

REGULAR MEETING, July 7, 2014

The Regular Session of the Deadwood City Commission convened on July 7, 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 Terri Williams 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.

JUNE, 2014 PAYROLL: COMMISSION, \$2,730.76; FINANCE, \$16,262.60; PUBLIC BUILDINGS, \$4,984.61; POLICE, \$50,883.42; FIRE, \$4,531.20; BUILDING INSPECTION, \$3,694.10; STREETS, \$44,758.00; PARKS, \$25,872.53; PLANNING & ZONING, \$4,391.66; LIBRARY, \$6,157.99; RECREATION CENTER, \$21,259.61; HISTORIC PRESERVATION, \$14,780.86; WATER, \$11,770.86; MT. MORIAH, \$4,986.60; PARKING METER, \$9,717.83; TROLLEY, \$20,734.71; PARKING RAMP, \$5,966.45; RUBBLE SITE, \$2,484.00.
PAYROLL TOTAL: \$255,967.79

JUNE, 2014 PAYROLL PAYMENTS:

Internal Revenue Service, \$65,126.91; S.D. Retirement System, \$23,115.48; Delta Dental, \$3,885.96

APPROVAL OF DISBURSEMENTS

Silvernail moved, Van Den Eykel seconded to approve the July 7, 2014 disbursements plus additional bills. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	MAINTENANCE	2,444.28
A & B WELDING	RENTAL	29.14
AASLH SERVICES	MEMBERSHIP	63.00
ABC BUSINESS	SUPPLIES	344.05
ACE INDUSTRIAL SUPPLY	SUPPLIES	317.00
ALCO	SUPPLIES	121.70
ALL AROUND AUTO	SUPPLIES	776.29
ALSCO	SUPPLIES	135.80
BAUDVILLE	AWARD	43.45
BERENDSE & SONS	PROJECT	26,822.25
BH CHEMICAL	SUPPLIES	2,097.92
BH POWER EQUIPMENT	THROTTLE	30.95
BH SPECIAL SERVICES	CLEANING	1,311.00
BH URGENT CARE	TESTING	1,386.52
BH WINDOW CLEANING	CLEANING	258.00
BLAIR, THOMAS	ATTENDANCE	25.00
CEDAR SHORE	LODGING	379.80
CENTER POINT	BOOKS	160.00
CENTURY LINK	SERVICE	404.12
CHAINSAW CENTER	SUPPLIES	857.18
CHAMBERLIN ARCHITECTS	PROJECT	14,468.00
CHIEF SUPPLY	SUPPLIES	125.98
COCA COLA	SUPPLIES	101.00
COMPANION LIFE	INSURANCE	223.04
CULLIGAN	SUPPLIES	204.50
DAKOTA SUPPLY	KIT	84.01
DAKOTA TREE SPRAYING	SERVICE	10,668.00
DAKOTACARE	INSURANCE	39,701.03
DAVE STAFFORD ARCHITECTURE	REPAIRS	4,247.30
DAVID, THOMAS	PROJECT	2,557.04
DAYS OF '76	SERVICE	50,000.00
DEADWOOD CHAMBER	SERVICE	300,979.62
DEADWOOD ELECTRIC	SIGN	120.78
DEMCO	SUPPLIES	95.82
DEROSIER, DARIN	ATTENDANCE	275.00
EMERY-PRATT	BOOKS	124.04
EPCO ENVIRONMENTAL	FILTERS	424.43
FAMILY DOLLAR	SUPPLIES	5.00
FARMER BROTHERS	SUPPLIES	267.99
FASTENAL COMPANY	SUPPLIES	510.56
FEDERAL EXPRESS	SHIPPING	11.72
FIRST INTERSTATE	PAYMENT	1,921.27
FIRST NATIONAL	FEES	17,205.00
FLACK TRUCKING	SOIL	380.00
FLAT EARTH SIGN	PROJECT	2,000.00
FLOYD, LAURA	ATTENDANCE	250.00
FOURFRONT DESIGN	PROJECT	315.50
FULLER, KELLY	REIMBURSEMENT	881.36
GALLS	SUPPLIES	236.93
GARDNER CONSTRUCTION	REPAIR	2,200.00
GENE'S LOCK SHOP	REPAIR	625.42
GOLDEN WEST	PAGERS	1,531.03
GOVERNMENT FINANCE OFFICER	NEWSLETTER	50.00
GUNDERSON, PALMER, NELSON	SERVICES	9,293.03
HAWKI, KEN	REIMBURSEMENT	46.63
HAWKINS	SUPPLIES	968.23
HEBRON BRICK SUPPLY	PORTLAND	43.78
HILLS MATERIALS	ROADSTONE	2,727.48
HOLLINGER METAL	SUPPLIES	352.08

REGULAR MEETING, July 7, 2014

JACOBS WELDING	
JOHNSON, MICHAEL	
JUNEKS	
KIMBALL MIDWEST	
KNECHT	
KOALA ELECTRIC	
L.L. BEAN	
LAKER CHEMICAL	
LAWRENCE CO. REGISTER	
LAWRENCE TITLE	
LEAD CHAMBER	
LEAD-DEADWOOD SANITARY	
LESTER, ROB	
LITTLE, ERIN	
MAC CONSTRUCTION CO.	
MENARD'S	
MERTENS, KENNETH	
MIDWEST TAPE	
MILOS, GEORGE	
MITZI'S BOOKS	
MDU	
MS MAIL	
MUNICIPAL EMERGENCY	
NAMMINGA, LYNN	
NEIGHBORHOOD LENDING	
NETWORK SERVICES	
NORTHERN TRUCK EQUIPMENT	
NORTHWEST PIPE FITTINGS	
OTIS ELEVATOR	
PETTY CASH	
PITNEY BOWES	
PITNEY BOWES	
QUICK TROPHY	
RASMUSSEN	
RCS CONSTRUCTION	
REGGIE'S BODY	
REGIONAL HEALTH	
SANITATION PRODUCTS	
SCHMIDT, WILLIAM	
SD COMMISSION ON GAMING	
SD DEPT. OF MOTOR VEHICLES	
SD DEPT. OF REVENUE	
SD DEPT. OF REVENUE	
SD LIBRARY NETWORK	
SD PUBLIC HEALTH LAB	
SD SOLID WASTE MANAGEMENT	
SERVALL	
SD OVERHEAD DOOR	
SPECIALTY VEHICLES	
ST AMBROSE CATHOLIC CHURCH	
STEINLICHT, WILLIE	
STURGIS AUTO PARTS	
SUMMIT SIGNS	
TENTTEXKOTA	
THOMPSON INFORMATION	
TOEWS, LYMAN	
TOM'S T'S	
TRIPLE K	
TRUGREEN	
TSP THREE	
TTG ENTERPRISES	
TWILIGHT	
TWIN CITY CLOTHING CENTER	
TWIN CITY HARDWARE	
UTILITY SERVICES ASSOCIATE	
VERIZON WIRELESS	
VERMEER HIGH PLAINS	
WASTE CONNECTIONS	
WELLS PLUMBING	
WILLIAMS, CHUCK	
WOW	
ZEP SALES	
SUPPLIES	41.60
ATTENDANCE	300.00
REPAIR	66.88
SUPPLIES	44.20
ROLLEX	13.06
REPAIR	311.93
UNIFORMS	534.50
PATCH	963.00
SERVICE	60.00
SERVICE	254.40
SERVICE	5,000.00
USAGE	29,103.20
REIMBURSEMENT	1,435.55
PROJECT	10,000.00
PROJECT	66,260.70
PLATES	66.86
REIMBURSEMENT	277.08
DVDS	148.93
ATTENDANCE	175.00
BOOKS	55.14
SERVICE	3,719.34
FORMS	400.00
SERVICE	659.85
ATTENDANCE	300.00
REIMBURSEMENT	16.75
SUPPLIES	755.71
SUPPLIES	2,090.00
SUPPLIES	932.96
SERVICE	117.00
FINANCE	148.92
LEASE	237.93
POSTAGE	500.00
NAMEPLATES	39.56
PROJECT	2,959.78
PROJECT	64,337.50
REPAIR	1,106.03
TESTING	50.00
SUPPLIES	182.50
REPAIRS	2,100.00
SLOTS	18,852.27
PLATES	14.00
LICENSE	150.00
TAX	2,527.59
SERVICE	1,119.75
TESTING	39.00
MEMBERSHIP	100.00
SUPPLIES	214.41
INSTALLATION	3,175.11
CABLE	104.45
GRANT	38,033.83
ATTENDANCE	250.00
STARTER	430.20
SIGNS	59.50
MARKETING	550,000.00
SUBSCRIPTION	536.99
ATTENDANCE	50.00
SHIRTS	309.91
REPAIR	1,193.45
FERTILIZER	168.00
PROJECT	3,049.60
REPAIR	316.72
SUPPLIES	451.45
ALLOCATION	3,260.00
SUPPLIES	3,102.19
PROJECT	2,915.00
SERVICE	40.01
METER	86.57
SERVICE	7,670.72
BOX	45.81
ATTENDANCE	300.00
SERVICE	2,211.19
SUPPLIES	330.00
TOTAL	\$1,341,103.63

REGULAR MEETING, July 7, 2014

ITEMS FROM CITIZENS ON AGENDA

Permit

Peter DeMangus, Gold Dust Manager, asked the Commission for a Conditional use permit for valet parking for Black Diamond Capital LLC at 686 Main Street. DeMangus stated the permit was approved by Parking and Transportation and Planning and Zoning. He said Gold Dust would like to try a temporary valet station, and contract with the City for parking spots in the Broadway Ramp. Commissioner Van Den Eykel spoke in favor, stating reasons of customer service and hospitality. Commissioner Todd had concerns with the parking and suggested using Sherman Street parking lot instead of Broadway Ramp. After discussion Silvernail moved, Van Den Eykel seconded to approve a 60-day Conditional use permit to Black Diamond Capital with the following conditions: Podium to be placed in the entry of 682 Main Street, signage kept to a minimum, operation not to begin until 4:00 p.m., parking on Main Street limited to five minutes, proof of contract 20 spaces in Broadway Parking Structure and report back to the Planning and Zoning and Parking and Transportation Committee as to how the valet service is affecting traffic, circulation and the overall effect on Main Street. Mayor Turbiville informed Commission that according to ordinance, Broadway leases are required to be on an annual session. Roll Call: Aye-All. Motion carried.

Permission

Silvernail moved, Van Den Eykel seconded to allow Connections Church to set up bounce house and use City Park for free block party on July 9, 2014 from 6:00 p.m. to 8:30 p.m. Roll Call: Aye-All. Motion carried.

CONSENT

Silvernail moved, Van Den Eykel seconded to approve the following consent items. Ruth abstained to pay northern hills Shrine Circus budgeted amount of \$3,500.00. Roll Call: Aye-All.

Resolution 2014-15

Resolution 2014-15 In Support of Application to Occupy SD Department of Transportation highway Right of Way for Days of 76 parade July 25 and 26.

RESOLUTION 2014-15

**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 92nd Annual Days of '76 Celebration on July 22nd through July 26th, 2014; 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 25, 2014, beginning at 1:15 p.m. until the end of the parade, and on July 26, 2014, 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;

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.

REGULAR MEETING, July 7, 2014

Dated this 7th day of July, 2014

ATTEST: CITY OF DEADWOOD

/s/ Mary Jo Nelson, Finance Officer

/s/ Charles Turbiville, Mayor

Wage increase

Permission to increase wage of Trolley Driver Barbara Hughes from \$10.35 an hour to \$11.38 an hour effective June 21, 2014 after completing three years of service.

Advertise

Permission to advertise for two part-time Rubble Site attendants at \$10.00 an hour.

Hire

Permission to hire Bonny Fitch as part-time Planning and Preservation Administrative Assistant at \$8.00 an hour effective July 8, 2014, pending pre-employment drug screening.

Wage Increase

Permission to increase wage of Rec Center employee Tom Wolf from \$9.31 an hour to \$9.44 an hour effective June 28, 2014 after four years of service.

Hire

Permission to hire Sally Sprigler as reserve officer effective July 8, 2014 at \$11.38 an hour.

Agreement

Permission for Mayor to sign Maintenance, Encroachment and Financial Agreement between City of Deadwood, Department of Transportation and Lead-Deadwood Sanitary District.

Permit

Approve special alcoholic beverage license permit for Historic Adams House on August 22, 2014 from 2:00 p.m. to 9:00 p.m.

Recommendation

Accept recommendation from Parking and Transportation Committee to allow reserved residential parking for Monica Beer at 19 Centennial with a 6-month review and Lester Karas at 784 Main Street.

Transfer

Permission to transfer taxi business license from Bill Meehan, dba Dakota Taxi, Inc. to Brad Meehan, dba Dakota Taxi, contingent upon proof of insurance and S.D. Sales Tax Number.

Removal

Permission to remove Scott Henderson from the Police Reserve Roster.

Service Orders

Approve signing business service orders with WOW for point-to-point Ethernet upgrade at three locations.

Permission

Permission to pay Northern Hills Shrine Circus budgeted amount of \$3,500.00.

Contract

Permission for Mayor to sign contract with Central America Inc. for Rotary/Martha Bullock Park capital improvement project.

Hire

Permission to hire Daniel Thomas as intern to assist in assessment of Clowser Collection effective July 8, 2014 at \$8.00 an hour pending pre-employment screening.

Purchase

Permission to purchase guardrail at cost of \$4,719.46 from Trinity Highway Products, LLC from Streets budget.

BID ITEMS

Panels at Intersection of Denver and Williams

Public Works Director Green opened one bid for the removal and reconstruction of concrete panels at intersection of Denver and Williams. Bid bond was included in the following bid submittal:

Complete Concrete - \$86,600.00

Green asked the Commission to continue for review. Silvernail moved, Van Den Eykel seconded request. Roll Call: Aye-All. Motion carried.

REGULAR MEETING, July 7, 2014

Generator

Silvernail moved, Van Den Eykel seconded to accept the low bid from Advance Electrical in the amount of \$73,340.00 for city hall generator, and allow Mayor to sign contract. Roll Call: Aye-All. Motion carried.

Cold Storage

Public Works Director Green stated he met with the engineer and Semmler Manufacturing who was the low bidder, scope and quality adjustments were made to reduce the cost of the project. Van Den Eykel moved, Silvernail seconded to accept low bid from Semmler Manufacturing in the amount of \$169,550.00 for the replacement of the cold storage building. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS

Retail Malt Beverage-Heaven

Public hearing was opened at 5:17 p.m. by Mayor Turbiville. There being no public comment, hearing closed. Silvernail moved, Van Den Eykel seconded to approve the Retail (on-off sale) malt Beverage License for Harlan Kirwan dba Heaven at 669 Main Street. Roll Call: Aye-All. Motion carried.

Set

Todd moved, Ruth seconded to set public hearing at 5:00 p.m. on July 21, 2014 for Retail (on-off sale) Malt Beverage License (RB-20935), and Retail (on-off sale) Wine License (RW-20934) transfer from Weapon Concepts, LLC to Deadwood Development dba Bullets and Beer Saloon at 10 Lee Street. Roll Call: Aye-All. Motion carried.

Todd moved, Silvernail seconded to set public hearing at 5:00 p.m. on July 21, 2014 for transfer of Retail (on sale) Liquor License from First Interstate Bank to the Pink Blossom at 629 Main Street. Roll Call: Aye-All. Motion carried.

OLD BUSINESS

Ordinance #1213

Discussion was held on second reading of Ordinance #1213, an ordinance amending chapter 17.04 Permits. Resident Mathew Pike spoke in opposition, asking why the Commission would consider reducing the penalties for failure to gain a permit in the City after warnings have been issued from the National Park Service, stating that Deadwood's status as a National Historic Landmark is threatened. Commissioner Todd said the discussion to review the ordinance was not dealing with Historical buildings. Pike believes the ordinance should be denied, and brought back with a proposal stating that if the property is non-contributing it be fined two times, and contributing properties be fined four times as stated. Commissioner Ruth and Todd would like to explore the opportunity of differentiating between contributing and non-contributing, and agrees with Mr. Pike in protecting the Historic Landmark. After further discussion Van Den Eykel moved, Silvernail seconded to approve second reading of Ordinance #1213, an ordinance amending Chapter 17.04 Permits. Roll Call: Aye-Silvernail, Van Den Eykel, Turbiville. Nay-Ruth, Todd. Motion carried.

NEW BUSINESS

Ordinance #1214

Discussion was held on first reading of Ordinance #1214 for Establishment, Composition, Powers and Duties of the Library Board. Attorney Williams stated Deadwood is a Charter and therefore must comply with state law. Williams also said this ordinance consists of staggered terms so appointments can be made appropriately. Mayor Turbiville stated at the present time three members of the Board have expired terms but are still serving. In the meantime, Commissioner Van Den Eykel could oversee the Board and Library and asked anyone interested in serving on the board to send in a letter of request. Resident Mathew Pike cautioned the Commission on review of terms of office, and does not believe the Commission has the authority to dissolve the Board. Resident Franci Foral stated all the board members are present tonight and are able to continue serving as a board, and thanked them for doing a good job. Williams believes there are two items being discussed and has no qualms about the modified change in the ordinance. After much discussion Silvernail moved, Van Den Eykel seconded to approve the first reading of Ordinance #1214 for Establishment, Composition, Powers and Duties of the Library Board. Roll Call: Aye-All. Motion carried.

REGULAR MEETING, July 7, 2014

Request

Todd moved, Van Den Eykel seconded to allow Northern Hills Alliance for Children use of public property including eight parking spots in the Miller Parking lot for Zombie Run on Saturday September 27, 2014. Roll Call: Aye-All. Motion carried.

Todd moved, Van Den Eykel seconded to allow beer and wine sales outside Days of 76 Museum following the Zombie Run for Northern Hills Alliance for Children on September 27, 2014. Roll Call: Aye-All. Motion carried.

Yard Waste

Discussion was held to establish a policy for yard waste and tree branch disposal at the rubble site. Public Works Director Green stated the City has been allowing free disposal of yard waste and tree branches since the October snow storm, and questions if a policy should be established. Commissioner Van Den Eykel believes the City should encourage residents to clean up their properties. After further discussion, Ruth moved, Van Den Eykel seconded to allow a 90-day trial period to allow yard waste and tree branches at the rubble site at no cost to Deadwood residents, who must show copy of water bill for proof of residency. Roll Call: Aye-All. Motion carried.

Hire

Ruth moved, Van Den Eykel seconded to allow CAI Construction to remove damaged trees from the October storm at St. Ambrose Cemetery. Cost not to exceed \$7,500.00, to be paid from capital project fund. Roll Call: Aye-All. Motion carried.

Final Plat

Van Den Eykel moved, Ruth seconded to approve final plat for Paula J. Katon, Trustee. Lots 1,2 and 3 of Katon Subdivision, Utility and Private Access Easements; Formerly Tract 1 of a Portion of the Jim Lode in M.S. 1636, Except Highway Right-of-Way and Lot H2; Part of M.S. 107, Part of M.S. 58, Part of M.S. 57 and Part of Lot 7 and Lying South of the Highway Right-Of-Way, All Located in the SE ¼ of Section 27, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Approved by Planning and Zoning Commission on July 2, 2014. Roll Call: Aye-All. Motion carried.

Hire

Silvernail moved, Ruth seconded to hire TSP to prepare construction documents for utility service ties for underground service for homes on Charles Street at cost of \$6,810.00 plus reimbursables not to exceed \$1,750.00. To be paid from Historic Preservation CIP monies. Roll Call: Aye-All. Motion carried.

Mickelson Trail Trek

Silvernail moved, Van Den Eykel 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. and Waiver of banner fee for the 17th Annual Mickelson Trail Trek on Saturday September 21, 2014. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Raffle

Boys and Girls Club of the Black Hills will be selling raffle tickets until 1,000 tickets have been sold. No action approves per SDCL 22-25-25.

Sandy Glover, Rodeo Grounds Block Club President, thanked the City for the use of the rodeo grounds for the Community wide picnic, and the Parks Dept. for their help as well.

Attorney Williams requested Executive Session for legal matters per SDCL 1-25-2(3) and personnel per SDCL 1-25-2 (1) with possible action.

ADJOURNMENT

Van Den Eykel moved, Silvernail seconded to adjourn the regular session at 6:11 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 July 21, 2014.

Commissioner Todd excused himself from the meeting.

REGULAR MEETING, July 7, 2014

After coming out of executive session for legal per SDCL 1-25-2 (3) at 7:00 p.m. Silvernail moved, Ruth seconded to allow the Mayor to sign permanent and temporary easements with S.D. Department of Transportation. These easements are in conjunction with highway 85/385 project. Roll Call: Aye-All. Motion carried.

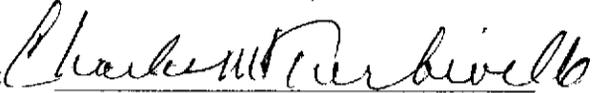
Turbiville moved, Ruth seconded to adjourn at 7:05 p.m.

ATTEST:


Mary Jo Nelson, Finance Officer



DATE: July 21, 2014

BY: 
Charles M Turbiville, Mayor

Published once at the total approximate cost of _____