adjourn the regular session at 5:40 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3) and personnel matters per SDCL 1-25-2(1) with possible action. The next regular meeting will be on Monday May 15, 2017.

After coming out of executive session at 7:05 p.m., Ruth moved, Speirs second to hire Tom Kruzel as Trolley Manager at \$54,000.00 a year, and increase wage of trolley employee Ken Rehberg from \$13.01 to \$16.65 per hour effective immediately. Speirs moved, Struble second to adjourn.



DATE: May 16, 2017

BY: Charles M. Turbiville
Charles M Turbiville, Mayor

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