

## REGULAR MEETING, October 6, 2014

The Regular Session of the Deadwood City Commission convened on October 6, 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, and Jim Van Den Eykel. Commissioner Gary Todd was absent. All motions passed unanimously unless otherwise stated.

### APPROVAL OF MINUTES

Ruth moved, Van Den Eykel seconded to approve the minutes of September 15 and September 22, 2014. Roll Call: Aye-All. Motion carried.

SEPTEMBER, 2014 PAYROLL: COMMISSION, \$2,730.76; FINANCE, \$15,340.05; PUBLIC BUILDINGS, \$4,711.05; POLICE, \$48,476.52; FIRE, \$4,539.48; BUILDING INSPECTION, \$3,652.14; STREETS, \$26,816.03; PARKS, \$21,843.81; PLANNING & ZONING, \$4,391.66; LIBRARY, \$6,070.33; RECREATION CENTER, \$11,765.40; HISTORIC PRESERVATION, \$12,888.58; WATER, \$13,684.61; MT. MORIAH, \$5,406.95; PARKING METER, \$10,013.60; TROLLEY, \$19,980.50; PARKING RAMP, \$5,811.23; RUBBLE SITE, \$2,908.00. **PAYROLL TOTAL: \$221,030.70**

### SEPTEMBER, 2014 PAYROLL PAYMENTS:

Internal Revenue Service, \$53,491.77; S.D. Retirement System, \$22,015.74; Delta Dental, \$3,782.52

### APPROVAL OF DISBURSEMENTS

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

A & B BUSINESS	MAINTENANCE	178.22
ABC BUSINESS	SUPPLIES	937.36
ALL AROUND AUTO	SUPPLIES	1,112.25
ALSCO	SUPPLIES	137.67
ARMSTRONG EXTINGUISHER	REPAIR	80.61
BERENDSE & SONS	RETAINAGE	4,585.00
BH CHEMICAL	SUPPLIES	1,877.19
BH POWER	SERVICE	26,412.54
BH SPECIAL SERVICES	CLEANING	1,656.00
BH WINDOW CLEANING	CLEANING	1,285.00
BORDER STATES ELECTRIC	SERVICE	19.70
BUTLER MACHINERY	SUPPLIES	418.56
CABLE COMMUNICATION	PROJECT	12,244.80
CAI CONSTRUCTION	PROJECT	3,650.00
CAMPBELL SUPPLY	BEARINGS	29.76
CENTURY BUSINESS	CONTRACT	341.00
CENTURY LINK	SERVICE	555.18
CHAINSAW CENTER	SUPPLIES	690.13
COCA COLA	SUPPLIES	93.00
COMPANION LIFE	INSURANCE	219.27
CREATIVE PRODUCT	DARE	376.70
CRETEX CONCRETE	SUPPLIES	1,017.46
CULLIGAN	SUPPLIES	58.50
DAKOTA BUSINESS	MAINTENANCE	151.47
DAKOTA SECURITY	PROJECT	609.75
DATA FLOW	FORMS	171.23
DEADWOOD CHAMBER	BILL LIST	30,000.00
DVFD	STAFFING	1,315.20
DELAHOYDE'S PAINT	REPAIR	1,709.16
EDDIE'S SALES	SERVICE	105.51
EPCO	FILTERS	61.50
FAMILY DOLLAR	SUPPLIES	18.00
FARMER BROTHERS	SUPPLIES	57.50
FASTENAL	SUPPLIES	46.64
FENTON, KRIS & MELANIE	PROJECT	1,552.44
FORCOLI & SONS	PROJECT	8,673.49
FOREMOST PROMOTIONS	PREVENTION	250.00
FORGEY CONSTRUCTION	PROJECT	10,489.00
FOURFRONT DESIGN	PROJECT	699.69
FULLER, KELLY	REIMBURSEMENT	409.96
GARDNER CONSTRUCTION	PROJECT	2,400.00
GENE'S LOCK SHOP	KEYS	75.00
GENERAL TRAFFIC	EQUIPMENT	9,450.00
GOLDEN WEST	SERVICE	1,242.51
GREEN, SHEREE	REIMBURSEMENT	85.00
GUNDERSON, PALMER, NELSON	SERVICE	4,501.84
HAWK, KEN	REIMBURSEMENT	328.28
HAWKINS	SUPPLIES	955.10
HILLS MATERIALS	SERVICE	870.56
HR SPECIALIST	SUBSCRIPTION	97.00
IDENTICARD	SUPPLIES	93.39
INTEGRATED PARKING	MAINTENANCE	3,456.00
J & D PRECAST	SEALERS	80.00
JACOBS WELDING	SERVICE	152.63
KOALA ELECTRIC	SERVICE	612.27
KONE	SERVICE	258.40
LAWRENCE CO. REGISTER	MAINTENANCE	90.00
	FEES	

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LAWRENCE TITLE	SERVICE	254.40
LAWSON PRODUCTS	STAND	343.15
LEAD-DEADWOOD REGIONAL	STANDBY	1,080.00
LESTER, ROB	REIMBURSEMENT	798.00
M&M SANITATION	SERVICE	190.00
MACROVISION	PROJECT	3,200.00
MDU	SERVICE	3,928.91
MONTANA HISTORICAL	SUBSCRIPTION	65.00
NATIONAL STAGECOACH	MEMBERSHIP	250.00
NETWORK SERVICES	SUPPLIES	502.28
NFPA	SUPPLIES	701.07
NH TECHNOLOGY	SERVICE	1,510.00
NORTHWEST PIPE FITTINGS	SUPPLIES	97.45
OFFICE DEPOT	SUPPLIES	77.94
PARTSMASTER	DISK	40.16
PASSPORT PARKING	METERS	38.75
PEPPMEIER, JANICE	REIMBURSEMENT	504.79
PETTY CASH	FINANCE	103.01
PITNEY BOWES	LEASE	237.93
POSITIVE PROMOTIONS	PREVENTION	986.60
PRESSURE SERVICES	REPAIR	148.25
QUILL	SUPPLIES	127.02
RAPID DELIVERY	SERVICE	0.00
RAPID DIESEL	REPAIR	1,704.34
RASMUSSEN	PROJECT	1,381.20
REAL ESTATE CENTER	DESK	125.00
RUNGE, MIKE	REIMBURSEMENT	231.75
SANITATION PRODUCTS	SUPPLIES	160.27
SCHUMACHER, DUSTIN	REIMBURSEMENT	598.50
SD DEPT. OF CORRECTIONS	FIREWISE	4,220.15
SD DEPT. OF REVENUE	TRANSFERS	225.00
SD DEPT. OF REVENUE	TAXES	3,424.06
SD MUNICIPAL LEAGUE	REGISTRATON	165.00
SD ONE CALL	SERVICE	79.92
SD PUBLIC HEALTH LAB	TESTING	472.00
SECO CONSTRUCTION	PROJECT	8,309.70
SEMMLER MANUFACTURING	PROJECT	67,950.00
SERVALL	SUPPLIES	3,001.82
SOUTHSIDE OIL	GAS	16,797.88
SPEARFISH SEAMLESS	SERVICE	1,677.04
STURDEVANT'S	SUPPLIES	58.32
THE EMBLEM AUTHORITY	PATCHES	555.00
THE HOTEL BY GOLD DUST	LODGING	100.00
TOMS, DON	PROJECT	630.00
TRINITY HIGHWAY	SUPPLIES	4,010.00
TRIPLE K	SERVICE	1,458.72
TSP	PROJECT	6,723.87
TWIN CITY HARDWARE	SUPPLIES	1,915.17
USA BLUEBOOK	TESTS	96.77
VERIZON	SERVICE	40.01
WATERWORKS	REPAIR	542.86
WEAPON CONCEPTS	TRAINING	1,300.00
WELLS PLUMBING	CULVERT	533.20
WESTERN COMMUNICATIONS	SUPPLIES	111.00
WESTERN STATES FIRE	INSPECTION	430.00
WL CONSTRUCTION SUPPLY	SUPPLIES	419.99
WOW	SERVICE	1,233.54
ZEP SALES	SUPPLIES	352.00
	<b>TOTAL</b>	<b>\$285,263.21</b>

**ITEMS FROM CITIZENS ON AGENDA**

Service

Mayor Turbiville presented a certificate to the Tony Bradley for 10 years of service and thanked Tony for his service.

Appreciation

Fire Chief Bill Glover presented Paul Thomson a certificate for five years of service as a volunteer firefighter and thanked Paul for his years of service.

Parking

Randy Nelson on behalf of Deadwood Business Club requested city-wide free parking on November 8 through November 11 for Veteran's Salute. Silvernail moved, Van Den Eykel seconded to allow no enforcement of parking meters November 8 through November 11. Roll Call: Aye-All. Motion carried.

Raffle

Deadwood Business Club will be selling raffle tickets until November 8, 2014. Proceeds will benefit South Dakota American legion Auxiliary, Ft. Meade hospice WIFI Project and Black Hills National Cemetery Avenue of Flags Program.

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**CONSENT**

Silvernail moved, Ruth seconded to approve the following consent items. Permission to apply for BUSH Foundation grant moved to New Business. Roll Call: Aye-All. Motion carried.

**Resignations**

Accept resignations from Parks employee Sherrill Magnuson, and Parks employee and Trolley Driver Doug Magnuson effective September 15, 2014.

**Contract**

Permission for Mayor to sign contract between City of Deadwood and Deb and Mel Maynard to operate Mt. Moriah Gift Shop from January 1, 2015 through December 31, 2019.

**Resignation**

Accept resignation of Police Department employee David Riley effective October 15, 2014.

**Advertise**

Permission to advertise for vacant Police Department position in house for five days, then in official newspaper.

**Hire**

Permission to hire Richard Walk for vacant position in Police Department at \$18.78 an hour, 90% of prevailing wage.

**Public Hearings**

Set public hearing on October 20 for street closure on October 21, film crew on Main Street and certain side streets.

Set public hearing on October 20 for use of Rodeo Grounds and waiver of vending fee on June 27, 2015 for NAJA Shriners Circus.

**Wage Increase**

Permission to increase wage of Police Reserve Casey Nelson from \$11.38 an hour to \$11.90 an hour effective October 2, 2014 after two years of service.

**Resolution 2014-24**

**A RESOLUTION TO DECLARE THE FOLLOWING SURPLUS PROPERTY**

**BE IT RESOLVED** by the Deadwood City Commission that the City of Deadwood approve the following to be declared surplus and destroyed:

- 4 - Computers – Compaq, Gateway, HP, IBM
- 4 - Keyboards
- 3 - Monitors
- 1 - Epson Receipt Printer

Dated this 6th day of October, 2014

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

**Approval**

Approve non-profit grant to Masonic Temple in the amount of \$9,750.00 for creation and installation of interpretation and signage associated with building from Historic Preservation Fund.

**BID ITEMS**

**Bid**

Ruth moved, Silvernail seconded to reject bid received from Forgey Construction in the amount of \$162,880.44 for fuel tank replacement held September 18 at 2:00 p.m. and rebid in 2015.

Public Works Director Green stated the bid was double the amount of estimated cost of \$85,000.00 and the bidder had difficulty finding a supplier for the tanks. Roll Call: Aye-All. Motion carried.

**Bid**

Silvernail moved, Van Den Eykel seconded to set bid opening at 2:00 p.m. on October 20 for City hall concrete entrance and steps. Roll Call: Aye-All. Motion carried.

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### PUBLIC HEARINGS

#### License Transfers

Public hearing was opened at 5:07 p.m. by Mayor Turbiville. There being no public comment, hearing closed. Van Den Eykel moved, Silvernail seconded to approve the transfers for Retail (on-sale) Liquor (CL-0505), package (off-sale) Liquor (PL-4521), Retail (on-off sale) Malt Beverage (RB-2831 & RB-2463), Retail (on-off sale) Wine (RW-6415) Licenses from Platinum Ventures, LLC and Four Aces Lodging Group, LLC to Blue Sky Gaming, Inc. dba Tin Lizzie Gaming Resort at 555 Main Street. Roll Call: Aye-All. Motion carried.

Public Hearing was opened at 5:08 p.m. by Mayor Turbiville. There being no public comment, hearing closed. Silvernail moved, Ruth seconded to approve the transfer for Retail (on-off sale) Malt Beverage (RB-2391) License from Platinum Ventures, LLC to Gold Dust Lodging Group, LLC dba 777 Casino and Holiday Inn Express at 22 Lee Street. Roll Call: Aye-All. Motion carried.

### NEW BUSINESS

#### Grant

Mike Rodman on behalf of Deadwood Revitalization Committee asked permission to apply for a BUSH Foundation Community Innovation grant through the City of Deadwood. He stated the Committee is asking for \$200,000.00 to further Deadwood Revitalization efforts with Rogers Brooks recommendations. He also stated the City of Deadwood would be the fiscal sponsor for the grant, if awarded. Attorney Quentin stated the fiscal sponsor assumes fiscal, legal, programmatic and administrative responsibility for the project. After further discussion, Ruth moved, Silvernail seconded to apply for BUSH Foundation grant. Roll Call: Aye-All. Motion carried.

#### Purchase

Silvernail moved, Van Den Eykel seconded to purchase steel culvert form Wells Plumbing at \$20,000.00 to be paid from CIP funds allocated in Public Building budget for trolley barn. Roll Call: Aye-All. Motion carried.

#### Policy

Discussion was held concerning rescinding ordinance regarding residency policy and to enact a 30-minute response time requirement to personnel manual for department heads, positions required to be on call such as Streets, Parks, Water and Police Department employees. Police Chief Fuller stated the Police Department lost two officers within the last few months to other agencies, and other officers are exploring other options as well. He feels a change in the policy will put the City on a level field with surrounding communities and provide qualified applicants. Fuller does not want to lose any other officers and believes at some point the community will be affected and possibly the quality of services that is provided. Commissioner Van Den Eykel stated if we allow employees to reside outside of the community, we are potentially taking away from hospitals, schools and retail. Commissioner Silvernail stated residents voted to have employees live within the school district and the 5-mile radius. Commissioner Ruth stated that the school district has already relaxed their residency policy and in order to obtain qualified applicants there are two choices, to address either the residency policy or raise the base pay, which he is not comfortable raising at this time. Mayor Turbiville stated the residents deserve hiring the most qualified person possible for a job opening and with the current policy that is not possible. Paul Thomson and Bill Glover spoke in favor of rescinding ordinance. After further discussion, Ruth moved, Turbiville seconded to rescind ordinance regarding residency policy and enact a 30-minute response time requirement to personnel manual for department heads, positions required to be on call such as Streets, Parks, Water and Police Department employees. Roll Call: Aye-Ruth, Turbiville. Nay-Silvernail, Van Den Eykel. Motion failed.

#### Approval

Van Den Eykel moved, Silvernail seconded to approve expenditure of the following: \$4,670.00 for road sand from Fischer Industries, \$3,000.00 for road sand delivery by Roth Trucking and \$11,070.00 for road salt purchase and delivery from Black Strap Trucking. Roll Call: Aye-All. Motion carried.

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Change Order

Silvernail moved, Ruth seconded to approve change order request from Semmler Construction for cold storage project in the amount of \$5,320.00.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

South Dakota Department of Transportation awarded Highway 85/38 project on September 25, 2014. Green stated the first phase of the project will begin this fall with four parts, including Cemetery Street storm sewer, rock cropping at Southside and Thundercove, raising Mickelson Trail and the initial work on the Gateway project.

Chief Fuller stated Black Hills Power will be having helicopters flying over collecting data for GIS.

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

ADJOURNMENT

Silvernail moved Ruth seconded to adjourn the regular session at 5:43 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 October 20, 2014.

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

ATTEST:

DATE: 10-20-14

Mary Jo Nelson  
Mary Jo Nelson, Finance Officer

BY: Charles M. Turbiville  
Charles M Turbiville, Mayor

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