REGULAR MEETING, October 20, 2014

The Regular Session of the Deadwood City Commission convened on October 20, 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 October 6, 2014. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Todd seconded to approve the September 15, 2014 disbursements plus additional bill. Roll Call: Aye-All. Motion carried.

A & J SUPPLY	SUPPLIES	75.82
ABC BUSINESS	SUPPLIES	246.18
ADVANCED ELECTRICAL	PROJECT	25,340.00
ALBERTSON ENGINEERING	PROJECT	7,396.20
ALCO	SUPPLIES	67.91
ALL NET	SERVICE	96.25
ALSCO	SUPPLIES	137.67
AMAZON	SERVICE	222.06
ARLETH LAND SURVEYING	PROJECT	1,260.00
BARNEY SIGNS	PROJECT	14,400.00
BH CHEMICAL	SUPPLIES	653.17
BH DISPOSAL	SERVICE	760.00
BH PIONEER	ADS	641.73
BH SECURITY	SERVICE	194.70
BH URGENT CARE	TESTING	60.00
BH WINDOW CLEANING	SERVICE	258.00
BUFFALO GAP COMMUNITY	GRANT	2,400.00
BUTLER MACHINERY	SUPPLIES	167.51
CAI CONSTRUCTION	PROJECT	49,477.50
CAMPBELL SUPPLY	SUPPLIES	29.76
CAMPBELL, KASEY	REIMBURSEMENT	95.40
CENTURY LINK	SERVICE	422.81
CHAINSAW CENTER	GRINDER	210.00
CHEMSEARCH	SUPPLIES	301.56
COCA COLA	SUPPLIES	149.25
CULLIGAN	SUPPLIES	99.50
DEADWOOD ELECTRIC	REPAIR	228.55
DMI	SUPPLIES	155.25
EB COMMUNICATIONS	PROJECT	17,175.00
ELEVATE DESIGN	PROJECT	826.20
EMERY-PRATT	BOOK	31.70
EPCO ENVIRONMENTAL	SUPPLIES	407.73
FALL RIVER COUNTY	CONFERENCE	250.00
FARMER BROTHERS	SUPPLIES	247.70
FEDERAL EXPRESS	SHIPPING	11.78
FIRST NATIONAL	BOND	233,981.25
FREEMAN'S ELECTRIC	REPAIR	250.00
GALLS	LIGHT	46.94
GENPRO POWER	SERVICE	740.60
GOLDEN WEST	PAGERS	2,063.15
HAWKI, KEN	REIMBURSEMENT	124.85
HILLS MATERIALS	PROJECT	47,224.73
JACOBS WELDING	SERVICE	176.12
KADRMAS LEE & JACKSON	PROJECT	1,366.60
KONE	SERVICE	258.40
KRUZEL, TOM	REIMBURSEMENT	357.00
KT CONNECTIONS	CAMERAS	11,293.98
L&L INSULATION	PROJECT	13,820.00
LASTING LEGACY	GRANT	6,050.00
LAWRENCE CO. HISTORICAL	BOOKS	30.00
LAWRENCE CO. REGISTER	FEE	30.00
LEAD-DEADWOOD SANITARY	USAGE	27,605.70
M&M SANITATION	RENTAL	307.50
MARIAH PRESS	PROJECT	290.00
MICHAEL TODD	SUPPLIES	462.29
MIDCONTINENT	SERVICE	65.00
MITZI'S	BOOKS	47.94
MDU	GAS	85.47
MS MAIL	SERVICE	2,900.84
NEIGHBORHOOD LENDING	SERVICE	797.00
NELSON, ROBERT JR.	REIMBURSEMENT	575.40
NEVE'S	UNIFORM	343.45
NH TECHNOLOGY	SERVICE	44.00
OPTICS PLANET	CAMERAS	9,995.00
OTIS ELEVATOR	SERVICE	117.00
PITNEY BOWES	POSTAGE	500.00
PRO-STEAM CARPET	SERVICE	550.00
QUIK SIGNS	SIGNS	201.96
RASMUSSEN MECHANICAL	SERVICE	405.95
REGIONAL HEALTH	TESTING	75.00
RENNER, DONOVAN	REIMBURSEMENT	229.95
ROLLING STONE	SUBSCRIPTION	29.95
RUNGE, MIKE	REIMBURSEMENT	34.88
S&C CLEANERS	CLEANING	850.00
SACRISON PAVING	PROJECT	1,726.80

SD COMMISSION ON GAMING	CITY SLOTS	18,852.27
SD DEPT. OF CORRECTIONS	FIRE WISE	1,435.00
SD ONE CALL	SERVICE	63.27
SD PUBLIC HEALTH LAB	TESTING	26.00
SD STATE ARCHIVES	MICROFILM	28.80
SDN COMMUNICATIONS	SERVICE	571.20
SECO CONSTRUCTION	PROJECT	89,762.40
SEMMLER MANUFACTURING	PROJECT	58,653.00
SOUTHSIDE SERVICE	REPAIR	181.05
SPECIALTY VEHICLES	PANEL	271.65
STURDEVANT'S	SUPPLIES	962.84
SUMMIT SIGNS	SUPPLIES	47.50
THE LORD'S CUPBOARD	RECYCLING	51.00
TOMAHAWK COUNTRY	GRANT	10,000.00
TRIDLE, JOHN	REIMBURSEMENT	171.40
TRIPLE K	REPAIR	1,622.97
TRUGREEN	SERVICE	394.06
TWILIGHT	SUPPLIES	413.65
TWIN CITY HARDWARE	SUPPLIES	2,284.69
VECCHI, GREG	PROJECT	600.00
WASTE CONNECTIONS	SERVICE	8,665.72
WHITE'S QUEEN CITY MOTORS	REPAIR	1,494.83
WOW	SERVICE	1,585.44
ZOGICS	SUPPLIES	719.40
ZUERCHER TECHNOLOGIES	MAINTENANCE	135.00
	TOTAL	$689,544.73

ITEMS FROM CITIZENS ON AGENDA

Representation Letter

Al Schaefer with South Dakota Dept. of Legislative Audit appeared to request permission for the Mayor and Finance Officer to sign the Representation Letter for the 2013 audit. He stated that the audit went well and thanked Finance Office staff for their cooperation and assistance. Schaefer stated that there were no deficiencies and financial statements were presented fairly. As a result, Deadwood received an unmodified opinion. He added the City had an immaterial violation per SDCL 6-1-1, where by purchases were made from a business in which a member of Historic Preservation Commission has an apparent financial interest as well as a member of the Zoning Commission. He recommends the City consult with legal counsel to determine if these purchases were made in accordance with the limitation outlined in SDCL 6-1-1. Silvernail moved, Todd seconded the request. Roll Call: Aye-All. Motion carried.

Request

Ron Russo and Caleb Arceneaux on behalf of Deadwood Revitalization Committee made a request to work with City staff to prepare and submit RFP/RFQ for Main Street revitalization project. Commissioner Todd stated concerns about undertaking two major projects and wonders if we are duplicating efforts. Russo said they are both good projects and will attract people to Deadwood. Commissioner Ruth stated the City is not obligated to spend money at this point, but only to utilize City staff. Commissioner Silvernail believes this project is a joint effort and both private and city funding should be explored. Mayor Turbiville stated this request is not a commitment to pay for study once complete, but an opportunity to discuss options for funding. After further discussion Ruth moved, Van Den Eykel seconded to utilize City staff as time permits to prepare RFP/RFQ for Main Street Revitalization project. Roll Call: Aye-All. Motion carried.

CONSENT

Ruth moved, Silvernail seconded to approve the following consent items, with exception of Global Caulking change order, which was moved to new business. Roll Call: Aye-All. Motion carried.

Certificate

Permission to sign Oakridge Cemetery Certificate of Purchase and Warranty Deed for Floyd and Rebecca Graham.

Repair

Permission to pay Eddie's Truck Center $4,152.99to repair transmission on trolley.

Acknowledge

Acknowledge signature of Mayor and Finance Officer on Fiscal Sponsorship Agreement Bush Foundation Community Innovation Grant.

Acknowledge signature of Mayor and Finance Officer with Oftedal Construction and South Dakota Department of Transportation for water and sanitary sewer line adjustments for US 85 from US385 to Cemetery Street in Deadwood.

Wage Increase
Permission to increase wage of Collections Intern Lili Sjomeling from $8.00 an hour to $8.28 an hour effective October 16, 2014 after one year of service.
Grant
Approve Not-for-Profit grant to St. John's Episcopal Church up to $50,000.00 to repair pipe organ from Historic Preservation Grant fund.
Resignation
Accept resignation from Rec Center employee Sabrina Brossart effective October 28, 2014.
Permission
Permission to send Bob Nelson Sr., Ken Hawki, John Tridle, and Tom Kruzel to Joint Safety and Loss Control Training Conference November 12th and 13th in Pierre, SD. Use of City vehicle, meals and lodging.
Request
Approve request form Deadwood Alive for additional off-season programming in the amount of $3,000.00 to be paid from Historic Preservation.
Agreement
Approve and allow the Mayor to sign annual Broadway Parking Ramp lease agreement with NMD (Hickok's) for twelve spaces at $100.00 per space plus tax from November 1, 2014 to October 31, 2015.
Permission
Permission to pay SDML Worker's Compensation Fund $60,472.00 for 2015 premium.

BID ITEMS

Results
Three bids were received for the City Hall Access Improvements at 2:00 p.m. as advertised. Present at the bid opening were Finance Officer Mary Jo Nelson, Finance Deputy Misty Trewhella, and a member from RCS Construction, Ainsworth Benning Construction and Rangel Construction. Bid bonds were included in the following bid submittals.

RCS Construction - $103,700.00
Ainsworth Benning - $84,300.00
Rangel Construction - $88,000.00

Public Works Director Green stated $60,000 was budgeted for this project but we can reallocate money from other projects, and recommends the Commission to accept the low bid from Ainsworth Benning. Silvernail moved, Ruth moved to accept the recommendation. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS

Film Crew
Public hearing was opened at 5:20 p.m. by Mayor Turbiville. There being no public comment, hearing closed. Ruth moved, Todd seconded to allow street closure on Main Street from Four Aces to Deadwood Street, Deadwood Street from Sherman to Pioneer Way from 5:00 p.m. to 9:00 p.m. Roll Call: Aye-All. Motion carried.

NAJA Shrine Circus
Public Hearing was opened at 5:22 p.m. by Mayor Turbiville. There being no public comment, hearing closed. Silvernail moved, Todd seconded to waive user fees, vending fees for rodeo grounds for the NAJA Shrine Circus event on June 27, 2015 at 2:00 p.m. and 7:00 p.m. Roll Call: Aye-Silvernail, Van Den Eykel, Turbiville. Ruth recused himself from discussion and voting. Motion carried.

Bid 1-6
Public hearing was opened at 5:23 p.m. by Mayor Turbiville. There being no public comment, hearing closed. Silvernail moved, Van Den Eykel seconded to approve the Notice of Intent to Levy 2015 Business Improvement Districts 1-6 per Resolution 2014-19 passed September 2, 2014. Roll Call: Aye-All. Motion carried.

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Bid 7
Public hearing was opened at 5:24 p.m. by Mayor Turbiville. There being no public comment, hearing closed. Silvernail moved, Todd seconded to approve the Notice of Intent to Levy 2015 Business Improvement District 7 per Resolution 2014-22 passed September 2, 2014. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

First Reading
Silvernail moved, Van Den Eykel seconded to approve first reading of Ordinance #1219 to Levy 2015 Taxes in Business Improvement Districts 1-6 and set final public hearing on December 15, 2014 after publication of levy in official newspaper. Finance Officer Nelson stated Bid 1-6 Board agreed the late fee would be increased from 10% to 15%, and if any legal fees are incurred to collect unpaid bid taxes, the legal fees will be assessed to responsible property. Roll Call: Aye-All. Motion carried.

First Reading
Silvernail moved, Ruth seconded to approve first reading of Ordinance #1220 to levy 2015 Taxes in Business Improvement District 7 and set final public hearing on December 15, 2014 after publication of levy in official newspaper. Roll Call: Aye-All. Motion carried.

Lights
Mayor Turbiville stated that last year confusion surrounding Christmas lighting ended up with city bearing much additional cost. He stated this year the budget is $5,000.00 and added that in order to hang city-owned banners across Main Street property owners need to sign a hold harmless/easement to allow hanging lights on private buildings. After further discussion, Silvernail moved, Todd seconded to allow Trinity United Methodist to hang garland wreaths at cost of $1,690.00 with removal by city staff, allow Lions Club to hang and remove artificial garland on Main Street at cost of $400.00, and if money and time permits, install existing frames owned by City at the Depot and Adams Museum. Installation and dismantling of lights will adhere to the City ordinance 15.32.130, with all lights removed by no later than one week after New Year's holiday. Roll Call: Aye-All. Motion carried.

Permission
Van Den Eykel moved, Silvernail seconded to purchase business licensing and building project software modules from Tyler Technologies from General Fund, total cost $15,600.00. Roll Call: Aye-All. Motion carried.

Charges
Finance Officer Nelson stated Mark Nazigian is protesting snow removal charges at 806 Main Street in the amount of $86.50. Commissioner Silvernail believes all residents shall follow the ordinance. Silvernail moved, Todd seconded to deny the request from Mark Nazigian. Roll Call: Aye-All. Motion carried.

Contract
Van Den Eykel moved, Silvernail seconded to enter into contract with Chamberlin Architects for Lower Main enhancement schematic design in the amount of $89,315.00 and allow the Mayor to sign contract. Roll Call: Aye-All. Motion carried.

Approval
Ruth moved, Turbiville seconded to approve job description and change status of employment for employee Bonny Fitch, Office Assistant at Historic Preservation from part time to full time at $15.68 an hour (90% of prevailing wage) effective October 21, 2014. After discussion Ruth amended his motion to continue until November 3 Commission Meeting, Turbiville seconded. Roll Call: Aye-All. Motion carried.

Quote
Todd moved, Silvernail seconded to accept low quote from Rangel Construction for Days of '76 roof repair in the amount of $22,300.00 to be paid from Historic Preservation Capital Assets. Roll Call: Aye-All. Motion carried.

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Permission
Public Works Director Green stated the original quote obtained from Global Caulking included pre-cast stone caps but the bid was for the material and would not match existing material. Silvernail moved, Ruth seconded to allow for additional charge of $6,238.00 from Global Caulking for pre-cast stone caps to match existing stone at Broadway Parking Structure to be paid from Broadway Parking Fund. Roll Call: Aye-Ruth, Silvernail, Todd, Turbiville. Nay-Van Den Eykel. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Rose Speirs, on behalf of Adams House thanked the fire and police department for the response to the Adams House over the weekend.

Fire Chief Glover stated the fire rating for ISO has gone from a five to a four, which will affect insurance rates.

Commissioner Silvernail stated the Farris family thanked the police department for responding to a call at the resident's home and read a thank you letter from Mayor Apa and Mike Stahl from City of Lead for donating the Dodge Durango.

Commissioner Ruth read a thank you letter from the Lords Cupboard for the recycling cans donation, and suggested the sign on the cage should be changed to reflect.

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

ADJOURMENT
Silvernail moved, Todd seconded to adjourn the regular session at 6:01 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3) with possible action. The next regular meeting will be on Monday November 4, 2014.

After coming out of executive session at 7:00 p.m. Ruth moved, Van Den Eykel seconded to adjourn.

ATTEST: DATE: 11-3-14

Mary Jo Nelson, Finance Officer

BY: Charles M Turbiville

Charles M Turbiville, Mayor

Published once at the total approximate cost of _____