

REGULAR MEETING, May 16, 2016

The Regular Session of the Deadwood City Commission convened on May 16, 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 Jim Van Den Eykel. Commissioner Gary Todd was absent. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Speirs moved, Ruth seconded to approve the minutes of May 2, 2016. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Ruth moved, Speirs seconded to approve the May 16, 2016 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	CONTRACT	78.80
A & J SUPPLY	SUPPLIES	13.05
AASLH MEMBERSHIP	MEMBERSHIP	115.00
ABC BUSINESS	SUPPLIES	443.37
ALBERTSON ENGINEERING	PROJECT	7,174.36
AMAZON WEB	SERVICE	222.07
ATCO INTERNATIONAL	SUPPLIES	132.70
BH CHEMICAL	SUPPLIES	458.49
BH PIONEER	ADS	1,444.98
BH POWER	SERVICE	27,282.59
BH SECURITY	SERVICE	104.85
BH WINDOW CLEANING	CLEANING	703.00
BOMGAARS	SUPPLIES	480.94
CCS	PROJECT	22,857.18
CENTURION TECHNOLOGIES	RENEWAL	50.00
CENTURY BUSINESS	SERVICE	643.34
CHAINSAB CENTER	SUPPLIES	410.00
COCA COLA	SUPPLIES	100.00
CULLIGAN	SUPPLIES	220.00
CUSTOM CAGE	CAGE	680.00
DAKOTA FENCE	PROJECT	33,700.00
DEADWOOD ALIVE	SEASON	21,500.00
DEADWOOD CHAMBER	BILL LIST	22,316.64
DVFD	REIMBURSEMENT	105.63
DEADWOOD GULCH RESORT	WORKSHOP	756.00
DEADWOOD HISTORY	LAB	1,534.00
DEMCO	SUPPLIES	116.49
DUNCAN	SERVICE	120.00
EDDIE'S TRUCK CENTER	HOSE	125.48
EME	REPAIR	335.00
EMERY-PRATT	BOOKS	492.71
FASTENAL	SUPPLIES	84.47
FIRST INTERSTATE BANK	TIF	256,275.50
FIRST NATIONAL CREDIT CARD	SUPPLIES	951.81
GALLS	UNIFORMS	128.94
GOLDEN WEST	SERVICE	502.90
HI-VIZ SAFETY WEAR	CLOTHING	1,330.15
IMAGE UP CREATIVE	MAP	2,817.93
INTERSTATE BATTERY	BATTERIES	247.60
JACOBS WELDING	SUPPLIES	273.93
KDSJ	ADS	200.00
KNECHT	SUPPLIES	40.23
KONE	MAINTANENCE	280.14
LEAD-DEADWOOD SANITARY	USAGE	24,767.07
LIBERTY NATIONAL BANK	TIF	67,618.94
LIGHTING PLASTICS	GLOBES	507.00
LINDSTAD'S ALIGNMENT	SUPPLIES	973.49
LYNN'S	SUPPLIES	199.00
M&M SANITATION	RENTAL	220.00
MCGRATH, RHONDA	REIMBURSEMENT	19.47
MED-TECH RESOURCE	SUPPLIES	160.92
MENARD'S	SUPPLIES	225.74
MERTENS, KENNETH	REIMBURSEMENT	293.72
MIDCONTINENT COMMUNICATION	SERVICE	65.00
MIDCONTINENT TESTING LABOR	TESTING	17.00
MIDWEST TAPE	DVDS	201.91
MITZI'S BOOKS	BOOKS	40.71
MOHR, TRENT	CONFERENCE	248.16
MDU	SERVICE	231.13
MORRIS, WAYNE	PROJECT	13,970.00
MS MAIL	SUPPLIES	1,075.93
NORTHERN HILLS TECHNOLOGY	SERVICE	74.00
NORTHWEST PIPE FITTINGS	SUPPLIES	2,370.84
OFTEDAL CONSTRUCTION	PROJECT	190,925.98
OWENS INTERSTATE	SUPPLIES	115.69
PERFORMANCE ONE	PROJECT	975.00
PETTY CASH	LIBRARY	96.00
PETTY CASH	HP/P&Z	107.35
PHIL'S ELECTRIC	PROJECT	204.08
QUIK SIGNS	SIGNS	162.52
QUILL	SUPPLIES	93.55
RAPID DELIVERY	FEE	12.16
REGIONAL HEALTH CLIENT	TESTING	75.00
ROCKINGTREE LANDSCAPES	TREES	283.50
RUNGE, MIKE	REIMBURSEMENT	54.13

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SCHMIDT, WILLIAM	PROJECT	960.00
SD COMMISSION ON GAMING	CITY SLOTS	27,443.20
SD DEPT. OF REVENUE	LICENSES	6,750.00
SD DEPT. OF REVENUE	TAXES	2,578.32
SD GOV. FINANCE OFFICERS	REGISTRATION	75.00
SD GOV. HUMAN RESOURCE	REGISTRATION	50.00
SD ONE CALL	SERVICE	79.52
SD PUBLIC HEALTH LAB	TESTING	15.00
SD STATE ARCHIVES	MICROFILM	115.20
SD STATE HISTORICAL SOCIET	MEMBERSHIP	40.00
SECOND CENTURY DEVELOPMENT	GRANT	2,693.04
SEVENTEEN	SUBSCRIPTION	21.97
SOUTHSIDE SERVICE	TIRES	59.00
SPECIALTY VEHICLES	CABLE	154.09
SPORTS ILLUSTRATED	SUBSCRIPTION	89.04
STRETCH'S	PROJECT	712.85
STURDEVANT'S	SUPPLIES	1,970.11
STURGIS AUTO PARTS	SUPPLIES	42.06
TEAM LABORATORY CHEMICAL	SUPPLIES	774.50
TODD, MARLENE	PHOTOS	2,475.00
TOMS, DON	PROJECT	780.00
TRIPLE K	REPAIRS	50.00
TRUE WEST PUBLISHING	AD	600.00
TRUGREEN	SERVICE	309.75
TURBIVILLE, CHARLES	REIMBURSEMENT	54.60
TWILIGHT	SUPPLIES	314.10
UMENTHUM, KEITH	PROJECT	520.10
VAST	SERVICE	1,235.43
WASTE CONNECTIONS	SERVICE	7,915.60
WESTERN COMMUNICATIONS	REPAIRS	133.00
TOTAL		\$ 773,245.74

ITEMS FROM CITIZENS ON AGENDA

Years of Service

Asst. Fire Chief Glover presented a certificate to Mike Runge for 5 years of service as a volunteer firefighter. Commission thanked Mike for his years of service.

Requests

Dahl McLean with Moonrise Mountain Enterprises asked the Commission to operate a Farmers Market on city property located at the corner of Deadwood and Siever Streets. Hours of operations would be every Friday from June 10 to October 28 from 9:00 a.m. to 2:00 p.m. Speirs moved, Ruth seconded to allow the Farmers Market pending adequate insurance. Roll Call: Aye-All. Motion carried.

Van Den Eykel moved, Ruth seconded to allow VFW Post 5969 a special temporary license to sell alcohol at Deadwood Pavilion from 2:00 p.m. to 2:00 a.m. on May 28, 2016 for a wedding. Roll Call: Aye-All. Motion carried.

Speirs moved, Van Den Eykel seconded the request from BID 7 to allow the following unbudgeted expenditures from BID 7 Funds: \$10,000.00 to Deadwood Revitalization for utility wraps in Downtown Historic District and to assist in funding for Portable Visitor's Center Kiosk. According to Lee Harstad, Chamber Director, both projects were suggested by Roger Brooks and recommended by BID Board. Roll Call: Aye-All. Motion carried.

CONSENT

Ruth moved, Speirs seconded to approve the following consent items with exception of item regarding Rushmore Fencing to install fencing along Hwy 85, which was moved to new business at request of Commissioner Speirs. Roll Call: Aye-All. Motion carried.

- A. Acknowledge interest payment to First National Bank in the amount of \$88,100.00 by ACH for Sales Tax Revenue bond
- B. Permission for Mayor to sign agreement with KOA Campground and Deadwood Station for Trolley Loop
- C. Permission for Mayor to sign contract with Black Hills Special Services for cleaning trolley and city vehicles
- D. Permission for Mayor to sign contract with Dr. Suzanne Julin to collect and transcribe ten oral histories at cost not to exceed \$6,750.00
- E. Accept resignation from Rec Center employee Kayla Huber effective May 22, 2016 and accept request from Rec Center employee Jeanne Emmert to move from Asst. Manager to Front Desk Receptionist effective May 22, 2016 with wage going from \$11.56 to \$9.82 hr.

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- F. Permission for Mayor to sign Loan Agreement for use of City Property and allow Ft. Meade Museum to display Poker Alice Hat and case until October 31, 2016
- G. Permission for Mayor to sign Loan Agreement with Mariah Press for digitization of City Property
- H. Permission to increase wage of Trolley Driver Thomas Riley from \$9.69 hr. to \$10.76 hr. effective May 24, 2016 after one year of service, and Parking Ramp employee Karol Flueckinger from \$9.69 hr. to \$10.23 hr. effective May 27, 2016 after two years of service
- I. Permission for Mayor to sign contract with RCS and Amy and Jean Gorzalka for retaining wall project at 50 Van Buren (approved May 2, 2016)
- J. Permission for Mayor to sign contract with RCS and Lance Bobolz for retaining wall project at 84 Van Buren (approved May 2, 2016)
- K. Permission for Mayor to sign proposal with Interstate Engineering for Charles Street Bridge Project (approved May 2, 2016)
- L. Permission for Mayor to sign purchase agreement and bill of sale for Wild Bill Bar Sign from Nugget Saloon LLC, owners of property located at 610 Main Street (approved May 2, 2016)
- M. Permission for Mayor to sign lease agreement for Wild Bill Bar Sign with Richard A. and Marguerite E. Oleson, owners of property located at 620 Main Street (approved May 2, 2016)
- N. Permission for Mayor to sign loan agreement with Deadwood History Inc. for exhibit of five relic firearms from Chinatown Archeological Collection
- O. Allow payment to Deadwood Electric in the amount of \$4,119.49 to install new service, pull wire, add outlets and other electrical alterations in conjunction with Days of 76 re-alignment project (Historic Preservation CIP project)
- P. Permission for Mayor to sign agreement between City of Deadwood and Ainsworth Benning Construction for Fremont Street project in the amount of \$152,700.00 (Approved May 2, 2016)
- Q. Permission to hire Ashley Belmontes for front desk position at Deadwood Rec Center at \$8.67 per hour effective May 17, 2016 pending pre-employment testing
- R. Allow payment to Custom Décor Masonry in the amount of \$3,990.00 to repair and restore prospector monument as part of Days of 76 re-alignment project.

BID ITEMS

Retaining Wall

Mayor Turbiville stated three bids were opened for the 77 Stewart retaining wall at 2:00 p.m. on May 12, 2016 as advertised. Bid bonds were included in the following bid submittals:

CAI - \$25,830.00

RCS Construction - \$59,000.00

Prairie Plains Construction - \$24,867.39

Historic Preservation Officer Kuchenbecker recommended Commission continue until June 6, 2016 for review. Van Den Eykel moved, Speirs seconded to continue. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS

Public hearing was opened at 5:08 p.m. by Mayor Turbiville. No one spoke in favor or against, hearing closed. Van Den Eykel moved, Ruth seconded to approve Retail (on-off sale) Malt Beverage License (RB-21478) and Retail (on-off sale) Wine License (RW-21479) transfers from Dakota's Best Wine and Gifts to Broken Arrow Trading Company Inc. dba Deadwood Winery at 696 Main Street. Roll Call: Aye-All. Motion carried.

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Deadwood Jam

Public hearing was opened at 5:09 p.m. by Mayor Turbiville. Lee Harstad, Deadwood Chamber, was present to answer any questions. Hearing closed.

Speirs moved, Ruth seconded to approve street closures on Siever Street at noon on Thursday September 15 through 12:00 a.m. on Sunday September 18, Deadwood Street from noon on Thursday September 15 through 12:00 a.m. on Sunday September 18, waiver of vending and banner fees on Friday September 16 and Saturday September 17, and allow use of the Interpretive Lot at 10:00 a.m. on Thursday September 15 through 3:00 p.m. on Sunday September 18, 2016. Roll Call: Aye-All. Motion carried.

Speirs moved, Ruth seconded to waive the open container ordinance in Interpretive Center only from 4:00 p.m. to 10:00 p.m. on Friday, September 16, 2016. Roll Call: Aye-All. Motion carried.

Ruth moved, Speirs seconded to allow the same as approved above for Friday September 16, 2016 from noon to 10:00 p.m. on Saturday, September 17, 2016. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Contract

Commissioner Speirs questioned the type of fencing being installed by Rushmore Fencing, as well as the removal of old fencing. Chief Fuller stated DOT is replacing the guardrail and at that time, Rushmore Fencing will install the fencing, which is a cost share with South Dakota Dept. of Transportation. Speirs moved, Ruth seconded to allow Mayor to sign contract with Rushmore Fencing Company to install fencing along Hwy 85 behind Tin Lizzies. Roll Call: Aye-All. Motion carried.

Repairs

Van Den Eykel moved, Ruth seconded to allow Eddie's Truck Sales to make repairs on Trolley #155 in an amount not to exceed \$4,500.00. Roll Call: Aye-All. Motion carried.

Renew

Van Den Eykel moved, Speirs seconded to renew 2016-2017 Malt Beverage Licenses pending payment of property tax and BID taxes. Roll Call: Aye-All. Motion carried.

PACKAGE (OFF-SALE) MALT BEVERAGE

Big D Oil Co., Bid D., 402 Main St., PB-1621

RETAIL (ON-OFF SALE) MALT BEVERAGE

Vaughn Mary Boyd, Deadwood Tobacco Co. & Cigar Bar, 628 Main St., RB-2108
Gold Dust Lodging Group, LLC, Holiday inn Express Hotel & Suites 22 Lee St., RB-2391
Mustang Sally's Inc., Mustang Sally's, 634 Main St., RB-2405
Black Diamond Capital LLC, Gold Dust, 688 Main St., RB-2418,
Bullock Hospitality LLC, Bullock Hotel, 633 Main St., RB-2445
BRI, Inc., Best Western Hickok House, 137 Charles St., RB-2447
Mary Larson, Deadwood Dicks Restaurant, 51 Sherman St., RB-2449
Princeton Inc., Deadwood Super 8 / Lucky 8 Gaming, 196 Cliff St., RB-2450
Willys Wild West, Deadwood Station, 68 Main St., RB-2453
Midnight Star Enterprises, LP, Midnight Star I & II, 677 Main St., RB-2454
Blue Sky Gaming, Inc., Tin Lizzie Gaming Resort, 555 Main St., RB-2463
Old Style Saloon #10, Inc., Saloon #10, 657 Main St., RB-2466
Super G Investment Corporation, Silverado, 709 Main St., RB-2512
WWW LLC, Gold Country Inn, 801 Main St., RB-2521
TJ Gear, Madame Peacock's Accessory Lounge, 638 Main St., RB-2527
Midwest Motels of Deadwood II, Buffalo Bodega, 658 Main St., RB-2576
First Gold, Inc., First Gold Hotel, 270 Main St., RB-2584
GR Deadwood LLC, Mineral Palace Hotel & Gaming, 607 Main St., RB-2593
Fairmont Hotel Corporation, Fairmont Hotel, 628 Main St., RB-2597
Deadwood Hospitality Resort LLC, Deadwood Gulch Resort, 304 Cliff St., RB-2609
Blue Sky Gaming Inc., Tin Lizzie Gaming Resort, 555 Main St., RB-2644
Hotel Franklin Inc., Historic Franklin Hotel, 700 Main St., RB-2659
Blue Sky Gaming, Inc., Tin Lizzie Gaming Resort, 555 Main St., RB-2831

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Gulches LLC, Comfort Inn Gulches of Fun, 225 Cliff St., RB-3536,
Rolling Hills Farm Investment LLC, Celebrity Hotel, 629 Main St., RB-3722
B.Y. Development, Inc., Cadillac Jack's Gaming Resort, 360 Main St., RB-3894
Deadwood Resort, LLC, The Lodge at Deadwood, 100 Pine Crest Lane, RB-19227
Deadwood History Inc., Adams Museum & House Inc., 150 Sherman St., RB-19328
Deadwood History Inc., Days of '76 Museum, 1876 Drive, RB-20301
Dakota Gunslingers LLC, Dakota Gunslingers, 669 Main St., RB-21255
Tentekota, LLC, Deadwood Mountain Grand, 1906 Deadwood Mountain Drive, RB-21329
NMD Venture LLC, Hickok's Hotel & Casino, 685 Main St, RB-21688
Apex 1996 LLC, Apex 1996 LLC, 612 Main St, RB-21693
Pandora's Box, Pam's Purple Door, 637 Main St, RB-21725
Jackson Winery & Vineyards, Belle Joli Winery, 594 Main St, RB-21771
Richard & Marguerite Olesen, Wild Bill Old West Trading Post, 624 Main St, RB-21772
Savour Your Soul LLC, Savour Your Soul, 732 Main St, RB-21833
Kodiaks Inc., Kodiaks Arcade Shooting Gallery, 83 Sherman St, RB-21853

RETAIL (ON-OFF SALE) MALT BEVERAGE AND SD FARM WINE

Deadwood Development, McKenna's Gold, 470 Main St., BW-20163
Deadwood Land Holding, LLC, Tatanka, Story of the Bison, 100 Tatanka Drive, BW-20586
Effective Education, Pump House at Mind Blown Studio, 73 Sherman St., BW-20797
Boondocks LLC, Happy Days, 639 Main St., BW-21880

PACKAGE (OFF SALE) MALT BEVERAGE AND SD FARM WINE

Virginia Tice-Poseley, Dakota Sky Stone, 671 Main St., PF-21118
Optima LLC, SpringHill Suites by Marriott, 360 Main St., PF-20925

Reappoint

Ruth moved, Van Den Eykel seconded to reappoint Father Michael Johnson and Dale Berg to Historic Preservation Commission for three-year term, which expires May 2019. Roll Call: Aye-All. Motion carried.

Recommendation

Speirs moved, Ruth seconded to approve Historic Preservation Commission recommendation to amend existing contract with Kadrmass, Lee and Jackson Inc. for design services and construction administration for Phase VI of St. Ambrose Cemetery in the amount of \$65,913.00, for total adjusted agreement amount of \$270,000.00 (budgeted for 2016). Roll Call: Aye-All. Motion carried.

Approval

Van Den Eykel moved, Ruth seconded to allow Historic Preservation to spend up to \$13,000.00 from HP Public Education/Advocacy line item to develop a chuck wagon from Hansen Wheel and Wagon Shop into a portable visitor information center in partnership with Deadwood Chamber of Commerce and Business Improvement District 7. Historic Preservation Officer Kuchenbecker explained this kiosk would be staffed by Chamber in period costumes. Roll Call: Aye-All. Motion carried.

Speirs moved, Ruth seconded to approve Cable Communications Services proposal in the amount of \$6,118.66 for Days of 76 re-alignment project and allow Mayor to sign contract (budgeted Historic Preservation CIP). Roll Call: Aye-All. Motion carried.

Contract

Van Den Eykel moved, Ruth seconded to contract with Black Hills Asphalt LLC to seal coat Mickelson Trail from Trailhead to Walnut Street, to be paid from Parks budget at cost of \$4,848.58. Roll Call: Aye-All. Motion carried.

Approval

Ruth moved, Speirs seconded to approve funding façade restoration grant to Tim Conrad for properties at 138 and 140 Sherman Street. Award is \$58,496.68 from Façade Easement Program in Revolving Loan Fund. Roll Call: Aye-All. Motion carried.

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Payment

Van Den Eykel moved, Speirs seconded to allow payment to Cable Communications Services in the amount of \$6,466.54 for additional trenching, placement of conduit, removal and replacement of asphalt along Highway 85. Roll Call: Aye-All. Motion carried.

Van Den Eykel moved, Ruth seconded to allow payment to Freeman Electric in the amount of \$14,575.00 for connection of all services related to Highway 85 project. Roll Call: Aye-All. Motion carried.

Agreement

Speirs moved, Van Den Eykel seconded to allow Mayor to sign Rubble Site Agreement with Cities of Lead, Central City and Chad Adams to operate site until November 30, 2016, with option to enter into 3-year agreement by mutual agreement of parties. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Mayor Turbiville read the following informational items:

-reminder of free dump week May 16 through May 20.

-Raffle permit application received from St. John's Episcopal Church for drawing to be held September 5, 2016 for 12-gauge coach shotgun. No action approves per SDCL 22-25-25.

Attorney Riggins requested Executive Session for legal matters per SDCL 1-25- 2(3) and union matter per SDCL 1-25-3 (4) with possible action.

Commissioner Ruth wished Ron Green's wife Sheree a speedy recovery.

ADJOURNMENT

Speirs moved, Van Den Eykel seconded to adjourn the regular session at 5:24 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2 (3) and union matter per SDCL 1-25-3 (4) with possible action. The next regular meeting will be on Monday June 6, 2016.

After coming out of executive session at 5:50 p.m., Speirs moved, Van Den Eykel seconded to adjourn.

ATTEST:


Mary Jo Nelson, Finance Officer

DATE:

June 7, 2016

BY:

Charles M. Turbiville
Charles M Turbiville, Mayor

Published once at the total approximate cost of _____