

REGULAR MEETING, July 21, 2014

The Regular Session of the Deadwood City Commission convened on July 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 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 June 16, 2014. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

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

A & B WELDING	TORCH	35.52
ABC BUSINESS	ARCHIVES	190.49
ABSOLUTE LOG HOMES	PROJECT	455.10
ADAMS	ARCHIVES	341.74
ALBERTSON ENGINEERING	SERVICE	410.40
ALSCO	MATS	69.33
AMAZON	CONTRACT	222.08
AUGUSTANA COLLEGE	GRANT	15,500.00
BERENDSE & SONS	PROJECT	14,442.75
BIERSCHBACH	SUPPLIES	2,429.00
BH CHEMICAL	SUPPLIES	2,107.88
BH PIONEER	ADS	891.03
BH POWER	ELECTRICITY	23,668.23
BH SPECIAL SERVICES	CLEANING	1,672.00
BH URGENT CARE	TESTING	200.00
CAI CONSTRUCTION	PROJECT	77,626.80
CENTURY LINK	SERVICE	306.58
CENTURY	SERVICE	568.77
CHAMBERLIN ARCHITECTS	PROJECT	10,557.00
COCA COLA	SUPPLIES	61.00
COMMERCIAL DOOR	SERVICE	3,674.15
CRUM ELECTRIC	BALLASTS	343.04
CULLIGAN	SUPPLIES	155.00
DAKOTA SUPPLY	SUPPLIES	566.00
DEADWOOD ALIVE	SERVICE	20,000.00
DEADWOOD CHAMBER	SERVICE	17,512.80
DEADWOOD ELECTRIC	REPAIR	2,597.47
DELAHOYDE'S PAINT	REPAIR	803.00
FARMER BROTHERS	SUPPLIES	152.80
FASTENAL	STRAPS	31.16
GALLS	UNIFORMS	360.88
GAYLORD BROS	SUPPLIES	91.45
GENERAL SERVICE	REPAIR	217.79
GLOVER, WILLIAM	MEETINGS	175.00
GOLDEN WEST	SERVICE	2,630.00
GRIMM'S PUMP	PROJECT	10,370.00
HAWKI, KEN	REIMBURSEMENT	148.43
INTEGRATED PARKING	TICKETS	1,321.00
INTERSTATE BATTERY	SPOTLIGHT	10.00
JACOBS WELDING	BAR	14.50
JULIN, SUZANNE	PROJECT	650.00
KADRMAS LEE & JACKSON	PROJECT	2,982.00
KARL'S	SUPPLIES	2,429.76
KONE	MAINTENANCE	258.40
L.L. BEAN	AWARDS	101.85
LAWRENCE CO. REGISTER	FEES	90.00
LAWRENCE CO.CHILD HEALTH	REFUND	180.00
LAWRENCE TITLE COMPANY	FEES	381.60
LAWSON PRODUCTS	SUPPLIES	446.96
LITTLE, ERIN	PROJECT	9,724.20
MAC CONSTRUCTION	PROJECT	20,822.40
MACROVISION	FACEBOOK	750.00
MEETING THE NEED	GRANT	6,500.00
MIDCO DIVING	CLEANING	2,199.00
MIDCONTINENT	SERVICE	65.00
MS MAIL	PRINTING	1,248.68
NAJA SHRINERS	ALLOCATION	3,500.00
NEIGHBORHOOD LENDING	SERVICE	33.50
NH TECHNOLOGY	SERVICE	35.00
NORTHWEST PIPE	BRASS	25.58
OBEREMBT, KEVIN	PROJECT	12,385.74
PASSPORT PARKING	METERS	46.50
PHELPS AD	TOKENS	2,216.61
PUMPHOUSE COFFEE	SUPPLIES	14.99
QUIK SIGNS	SERVICE	40.12
RAPID DELIVERY	SERVICE	11.40
RASMUSSEN	PROJECT	203.44
RDO EQUIPMENT	SUPPLIES	144.00
REGGIE'S	LINER	44.54
REGIONAL HEALTH	TESTING	75.00
RELIABLE OFFICE	SUPPLIES	148.29
RENNER, DONOVAN	REIMBURSEMENT	229.95
ROGER BROOKS	BRANDING	12,000.00
S & S WORLDWIDE	SUPPLIES	306.99
SABO CONSTRUCTION	PROJECT	12,742.00

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SACRISON PAVING	LIMESTONE	611.40
SD COMMISSION ON GAMING	SLOTS	69,125.00
SD DEPT. OF REVENUE	TRANSFER	75.00
SD DEPT. OF REVENUE	TAX	3854.99
SD ONE CALL	SERVICE	24.42
SDN COMMUNICATIONS	SERVICE	571.20
SERVALL	SUPPLIES	1,444.03
SOCIETY OF BLACK HILLS	PULBICATION	2,250.00
SOUTHSIDE OIL	FUEL	207.43
SOUTHSIDE SERVICE	REPAIR	466.55
SPEARFISH HUSKY	STARTER	220.00
STURDEVANT'S	SUPPLIES	1,291.56
STURGIS AUTO	SUPPLIES	38.04
SUMMIT SIGNS	SIGNAGE	489.00
TDG COMMUNICATIONS	BROCHURES	260.00
TEMPERATURE TECHNOLOGY	SERVICE	239.04
TOM'S T'S	UNIFORMS	494.05
TOMS, DON	PROJECT	630.00
TRIDLE, JOHN	PROXCARDS	428.00
TRUGREEN	SERVICE	2,457.50
TWILIGHT	SUPPLIES	600.85
TWIN CITY HARDWARE	SUPPLIES	3,377.38
USA BLUEBOOK	PAINT	180.35
VICTOR STANLEY	RECEPTACLES	15,653.00
WHITE'S CANYON	REPAIR	109.33
WYSS ASSOCIATES	PROJECT	195.00

TOTAL \$411,256.79

ITEMS FROM CITIZENS ON AGENDA

Proclamation

The Mayor read a proclamation declaring July 21, 2014, as "Trevor Tridle Day" in Deadwood.

Permission

Silvernail moved, Van Den Eykel seconded to allow Les Karas to sell poppies on Main Street during Sturgis rally, approximately 5-6 days. Roll Call: Aye-All. Motion carried.

Request

Amber Diers, on behalf of Holiday Inn Express asked the Commission for 120 parking ramp passes to accommodate Holiday Inn Express, Gold Dust and the Pineview at a cost of \$50.00 each since the Ordinance does not have an increment for said amount. Mayor Turbiville explained the ordinance regarding rates. Commissioner Silvernail suggested \$60 plus tax. After further discussion Silvernail moved, Van Den Eykel seconded to amend ordinance to accommodate additional rate and set first reading on August 4. Roll Call: Aye-All. Motion carried.

Information

Mayor Turbiville informed the Commission that there will be a free gospel concert at Gordon Park on Sunday August 2.

CONSENT

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

Cemetery Certificates

Permission for Mayor to sign three (3) Oakridge Cemetery Certificates of Purchase and Warranty Deeds for Joni Phelps.

Contracts

Permission for Mayor to sign contract between City of Deadwood and Institute of Applied Genetics to complete DNA analysis on human remains recovered from 66 Taylor Avenue. Approved by Commission on April 23, 2014.

Permission for Mayor to sign contract with Semmler Construction for cold storage building construction.

Workers Compensation

Add Lyman Toews and Thomas Blair to Historic Preservation Commission, and remove George Milos and Willie Steinlicht from Historic Preservation Commission for workers compensation for volunteers.

Hire

Permission to hire Kathryn Shattuck as lifeguard at \$8.00 an hour pending pre-employment screening effective July 28, 2014.

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CONSENT CONT.

Purchase

Permission to purchase triple tine mechanical grapple from Kenco Attachment Solutions at cost of \$3,310.00.

Raffle

Take no action and allow Lawrence County Teen Court to conduct raffle for approximately \$800 in prizes, to be drawn on September 5, 2014.

Agreements

Permission for Mayor to sign the following agreements on Tim Davis land swap with City of Deadwood: Agreement including Permanent Access Agreement, Warranty Deed from Davis to City, Warranty Deed from City to Davis, and Certificates of Real Estate Value.

BID ITEMS

2001 Ford Crewcab F550

Finance Officer Nelson opened four bids for the 2001 Ford Crewcab F550.

Dakota Rental - \$7,075.00

Peter Sobotka - \$3,137.00

Superior Siding - \$6,005.00

Mark Todd - \$8,016.00

Todd moved, Ruth seconded to accept the bid from Mark Todd. Roll Call: Aye-All. Motion carried.

Panels at Intersection of Denver and Williams

Silvernail moved, Van Den Eykel seconded to reject bid for removal and reconstruction of concrete panels at intersection of Denver and Williams at the recommendation of Ron Green, Public Works Director. Green added that he will look into other options as well. Bids were opened on July 7, 2014. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS

Transfers

Public hearing was opened at 5:17 p.m. by Mayor Turbiville. There being no public comment, hearing closed. Todd moved, Van Den Eykel seconded to approve the Retail (on-off sale) Malt Beverage (RB-20935) and Retail (on-off sale) Wine (RW-20934) License transfers from Weapon Concepts, LLC to Deadwood Development dba Bullets and Beer Saloon at 10 Lee Street. Roll Call: Aye-All. Motion carried.

Public hearing was opened at 5:18 p.m. by Mayor Turbiville. There being no public comment, hearing closed. Ruth moved, Van Den Eykel seconded to approve the Retail (on sale) Liquor (RL-5534) License transfer from First interstate Bank to The Pink Blossom at 629 Main Street. Roll Call: Aye-All. Motion carried.

License

Todd moved, Van Den Eykel seconded to set public hearing for Convention Center Liquor License for Historic Deadwood Convention Center LLC on August 4, 2014 at 5:00 p.m.

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OLD BUSINESS

Ordinance #1214

Discussion continued on second reading of Ordinance #1214 for Establishment, Composition, Powers and Duties of the Library Board. Attorney Riggins stated the ordinance was amended to specify that all terms begin on January 1 and expire December 31 on any given year, so that term expirations are consistent. Mayor Turbiville stated that two members are currently serving with term expirations on; December 31, 2014 and December 31, 2015, enabling them to serve the remainder of their terms.. He also stated the Commission will accept applications for the board positions whose terms have expired. Resident Mathew Pike requested that existing board be allowed to remain instead of amending the ordinance. Turbiville stated the Commission is in the process of taking care of the problem. Resident Donna Watson stated when she was appointed, she was pleased and everyone on the board was equally dedicated to improving the library. Library employee Jan Osborn stated the library is the heart of the people within the community and added it is a pleasure to work there. After further discussion Van Den Eykel moved, Silvernail seconded to amend the changes and pass Ordinance #1214. Roll Call: Aye-All. Motion carried.

Silvernail moved, Van Den Eykel seconded to approve second reading of Ordinance #1214 for Establishment, Composition, Powers and Duties of the Library Board. Roll Call: Aye-Silvernail, Todd, Van Den Eykel, Turbiville. Nay-Ruth. Motion carried.

NEW BUSINESS

Discussion

Discussion was held to change status of department head positions to hired rather than naming as appointed officials. Mayor Turbiville stated he felt it is unnecessary to have the department heads be appointed yearly and would like to follow other communities that hire these employees. Commissioner Van Den Eykel did not see an issue with appointments if the person is doing their job. Commission Ruth stated that if hired, department heads can still be fired for cause, and this change would eliminate the chance of a department head being subject to political whim of Commission. Silvernail moved, Ruth seconded to allow the attorney to draft an ordinance for first reading. Resident Mathew Pike complimented Commissioner Silvernail for bringing this issue forward two years ago and spoke in favor of hiring department heads. Roll Call: Aye-Ruth, Silvernail, Todd, Turbiville. Nay-Van Den Eykel. Motion carried.

Resolution 2014-17

Larry Eby on behalf of Clarity Telecom stated Clarity has entered into Asset Purchase Agreement with WOW to acquire the South Dakota assets and is asking the Commission to approve the transfer. Todd moved, Ruth seconded to approve Resolution 2014-17 Consenting to Transfer of Franchise from WOW to Clarity Telecom, LLC. Roll Call: Aye-All. Motion carried.

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RESOLUTION 2014-17

RESOLUTION CONSENTING TO TRANSFER OF FRANCHISE

WHEREAS, Knology of the Black Hills, LLC (d/b/a WOW! Internet, Cable, and Phone) ("Franchise") currently holds a cable television franchise ("Franchise") granted by the City of Deadwood, South Dakota ("Municipality") authorizing Franchisee to own and operate a cable television system in the Municipality;

WHEREAS, Franchisee and certain of its affiliates have entered into an Asset Purchase Agreement ("Agreement") with Clarity Telecom, LLC ("Clarity") dated June 12, 2014 under which Clarity will acquire the cable system assets (including the Franchise) of Franchisee ("Transaction");

WHEREAS, Franchisee and Clarity, according to the requirements of the Franchise and applicable law, have requested that Municipality consent to the Transaction as described in the FCC Form 394 file with Municipality ("Transfer Application"); and

WHEREAS, Municipality has reviewed the Transfer Application and will consent to the transfer of control as described in the Transfer Application.

NOW, THEREFORE, MUNICIPALITY RESOLVES:

1. Municipality consents to the transfer of the Franchise to Clarity.
2. Municipality confirms the Franchise is valid and in full force and effect.
3. The Clerk of Municipality is authorized to enter into, execute, and deliver on behalf of Municipality a certificate, along with other documents as may be necessary evidencing this Resolution without further action by this governing body.

Dated this 21st day of July, 2014

ATTEST: CITY OF DEADWOOD
/s/ Mary Jo Nelson, Finance Officer /s/ Charles Turbiville, Mayor

Resolution 2014-16

Silvernail moved, Todd seconded to approve Resolution 2014-16 to Declare Surplus Property and donate nine bikes to Deadwood Chamber of Commerce for bike program. Mayor Turbiville stated this Resolution is a recommendation from Revitalization program to enable visitors to ride throughout the community. Roll Call: Aye-All. Motion carried.

**RESOLUTION NO. 2014-16
TO DECLARE THE FOLLOWING SURPLUS PROPERTY**

BE IT RESOLVED by the Deadwood City Commission that the City of Deadwood approved the following be declared surplus and donated to Deadwood Chamber of Commerce.

**Huffy Prospect Mtn. Bike - #K6294B06B
Black Mtn. Bike - #M04829375
Mongoose Mtn. Bike #R3524WMT1M26
Itoh Gold Colored 10-Speed Bike
Next Power Climber Mtn. Bike - #DTCCHC15582
Mongoose STAT Mtn. Bike - #SNFSD13AU5983
Huffy Top Fuel Children's Bike
Magna Children's Bike
Schwinn Children's Bike - #A0AUBF048758**

Dated this 21st day of July, 2014

ATTEST: CITY OF DEADWOOD
/s/ Mary Jo Nelson, Finance Officer /s/ Charles Turbiville, Mayor

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Purchase

Chief Fuller stated that Parking and Transportation Committee discussed options to enhance the pedestrian crossing on Sherman Street by the Rec Center. He said the blaze orange flags keep disappearing and are expensive to replace. Fuller met with Eltec to discuss the installation of a lighted crossing system similar to the one located on Pioneer Way behind the Bullock Hotel and recommended purchase. Van Den Eykel moved, Silvernail seconded to approve the recommendation from Parking and Transportation to purchase solar powered pedestrian crossing system from General Traffic Controls in the amount of \$9,450.00. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Open House

Public is invited to open house and presentation at Deadwood City Hall on July 29 from 6:00 p.m. to 8:30 p.m. with South Dakota Game, Fish and Parks regarding big horn sheep transplant to Lead and Deadwood.

Clydesdale horses are scheduled for a moving escort on Main Street on August 2 at 2:00 p.m.

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

Finance Officer Nelson said the Budget Hearings will be held on August 11 and 12 at 8:00 a.m.

ADJOURNMENT

Silvernail moved, Todd seconded to adjourn the regular session at 5:56 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3) and personnel per SDCL 1-25-2 (1) with possible action. The next regular meeting will be on Monday August 4, 2014.

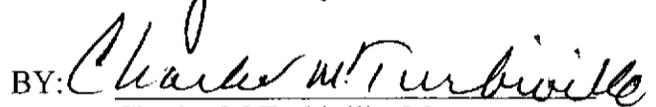
After coming out of executive session at 6:50 p.m. Silvernail moved, Todd seconded to adjourn.

ATTEST:


Mary Jo Nelson, Finance Officer



DATE: August 4, 2014

BY: 
Charles M Turbiville, Mayor

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