

REGULAR MEETING, February 3, 2014

Special meeting of the Deadwood City Commission convened on January 29, 2014 at 4:30 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: City Attorney Terri Williams and Commissioners Joe Peterson and Georgeann Silvernail. Gary Todd and Jim Van Den Eykel were absent. Silvernail moved, Turbiville seconded to go into executive session for discussion of legal matters per SDCL 1-25-2 (3) with no action taken. After coming out of executive session at 4:45 p.m. Turbiville moved Silvernail seconded to adjourn.

The Regular Session of the Deadwood City Commission convened on February 3, 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. Commissioner Jim Van Den Eykel was absent. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Silvernail moved, Todd seconded to approve the minutes of January 21, 2014. Roll Call: Aye-All. Motion carried.

JANUARY, 2014 PAYROLL: COMMISSION, \$2,730.76; FINANCE, \$14,577.85; PUBLIC BUILDINGS, \$3,461.59; POLICE, \$52,371.01; FIRE, \$4,580.80; BUILDING INSPECTION, \$3,626.96; STREETS, \$24,541.14; PARKS, \$20,245.52; PLANNING & ZONING, \$4,007.06; LIBRARY, \$6,152.88; RECREATION CENTER, \$11,492.79; HISTORIC PRESERVATION, \$12,464.13; WATER, \$12,617.45; PARKING METER, \$8,343.08; TROLLEY, \$17,174.27; PARKING RAMP, \$6,187.35; RUBBLE SITE, \$1,242.00. **PAYROLL TOTAL: \$205,816.64**

JANUARY, 2014 PAYROLL PAYMENTS:

Internal Revenue Service, \$50,613.11; S.D. Retirement System, \$21,993.04; Delta Dental, \$3,730.80

APPROVAL OF DISBURSEMENTS

Todd moved, Silvernail seconded to approve the February 3, 2014 disbursements plus additional bill. Roll Call: Aye-All. Motion carried.

A TO Z	SHREDDING	17.85
ABC BUSINESS	SUPPLIES	698.90
ACE INDUSTRIAL	SUPPLIES	343.70
ACTION MECHANICAL	SERVICE	214.29
ALBERTSON ENGINEERING	PROJECT	2,400.00
ALCO	SUPPLIES	77.71
AMERICAN LEGAL PUBLISHING	ORDINANCES	450.00
BICKLE TRUCK	JOINT	159.60
BH CHEMICAL	SUPPLIES	41.75
BH POWER	SERVICE	28,672.25
BH SPECIAL SERVICES	CLEANING	1,198.00
BLUE TARP FINANCIAL	SERVICE	39.99
BUTLER MACHINERY	SERVICE	145.55
CENTURY BUSINESS	CONTRACT	159.93
COMPANION LIFE	INSURANCE	217.53
CRARY HUFF LAW FIRM	SERVICE	133.00
DAKOTA BUSINESS	MAINTENANCE	147.49
DAKOTA SUPPLY	METER	469.23
DAKOTACARE	INSURANCE	37,368.24
DAVE STAFFORD ARCHITECTURE	REPAIRS	4,847.30
DEADWOOD CHAMBER	ALLOCATION	134,318.67
DEADWOOD ELECTRIC	SERVICE	360.32
DIANE FRANCE	RECONSTRUCTION	3,906.26
EDDIE'S TRUCK	REPAIRS	4,400.07
FARMER BROTHERS	SUPPLIES	190.05
FASSBENDER COLLECTION	OPERATIONS	14,500.00
FASTENAL COMPANY	SUPPLIES	512.20
GENE'S LOCK SHOP	KEYS	50.00
GENERAL SERVICE GARAGE	REPAIRS	383.41
GOLDEN WEST	REPAIRS	110.00
GUSTAFSON BUILDERS	PROJECT	14,578.88
HEARTLAND PAPER	SUPPLIES	310.71
HOLIDAY INN	CONFERENCE	1,095.92
INTERSTATE BATTERY	SUPPLIES	267.70
JOHNSON, MICHAEL	REIMBURSEMENT	51.00
KONE	MAINTENANCE	250.00
KUCHENBECKER, KEVIN	REIMBURSEMENT	81.00
LAWRENCE CO. REGISTER	FEE	180.00
LAWRENCE CO. SHERIFF'S	PAPERS	54.30
MARIAH PRESS	PROJECT	640.00
MCCLELLAND'S CATERING	CONFERENCE	1,938.04
MERTENS, KENNETH	REIMBURSEMENT	277.08
MIDWESTERN MECHANICAL	PROJECT	9,983.40
NAPC	RENEWAL	150.00
NELSON, ROBERT JR.	REIMBURSEMENT	51.00
NEVE'S	UNIFORMS	356.94

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PANNIER	PROJECT	558.00
PEPPMEIER, JANICE	REIMBURSEMENT	504.79
QUIK SIGNS	SIGNS	84.43
QUILL	SUPPLIES	180.79
RANGEL CONSTRUCTION	PROJECT	143,606.70
RAPID DELIVERY	FEES	21.60
REALTORS FOR KIDS	ALLOCATION	1,000.00
RELIABLE OFFICE	SUPPLIES	109.40
RILEY, DAVID	REIMBURSEMENT	309.01
SD PUBLIC HEALTH LAB	TESTING	26.00
SERVALL	SUPPLIES	2,068.51
SOUTHSIDE OIL	SERVICE	15,034.73
SPEARFISH HUSKY	SUPPLIES	63.70
STEINLICHT, WILLIE	REIMBURSEMENT	51.00
STREICHER'S	UNIFORMS	137.98
STRETCH'S	SERVICE	724.00
TRIPLE K	REPAIRS	99.99
TRUE WEST PUBLISHING	ADS	675.00
TSP	PROJECT	8,216.39
TURBIVILLE INDUSTRIAL	REPAIRS	129.95
TURBIVILLE, CHARLES	REIMBURSEMENT	85.00
TWILIGHT	SUPPLIES	131.00
TWIN CITY HARDWARE	SUPPLIES	3,057.40
TYCO INTEGRATED SECURITY	SERVICE	803.00
USA BLUEBOOK	DISPENSERS	101.42
UTECH, VIC	REIMBURSEMENT	60.00
VICTIMS OF VIOLENCE	ALLOCATION	1,000.00
WESTERN COMMUNICATIONS	SUPPLIES	69.00
WOOD, GEORGE	SERVICE	4,667.16
WOW	SERVICE	1,824.29
ZIEGLERS	SUPPLIES	393.10
	TOTAL	\$452,592.60

ITEMS FROM CITIZENS ON AGENDA

First Reading

Dan Nelson spoke on behalf of Midcontinent on the ordinance to update and renew Cable Franchise with Midcontinent to provide video services. He said the customers in Deadwood pay a 3% franchise fee on basic and premium services. The original ordinance dates back to 1988, and is updating what items are affected by 3% fee. Nelson said this is the same change made by Lead and Spearfish. Todd moved, Peterson seconded to approve the first reading of Ordinance #1208 Renewing Cable Franchise with Midcontinent. Roll Call: Aye-All. Motion carried.

First Reading

Gary Hansen spoke on behalf of WOW on the ordinance to update and renew Cable Franchise with WOW. He said this ordinance is the same as with Midcontinent. Silvernail moved, Todd seconded to approve first reading of Ordinance #1209 Renewing Cable Franchise with WOW. Roll Call: Aye-All. Motion carried.

First Reading

Mayor Turbiville opened discussion to rescind Ordinance Section 5.52.010 regarding fortune telling and clairvoyants. George Milos, Deadwood Chamber Director, said one of the Chamber board members is against repealing the ordinance, therefore the board is going to meet and discuss at their next meeting. Mark Speirs spoke in favor and believes individuals, not government should have the right to determine whether they choose to use the service of a fortune teller or clairvoyant. Father Michael Johnson asked that if the ordinance is repealed, cemeteries be off limits for such activities. Mary Kopco also spoke in favor of repeal, stating the ordinance has been ignored by businesses, and events such as Zombie Walk and Halloween could be in violation of the ordinance. She added both newspapers publish a daily horoscope, which is another violation. Nyla Griffith spoke in favor of repeal, stating discrimination against certain forms of religion, and added if ordinance is enforced, the City is opening itself up for a lawsuit. Kathleen Lane does not believe in total repeal but believes City has right to control first amendment, commercial speech. Ken Gienger and Mark Lance spoke against repealing ordinance due to religious beliefs, and how the repeal would affect the youth and elderly. Mayor Turbiville closed hearing, and stated the ordinance passed October 5, 1993. He does not want American Civil Liberties Union to come to Deadwood and tell the City the ordinance is against free speech and practice of a person's religion. Commissioner Silvernail spoke in favor of keeping ordinance, and disagreed with total repeal. Commissioner Todd believes in majority rule and wants people of Deadwood to know they will be protected. After further discussion, Todd moved, Peterson seconded to approve first reading of Ordinance #1207 to Rescind Ordinance Section 5.52.010 regarding fortune-telling and clairvoyants. Roll Call: Aye-Peterson, Todd, Turbiville. Nay-Silvernail. Motion carried.

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Approval

Peterson moved, Todd seconded approve the recommendation from Business Improvement District #7 to allocate \$17,500.00 to Deadwood Business Club. Minutes were received by Finance Officer. Roll Call: Aye-All. Motion carried.

PUBLIC HEARING/BID OPENINGS

Public Hearing-Land Exchange

Public hearing was opened at 5:30 p.m. by Mayor Turbiville. Tim Davis spoke about the land involved and believes the land exchange would be ideal for both parties for future development. Mark Speirs spoke in favor of the exchange, stating it is a good deal for both parties. Mayor closed hearing. Planning and Zoning Administrator Nelson Jr. said the next phase would be a resolution to engage with Mr. Davis and appointment of the appraisers, who would determine if the trade is of equal value. Commissioner Silvernail believes Mr. Davis is getting property that is buildable and the City is getting hillside, so would rather see the land be declared surplus.

Public Hearing-Tentexkota

Public hearing was opened at 5:37 p.m. by Mayor Turbiville. There being no public comment, hearing closed. Silvernail moved, Todd seconded the transfer of Retail (on-sale) Liquor License (CL-0510) from Tentexkota, LLC to Tentexkota, LLC dba Deadwood Mountain Grand Hotel and Casino at 1906 Deadwood Mountain Drive. Roll Call: Aye-All. Motion carried.

Results

Three bids were received for the Stairway Replacement Project at 416 Williams Street at 2:00 p.m. as advertised. Present at the bid opening were Mary Jo Nelson, Kevin Kuchenbecker and member from CAI, Sabo Construction and RCS Construction. Bid bonds were included in the following bid submittals:

CAI2 – Base Bid \$ 28,096.00, Unit Price of Pointing Stone \$22.50

RCS – Base Bid \$31,000.00, Unit Price of Pointing Stone \$17.00

Sabo – Base Bid \$21,300.00, Unit Price of Pointing Stone \$45.00

Kevin Kuchenbecker asked the Commission to continue until February 18, 2014 for review. Silvernail moved, Peterson seconded request. Roll Call: Aye-All. Motion carried.

FINANCE

Resolution 2014-04

Peterson moved, Silvernail seconded to add Mike Johnson to Historic Preservation Commission on Resolution 2014-04 Extending Workers Compensation to Specific Individuals. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING AND ZONING

Outside of Deadwood Grants

Silvernail moved, Todd seconded to approve Outside of Deadwood grants in the amount of \$125,000.00 for the first half of 2014. The approved grants are: Black Hills Historic Preservation Trust, Inc. – Stabilization Project of Ranch House - \$15,000.00; Black Hills Mining Museum – Archiving Documents and Artifacts - \$7,500.00; Buffalo Gap Community Center – Restoration of Buffalo Gap Area Community Center - \$4,500.00; Fall River County Historical Society – Rehabilitation of Pioneer Museum - \$3,250.00; United Church of Christ – Rehabilitation of First Congregational Church - \$10,000.00; Meeting the Need – Replacement of Windows - \$6,500.00; NeighborWorks Dakota Home Resources – Ethnic Street Flags - \$2,500.00; Newell Museum – Restoration of Congregational Church - \$1,600.00; Northern Hills Ranger District – Refurbishing Hardy Guard Station - \$10,000.00; South Dakota Historical Society Foundation – Digitize Images and Documents - \$19,150.00; Tomahawk Lake Country Club – Restoration of Golf Course - \$10,000.00; Verendrye Museum – Rehabilitation of Fort Pierre Chicago and NorthWestern Railroad Depot - \$20,000.00; Yankton County Historical Society – Rehabilitate Mead Building - \$15,000.00. Roll Call: Aye-All. Motion carried.

Change Order #2

Peterson moved, Silvernail seconded to approve Change Order #3 on slate roof replacement project in the amount of \$1,321.61 to add snow guards on upper gable. Total contract with Rangel Construction \$405,661.79. Roll Call: Aye-All. Motion carried.

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Recommendation

Peterson moved, Silvernail second to approve the recommendation from Parking and Transportation to accept RFP and contract with Elevate Design Studios to complete Rotary Park project at cost of \$36,800.00. Project budget is \$165,000.00. Planning and Zoning Administrator Nelson Jr. said the project consists of construction of a new trolley stop, and four parking stalls. He said Elevate Design Studios will hold public meetings for discussion and public's input. Roll Call: Aye-All. Motion carried.

STREETS AND WATER/PARKS AND REC/PUBLIC BUILDINGS

Permission

Silvernail moved, Todd seconded to allow John Tridle to apply for healthy community grant for additional adult fitness programming at Deadwood Rec Center. Roll Call: Aye-All. Motion carried.

Permission

Silvernail moved, Peterson seconded to pay South Dakota Department of Transportation invoice for snow removal during October blizzard in the amount of \$4,809.24 from Streets budget. Roll Call: Aye-All. Motion carried.

Renewal

Todd moved, Silvernail seconded to renew contract with Rasmussen Mechanical to perform preventative maintenance on boilers and burners from Public Buildings budget.. Cost is 3% increase from prior year. Roll Call: Aye-All. Motion carried.

Quote

Silvernail moved, Peterson seconded to accept low quote from RCS in the amount of \$40,250.00 to repair Library and authorize attorney to prepare contract. Expenditure will be paid from insurance proceeds. Roll Call: Aye-All. Motion carried.

Quote

Todd moved, Silvernail seconded to accept quote from Grimm's Pump in the amount of \$10,370.00 to replace fuel system reader, budgeted item. Roll Call: Aye-All. Motion carried.

Permission

Silvernail moved, Peterson seconded to purchase used bucket lift truck from Larson Implement at cost of \$17,900.00 plus transportation costs to Harris MN for Streets Department. Roll Call: Aye-All. Motion carried.

LEGAL BUSINESS

Second Reading

Silvernail moved, Peterson seconded to approve second reading of Ordinance #1204, Amending Historic Preservation Section 17.68. Roll Call: Aye-All. Motion carried.

Second Reading

Todd moved, Silvernail seconded to approve second reading of Ordinance #1205, Amending Chapter 17.04 Entitled Permits. Roll Call: Aye-All. Motion carried.

Second Reading

Silvernail moved, Peterson seconded to approve second reading of Ordinance #1206, Amending Chapter 17.84 Entitled Building Inspector-Powers and Duties. Roll Call: Aye-All. Motion carried.

Agreement

Silvernail moved, Todd seconded to allow the Mayor to sign agreement with Kone for landing Door Interlock Release Key. Roll Call: Aye-All. Motion carried.

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

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MAYORS BUSINESS

Appoint

Silvernail moved, Peterson seconded to appoint Francis Toscana to Fassbender Board to May 31, 2015 to complete vacant unexpired term. Roll Call: Aye-All. Motion carried.

Resolution 2014-05

Silvernail moved, Todd seconded to approve Resolution 2014-05 Designating Special Events Recognized by the City of Deadwood for purposes of Ordinances 15.32.100 and 15.32.140. Roll Call: Aye-All. Motion carried.

RESOLUTION 2014-05

A RESOLUTION DESIGNATING SPECIAL EVENTS RECOGNIZED BY THE CITY OF DEADWOOD FOR PURPOSES OF ORDINANCES 15.32.100 AND 15.32.140

BE IT RESOLVED by the Deadwood City Commission that the following events, with their respective months of occurrence, are hereby recognized for the year 2014 as "special or civic event(s)" for purposes of Ordinances 15.32.100 and 15.32.140:

<u>Special or Civic Event:</u>	<u>Date(s) of Event:</u>
1. Superbowl Tailgate Party	February 2, 2014
2. Mardi Gras	February 28-March 1, 2014
3. St. Patrick's Day	March 14-15, 2014
4. Cinco De Mayo	May 3, 2014
5. Mickelson Trail Marathon	June 1, 2014
6. Wild Bill Hickok Days	June 13-14, 2014
7. Fourth of July	July 4, 2014
8. Days of '76	July 22-26, 2014
9. Sturgis Bike Rally	August 2-10, 2014
10. Kool Deadwood Nites	August 21-24, 2014
11. Deadwood Jam	September 12-13, 2014
12. Oktoberfest	October 3-4, 2014
13. Deadweird	October 31-November 1, 2014

Dated this 3rd day of February 2014

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

Update

Silvernail moved, Todd seconded to approve cost for utility bill upgrade in the amount of \$2,750.00 and the monthly cost of colored newsletter. Turbiville said the cost is a one-time software fee. The annual software maintenance cost is \$688.00, monthly cost would be either color newsletter at \$597.50 or black and white newsletter at \$349.00. Roll Call: Aye-All. Motion carried.

ITEMS FROM CITIZENS NOT ON AGENDA

Ron Russo questioned the bill he received for call out fee. He believes charging fee is deterrent to call when he was trying to alert the City of a possible water main break.

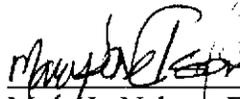
Mark Speirs on behalf of Tomahawk Country Club thanked the Commission and Historic Preservation for the Outside of Deadwood grant to Tomahawk Lake Country Club for restoration of golf course. He stated this is the 80th year of being in operation and is the only golf course in South Dakota with a National Historic Register Designation.

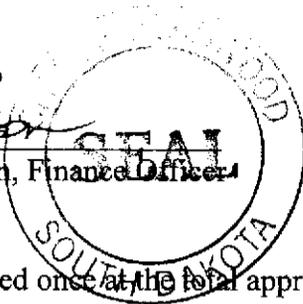
ADJOURNMENT

Silvernail moved, Peterson seconded to adjourn the regular session at 6:03 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3). The next regular meeting will be on Tuesday February 18, 2014. After coming out of executive session for legal matters per SDCL 1-25-2 (3), Silvernail moved, Todd seconded to adjourn at 6:20 p.m.

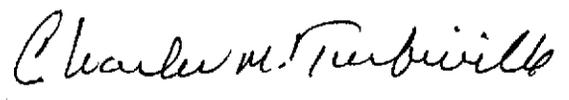
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ATTEST:


Mary Jo Nelson, Finance Officer



DATE: 2-18-14

BY: 
Charles M Turbiville, Mayor

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