

**REGULAR MEETING, August 4, 2014**

The Regular Session of the Deadwood City Commission convened on August 4, 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 David Ruth Jr., Georgeann Silvermail, Gary Todd and Jim Van Den Eykel. All motions passed unanimously unless otherwise stated.

**APPROVAL OF MINUTES**

Ruth moved, Silvermail seconded to approve the minutes of July 21, 2014. Roll Call: Aye-All. Motion carried.

**JULY, 2014 PAYROLL:** COMMISSION, \$2,730.76; FINANCE, \$15,523.55; PUBLIC BUILDINGS, \$4,875.73; POLICE, \$48,540.87; FIRE, \$4,531.20; BUILDING INSPECTION, \$3,828.38; STREETS, \$26,859.58; PARKS, \$28,103.01; PLANNING & ZONING, \$4,391.66; LIBRARY, \$6,289.37; RECREATION CENTER, \$19,418.35; HISTORIC PRESERVATION, \$14,911.90; WATER, \$13,010.98; MT. MORIAH, \$5,233.80; PARKING METER, \$9,444.18; TROLLEY, \$20,647.35; PARKING RAMP, \$5,871.00; RUBBLE SITE, \$2,013.00.  
**PAYROLL TOTAL: \$236,224.67**

**JULY, 2014 PAYROLL PAYMENTS:**

Internal Revenue Service, \$56,933.16; S.D. Retirement System, \$21,916.16; Delta Dental, \$3,885.96

**APPROVAL OF DISBURSEMENTS**

Silvermail moved, Todd seconded to approve the August 4, 2014 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	MAINTENANCE	145.28
ABC BUSINESS	SUPPLIES	1,146.93
ALCO	SUPPLIES	49.90
ALERT-ALL	SUPPLIES	510.00
ALL AROUND AUTO	SUPPLIES	1,854.75
ALPINE IMPRESSIONS	UNIFORM	15.90
ALSCO	MATS	137.51
AMANO MCGANN	TICKETS	2,814.61
ARBOR DAY FOUNDATION	SERVICE	15.00
ARLETH LAND SURVEYING	PROJECT	200.00
ATCO	SUPPLIES	583.00
BERENDSE & SONS	PROJECT	14,442.75
BH ASPHALT	PROJECT	2,199.28
BH CHEMICAL	SUPPLIES	1,642.71
BH POWER	SERVICE	26,131.34
BH SECURITY	INSTALLATION	1,849.80
CAI CONSTRUCTION	PROJECT	25,945.58
CENTURY BUSINESS	SERVICE	352.67
CHIEF SUPPLY	INTERCEPTOR	19.49
COCA COLA	SUPPLIES	51.00
COMPANION LIFE	INSURANCE	224.22
CULLIGAN	SUPPLIES	117.00
DAKOTA BUSINESS	SERVICE	165.87
DAKOTA SUPPLY	SUPPLIES	464.26
DAKOTACARE	INSURANCE	41,816.20
DAVE STAFFORD	REPAIRS	532.27
DEADWOOD ELKS	GRANT	6,018.00
DEADWOOD FIRE	STAFFING	1,574.40
DEADWOOD GRANITE	SERVICE	1,500.00
DEADWOOD HISTORY	REIMBURSEMENT	40,452.60
EDDIE'S TRUCK SALES	SUPPLIES	109.94
ENSMINGER, RICK	PROJECT	2,810.07
EPCO ENVIRONMENTAL	SUPPLIES	131.84
FAMILY DOLLAR	SUPPLIES	10.00
FOOTHILLS SEED	SERVICE	600.00
FORGEY CONSTRUCTION	PROJECT	950.00
FULLER, KELLY	REIMBURSEMENT	409.96
GENE'S LOCK SHOP	SERVICE	208.96
GLAXOSMITHKLINE	VACCINE	226.10
GOLDEN WEST	SERVICE	1,267.07
GUNDERSON, PALMER, NELSON	SERVICE	7,037.91
HAWKINS	SUPPLIES	1,052.26
HILLS MATERIALS	ROADSTONE	1,586.03
HILLS PRODUCTS	SUPPLIES	45.06
INTERSTATE BATTERY	BATTERIES	347.50
JACOBS WELDING	SERVICE	384.43
JULIN, SUZANNE	PROJECT	1,300.00
KENCO CORPORATION	GRAPPLE	3,310.00
KIMBALL MIDWEST	SUPPLIES	486.24
KNECHT	SERVICE	467.44
L.L. BEAN	AWARDS	224.85
LAWRENCE CO. REGISTER	EASEMENTS	270.00
LEAD-DEADWOOD SCHOOL	PUBLICATIONS	33.78
LESTER, ROB	REIMBURSEMENT	147.62
LITTLE, ERIN	PROJECT	3,471.00
M&M SANITATION	SERVICE	615.00
MOLLY CORPORATION	SUPPLIES	358.86

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MDU	UTILITIES	2,789.39
MORRISON, RONDA	REIMBURSEMENT	23.00
MS MAIL	PASSES	6,157.50
NELSON, MARY JO	REIMBURSEMENT	23.00
NEVE'S	UNIFORMS	489.04
NEWELL MUSEUM	GRANT	1,600.00
NORTHWEST PIPE	SUPPLIES	300.04
PEPPMEIER, JANICE	REIMBURSEMENT	1,009.58
PETTY CASH	HP	187.40
PRO-STEAM CARPET	SERVICE	550.00
QUIK SIGNS	SIGNS	312.43
QUILL CORPORATION	SUPPLIES	254.04
RASMUSSEN	PROJECT	1,221.85
RAYSOR, JAMES	REIMBURSEMENT	25.86
RDO EQUIPMENT	HYGARD	144.00
SABO CONSTRUCTION	PROJECT	2,478.00
SANITATION PRODUCTS	SUPPLIES	3,495.74
SCHUMACHER, DUSTIN	REIMBURSEMENT	955.50
SD DEPARTMENT OF PUBLIC	SERVICE	2,340.00
SD DEPT. OF CORRECTIONS	FIREWISE	5,541.06
SD PUBLIC HEALTH	TESTING	39.00
SD STATE HISTORIC	FUND	51,500.00
SERVALL	SUPPLIES	1,017.99
SOUTHSIDE OIL	GAS	18,538.70
SPEARFISH AUTO	REPAIR	173.95
SPECIALTY VEHICLES	SERVICE	586.04
SUMMIT SIGNS	SIGNS	231.50
THOMSON REUTERS	LAWS	184.75
TOMS, DON	PROJECT	630.00
TRIPLE K	REPAIRS	2,404.68
TSP THREE	PROJECT	10,267.00
TURBIVILLE, CHARLES	REIMBURSEMENT	190.90
TWILIGHT	SUPPLIES	468.45
TWIN CITY HARDWARE	SUPPLIES	2,732.00
UNIFORM WARE	LIGHTBAR	696.64
VERBA, JANE	REIMBURSEMENT	500.00
VERIZON WIRELESS	SERVICE	40.01
WIERINGA, ANNA	REIMBURSEMENT	52.00
WOW	SERVICE	1,834.23

TOTAL \$322,819.51

### ITEMS FROM CITIZENS ON AGENDA

#### Proclamation

The Mayor read a proclamation declaring Monday August 4 through Friday August 8, 2014 as Responsible Gaming Education Week in Deadwood.

#### Days of '76

Ted Thompson on behalf of the Days of '76 Committee thanked the Commission and City of Deadwood for their support with the Days of '76. Mayor Turbiville expressed appreciation to Days Committee.

#### Briefing

Paul Thomson, on behalf of Lawrence County Emergency Management gave an update on how to proceed in case an incident occurs in Deadwood. Thompson handed out a pamphlet to the Commission dealing with Emergency Management.

#### Agreement

Ruth moved, Van Den Eykel seconded to allow the Mayor to sign agreement between City of Deadwood and Historic Deadwood Convention Facility LLC in connection with convention center liquor license application. Attorney Riggins stated the agreement was prepared due to the unique ownership between the Martin Mason Building and City of Deadwood. Roll Call: Aye-All. Motion carried.

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### CONSENT

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

#### Renew

Renew software maintenance contract with Tyler Technologies at cost of \$12,049.90 from Finance budget.

#### Agreements

Permission for Mayor to sign AIA agreement with TSP in conjunction with building utility service design for DOT project, approximately 17 homes. Cost is \$6,810.00 plus reimbursables.

Approve and allow Mayor to sign lease agreement with Sean Covell dba Red Road Inc. for parking space in Miller Street parking lot at rate of \$50.00 plus tax, effective September 1, 2014.

#### Recommendation

Parking and Transportation recommendation to approve reserved residential parking sign for Bernie Schuchmann at 366 Williams Street.

#### Deed

Permission for Mayor to sign quit claim deed to Estate of Kenneth L. Kellar and Bullock Hotel Properties LLC deeded to city in error.

#### Resignation

Accept Resignation from Archives Intern Matt Hodson effective July 19, 2014.

#### Contract

Permission for Mayor to sign contract with lead-Deadwood Regional Hospital for use if rec center swimming pool.

#### Certificates

Permission for Mayor to sign Oakridge Cemetery Certificates of Purchase and Warranty Deeds for Hazel Grow, Courtney Novak and Michael Knaup.

#### Resignation

Accept resignation of Dustin Schumacher from Deadwood Police Department effective August 9, 2014.

#### Advertise

Permission to advertise in house for five days and in local newspaper and other sources thereafter for vacant position in Police Department.

#### Grants

Approve Non-for-Profit grant for Deadwood Elks in the amount of \$6,018.00.

Approve second round Outside of Deadwood Grants for the following: City of Buffalo Gap for Community Center for \$2,400; City of Dell Rapids for Carnegie Public Library for \$6,663.00; Dell Rapids Society of Historic Preservation for Odd Fellows Complex for \$25,000.00; Fall River County Historical Society for Pioneer Museum for \$12,850.00; Frawley Ranches for Anderson Barn Walls for \$6,500.00; The Journey Museum for "Pap" Madison Cabin for \$7,037.00; Lasting Legacy in Philip for Retaining Wall for \$6,050.00; Masonic Temple in Philip for Cemetery Directory for \$6,500.00; Save the Pearl LLC in Kadoka for Windows at Hotel Pearl for \$12,000.00; Second Century Development for trail signs in Western South Dakota for \$15,000.00, and SDSTA in Lead for Visitor Center Interpretive Exhibits for \$25,000.00.

#### Resignations

Accept resignations from the following part time and seasonal employees: Rec Center employees Cherise Feser effective July 18, 2014 and Theresa Fox effective August 9, 2014; Historic Preservation Intern Chase Job effective August 8, 2014, and Jonathan Davis from Parks Department effective immediately.

#### Permission

Allow use of a portion of Sherman Street parking lot and use of Rec Center for Mountain Lion Challenge Triathlon from 6:00 a.m. to approximately 3:00 p.m. on September 13, 2014.

#### Agreements

Permission for Mayor to sign the following easement agreements: (1) Mary Ann Oberlander, Greg Akrop and Dave Akrop (2) Bruce and Mary Ann Oberlander for construction easements and (3) Excell Deadwood LLC for access and utility easement and permission for Excell to grant each party an access and utility easement over each party's parcel.

#### Purchase

Permission to purchase 5500 gallons of premium gasoline at cost of \$3.51 per gallon from Southside Oil

## REGULAR MEETING, August 4, 2014

### CONSENT CONT.

#### Agreements

Permission for Mayor to sign agreement with Jeanete Tice to install surveillance camera on building at 671 Main Street.

Permission for Mayor to sign agreement with Weapon Concepts LLC after approval of variance on June 16, 2014.

#### Permission

Allow use of Rodeo Grounds for Zombie Run on September 27.

#### Hire

Permission to hire Richard Tisdall for Rubble Site at starting wage of \$10.00 an hour effective August 6, 2014 pending pre-employment screening.

### BID ITEMS

#### Set

Silvernail moved, Todd seconded to set bid opening for five year Mt. Moriah concession operator lease on September 15, 2014. Roll Call: Aye-All. Motion carried.

### PUBLIC HEARINGS

#### Liquor License

Public hearing was opened at 5:15p.m. by Mayor Turbiville. Roger Tellinghuisen, attorney for Historic Deadwood Convention Center LLC, spoke in favor on behalf of Michael Trucano and Bake Haverberg. Attorney Riggins stated that according to Building Inspector Umenthum, the property qualifies and has an adequate number of rooms, and State Department of Revenue has approved operating agreement. Hearing closed. Van Den Eykel moved, Todd seconded to approve the Retail (on sale) Liquor Convention Center Liquor License for Historic Deadwood Convention Center LLC at 5-9 Lee Street. Roll Call: Aye-All. Motion carried.

#### Set

Todd moved, Ruth seconded to waive 45-day requirement for submission of special event and set public hearing on August 18 to waive vendor fee, banner fee and use of Rodeo Grounds for Days of '76 Steer Roping Event to be held August 30. Roll Call: Aye-All. Motion carried.

Todd moved, Van Den Eykel seconded to set public hearing on August 18 to waive vendor fee, banner fee and use of Rodeo Grounds for Deadwood Stagecoach Days Events on September 5 and 6. Roll Call: Aye-All. Motion carried.

Ruth moved, Silvernail seconded to set public hearing on August 18 for open container for Deadweird Events on October 31 and November 1. Roll Call: Aye-All. Motion carried.

Silvernail moved, Ruth seconded to set public hearing on August 18 for open container for Wild West Songwriters Events on October 10 and 11. Roll Call: Aye-All. Motion carried.

Todd moved, Silvernail seconded to set public hearing on August 18 for street closure, open container, waiver of vending and banners fees for Oktoberfest Events on October 3 and 4. Roll Call: Aye-All. Motion carried.

Ruth moved, Silvernail seconded to set public hearing on August 18 for street closure, open container in Zone 2 only, waiver of vending, banner fees and use of Interpretive lot for Deadwood Jam Events on September 12 and 13. Roll Call: Aye-All. Motion carried.

### OLD BUSINESS

#### Ordinance #1215

Silvernail moved, Ruth seconded to approve first reading of Ordinance #1215 to hire department heads. Attorney Riggins stated modifications have been made to insure the ordinance follows state statute. Roll Call: Aye-Ruth, Silvernail, Todd, Turbiville. Nay-Van Den Eykel. Motion carried.

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Ordinance #1216

Silvernail moved, Todd seconded to approve first reading of Ordinance #1216 to amend parking garage rate structure. Attorney Riggins stated the purpose of the ordinance amendment is to change annual contract lease as follows: fifty (50) to one hundred nineteen (119) spaces is \$75.00 per month and annual contract rates for one hundred twenty (120) or more spaces is \$60.00 per month. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Ordinance #1217

Ruth moved, Van Den Eykel seconded to approve first reading of Ordinance #1217 to Supplement 2014 Budget. Finance Officer Nelson said a portion of the supplement was to create budget for Roger Brooks contract. Roll Call: Aye-All. Motion carried.

Contract

Silvernail moved, Ruth seconded to contract with Cable Communications Services, Inc. to proceed with underground power on Charles Street in conjunction with Highway 85 project and allow Mayor to sign contract at a total cost of \$38,775.20. Planning and Zoning Administrator Nelson Jr. stated this contract is to provide underground conduit to 18 properties on Charles Street. Roll Call: Aye-All. Motion carried.

Permission

Todd moved, Van Den Eykel seconded to allow Public Works Director to proceed with repairs on Terrace Street due to recent water leak after accepting low quote in an amount not to exceed \$4,200.00 and allow Mayor to sign contract. Roll Call: Aye-All. Motion carried.

Contract

Silvernail moved, Van Den Eykel seconded to allow the Mayor to sign contract with Four Front for design services to prepare specs for new fuel tanks by Public Works shop at cost of \$2,620.00. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Budget

City budget meetings scheduled at 8:00 a.m. on August 11 and 12.

Ken Meirose, Operations Manager with Black Hills Power stated Cable Communication Services would be moving forward on Charles Street with the underground utilities. Meirose stated there will be three road crossings due to having to cut the road, but that City will be pleased with the end product.

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

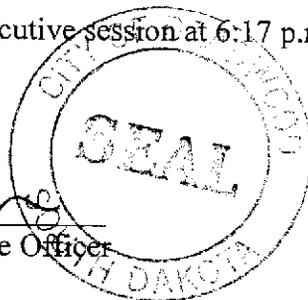
ADJOURMENT

Silvernail moved, Van Den Eykel seconded to adjourn the regular session at 5:37 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3) and union negotiations per SDCL 1-25-2 (4). The next regular meeting will be on Monday August 18, 2014.

After coming out of executive session at 6:17 p.m. Silvernail moved, Ruth seconded to adjourn.

ATTEST:

  
Mary Jo Nelson, Finance Officer



DATE: August 18, 2014

BY: Charles M. Turbiville  
Charles M Turbiville, Mayor

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