

REGULAR MEETING, February 6, 2017

A meeting of Deadwood City Commission was scheduled for public hearing at 4:45 p.m. on January 25 regarding special alcohol license for Elks Lodge \$508 for event at Masonic Temple. No business was conducted due to lack of quorum.

The Regular Session of the Deadwood City Commission convened on February 6, 2017 at 5:00 p.m. in the Deadwood City Commission Chambers, 102 Sherman Street, Deadwood, South Dakota. Commissioner Van Den Eykel 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. Mayor Turbiville was absent. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

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

JANUARY, 2017 PAYROLL: COMMISSION, \$2,730.76; FINANCE, \$17,941.96; PUBLIC BUILDINGS, \$4,894.24; POLICE, \$60,559.37; FIRE, \$5,109.02; BUILDING INSPECTION, \$3,774.59; STREETS, \$32,128.97; PARKS, \$16,630.48; PLANNING & ZONING, \$4,912.40; LIBRARY, \$6,486.04; RECREATION CENTER, \$13,746.76; HISTORIC PRESERVATION, \$17,030.44; WATER, \$16,075.75; PARKING METER, \$8,949.43; TROLLEY, \$18,449.85; PARKING RAMP, \$5,478.08 **PAYROLL TOTAL: \$234,898.14**

JANUARY, 201 PAYROLL PAYMENTS:

Internal Revenue Service, \$59,411.98; S.D. Retirement System, \$26,090.52; Delta Dental, \$3,987.52.

APPROVAL OF DISBURSEMENTS

Speirs moved, Ruth seconded to approve the February 6, 2017 disbursements. Roll Call: Aye-All. Motion carried.

10-8 VIDEO	SYSTEM	2,304.95
A & B BUSINESS	COPIER	8,124.46
A & I DISTRIBUTORS	SUPPLIES	102.51
A TO Z SHREDDING	SHREDDING	32.47
ADVANCED ENGINEERING	SERVICE	1,828.00
AINSWORTH-BENNING	PROJECT	316,962.00
ALSCO	SUPPLIES	358.92
AMERICAN LEGAL	ORDINANCES	450.00
ANTIQUÉ EMPORIUM	TRUNKS	250.00
APWA	MEMBERSHIP	320.00
ARBOR DAY FOUNDATION	MEMBERSHIP	15.00
BADE, BRIAN	PHOTO	750.00
BH CHEMICAL	SUPPLIES	1,016.17
BH ENERGY	SERVICE	31,436.35
BH SECURITY	SERVICE	314.55
BODY CAMS BY RETIRED COPS	CAMERA	449.00
BOMGAARS	SUPPLIES	9.49
BUTLER MACHINERY	SUPPLIES	169.22
CENTRAL PARTS	SUPPLIES	435.73
CENTURY BUSINESS	CONTRACT	392.97
CHAMBERLIN ARCHITECTS	PROJECT	6,099.01
COMMERCIAL KITCHEN	SUPPLIES	659.00
COMPETITIVE MASONRY	PROJECT	35,099.50
COSMOPOLITAN	SUBSCRIPTION	26.97
DAKOTA BUSINESS	CONTRACT	202.69
DEADWOOD CHAMBER	MARKETING	207,449.40
ECOLAB	SERVICE	245.25
EMERGENCY COMMUNICATIONS	SERVICE	1,500.00
EMERY-PRATT	BOOKS	181.49
FASTENAL	SUPPLIES	140.39
FED EX	ARCHIVES	391.24
FIRST DATA	DRAWER	4,845.00
FIRST NATIONAL CREDIT CARD	PURCHASES	2,510.46
FLAT EARTH SIGN	SIGNAGE	980.00
GALLS	EQUIPMENT	607.34
GOLDEN WEST	SERVICE	1,305.15
GREAT WESTERN TIRE	REPAIR	119.50
HAWKINS	SUPPLIES	1,014.10
HEAVENLY REPAIRS	TOWING	359.00
HI-VIZ SAFETY WEAR	UNIFORMS	222.10
HILLS MATERIALS	ROADSTONE	116.28
INTEGRATED PARKING	MAINTENANCE	643.00
INTERSTATE ENGINEERING	SERVICE	2,645.26
JACOBS WELDING	SERVICE	6,590.65
KAHLER, DEBRA	WINDOWS	2,249.35
KARL'S	SOFA	1,149.96
KDSJ	ADS	210.00
KEYSTONE AREA HISTORICAL	GRANT	20,000.00
KIMBALL MIDWEST	SUPPLIES	112.64
KLAR, VERNON	REFUND	53.25
KNECHT	SUPPLIES	46.05
KNIGHT SECURITY	SERVICE	450.00

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KOALA ELECTRIC	GRANT	10,000.00
KT CONNECTIONS	SERVICE	486.50
KUSTOM SIGNALS	RADAR UNIT	1,572.00
L.L. BEAN	UNIFORMS	55.80
LAWRENCE CO. REGISTER	FEES	300.00
LESTER, ROB	REIMBURSEMENT	1,270.00
LIGHTING PLASTICS OF MN	SUPPLIES	1,938.60
LYNN'S	SUPPLIES	61.85
MEHLBERG CONSTRUCTION	PROJECT	2,244.90
METERING & TECHNOLOGY	SUPPLIES	1,000.98
MID-STATES ORGANIZED CRIME	MEMBERSHIP	150.00
MIDWEST TAPE	DVDS	541.76
MDU	SERVICE	13,295.87
MOSHER, ANDREW	REIMBURSEMENT	70.00
MOTOROLA	RADIO	2,339.01
MS MAIL	SERVICE	1,799.87
MUTUAL OF OMAHA	INSURANCE	245.65
NELSON, MARY JO	REIMBURSEMENT	79.80
NETWORK SERVICES	KIT	1,541.59
NEVE'S UNIFORMS	UNIFORMS	152.40
NH FRATERNAL ORDER	DUES	360.00
NORTHERN HILLS CASA	ALLOCATION	5,000.00
NORTHERN TRUCK EQUIPMENT	SUPPLIES	108.00
NORTHWEST PIPE FITTINGS	SUPPLIES	672.10
OWENS INTERSTATE SALES	SUPPLIES	585.80
PASTPERFECT SOFTWARE	SOFTWARE	432.00
PEARSON, TRAVIS	REIMBURSEMENT	44.00
PETTY CASH	HP/P&Z	107.97
PITNEY BOWES	POSTAGE	500.00
PRESERVATION ACTION	MEMBERSHIP	100.00
PROFESSIONAL MAPPING	SERVICE	750.00
PUSH-PEDAL-PULL	MAINTENANCE	389.81
QUALITY SERVICES	PROJECT	10,528.21
QUIK SIGNS	SIGNS	361.68
QUILL	SUPPLIES	70.64
RAPID CITY JOURNAL	SUBSCRIPTION	299.03
RASMUSSEN MECHANICAL	SERVICE	151.01
RECREATION SUPPLY	SUPPLIES	62.67
REGIONAL HEALTH	TESTING	50.00
RUNGE, MIKE	REIMBURSEMENT	12.00
S AND C CLEANERS	CLEANING	1,200.00
SANFORD, TY	REIMBURSEMENT	44.00
SCOTT PETERSON MOTORS	REPAIR	1,812.17
SD DEPT. OF CORRECTIONS	FIREWISE	2,190.11
SD DEPT. OF PUBLIC SAFETY	SERVICE	2,340.00
SD ONE CALL	SERVICE	7.84
SD PUBLIC HEALTH LAB	TESTING	30.00
SD STATE ARCHIVES	MICROFILM	57.60
SERVALL	SUPPLIES	2,545.99
SIERKS, JENA	REIMBURSEMENT	44.00
SOUTHSIDE OIL	FUEL	11,497.09
SPECIALTY VEHICLES	REMOTE	190.43
STURGIS AUTO PARTS	FILTERS	82.15
SUMMIT SIGNS	SIGNS	37.50
TOMS, DON	PROJECT	780.00
TRIPLE K	SERVICE	3,967.91
TWILIGHT	SUPPLIES	95.11
TWIN CITY HARDWARE	SUPPLIES	4,138.82
VAST BROADBAND	SERVICE	2,955.12
VERIZON WIRELESS	METERS	40.01
VIEHAUSER ENTERPRISES	SUPPLIES	301.94
WELLMARK	INSURANCE	41,110.68
WEST RIVER INTERNATIONAL	SPRING	322.70
WHITCOMB, SEAN	REIMBURSEMENT	44.00
	TOTAL	\$799,512.49

ITEMS FROM CITIZENS ON AGENDA

Requests

Kevin Schilling, Black Hills Real Estate, requested Deadwood Pavilion listing as he has several interested parties inquire. Commissioner Ruth stated that Commission had considered two other options, which were 1) the long-range comprehensive plan and 2) a possible lease. Tom Rensch, Silverado, also suggested adding to comprehensive plan and mentioned a land swap between the City of Deadwood and Silverado for the Main Street Plaza. Mike Rodman, Revitalization Committee, agreed the building should go into the comprehensive plan. Commission thanked them for their time.

Proclamation

Commissioner Van Den Eykel read a proclamation declaring the first Thursday of every February Optimist Day in the City of Deadwood.

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CONSENT

Ruth moved, Speirs seconded to remove items H for separate consideration and approve the following consent items: Roll Call: Aye-All. Motion carried.

- A. Permission to purchase two portable radios from Western Communications Inc. for \$4,390.02 from Police Department. (budgeted)
- B. Permission to purchase digital mobile unit from Western Communications Inc. in the amount of \$2,494.84 from Police Department. (budgeted)
- C. Approve contract reduction with Four Front Design LLC from \$5,950.00 to \$2,200.00 for Deadwood Cold Storage flood hazard remediation. The amendment deletes investigative, design, bidding and construction administration.
- D. Approve final change order with Oftedal Construction for utility relocation project, and reduce contract amount by \$122,700.72, making total contract \$951,866.29 and allow Mayor to sign.
- E. Approve change order #1 from Ainsworth Benning for city steps and 1 Forest retaining wall. No increase in cost, but contractor has requested additional days with substantial completion on May 12, 2017.
- F. Permission for Mayor to sign contract with Optira, Inc. for lidar scanning project in the amount of \$3,500.00 (approved on January 19, 2017)
- G. Permission for Mayor to sign contract with Arleth Land Surveying for surveying and mapping St. Ambrose Cemetery in an amount not to exceed \$7,680.00 (approved on January 19, 2017)
- H. Removed for separate consideration under New Business.
- I. Permission for two trolleys to travel to Spearfish and return on September 13, 2017. Purpose of travel is to provide tour for Planning Conference attendees
- J. Permission for Mayor to sign 2017 Event Center management contract with Chamber. (approved December 19, 2016)
- K. Permission to increase wage for Lifeguard, Rylee Sundermann from \$9.72 hr. to \$9.98 hr. effective January 22, 2017 after one year of service
- L. Replace carpet at the Adams House Interpretive Center lower level at cost of \$2,678.37 from HP Capital Asset line item
- M. Allow use of public property at the Event Complex on September 21 through September 23 for Black Hills Jeep Jamboree. Fees and deposit have been received.
- N. Resolution 2017-05 Extending Workers Compensation to Specific Individuals

RESOLUTION 2017-05

A RESOLUTION EXTENDING WORKERS' COMPENSATION COVERAGE TO SPECIFIC INDIVIDUALS FOR THE YEAR 2017

BE IT RESOLVED by the Deadwood City Commission that the City of Deadwood extend the South Dakota Municipal League Workers' Compensation benefit for coverage on the following individuals who are not automatically covered because they are appointed or elected to their positions:

City Commission: Charles M. Turbiville, David Ruth Jr., Mark Speirs, Gary Todd, and Jim Van Den Eykel;

Historic Preservation Commission: Dale Berg, Tom Blair, Laura Floyd, Mike Johnson, Lynn Namminga, Lyman Toews, and Chuck Williams;

Historic Preservation Volunteers: Judy Farris and Susan Zepkin;

Library Board: Dawn Burns, Linda Fredrick, Raul Ponce De Leon, Ashley Marske, and Charlene Miller;

Planning & Zoning Commission: Tony Biesiot, Marie Farrier, John Martinisko, Brett Runge, and Jim Shedd;

Police Department Reserve Officers: Kenneth Batka, Deam Carollo, Sonya Bertalot, Mark Heltzel, , Casey Nelson, Sam Otto, Sally Sprigler, and Matthew Symonds;

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Deadwood Volunteer Fire Department: Randy Addington, Ken Allen, Nate Allen, Phil Arellano, Pat Eastman, Toby Edstrom, Sandy Glover, Bill Glover, Larry Groll, Alex Hamann, Ken Hawki, Mathew Helmin, Francis Iverson, Mike Klamm, Jerity Krambeck, Jeff Millard, Trent Mohr, Robert Nelson Sr., Jerry Pontius, Courtne Rakow, Jason Rakow, Rylan Rakow, Mike Runge, Richard Stanger, Paul Thomson, Anne Wieringa, and Lei'Ani Wieringa.

The Finance Office will be notified of any personnel changes to the above-mentioned committees and commissioners.

Dated this 6th day of February, 2017

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

- O. Allow use of public property on April 15 for Relay for Life 5K. Race leaves Deadwood Mountain Grand down Water Street to Mickelson Trail and turn around at Pluma Visitor Center
- P. Permission to purchase 5500 gallons of gasoline at \$2.31 per gallon from Southside
- Q. Permission for Mayor to sign contract with Specialty Vehicles to provide 2017 trolley. (approved January 17, 2017)

BID ITEMS

Historic Preservation Officer Kuchenbecker stated eight bids were opened for Days of 76 Grandstand Roof Replacement at 2:00 p.m. on February 2 as advertised. Bid bonds were included in the following bid submittals:

Weathercraft Companies of Scottsbluff - \$194,821.00
Complete Concrete - \$190,000.00
Rangel Construction Company - \$169,400.00
Journey Group Companies dba Ainsworth Benning Construction - \$196,760.00
CVD Construction dba Donovan Construction - \$206,430.00
Scull Construction Service - \$213,900.00
Albright Construction - \$101,691.00
Rapid Exteriors - \$119,006.44

Historic Preservation Officer Kuchenbecker recommended Commission award to low bidder. Speirs moved, Ruth seconded to approve the low bid from Albright Construction in the amount of \$101,691.00. Roll Call: Aye-All. Motion carried.

Ruth moved, Speirs seconded to set bid opening for Phase 1 Whitewood Creek restoration and Phase 2 Whitewood Creek clean up at 2:00 p.m. on March 15, 2017 with results to Commission on March 20, 2017. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS

Todd moved, Speirs seconded to set public hearing on February 21 for Retail (on-off sale) Wine (RW-20691) License Transfer from Savour Your Soul to Angels Attic Uncorked at 732 Main Street. Roll Call: Aye-All. Motion carried.

Ruth moved, Speirs seconded to set public hearing on February 21 for Forks Corks and Kegs Event. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Macrovision

After additional clarification, Speirs moved, Ruth seconded to spend \$3,000.00 annually with Macrovision to maintain Historic Preservation Commission's Facebook page and allow Mayor to sign contract. Roll Call: Aye-All. Motion carried.

Loan write off

Ruth moved, Todd seconded to allow Finance Officer to write off Historic Preservation loans made to Benjamin Ortiz at 33 Taylor due to foreclosure and sale of asset. Principal bad debt write off totals \$70,406.47 in Revolving Loan Fund. Roll Call: Aye-All. Motion carried.

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Stadium Seating

Purchase of stadium seating for the grandstand was discussed. Planning and Zoning Administrator Nelson Jr. stated the existing chairs are in need of replacement. Pat Roberts, Days of '76 Committee, stated that if approved, the Committee would pay half of the cost of the seating. Commissioner Todd stated city has spent a lot of money in various areas throughout town and the expenditure is not a necessity. Commissioner Ruth stated the seats in the VIP section fit into the grandstand and this seating would complement, improve the seating and maximize capacity. After discussion concerning additional expenditures for decking and other structural issues, Ruth moved, Speirs seconded to purchase 244 stadium seats from Archer Seating for \$75.00 each and pay for half the cost at cost of \$9,300.00 from Capital Assets Rodeo Grounds line item. Roll Call: Aye-Ruth, Speirs, Van Den Eykel. Nay-Todd. Motion carried.

Ordinance readings

Ruth moved, Speirs seconded to approve second reading of Ordinance #1255 Amending Chapter 12.32, Mt. Moriah and St. Ambrose Cemeteries. Roll Call: Aye-All. Motion carried.

Speirs moved, Ruth seconded to approve second reading of Ordinance #1256 Amending Chapter 12.36, to remove reference to St. Ambrose from Oakridge Cemetery Ordinance. Roll Call: Aye-All. Motion carried.

Sewer Fund

After being presented with two options by Finance Officer Nelson to cover cash shortfall, Speirs moved, Todd seconded to allow Capital Contribution from Water Fund to Sewer Fund in the amount of \$51,385.81. Such transfer is necessary as a result of expenditures related to Hwy 85/385 project. Roll Call: Aye-All. Motion carried.

Grant

Discussion was held concerning the Residential Rehab grant program. Historic Preservation Officer Kuchenbecker stated thirteen nominees were submitted and reviewed by the Neighborhood Block Council, then presented to the Selection Committee. He also stated plans are under way for a three-way contract between the city, contractor and home owner as well as imposition of a time limit and scope of work. Commissioner Ruth stated the rehab program is a good tool to educate residents and provide knowledge of programs available. Commissioner Speirs said he would be more comfortable if the pilot project at 360 Williams Street was closer to completion before adding two additional projects. Speirs also stated taking financial resources out of Revolving Loan Fund should be monitored, and is concerned about the fund being liquidated. Speirs also stated he examined all the houses that were reviewed and several were in greater need than the two approved with life safety and code compliance issues. After much discussion concerning pilot program at 360 Williams Street, Ruth moved, Speirs seconded to approve entering Sonny and Lila Sorenson, 26 Burnham, and Leonard and Elizabeth Park, 48 Taylor into 2017 Historic Residential Rehab grant program and provide up to \$100,000.00 in financial assistance for each property. Roll Call: Aye-All. Motion carried.

Grants

Kevin Kuchenbecker informed the Commission that thirteen grant applications were submitted to Historic Preservation for the Outside of Deadwood grants project totaling \$196,216.12. Eight grants were approved and are: All Angels Episcopal Church - Replace doors - \$5,510.00; Art B Thomas Carousel - Carousel Restoration - \$25,000.00; Crow Creek School - Roof Repairs - \$2,340.00; Czech Heritage Preservation Society - Log School/Chalupa - \$5,500.00; Faulk County Historical Society - Pickler Manson - \$9,250.00; First Nations Sculpture - Engraving - \$10,000.00; Homestake Mining Company - Walking Trail Signage - \$9,225.00; Homestake Opera House - Restore Plaster Work - \$3,900.00; Mathews Opera House - Repair Theatre Drops - \$8,100.00; Mystic Preservation Alliance - Roof Repairs - \$6,375.00; Pyle House Museum - Storm Window Restoration - \$3,000.00; South Dakota Historic Society Found - Digital Archives - \$24,800.00; Verendrye Museum - Restoration/Maintenance - \$12,000.00.

Todd moved, Speirs seconded to accept the recommendations for the "Outside of Deadwood" grant allocations for a total of \$125,000.00 for the first half of 2017. Roll Call: Aye-All. Motion carried.

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Resolution

Speirs moved, Todd seconded to approve Resolution 2017-06 to Surplus and Transfer City Owned Real Estate, Lot 3A of Block 3 of Howard's Addition, and allow Mayor to sign Quit Claim Deed and Certificate of Real Estate Value for same. Roll Call: Aye-All. Motion carried.

RESOLUTION 2017 – 06

RESOLUTION TO SURPLUS AND TRANSFER CITY OWNED REAL ESTATE

WHEREAS, the Deadwood City Commission desires to designate certain City owned real property as surplus land and transfer said real property to the Deadwood-Lead Economic Development Corporation, pursuant to SDCL § 6-5-3 and 6-5-4,

AND WHEREAS, the public interest will be better served by transferring the following described real property to the Deadwood-Lead Economic Development Corporation;

Lot 3A of Block 3 of Howard's Addition in the City of Deadwood, Lawrence County, South Dakota.

AND WHEREAS, the land to be designated as surplus and then transferred encourages the development of said property.

NOW THEREFORE IT IS HEREBY RESOLVED, pursuant to SDCL 6-5-4, the public interest will be better served by the proposed designation of surplus property and transfer of land to the Deadwood-Lead Economic Development Corporation.

IT IS FURTHER RESOLVED, that the Deadwood City Commission shall further follow all mandates of SDCL 6-5-3, as statutorily provided.

Dated this 6th day of February, 2017

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

Change Order

Speirs moved, Ruth seconded to approve Change Order #7 for Lower Main Welcome Center and add \$6,967.00 to project, bringing total to \$6,486,617.99. Public Works Director Green stated this change order is for additional card reader rough-ins and changes to restroom sinks. Roll Call: Aye-All. Motion carried.

Purchase

Speirs moved, Ruth seconded to purchase automated parking system for Broadway Parking Garage from Amano McGann at cost of \$92,353.67 including installation. Zoning Administrator Nelson Jr. stated personnel will remain in booth through transition period. Nelson Jr. also stated that revenue gained from implementation of 24 hour system would assist in Parking and Transportation cash shortfall and will subsidize the trolley system. Roll Call: Aye-All. Motion carried.

Contract

Ruth moved, Speirs seconded to allow Mayor to sign contract with Split Rock Studios to fabricate and install Welcome Center exhibit at cost of \$684,816.00, budgeted from Historic Preservation. Historic Preservation Officer Kuchenbecker stated this includes preproduction including graphics, displays, exhibits and includes Welcome Center at South Gateway. Commissioner Speirs suggested utilizing displays by local artists to help tell Deadwood's story. Roll Call: Aye-All. Motion carried.

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Resolution 2017-07

Zoning Administrator Nelson Jr. stated ordinance changes are minor, but involves changes to material, use of style guide, and additional time for staff review prior to installation of banners. Commissioner Todd questioned whose office makes the determination as to removal of an illegal banner. Louie Lalonde suggested discussion with a possible liaison between city and revitalization. After discussion concerning enforcement, responsibility and possibly eliminating banners, Ruth moved, Speirs seconded to continue Resolution 2017-07 Establishing Community Standards for Use of Banners and first reading of Ordinance #1257 Regarding Banners, Chapter 15.32.150 Allowed Signs Subject to Permit and 15.32.180 Enforcement. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Commissioner Speirs thanked the Fire, Police and Water department on their response to recent incident at Comfort Inn.

Commissioner Ruth congratulated owners and staff of Saloon #10 on receiving the George S. Mickelson Great Service Award.

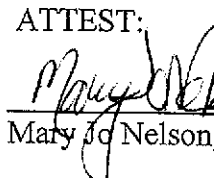
Attorney Riggins requested Executive Session for legal matters per SDCL 1-25-2(3) with possible action and personnel matters per SDCL 1-25- 2(1) with no action.

ADJOURNMENT

Speirs moved, Ruth seconded to adjourn the regular session at 6:19 p.m. and convene into Executive Session legal matters per SDCL 1-25-2(3) with possible action and personnel matters per SDCL 1-25-2(1) with no action. The next regular meeting will be on Tuesday February 21, 2017.

After coming out of executive session at 6:30 p.m., Todd moved, Ruth seconded to adjourn.

ATTEST:


Mary Jo Nelson, Finance Officer

DATE: 2-24-17

BY: 

Charles M Turbiville, Mayor

Published once at the total approximate cost of _____