

**REGULAR MEETING, December 1, 2014**

The Regular Session of the Deadwood City Commission convened on December 1, 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 Silvernail, Gary Todd and Jim Van Den Eykel. All motions passed unanimously unless otherwise stated.

**APPROVAL OF MINUTES**

Ruth moved, Silvernail seconded to approve the minutes of November 17, 2014. Roll Call: Aye-All. Motion carried.

**NOVEMBER, 2014 PAYROLL:** COMMISSION, 2,730.76; FINANCE, \$15,212.41; PUBLIC BUILDINGS, \$4,636.21; POLICE, \$45,525.21; FIRE, \$4,498.08; BUILDING INSPECTION, \$3,660.53; STREETS, \$24,907.53; PARKS, \$17,429.37; PLANNING & ZONING, \$4,391.66; LIBRARY, \$5,900.24; RECREATION CENTER, \$12,254.86; HISTORIC PRESERVATION, \$14,618.80; WATER, \$14,009.05; PARKING METER, \$9,459.32; TROLLEY, \$14,810.48; PARKING RAMP, \$5,357.86; RUBBLE SITE, \$2,286.00. **PAYROLL TOTAL: \$201,688.37**

**NOVEMBER, 2014 PAYROLL PAYMENTS:**

Internal Revenue Service, \$49,089.71; S.D. Retirement System, \$21,661.42; Delta Dental, \$3,595.20

**APPROVAL OF DISBURSEMENTS**

Silvernail moved, Van Den Eykel seconded to approve the December 1, 2014 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	CONTRACT	914.92
ABC BUSINESS	SUPPLIES	257.43
ALSCO	MATS	71.57
BEST WESTERN RAMKOTA	LODGING	293.97
BH ASPHALT	PROJECT	688.77
BH CHEMICAL	SUPPLIES	842.92
BH SPECIAL SERVICES	CLEANING	1,196.00
BUTLER MACHINERY	SUPPLIES	1,024.17
CABLE COMMUNICATION	PROJECT	6,000.00
CAI CONSTRUCTION	PROJECT	36,540.00
COMPETITIVE MASONRY	REPAIRS	2,499.00
D.C. BOOTH	GRNT	6,225.01
DAKOTA BUSINESS	MAITENANCE	151.47
DAKOTA SECURITY	LICENSE	2,345.92
DAKOTACARE	INSURANCE	41,110.73
DAYS OF '76	GRANT	5,000.00
DEADWOOD ALIVE	SERVICE	3,000.00
DEADWOOD CHAMBER	SERVICE	12,424.21
DELL RAPIDS SOCIETY	GRANT	25,000.00
ECOLAB	SERVICE	353.46
FALL RIVER COUNTY	FUNDING	1,200.00
FASTENAL COMPANY	PLIERS	86.21
FULLER, KELLY	REIMBURSEMENT	409.96
GOLDEN WEST	MONITOR	145.00
GUNDERSON, PALMER, NELSON	SERVICE	7,117.84
HAWKINS	SUPPLIES	962.30
HILLS INTERIORS	SUPPLIES	1,703.96
HILLS MATERIALS	PROJECT	4,845.74
JACOBS WELDING	REPAIR	199.66
KRUZEL, TOM	REIMBURSEMENT	23.00
LAKER CHEMICAL	FERTILIZER	1,374.00
LAWRENCE CO. REGISTER	FEE	30.00
MENARD'S	BULBS	144.44
MERTENS, KENNETH	REIMBURSEMENT	293.72
MDU	SERVICE	7,439.02
MS MAIL	REPORTS	607.74
MUSEUM SERVICES	ACETONE	41.97
NEIGHBORHOOD LENDING	SERVICE	3,056.93
NELSON, ROBERT SR.	REIMBURSEMENT	23.00
NETWORK SERVICES	CLEANER	196.40
NHS OF THE BH	SERVICE	21,725.00
NORTHWEST PIPE FITTINGS	SUPPLIES	458.70
PEPPMEIER, JANICE	REIMBURSEMENT	504.79
QUILL	SUPPLIES	204.16
RCS CONSTRUCTION	PROJECT	68,190.00
RENNER, DONOVAN	REIMBURSEMENT	84.87
ROTH TRUCKING	SUPPLIES	2,706.34
SD ASSN. OF RURAL WATER	MEMBERSHIP	475.00
SD GOV. FINANCE OFFICERS	MEMBERSHIP	130.00
SD GOV. HUMAN RESOURCE	MEMBERSHIP	50.00
SDN COMMUNICATIONS	SERVICE	571.20
SEMMLER MANUFACTURING	PROJECT	17,487.00
SD SCIENCE	GRANT	25,000.00
SOUTHSIDE OIL	GAS	14,212.00
ST. JOHN'S EPISCOPAL	GRANT	1,683.00
THE LORD'S CUPBOARD	RECYCLING	51.00
TOMS, DON	PROJECT	630.00
TRIDLE, JOHN	REIMBURSEMENT	272.95
TRUGREEN	SERVICE	371.75

## REGULAR MEETING, December 1, 2014

TSP	PROJECT	7,290.60
TURBIVILLE, CHARLES	REIMBURSEMENT	324.84
TWILIGHT	SUPPLIES	301.80
TWIN CITY ANIMAL SHELTER	FUNDS	3,000.00
TWIN CITY HARDWARE	SUPPLIES	3,400.19
VERIZON WIRELESS	SERVICE	40.01
WHITE'S CANYON	MIRROR	155.25
WL CONSTRUCTION	SUPPLIES	719.99
WOW	SERVICE	593.36
ZEP SALES	SUPPLIES	502.51
	<b>TOTAL</b>	<b>\$346,976.75</b>

### ITEMS FROM CITIZENS ON AGENDA

#### Proclamation

The Mayor read a proclamation declaring December 1, 2014 as "Betty Coburn Day" in Deadwood. Mayor Turbiville thanked the Coburn family for the recent donation of part of their family collection to the City. Ms. Coburn received standing ovation from all in attendance.

#### Request

Silvernail moved, Ruth seconded to allow Neighborworks to use trolley for Tour of Christmas Lights and waive special group fee on December 9, 11, 16 and 18, 2014. Roll Call: Aye-All. Motion carried.

#### Update

Richard Carlson presented a slide show to the Commission on the Fassbender Collection. He showed the Revenue and Expenditures report, and pictures of how the items are filed and stored. He also stated the collection has about 40 volunteers with 800 volunteer hours to date. Mayor Turbiville thanked Carlson for the presentation.

### CONSENT

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

- A. Deadwood History Inc. request approval to serve liquor at Days of '76 Museum on December 5 from 5:00 p.m. to 11:00 p.m. for Christmas party.
- B. Permission to increase wage of Rec Center Special Projects Coordinator, Cody Brotsky, from \$10.00 an hour to \$10.35 an hour effective November 18, 2014 after one year in the position.
- C. Permission to cancel agreement with Sean Covell dba Red Road Inc. for parking space in Miller Lot effective September 1, 2014.
- D. Set public hearing on December 15 for street closure for Silverado/Franklin New Year's Eve Ball Drop on December 31, 2014.
- E. Set public hearing on December 15 for waiver of banner fee, vending fee, temporary street closure and use of rodeo grounds for Deadwood Stagecoach Days Events on July 10 and 11, 2015.
- F. Set public hearing on December 15 for waiver of banner fee, vending fee, use of rodeo grounds, open container and special liquor license for Days of '76 Events on July 17 through July 26, 2015.
- G. Set public hearing on December 15 for open container, street closure and waiver of banner fees for Mardi Gras Events on February 6 and 7, 2015.
- H. Set public hearing on December 15 for open container, use of rodeo grounds, waiver of banner, vending fees, street closure, special liquor license and fireworks display for SnowCross and Tailgate Party Events on January 30 through February 2, 2015. Permission to allow some snow accumulation for snowmobile parking and track on Main Street.
- I. Pay First National Trust \$9,629.25 for annual bond trustee fees from Historic Preservation Current Expense line item.
- J. Set public hearing on December 15 for Retail (on-off sale) Malt Beverage and Retail (on-off sale) Wine License for Dakota's Best Wine and Gifts at 250 Hwy 14A.
- K. Permission to hire Archive Interns Kajal Urwan and Pwey Doh at \$8.00 an hour effective December 2, 2014, pending pre-employment screening.

**REGULAR MEETING, December 1, 2014**

**PUBLIC HEARINGS AND BID OPENINGS**

Van Den Eykel moved, Silvernail seconded to advertise for Mickelson Trailhead Boardwalk on January 27, 2015 at 2:00 p.m. with results to city commission on February 2. Roll Call: Aye-All. Motion carried.

Public hearing was opened at 5:23 p.m. by Mayor Turbiville. There being no public comment, hearing closed. Silvernail moved, Ruth seconded to approve the transfer for Retail (on-sale) Liquor (CL-0508) License from DFC Hickok's Inc. to NMD Venture LLC at 685 Main Street. Roll Call: Aye-All. Motion carried.

**OLD BUSINESS**

**Ordinance #1221**

Todd moved, Silvernail seconded to approve second reading of Supplemental Budget Ordinance #1221. Roll Call: Aye-All. Motion carried.

**NEW BUSINESS**

**Permission**

Silvernail moved, Van Den Eykel seconded to pay South Dakota Department of Legislative Audit \$12,604.20 for audit of the fiscal affairs of the city for period ending December 21, 2013. Roll Call: Aye-All. Motion carried.

**Change Order**

Ruth moved, Silvernail seconded to approve change order from CAI2 on 2 Dudley retaining wall for \$3,331.70, bringing total contract to \$201,256.70. Roll Call: Aye-All. Motion carried.

**Resolution #2014-25**

Van Den Eykel moved, Ruth seconded to allow the Mayor to sign Resolution 2014-25 to vacate 25' Easement for Railroad Right of Way to make property available for future development. Roll Call: Aye-All. Motion carried.

**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 below-described twenty-five foot (25') easement for railroad right-of-way to make the property available for future development.

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 1st day of December 2014

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

**REGULAR MEETING, December 1, 2014**

**Resolution #2014-26**

Silvernail moved, Ruth seconded to allow the Mayor to sign Resolution 2014-26 to Transfer City Owned Real Estate to Deadwood-Lead Economic Development in order to clear encroachment of garage on Tract B of the Water Street Subdivision. Roll Call: Aye-All. Motion carried.

**RESOLUTION 2014 – 26**

**RESOLUTION TO TRANSFER CITY OWNED REAL ESTATE**

WHEREAS, the Deadwood City Commission desires to transfer City owned real property to the Deadwood-Lead Economic Development Corporation, pursuant to SDCL § 6-5-2 and 6-5-3,

AND WHEREAS, the public interest will be better served by transferring the below-described real property to the Deadwood-Lead Economic Development Corporation in order to clear the encroachment of a garage which is referenced on the subject plat;

Tract B of the Water Street Subdivision, 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 6-5-2, the public interest will be better served by the proposed transfer of the above-described City-owned real property 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 1st day of December 2014

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

**Deed**

Silvernail moved, Ruth seconded to allow the Mayor to sign Quit Claim Deed to transfer Tract B of the Water Street Subdivision, located in the NW ¼ of Section 26, Township 5 North, Range 3 East, Black Hills Principal Meridian to Deadwood-Lead Economic Development. Roll Call: Aye-All. Motion carried.

**Resolution #2014-27**

Todd moved, Van Den Eykel seconded to allow the Mayor to sign Resolution #2014-27 to Designate City owner Property as Surplus and appoint appraisal committee to determine value of Lot 9 except N. Triangular part of Lot 9, Block P. Roll Call: Aye-All. Motion carried.

**RESOLUTION 2014 –27**

**RESOLUTION TO DESIGNATE CITY OWNED PROPERTY AS SURPLUS**

WHEREAS, the Deadwood City Commission desires to designate certain City owned real property as surplus land and appoint an appraisal committee to determine the value of said real property, pursuant to SDCL Ch. 6-5 et seq.

AND WHEREAS, the public interest will be better served by designating the following described real property as surplus and obtaining a value to the property by an appointed appraisal committee or order to make the real property available to transfer;

Lot 9 Except N. Triangular Part of Lot 9, Block P, City of Deadwood, South Dakota.

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

NOW THEREFORE IT IS HEREBY RESOLVED, pursuant to SDCL Ch. 6-5 et seq. the public interest will be better served by the proposed designation of surplus property in order to make it available to transfer.

**REGULAR MEETING, December 1, 2014**

IT IS FURTHER RESOLVED that pursuant to SDCL 6-5-3, a three-person appraisal committee be appointed to determine the value of the subject property.

Dated this 1st day of December 2014

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

Resolution #2014-28

Silvernail moved, Van Den Eykel seconded to allow the Mayor to sign Resolution 2014-28 to Adopt Blood Borne pathogen Policy and authorize policy to be included in Safety Manual.

Dated this 1st day of December 2014. Roll Call: Aye-All. Motion carried.

**RESOLUTION 2014-28**

**RESOLUTION TO ADOPT BLOOD BORNE PATHOGEN EXPOSURE CONTROL PLAN**

**WHEREAS**, the City of Deadwood has made a commitment to the prevention of accidents that can result in employee injury or illness and,

**WHEREAS**, the City of Deadwood has the authority and responsibility to ensure that all elements of the exposure plan are in place,

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Deadwood hereby adopts the Blood Borne Pathogen Exposure Plan and authorizes inclusion in the Deadwood Safety Manual.

Dated this 1st day of December 2014

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Fire Chief Bill Glover thanked the Police and Street Departments for their help with the fire in Claim Jumpers.

Historic Preservation Officer thanked Coburn Family for the donation.

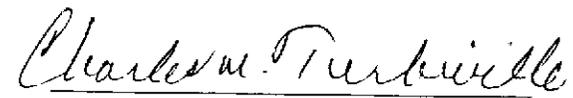
ADJOURNMENT

Silvernail moved, Todd seconded to adjourn the regular session at 5:31 p.m. The next regular meeting will be on Monday December 15, 2014.

ATTEST:

DATE: 12-15-14

  
Mary Jo Nelson, Finance Officer

BY:   
Charles M Turbiville, Mayor

Published once at the total approximate cost of \_\_\_\_\_

