

REGULAR MEETING, April 21, 2014

The Regular Session of the Deadwood City Commission convened on April 21, 2014 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 Joe Peterson, Georgeann Silvernail, Gary Todd and Jim Van Den Eykel. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Silvernail moved, Van Den Eykel seconded to approve the minutes of April 7, 2014. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Todd seconded to approve the April 21, 2014 disbursements. Roll Call: Aye-All. Motion carried.

| | | |
|---------------------------|-------------------------|------------|
| ABC BUSINESS | SUPPLIES | 571.82 |
| ACE INDUSTRIAL | SUPPLIES | 354.40 |
| ALBERTSON ENGINEERING | PROJECT | 8,547.50 |
| ALCO | SUPPLIES | 67.44 |
| ALSCO | MATS | 54.00 |
| AMAZON WEB | CONTRACTED WEB SERVICES | 277.60 |
| ARMSTRONG MEDICAL | TRAINING SUPPLIES | 134.10 |
| BH CHEMICAL | SUPPLIES | 391.11 |
| BH DISPOSAL | SERVICE | 760.00 |
| BH PIONEER | ADS | 782.08 |
| BH URGENT CARE | TESTING | 55.00 |
| BH WINDOW CLEANING | CLEANING | 536.00 |
| BUTLER MACHINERY | SUPPLIES | 245.86 |
| CENTURY LINK | SERVICE | 252.45 |
| CRARY HUFF LAW | SERVICE | 584.50 |
| CULLIGAN | SUPPLIES | 119.50 |
| DAKOTA BUSINESS | MAINTENANCE | 192.08 |
| DAKOTACARE | INSURANCE | 39,204.43 |
| DEADWOOD CHAMBER | FUNDING | 103,620.93 |
| DEADWOOD DEVELOPMENT | SERVICE | 51.50 |
| DEADWOOD HISTORY | OPERATING | 55,738.87 |
| FARMER BROTHERS | SUPPLIES | 21.80 |
| FASSBENDER | OPERATIONS | 14,500.00 |
| FASTENAL COMPANY | SUPPLIES | 69.72 |
| FIRST INTERSTATE BANK | TIF | 5,185.65 |
| FIRST NATIONAL BANK | FEE | 94,581.25 |
| FULLER, KELLY | REIMBURSEMENT | 409.96 |
| GOLDEN WEST | SERVICE | 205.63 |
| GRIMM'S PUMP | SUPPLIES | 18.28 |
| GUNDERSON, PALMER, NELSON | SERVICE | 4,222.63 |
| GUSTAFSON, ARLENE | ELECTION | 153.00 |
| INTERNATIONAL CODE | RENEWAL | 75.00 |
| JACOBS WELDING | REPAIRS | 896.00 |
| KONE | MAINTENANCE | 258.40 |
| LARIVE, ANDREW | REIMBURSEMENT | 125.74 |
| LAWRENCE CO. REGISTER | FEES | 30.00 |
| LAWRENCE TITLE COMPANY | FEES | 127.20 |
| LAWSON PRODUCTS | SUPPLIES | 162.48 |
| LEAD RIFLE & PISTOL | DUES | 315.00 |
| LIGHT AND SIREN | LIGHTBAR | 969.76 |
| M&M SANITATION | RENTAL | 307.50 |
| MARIAH PRESS | PROJECT | 539.08 |
| MIDCONTINENT | SERVICE | 65.00 |
| MILOS, GEORGE | ELECTION | 178.00 |
| MS MAIL | SERVICE | 1,414.47 |
| NEIGHBORHOOD LENDING | SERVICE | 33.50 |
| NEVE'S | SUPPLIES | 326.78 |
| NORTHERN TRUCK EQUIPMENT | SWITCH | 65.30 |
| OFFICE DEPOT | RIBBON | 77.94 |
| PETTY CASH | FINANCE | 155.49 |
| PITNEY BOWES | POSTAGE | 500.00 |
| PUSH-PEDAL-PULL | REPAIRS | 613.04 |
| RAPID DELIVERY | SERVICE | 12.60 |
| RDO EQUIPMENT | SUPPLIES | 301.91 |
| S&C CLEANERS | CLEANING | 1,144.00 |
| SANDIDGE, VERNA | ELECTION | 143.00 |
| SD COMMISSION ON GAMING | CITY SLOTS | 18,852.27 |
| SD DEPT. OF CORRECTIONS | SERVICE | 3,572.98 |
| SD DEPT. OF LABOR | REIMBURSEMENT | 583.00 |
| SD ONE CALL | SERVICE | 11.10 |
| SEMAPHORE CORPORATION | SUPPLIES | 105.50 |
| SEMINGSON, DAVID | REIMBURSEMENT | 95.40 |
| SERVALL | SUPPLIES | 1,934.13 |
| SEW IT GOES | REPAIR | 199.91 |
| SPEARFISH AUTO | SUPPLIES | 68.99 |
| SPEARFISH HUSKY | REPAIR | 52.00 |
| SPECIALTY VEHICLES | ANGLES | 108.34 |
| STRETCH'S | SERVICE | 49.99 |
| STURDEVANT'S | WRONG BILLINGS | 1,127.04 |
| TOMS, DON | PROJECT | 630.00 |
| TRAF-O-TERIA SYSTEM | ENVELOPES | 589.15 |
| TRIPLE K | REPAIR | 718.80 |
| TSP THREE | PROJECT | 21,370.69 |
| TWILIGHT | SUPPLIES | 502.10 |
| TWO WHEELER DEALER | SUPPLIES | 219.99 |

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TYLER TECHNOLOGIES
ULTRAMAX
VFW BLACK HILLS POST 5969
WESTERN STATES FIRE

| | |
|------------|----------|
| SYSTEM | 2,750.00 |
| AMMUNITION | 303.00 |
| FLAGS | 432.00 |
| SERVICE | 2,032.00 |

TOTAL \$397,054.66

Mayor Turbiville presented Joe Peterson a plaque for his time of service as commissioner and wished him well.

ITEMS FROM CITIZENS ON AGENDA

Arbor Day

Joann Eastman requested Mayor Turbiville sign the Proclamation for Arbor Day on May 2, 2014. Joann invited everyone to the tree planting at Days of '76 Museum.

Request

Joann Eastman requested use of trolley and waiver of fee on May 2 to transfer 120 students from Deadwood Elementary School to Arbor Day program at Days of '76 Museum. Silvernail moved, Todd seconded said request. Roll Call: Aye-All. Motion carried.

Request

Sandy Glover requested the use of a portion of the rodeo grounds complex for citywide family picnic on Saturday June 21, 2014 from 11:00 a.m. to 3:00 p.m. Roll Call: Aye-All. Motion carried.

Update

Susan Konstant, Pace Strategic presented the Commission with a 12-month review of Capital Improvement Committee. She gave a brief history of the process and mission statement adopted earlier.

PUBLIC HEARING/BID OPENINGS

Public Hearing-Wild Bill Days

Public hearing was opened at 5:11 p.m. by Mayor Turbiville. Sarah Anderson, Deadwood Chamber requested approval of the following:

Todd moved, Silvernail seconded to approve the street closure on Main Street from Pine to Deadwood Street on Thursday June 12, 2014 from 9:00 a.m. Street will remain closed until 10:00 p.m. Saturday June 14, 2014, and Main Street from Wall to Deadwood Street on Thursday June 12, 2014 from 2:00 p.m. Street will remain closed until 2:00 a.m. Sunday June 15, 2014. Roll Call: Aye-All. Motion carried.

Friday June 13, 2014

Silvernail moved, Todd 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 Sherman Street from 12:00 p.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Saturday June 14, 2014

Silvernail moved, Todd seconded to allow the relaxation of the open container ordinance for same area as approved on June 13, 2014 from 12:00 p.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Silvernail moved, Van Den Eykel seconded to waive the vending fee and allow vending on Main Street on Friday, June 13 and Saturday, June 14, 2014 for Chamber merchandise. Roll Call: Aye-All. Motion carried.

Van Den Eykel moved, Todd seconded to approve the waiver of the banner fees Friday & Saturday, June 13 & 14, 2014. Roll Call: Aye-All. Motion carried.

Silvernail moved, Todd seconded to allow the use of Interpretive Lot on Friday, June 13 through Sunday, June 15 2014. Roll Call: Aye-All. Motion carried.

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Van Den Eykel moved, Silvernail seconded to allow the use of public property for Deadwood's first Midnight Cowboy 5K Run on Friday June 13, 2014. Roll Call: Aye-All. Motion carried.

Public Hearing-Cinco De Mayo

Public hearing was opened at 5:17 p.m. by Mayor Turbiville. Mike Trucano requested approval of the following:

Silvernail moved, Van Den Eykel 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 from Main Street to Sherman Street, and Lee Street from Pioneer Way to Sherman Street on Saturday, May 3 2014 from 12:00 p.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Todd moved, Silvernail seconded to approve the street closure on Gold Street and Wall Street to Lee Street on Saturday, May 3, 2014, from 12:00 p.m. to 6:00 p.m., waiver of the vending fee and allow vending on Main Street and Sherman Street for the Sidewalk Sale with proceeds to charity, and waiver of the banner fee. Roll Call: Aye-All. Motion carried.

Mugs

Mike Trucano asked the Commission to approve the Deadwood Business Club special open container mugs for Cinco de Mayo event. Commissioner Silvernail would like Chamber only mugs for special events. After discussion, Todd moved, Peterson seconded to approve the Business Club special open container mugs for Cinco de Mayo. Roll Call: Aye-All. Motion carried.

Public Hearing-Open Container Trail

Public hearing was opened at 5:17 p.m. by Mayor Turbiville. Peter DeMangus, Gold Dust Manager, requested approval of 30-day trial period beginning May 30, 2014 for open container in Zones 1 and 2 on Fridays, Saturdays and Sundays from 12:00 p.m. to 10:00 p.m. He asked if the trial period could be modified to a 7-day period Monday through Friday, instead of Fridays, Saturdays and Sundays. Mayor Turbiville said the public hearing was advertised for original request and to change terms now would be a violation of the open meetings law. Business owners and managers, Ron Russo, Nick Spanno and Terry Hauck spoke in favor of the trial. A letter was received from business owner Vaughn Boyd, who is opposed to proposal, and tour bus operator Jan Van Tassel spoke against the trial. After further discussion, Todd moved, Silvernail seconded not to approve the 30-day trial period for open container. Roll Call: Aye-Silvernail, Todd, Van Den Eykel. Nay-Peterson, Turbiville. All. Motion carried.

Results

One bid was received for the Football Field and Days of '76 Rodeo Grounds Fence Improvement Project at 2:00 p.m. as advertised. Present at the bid opening were Mary Jo Nelson, Kevin Kuchenbecker, and Shane Ludemann.

Ludemann Fencing - \$97,380.00, Engineers Estimate was \$38,275.60

Kevin Kuchenbecker asked the Commission to reject bid from Ludemann and allow him to work on alternatives. Silvernail moved, Todd seconded request. Roll Call: Aye-All. Motion carried.

Bid Opening

Silvernail moved, Van Den Eykel seconded to accept the low bid from CAI2 at a cost of \$197,925.00 for the retaining wall at 2 Dudley. Bids were opened on April 7, 2014. Roll Call: Aye-All. Motion carried.

Public Hearing

Silvernail moved, Van Den Eykel seconded to set public hearing at 5:03 p.m. on May 5 for Northern Hills Community Band Street Closure on July 24, 2014. Roll Call: Aye-All. Motion carried.

Public Hearing

Van Den Eykel moved, Peterson seconded to set public hearing at 5:05 p.m. on May 5 for Issuance of Horse-Drawn Vehicle Permit and Resolution of Intent to lease stagecoach replica to private party for carriage rides on Main Street. Roll Call: Aye-All. Motion carried.

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Public Hearing

Todd moved, Van Den Eykel seconded to set public hearing at 5:07 p.m. on May 5 for package (off-sale) malt Beverage and SD Farm Wine license for Virginia "Annie" Tice-Poseley, dba Dakota Sky Stone at 671 Main Street. Roll Call: Aye-All. Motion carried.

Public Hearing

Van Den Eykel moved, Silvernail seconded to set public hearing at 5:09 p.m. on May 5 for Retail (on-off sale) Malt Beverage and SD Farm Wine License for Richard and Marguerite Olesen dba Deadwood Trading Post at 624 Main Street. Roll Call: Aye-All. Motion carried.

FINANCE

Hire

Peterson moved, Silvernail seconded to hire seasonal finance office assistant Ashley Hansen at \$8.28 an hour effective May 20, 2014. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING AND ZONING

Contract

Van Den Eykel moved, Todd seconded to approve contracting with Institute of Applied Genetics to perform DNA testing on remains found at 66 Taylor at cost not to exceed \$3,000.00. Mayor signed prepared contract. Roll Call: Aye-All. Motion carried.

Expenditure

Van Den Eykel moved, Peterson seconded to approve expenditure of \$12,500.00 from Historic Preservation Fund to assist with 50% of the costs associated with hosting Stagecoach Days on September 5 and 6, 2014 in partnership with Deadwood History Inc. Roll Call: Aye-All. Motion carried.

Expenditure

Van Den Eykel moved, Todd seconded to approve expenditure of \$3,000.00 from Archeology line item to underwrite 2014 Archeology Camp with Deadwood History Inc. Roll Call: Aye-All. Motion carried.

STREETS AND WATER/PARKS AND REC/PUBLIC BUILDINGS

Wage Increase

Silvernail moved, Van Den Eykel seconded to increase wage of water laborer Ken Allen from \$17.17 an hour to \$18.13 an hour effective April 23, 2014 after one year of service, which is 95% of prevailing wage. Roll Call: Aye-All. Motion carried.

Wage Increase

Silvernail moved, Todd seconded to increase wage of lifeguard Theresa Fox from \$8.00 an hour to \$8.28 an hour effective April 24, 2014 after one year of service. Roll Call: Aye-All. Motion carried.

Hire

Silvernail moved, Todd seconded to hire following seasonal employees after completion of pre-employment screening at the following hourly rates and effective dates: Parks: Steven Palmer at \$8.00 an hour effective April 28; Colton Cudmore at \$8.00 an hour effective May 19; Kole Frisinger at \$8.00 an hour effective June 12; Jonathan Davis at \$8.00 an hour effective May 19, Megan Seieroe at \$8.28 an hour effective May 26; Trevor Tridle at \$10.00 an hour effective April 28; Hunter Bradley at \$9.31 an hour effective May 6; Arlana Pisciotta at \$8.28 an hour effective June 2; Andrew Pisciotta at \$8.79 an hour effective June 2; Broc Hanson at \$8.28 an hour effective May 26. Streets: Greg Nelson at \$10.00 an hour effective April 28; Lance Sandidge at \$8.00 an hour effective May 12. Mt. Moriah: Doris Schenk at \$9.83 an hour effective May 12; Peggy McDonald at \$10.00 an hour effective June 4; Jeanne Zurey at \$8.28 an hour effective May 12; Constance Olsen at \$10.00 an hour effective May 12; Meggan Peirce at \$8.00 an hour effective May 12; David Zurey at \$8.00 an hour effective May 12. Roll Call: Aye-All. Motion carried.

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Hire

Van Den Eykel moved, Silvernail seconded to hire David Zurey at \$8.28 an hour for Public Works custodian position effective April 22, 2014. Roll Call: Aye-All. Motion carried.

Hire

Todd moved, Van Den Eykel seconded to hire Dakota Spraying to spray for Mt. Moriah pine beetle infestation at cost not to exceed \$9,000.00, to be paid from Mt. Moriah fund. Roll Call: Aye-All. Motion carried.

POLICE/FIRE/LIBRARY

Agreement

Silvernail moved, Peterson seconded to allow the Mayor to sign Equitable Sharing Agreement and Certification with Federal Department of Justice. Roll Call: Aye-All. Motion carried.

Agreement

Silvernail moved, Peterson seconded to allow the Mayor to sign Automatic Mutual Aid Agreement between City of Deadwood and Lead Volunteer Fire Department. Roll Call: Aye-All. Motion carried.

Recommendation

Silvernail moved, Todd seconded to approve the recommendation from Parking and Transportation Committee to rename Rotary Park to Martha E. Bullock Memorial Park to reflect donation of property to city on January 16, 1929. Roll Call: Aye-All. Motion carried.

TROLLEY/SAFETY

Second Reading

Todd moved, Silvernail seconded to approve second reading of Ordinance #1212 to amend 5.44.040 to add all day pass to trolley fee schedule. Mike Trucano encouraged the City not set a fee to allow for adjustment if needed. Mayor Turbiville asked Trolley manager Nelson Sr. to provide a report as to popularity on July 15. Ronda Van Den Eykel, Deadwood Business Club, asked if children were allowed to ride for free. Nelson Sr. said if the person takes a seat, payment is required. Van Den Eykel suggested kids under 12 be allowed to ride at no fee. Commissioner Todd stated the trolley drivers do not handle money so will not be selling passes. Todd encourages downtown businesses to purchase passes and have on hand. Roll Call: Aye-All. Motion carried.

Permission

Todd moved, Silvernail seconded to allow the trolley to transport Job Corp students from Nemo to Deadwood and return on May 1 for city cleanup efforts. Roll Call: Aye-All. Motion carried.

LEGAL BUSINESS

Lease

Silvernail moved, Van Den Eykel seconded to allow the Mayor to sign the parking lease renewal with SD Commission on Gaming for five parking spots at Miller Lot. Roll Call: Aye-All. Motion carried.

First Reading

Silvernail moved, Van Den Eykel seconded to approve first reading of Ordinance #1213 to change section 17.04.110 regarding reduction of violation fee. Attorney Riggins stated the penalty will be two times face value of the permit fee, and the punishment will a class 2 misdemeanor. Roll Call: Aye-All. Motion carried.

Contract

Silvernail moved, Van Den Eykel seconded to allow the Mayor to sign contract with Dakota Research Services to provide archeology for Powerhouse Park at cost not to exceed \$3,200.00. Roll Call: Aye-All. Motion carried.

Agreement

Silvernail moved, Todd seconded to allow the Mayor to sign purchase agreement between City of Deadwood and City of Lead to transfer ownership of 1990 International truck. Roll Call: Aye-All. Motion carried.

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

ITEMS FROM MAYOR, COMMISSIONERS, DEPARTMENT HEADS NOT ON AGENDA

Public Works Director Raysor informed the Commission that utility companies have requested use of south side of highway between Cemetery Street and Walnut for underground work in June. This request involves leaving cable by side of the street until it can be buried prior to Department of Transportation Highway 85 project.

Raysor added that cleanup week begins May 12, and branches can be taken to rubble site at no charge. Rubble site hours are 8:00 a.m. to 4:00 p.m. Tuesday through Saturday.

ADJOURNMENT

Silvernail moved, Van Den Eykel seconded to adjourn the regular session at 6:22 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3), and personnel per SDCL 1-25-2 (1). The next regular meeting will be on Monday May 5, 2014.

After coming out of executive session at 6:45 p.m., Silvernail moved, Van Den Eykel seconded to adjourn.

SPECIAL MEETING APRIL 23, 2014

The Special Session of the Deadwood City Commission convened on April 23, 2014 at 4:45 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: Commissioners Joe Peterson, Georgeann Silvernail, Gary Todd, Jim Van Den Eykel, and Finance Officer Mary Jo Nelson.

Permission

Van Den Eykel moved, Todd seconded to hire Megan Block for lifeguard position at \$8.00 an hour effective immediately pending pre-employment screening. Roll Call: Aye-All. Motion carried.

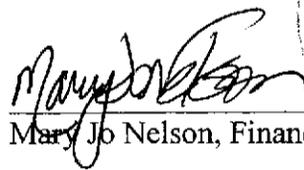
Bid Opening

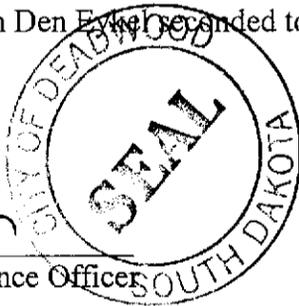
Silvernail moved, Van Den Eykel seconded to set bid opening for Adams Museum Exterior Upgrades project at 2:00 p.m. on May 19, 2014 with results to City Commission at regular meeting. Historic Preservation Officer Kuchenbecker stated the project consists of roof, masonry and window upgrades. Roll Call: Aye-All. Motion carried.

ADJOURNMENT

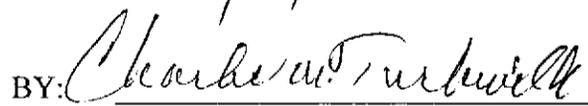
Silvernail moved, Van Den Eykel seconded to adjourn the special session at 4:48 p.m.

ATTEST:


Mary Jo Nelson, Finance Officer



DATE: May 5, 2014

BY: 
Charles M Turbiville, Mayor

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