

REGULAR MEETING, April 6, 2015

The Regular Session of the Deadwood City Commission convened on April 6, 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., Georgeann Silvernail, Gary Todd and Jim Van Den Eykel. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Silvernail moved, Ruth seconded to approve the minutes and Board of Equalization minutes of March 16, 2015. Roll Call: Aye-All. Motion carried.

MARCH, 2015 PAYROLL: COMMISSION, \$2,730.76; FINANCE, \$15,857.96; PUBLIC BUILDINGS, \$5,772.07; POLICE, \$49,760.50; FIRE, \$4,419.20; BUILDING INSPECTION, \$3,345.70; STREETS, \$26,813.68; PARKS, \$15,842.99; PLANNING & ZONING, \$4,676.36; LIBRARY, \$6,481.91; RECREATION CENTER, \$11,513.10; HISTORIC PRESERVATION, \$16,046.75; WATER, \$15,400.47; PARKING METER, \$9,380.27; TROLLEY, \$15,056.29; PARKING RAMP, \$5,046.90; RUBBLE SITE, \$1,872.72. **PAYROLL TOTAL: \$210,017.63**

MARCH, 2015 PAYROLL PAYMENTS:

Internal Revenue Service, \$51,694.61; S.D. Retirement System, \$23,394.24; Delta Dental, \$3,843.08

APPROVAL OF DISBURSEMENTS

Silvernail moved, Todd seconded to approve the April 6, 2015 disbursements plus additional bill. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	MAINTENANCE	570.00
A & B WELDING	SUPPLIES	151.10
ABC BUSINESS	SUPPLIES	455.08
AINSWORTH-BENNING	PROJECT	18,902.50
ALL AROUND AUTO	SUPPLIES	869.04
ALLEGIANT EMERGENCY	TOOLS	12,000.00
ALLIED 100	PADS	336.30
ALSCO	SUPPLIES	153.06
ATCO INTERNATIONAL	SUPPLIES	324.00
BH POWER	SERVICE	28,805.83
BH SECURITY	SERVICE	194.70
BH SPECIAL SERVICE	CLEANING	1,081.00
BUTLER MACHINERY	CART	22.58
CAI CONSTRUCTION	PROJECT	25,081.20
CENTURY LINK	SERVICE	253.80
CHAMBERLIN ARCHITECTS	PROJECT	13,659.04
COCA COLA	SUPPLIES	208.15
COMPANION LIFE	INSURANCE	235.86
CULLIGAN	SUPPLIES	88.00
DAKOTACARE	INSURANCE	44,307.30
DALES TIRE	SERVICE	788.32
DEADWOOD CHAMBER	MARKETING	225,686.00
DEADWOOD ELECTRIC	SERVICE	2,803.06
DVFD	REIMBURSEMENT	300.00
DEADWOOD HISTORY	CAMP	5,335.00
EMERY-PRATT	BOOKS	230.58
ENVIRONMENTAL EQUIPMENT	SUPPLIES	73.41
FARMER BROTHERS	SUPPLIES	232.40
FASSBENDER COLLECTION	PROJECT	270.00
FASTENAL	GLOVES	299.10
FED EX	FREIGHT	160.37
FEDERAL EXPRESS	SHIPPING	455.30
FIRST INTERSTATE	TIF	729.30
GALLS	UNIFORMS	144.94
GARDNER CONSTRUCTION	REPAIRS	703.04
GODFREY BRAKE SERVICE	VALVE	44.24
GOLDEN WEST	PAGERS	1,329.65
GOOD HOUSEKEEPING	SUBSCRIPTION	15.00
GQ PROFESSIONAL SERVICES	SUBSCRIPTION	39.00
GUNDERSON, PALMER, NELSON	SERVICE	4,586.05
HAWKI, KEN	REIMBURSEMENT	104.89
HAWKINS	CHEMICALS	1,013.00
HD SUPPLY WATERWORKS	BOX	480.60
HILLS MATERIALS	ROADSTONE	114.24
INTERNATIONAL CODE COUNCIL	DUES	125.00
INTERSTATE BATTERY	BATTERIES	79.90
JACK'S TRUCK	SERVICE	482.15
JACOBS WELDING	SERVICE	36.87
KONE	MAINTENANCE	266.80
KT CONNECTIONS	SERVICE	316.00
LAWSON PRODUCTS	STRAPPING	283.17
LEAD-DEADWOOD SANITARY	USAGE	25,379.71
LIGHTING PLASTICS OF MN	GLOBES	518.40
M & T FIRE	SERVICE	4,595.77
MACROVISION	PROJECT	1,975.00
MC KEON, BRAXTON	REIMBURSEMENT	5.82
MENARD'S	SUPPLIES	328.91
MERTENS, KENNETH	REIMBURSEMENT	293.72
MIDWEST TAPE	DVD	639.75

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MDU	SERVICE	10,874.98
MS MAIL	MAPS	1,275.07
NEVE'S	UNIFORMS	516.07
NH FRATERNAL ORDER	DUES	360.00
NORTHWEST PIPE FITTINGS	SADDLE	2,779.76
OFFICE DEPOT	CHAIR	329.99
OTIS ELEVATOR	CONTRACT	120.81
OUTDOOR HEIR	PROJECT	100.00
PANNIER	PANEL	272.00
PASSPORT PARKING	METERS	20.75
PEPPMEIER, JANICE	REIMBURSEMENT	521.55
PETTY CASH	FINANCE	91.43
PITNEY BOWES	LEASE	237.93
POOL & SPA CENTER	SUPPLIES	206.85
QUILL	SUPPLIES	225.36
RAPID DELIVERY	SERVICE	87.00
RDO EQUIPMENT	HANDLE	93.35
SAVE THE PEARL HOTEL	GRANT	4,079.07
SD ASSN. OF CODE ENFORCEME	SERVICE	50.00
SD DEPT. OF TRANSPORTATION	PROJECT	1,901.62
SD MAGAZINE	SUBSCRIPTION	51.00
SD MUNICIPAL LEAGUE	REGISTRATION	126.00
SD PUBLIC HEALTH LAB	TESTING	30.00
SD DEPT. OF REVENUE	TAX	3,108.92
SD SECRETARY OF STATE	FILING	30.00
SERVALL	SUPPLIES	2,735.11
SIRCHIE	SUPPLIES	227.90
SOUTHSIDE OIL	DIESEL	10,411.77
SUMMIT SIGNS	SIGNS	671.50
THE LORD'S CUPBOARD	RECYCLING	62.54
TRAFFIC CONTROL	SERVICE	368.00
TRIDLE, JOHN	REIMBURSEMENT	1,060.17
TRIPLE K	REPAIRS	2,246.88
TSP	PROJECT	2,794.04
TWILIGHT	SUPPLIES	90.50
TWIN CITY HARDWARE	SUPPLIES	2,861.38
TYLER TECHNOLOGIES	TRAINING	5,769.67
VERIZON	SERVICE	40.01
W.S. DARLEY	NOZZLE	259.42
WHITE'S CANYON	SUPPLIES	574.81
WOW	SERVICE	2,646.94
WRIGHT, ALAN	REIMBURSEMENT	6,000.00
ZEP SALES	SUPPLIES	233.55
	TOTAL	\$495,506.70

ITEMS FROM CITIZENS ON AGENDA

Charge

Kenny Hall, Prince-Hall Promotions, asked the Commission to reconsider the charge for the use of rodeo grounds on May 17 and 17, 2015 due to construction. After discussion, Mayor Turbiville directed Hall to Deadwood Chamber regarding funding options. No motion was made to rescind prior decision to assess \$500.00 per day fee.

CONSENT

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

- A. Permission for Mayor to sign agreement with FourFront Design, Inc. for cold storage flood hazard remediation in the amount of \$5,950.00 approved on February 2, 2015.
- B. Remove Shelley Corbitt effective March 16, 2015 and Ben Weiss effective March 25, 2015 from the Volunteer Fire Department roster for workers compensation purposes.
- C. Permission for Mayor to sign Quit Claim Deed to Adrian A. Newkirk, Jr. for surplus property sold and described as: Lot 9 Except N. Triangular Part of Lot 9 Block P.
- D. Permission for Chief Fuller to hire up to ten part time temporary police officers during bike rally.
- E. Permission to hire election workers for the April 14, 2015 City Election; Shirley Bergen as superintendent at \$168.00, Arlene Gustafson and Verna Sandidge as clerks at \$143.00 each, with an additional \$10.00 each for attending election school.
- F. Accept resignation from Parking Ramp Attendant Ed Peirce effective March 16, 2015.
- G. Allow use of Sherman Street lot from 8:00 a.m. to 11:00 a.m. on May 13 and 14, 2015 for Lead-Deadwood School District 4th and 5th Grade Triathlon.
- H. Permission to advertise for the following seasonal workers: 8 full time seasonal workers in Parks Department, 4 part time seasonal in Parks, 7 part time seasonal at Mt. Moriah, 2 seasonal in Streets Department, and 1 part time for rubble site.

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- I. Resolution 2015-09 Amending Resolution 2014-24 to Vacate Railroad Right-of-Way located on First Interstate Lot. Resolution corrects legal description.

RESOLUTION 2015-09

**AMENDING RESOLUTION 2014-25
RESOLUTION TO VACATE RAILROAD RIGHT-OF-WAY**

WHEREAS, the Deadwood City Commission desires to vacate an easement for railroad right-of-way pursuant to SDCL § 6-5-3,

AND WHEREAS, in 1993 this easement was created by the plat of Bank Lot as shown on the attached Exhibit A, for future potential railroad opportunities. Since that time, the railroad access has been cut off in areas outside of Bank Lot therefore making the easement on this lot useless.

AND WHEREAS, the public interest will be better served by vacating the twenty-five foot (25') easement for railroad right-of-way located on the below-described Bank Lot to make the property available for future development.

Bank Lot, a portion of "Lot R1," City of Deadwood Railroad Property, located in the NW1/4 of Section 26, Township 5 North, Range 3 East, Black Hills Principal Meridian, City of Deadwood, Lawrence County, South Dakota

NOW THEREFORE IT IS HEREBY RESOLVED, pursuant to SDCL 6-5-3, the public interest will be better served by the vacation of the City-owned easement for railroad right-of-way for future development.

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 April, 2015

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

- J. Resolution 2015-10 in Support of Application to occupy SD Department of Transportation Highway Right-of-Way for Days of '76 parade July 24 and 25, 2015.

**RESOLUTION IN SUPPORT OF APPLICATION TO OCCUPY
S.D. DEPARTMENT OF TRANSPORTATION HIGHWAY RIGHT-OF-WAY
WITHIN DEADWOOD CORPORATE LIMITS**

WHEREAS, the City of Deadwood (CITY) will be home to the 93rd Annual Days of '76 Celebration on July 21st through July 25th, 2015; and,

WHEREAS, the Days of '76 Parade is a time honored tradition during the Celebration; and,

WHEREAS, the size and popularity of the parade is such that CITY deems it necessary to block traffic along the parade route; and,

WHEREAS, State of South Dakota Highways 14A and 85 are located within the corporate limits of CITY and are affected by said closure; and,

WHEREAS, CITY herewith is submitting an application to the South Dakota Department of Transportation (SDDOT) for permit to occupy right-of-way for those portions of S.D. Highways 14A and 85 within the corporate limits of CITY on July 24, 2015, beginning at 1:15 p.m. until the end of the parade, and on July 25, 2015, beginning at 9:45 a.m. until the end of the parade; and,

WHEREAS, by submission of the application for permit to occupy right-of-way, CITY agrees to provide protection to highway traffic during occupancy by use of proper signs, barricades, flag persons, and lights as prescribed in the "Manual of Uniform Traffic Control Devices"; and,

WHEREAS, CITY further agrees to indemnify, hold and save harmless the State of South Dakota, its Department of Transportation, its Officers and Employees, from any and all suits, actions or claims of any kind or nature brought because of any injuries or damage received or sustained by any person or property on account of the use or occupancy of right-of-way designated in this Resolution;

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NOW, THEREFORE, BE IT RESOLVED, that the City of Deadwood hereby supports the submission of the South Dakota Department of Transportation Application for Permit to Occupy Right-of-Way for the purpose described herein.

Dated this 6th day of April, 2015

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

- K. Permission for Mayor to sign agreement between City and Asian American Comparative Collection, University of Idaho, for artifact translation in connection with 2001-2004 Chinatown archeological investigation at cost not to exceed \$2,400.00.
- L. Permission for Mayor to sign Oakridge Cemetery Certificates of Purchase and Warranty Deeds for Steven Ommen, Charlene Ommen, Charles R. Crotty and Angela K. Crotty.
- M. Accept resignation from Rec Center employee Kathryn Shattuck effective December 27, 2014.
- N. Permission for Trent Mohr to attend South Dakota Association of Code Enforcement training on May 6-7 in Mitchell, South Dakota.
- O. Purchase snow blower attachment for John Deere tractor from RDO for \$2,636.78 from Parks budget.
- P. Allow Braxton McKeon to attend one week of training at Law Enforcement Academy from April 6-10 in Pierre at no cost other than use of vehicle.
- Q. Permission for the Chamber of Commerce to have free use of two trolleys for the Fam Tours on June 2-3, 2015.

PUBLIC HEARINGS

Set

Silvernail moved, Ruth seconded to set public hearing at 5:00 p.m. on April 20 for Cinco De Mayo activities: Street closure, waiver of banner and vending fees on May 2. Roll Call: Aye-All. Motion carried.

Ruth moved, Van Den Eykel seconded to set public hearing at 5:00 p.m. on April 20 for Wild Bill Days activities: Street closure June 18 through June 21, open container June 19 and 20, waiver of banner and vending fees for the following non-profits: Deadwood Chamber and Northern Hills Alliance for Children, waiver of vending fee for non-profit food concession at rodeo grounds and waiver of rodeo ground user fees for Deadwood Chamber in conjunction with Strongman's Competition. Roll Call: Aye-All. Motion carried.

Silvernail moved, Van Den Eykel seconded to set public hearing at 5:00 on April 20 for National Impala activities: Street closure from 7:00 p.m. to 10:00 p.m. on July 22. Roll Call: Aye-All. Motion carried.

Ruth moved, Silvernail seconded to set public hearing at 5:00 p.m. on April 20 to allow Motorcycle parking on Main Street and free parking in Interpretive Lot July 26 through August 8. Roll Call: Aye-All. Motion carried.

Todd moved, Silvernail seconded to set public hearing at 5:00 p.m. on April 20 for Legends Ride: Street closure, allow parking on west side of street from 9:00 a.m. to 3:00 p.m. and waiver of banner fees August 3. Roll Call: Aye-All. Motion carried.

Todd moved, Silvernail seconded to set public hearing at 5:00 p.m. on April 20 for Retail (on-off) Malt Beverage for Carbon County Cattle Company, dba Two Buck Slims at 175 Sherman Street. Roll Call: Aye-All. Motion carried.

OLD BUSINESS

Purchase

Van Den Eykel moved, Silvernail seconded to purchase 5500 gallons of #2 diesel at \$1.99 per gallon from Southside. Roll Call: Aye-All. Motion carried.

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NEW BUSINESS

Resolution 2015-08

Silvernail moved, Van Den Eykel seconded to approve Resolution 2015-08 to Adopt Revised Employee Personnel Manual. Commissioner Silvernail thanked Finance Officer Nelson and Assistant Finance Officer Morrison for their work. Roll Call: Aye-All. Motion carried.

Resolution to Adopt Revised Employee Personnel Manual

WHEREAS, the City of Deadwood has an existing personnel manual which provides for a uniform and sound personnel administrative system throughout the City, informs employees of general policies and procedures as well as benefits and obligations of employment with the City, and serves as written documentation of the City's commitment to fair employment practices and equal employment opportunity and

WHEREAS, the existing personnel manual has been revised, updated and reviewed by legal counsel.

NOW THEREFORE BE IT RESOLVED that the City of Deadwood shall adopt the document entitled City of Deadwood Employee Personnel Manual (updated 2015), a copy of which shall be attached as Amendment A and filed in the Finance Office

AND BE IT FURTHER RESOLVED that this 2015 Personnel Manual supersedes and replaces any existing Personnel Manual document and becomes effective immediately.

Dated this 6th day of April, 2015

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

Agreement

Ruth moved, Silvernail seconded to accept letter from the Lodge at Deadwood to extend agreement for city slot machine lease for additional three years per contract. Roll Call: Aye-All. Motion carried.

Purchase

Silvernail moved, Ruth seconded to purchase routers for city building from Golden West at cost of \$5,225.00 and cancel certain utilities attributable to T1 lines. Roll Call: Aye-All. Motion carried.

Contracts

Van Den Eykel moved, Silvernail seconded to contract with Tallgrass for Powerhouse Park design process including contract administration. Cost in an amount not to exceed \$21,185.00 will be paid from Historic Preservation Capital Assets Highway 85/385 line item. Roll Call: Aye-All. Motion carried.

Silvernail moved, Ruth seconded to allow the Mayor to sign contract with TSP Inc. in the amount of \$34,923.00 for CA/CO work on phase 2 only: Cemetery Street to Burlington Street with start date of April 2015 to November 2015, to be paid from Water Fund. Roll Call: Aye-All. Motion carried.

Todd moved, Ruth seconded to reserve dates and allow use of rodeo grounds from July 28 through August 9, 2015 for Apex 1996 event with public hearing and allow Mayor to sign contract regarding conditions. Roll Call: Aye-All. Motion carried.

Request

Silvernail moved, Ruth seconded to allow Northern Hills Alliance for Children use of public property for Zombie Run on Saturday September 26, 2015 and allow beer and wine sales outside Days of '76 Museum following event. Roll Call: Aye-All. Motion carried.

Use

Todd moved, Silvernail seconded to allow use of Sherman Street parking lot, use of trolley, waiver of trolley group fee from 10:00 a.m. to 2:00 p.m. for the 18th Annual Mickelson Trail Trek on Sunday September 20, 2015. Roll Call: Aye-All. Motion carried.

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Contract

Silvernail moved, Van Den Eykel seconded to contract with Jensen Hardwood to refinish floor at Rec Center and History and Information Center at a cost of \$20,950.00 to be paid from Historic Preservation Capital Assets. Roll Call: Aye-All. Motion carried.

Ordinance #1225

Van Den Eykel moved, Ruth seconded to approve first reading of Ordinance #1225 Amending Alcohol Licensing. Roll Call: Aye-All. Motion carried.

Closure

Silvernail moved, Todd seconded to allow partial closure of that portion of Crescent Street between entrance to Parks Shop and 76 Drive for certain periods due to construction. Street will be open on weekends and after 6:00 p.m. weekdays. Roll Call: Aye-All. Motion carried.

Contract

Van Den Eykel moved, Silvernail seconded to allow the Mayor to sign Memorandum of understanding between City of Deadwood and Gold Dust Lodging LLC for 50/50 cost share to realign sidewalk and allow Mayor to sign contract with Forgey Construction in the amount of \$15,636.60. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Turbiville acknowledged letter from DENR recognizing City of Deadwood with Secretary's Award for Drinking Water Excellence. Public Works Director Green stated this is the 14th consecutive year Deadwood has received this award.

Turbiville stated meetings are held every Tuesday at City Hall at 11:00 a.m. to express concerns and receive updates on the Highway 85 project. Due to the election on Tuesday April 14, 2015, the meeting will be held on Wednesday April 15, 2015 for that week only.

Turbiville stated a "Road Construction Marketing" meeting will be held for businesses affected by the Highway 85 project on April 9, 2015 from 12:00 p.m. to 1:00 p.m. at the HARCC building.

Commissioner Silvernail thanked the Water Department for their work with the Secretary's Award for Drinking Water Excellence.

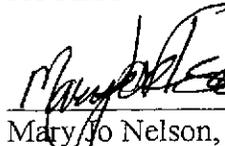
Attorney Riggins requested Executive Session for personnel per SDCL 1-25-2(1) with possible action.

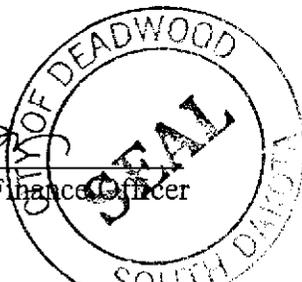
ADJOURNMENT

Silvernail moved, Van Den Eykel seconded to adjourn the regular session at 5:32 p.m. and convene into Executive Session for personnel per SDCL 1-25-2(1) with possible action. The next regular meeting will be on Monday April 20, 2015.

After coming out of executive session at 5:43 p.m., Silvernail moved, Todd seconded to adjourn.

ATTEST:


Mary Jo Nelson, Finance Officer



DATE: April 20, 2015

BY: 
Charles M Turbiville, Mayor

Published once at the total approximate cost of _____