

REGULAR MEETING, September 15, 2014

The Regular Session of the Deadwood City Commission convened on September 15, 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, Van Den Eykel seconded to approve the minutes of August 18, 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.

10-8 VIDEO	CAMERA	1,914.90
AB WELDING	CYLINDER	192.04
AJ SUPPLY	SUPPLIES	154.08
AASLH	MEMBERSHIP	410.00
ABC BUSINESS	SUPPLIES	572.63
ADVANCED ELECTRICAL	PROJECT	46,000.00
ALBERTSON ENGINEERING	PROJECT	1,310.40
ALCO	SUPPLIES	58.92
ALL AROUND AUTO	SUPPLIES	889.25
ALSCO	SUPPLIES	137.68
AMAZON	SERVICE	229.24
ATCO INTERNATIONAL	SUPPLIES	166.00
BICKLE TRUCK	REPAIR	898.40
BH CHEMICAL	SUPPLIES	1,000.15
BH DISPOSAL	SERVICE	1,140.00
BH PIONEER	ADS	753.84
BH POWER	SERVICE	25,201.72
BH URGENT CARE	TESTING	60.00
BOOKS BY TERRALL	BOOKS	12.99
CAI CONSTRUCTION	PROJECT	12,000.00
CENTURY MFR.	SUPPLIES	891.56
CULLIGAN	SUPPLIES	179.25
DAKOTA COIN	PASS	53.00
DAKOTA TRAVEL	CONFERENCE	537.20
DEADWOOD CHAMBER	SERVICE	33,043.73
DEADWOOD ELECTRIC	SERVICE	465.98
DEADWOOD HISTORY	REIMBURSEMENT	131.97
DEMCO	SUPPLIES	401.76
DHARMA TREE CARE	SERVICE	2,500.00
DMI	SUPPLIES	74.74
EB COMMUNICATIONS	SERVICE	50,000.00
ELEVATE DESIGN STUDIOS	PROJECT	1,239.70
EMERY-PRATT	BOOKS	99.40
FASTENAL	BATTERIES	660.77
FOURFRONT DESIGN	PROJECT	2,969.00
FULLER, KELLY	REIMBURSEMENT	409.96
GARDNER CONSTRUCTION	PROJECT	7,500.00
GENPRO POWER	REPAIR	1,546.12
GOLDEN WEST	SERVICE	4,253.16
GRIMM'S PUMP	SUPPLIES	10.68
HAGEN GLASS	SERVICE	247.79
HAWKI, KEN	REIMBURSEMENT	94.17
HEAVENLY REPAIRS	SERVICE	838.00
HILLS MATERIALS	SAND	566.91
JACOBS WELDING	SERVICE	165.43
KOLBE, ROBERT	APPRAISAL	300.00
L.L. BEAN	UNIFORMS	320.75
LAWRENCE CO. REGISTER	FEES	180.00
LAWRENCE TITLE	FEES	127.20
LAWSON PRODUCTS	SUPPLIES	143.51
LEAD-DEADWOOD SANITARY	USAGE	32,936.32
LYNN'S	SUPPLIES	21.28
M&M SANITATION	RENTAL	307.50
MAC CONSTRUCTION	PROJECT	3,118.50
MARIAH PRESS	SERVICE	160.00
MARYLAND DEPARTMENT	PROJECT	4,380.00
MENARD'S	SUPPLIES	135.43
MERTENS, KENNETH	REIMBURSEMENT	293.72
MIDCONTINENT	SERVICE	65.00
MIDWEST TAPE	DVD	68.97
MDU	SERVICE	2,168.25
MS MAIL	PRINTING	900.25
NETWORK SERVICES	SUPPLIES	267.94
NEVE'S	UNIFORMS	147.38
NH TECHNOLOGY	SERVICE	41.00
NORTHWEST PIPE FITTINGS	SUPPLIES	282.02
ONSET COMPUTER	SUPPLIES	98.00
OVERDRIVE	BOOKS	1,500.00
PARTSMASTER	SUPPLIES	204.75
PEPPMEIER, JANICE	REIMBURSEMENT	504.79
PITNEY BOWES	POSTAGE	500.00
PONTIUS, JERRY	REIMBURSEMENT	74.19
PRESSURE SERVICES	SUPPLIES	26.48
PUMPHOUSE COFFEE	SUPPLIES	139.39
QUILL	SUPPLIES	321.95

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RC JOURNAL	SUBSCRIPTION	210.60
RAPID DELIVERY	SERVICE	11.40
RCS CONSTRUCTION	PROJECT	24,165.00
REGIONAL HEALTH PHYSICIANS	TESTING	25.00
RENNER, DONOVAN	REIMBURSEMENT	229.95
ROGER BROOKS	PROJECT	2,000.00
SABO CONSTRUCTION	PROJECT	3,327.47
SACRISON PAVING	LIMESTONE	1,781.40
SCHMIDT, WILLIAM	SERVICE	2,464.00
SD COMMISSION ON GAMING	CITY SLOTS	18,852.27
SD DEPT. OF HEALTH	SHOTS	20.00
SD DEPT. OF REVENUE	LICENSE	150.00
SD DEPT. OF REVENUE	TAX	4,372.89
SD MUNICIPAL LEAGUE	REGISTRATION	500.00
SD POLICE CHIEFS'	TESTING	175.00
SD PUBLIC ASSURANCE	INSURANCE	210,906.68
SD PUBLIC HEALTH LAB	TESTING	13.00
SDN COMMUNICATIONS	SERVICE	571.20
SEMAPHORE CORPORATION	SOFTWARE	105.50
SOUTHSIDE SERVICE	REPAIR	358.99
SPEARFISH ALTERNATOR	MOTOR	380.00
STRETCH'S	SERVICE	696.01
STURDEVANT'S	SUPPLIES	607.51
SUMMIT SIGNS	SIGNS	160.60
TDG COMMUNICATIONS	REGISTRATION	245.00
TEMPERATURE TECHNOLOGY	SERVICE	180.12
THE LORD'S CUPBOARD	RECYCLING	81.64
TOMS, DON	PROJECT	630.00
TRIDLE, JOHN	REIMBURSEMENT	489.08
TRIPLE K	SERVICE	1,053.85
TWILIGHT	SUPPLIES	848.75
WASTE CONNECTIONS	SERVICE	7,427.72
WESTERN COMMUNICATIONS	REPAIR	158.25
WOW	SERVICE	1,955.80
	TOTAL	\$532,498.88

ITEMS FROM CITIZENS ON AGENDA

Update

Ken Meirose on behalf of Black Hills Power gave an update on Charles Street underground cabling to the Commission. He stated the project is on schedule and is set for completion the end of October.

Mayor Turbiville thanked him for his time.

CONSENT

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

Renewal

Renew annual maintenance agreement with Integrated Parking Solutions LLC for period beginning October 1, 2014 to September 30, 2015 at cost of \$3,456.00, to be paid from Parking and Transportation.

Resolution 2014-21

Pass Resolution 2014-21, Designating BID #7 Boundaries and Appointing Business Improvement District Board Members.

RESOLUTION 2014-21

DESIGNATING BUSINESS IMPROVEMENT DISTRICT NO. 7 BOUNDARIES AND APPOINTING BUSINESS IMPROVEMENT DISTRICT NO. 7 BOARD MEMBERS

WHEREAS, the City of Deadwood has by previous resolution, ordinances, and action established and designated the boundaries of Business Improvement District No. 7 for the City of Deadwood pursuant to SDCL 9-55-5; and

WHEREAS, SDCL 9-55-5 requires the appointment of a Business Improvement District's Board by the Mayor, with the approval of the governing body; and

WHEREAS, the Hotel/Motel Business Improvement District members have recommended the following individuals for appointment as board members for a term of one (1) year from August 1, 2014 through July 31, 2015;

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BE IT FURTHER RESOLVED by the City of Deadwood, by its Mayor and with the approval of the City Commission, having first established the above boundaries, that the following members are appointed to the Business Improvement District Board District No. 7 for a term of one (1) year from August 1, 2014 through July 31, 2015:

Diana Graham-Mineral Palace
Willie Welchel-Gold Country Inn/Deadwood Station
Pat Roberts-Best Western Hickok House
Joe Henning-BH Inn and Suites
Caleb Arcenault-Cadillac Jack's/Springhill Suites/Hampton Inn
Gordon Mack-Cedarwood Inn
Brad Hemmah-Deadwood Mountain Grand
Ken Gienger-Celebrity/Branch House
Tracy Island-Comfort Inn
Ron Island-Super 8
Lucy Pearson-Bullock Hotel
Dave Larson-Deadwood Dick's
Sue Hayes-Deadwood Gulch Resort
Michael Trucano-Hickok Hotel/Iron Horse Inn
Michelle Fischer-The Hotel by Gold Dust
Amber Diers-777/Gold Dust Lodging (Holiday Inn Express)
Steve Schaeffer-First Gold
Tom Rensch-Franklin Hotel
Paula Katon-Thundercove
Dexter Koehne-Butch Cassidy
Blake Haverberg-Martin Mason
Anthony Galbraith-Lodge at Deadwood
Danny Gray-Deadwood Roadhouse
Tom Koth-Madame Peacock's

Dated this 2nd day of September, 2014

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

Resolution 2014-22

Pass Resolution 2014-22, Intent to Continue Business Improvement District #7 and set public hearing on October 20 at 5:00 p.m. to consider continuation of district in 2015.

RESOLUTION NO. 2014-22

**RESOLUTION OF INTENT TO CONTINUE
BUSINESS IMPROVEMENT DISTRICT NO. 7**

WHEREAS, the City of Deadwood has received a recommendation by the Board of Business Improvement District No.7 pursuant to SDCL 9-55 as amended, requesting the City of Deadwood adopt a Resolution of Intent to continue a Business Improvement District and impose an occupational tax on the transient guests of hotels and motels within the City of Deadwood ; and

WHEREAS, it appearing to the City of Deadwood that the proposed district is being created to fund some of the following public projects and activities from January 1, 2015 through December 31, 2015:

Projected revenue of \$450,000.00 budgeted as follows:

\$430,000.00 Marketing
\$ 20,000.00 Legal/Administrative
\$450,000.00 Total Budget

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NOW THEREFORE, BE IT RESOLVED by the City of Deadwood that the City hereby declares its intent to continue Business Improvement District No. 7, with the boundaries of District No. 7 to be the city limits of Deadwood, and any annexations thereto, including but not limited to the following listed lodging establishments and any lodging establishments not listed but which are established in the future which shall automatically become a part of this district and be included within such boundaries, but excluding any bed and breakfast establishments:

Deadwood Bunkhouse	68 Main Street
Best Western Hickok House	137 Charles Street
Black Hills Inn & Suites	Hwy. 385 South
Branch House	37 Street
Bullock I, II, III	635 Main Street
Butch Cassidy Suites	57 Sherman Street
Cadillac Jack's	360 Main Street
Cedarwood Inn	103 Charles Street
Celebrity Hotel	625 Main Street
Comfort Inn/Gulches of Fun	225 Cliff Street
Deadwood Dicks Suites	51 Sherman Street
Hickoks Hotel	685 Main Street
Hickok's Iron Horse Inn	27 Deadwood Street
Deadwood Gulch Resort	304 Cliff Street
First Gold	270 Main Street
Franklin Hotel	700 Main Street
Gold Country Inn	801 Main Street
Hampton Inn	531 Main Street
Holiday Inn Express	22 Lee Street
Martin and Mason Hotel	37 Sherman
Mineral Palace	605 Main Street
Springhill Suites	360 Main Street
Super 8	196 Cliff Street
Terrace Motel	250 Main Street
The Hotel by Gold Dust	25 Lee Street
The Lodge at Deadwood	100 Pine Crest
The Mint	638 Main Street
Thunder Cove Inn	311-315 Cliff Street

BE IT FURTHER RESOLVED that the City of Deadwood declares its intent to continue an occupational tax levy to be imposed on transient guests renting rooms in the above-described hotels and motels or lodging establishments. The amount of the tax shall be Two Dollars (\$2.00) per occupied room per night, which shall not apply or be imposed on any transient guest who has been offered a room by a lodging establishment on a complimentary basis and no fee or rent was charged for such room. This method for raising revenue shall be fair and equitable.

The total estimated or proposed costs for the above projects and activities is projected to be Four Hundred and Fifty Thousand Dollars (\$450,000.00) from the revenues from this occupancy tax upon rooms rented to transient guests by lodging establishments to fund some or all of the above projects and activities; and

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BE IT FURTHER RESOLVED that a hearing shall be held before the Deadwood City Commission on Monday, the 20th day of October, 2014 at 5:00 p.m. at the City Commission Chambers located at 102 Sherman Street, in the City of Deadwood, to consider the continuation of Business Improvement District No. 7 and the imposition of a Two Dollar (\$2.00) per room rented occupancy tax on transient guests for rooms rented by the above lodging establishments.

The City Finance officer shall give notice of this hearing by mailing a complete copy of this Resolution of Intent to each owner and user of space in all lodging establishments or hotel or motel businesses located within the proposed Business Improvement District No. 7 at least thirty (30) days prior to the public hearing.

Dated this 2nd day of September, 2014

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

Easement

Permission for Mayor to sign revised Easement Agreement with Excell Deadwood LLC to include a parking easement for 18-wheeler tractor-trailers through city parcel and that City shall restore at its cost any damage on utilities installed by construction and maintenance of any utilities installed by City.

Resignations

Accept resignation from Historic Preservation Intern Dan Thomas effective August 14, 2014.

Permission to remove the following employees from payroll effective September 1, 2014: Finance Office employee Ashley Hansen, Rec Center employees Megan Block, Grace Jacobs and Jarod Skvicalo, and Rubble Site employee Mike McCleod.

Wage Increase

Permission to increase wage of Ordinance Officer Casey Nelson from \$16.35 an hour to \$17.42 an hour effective September 12, 2014 after two years of service, 100% prevailing wage.

Hire

Permission to hire Toni Schavone as a lifeguard at \$8.00 an hour effective September 16, 2014 pending pre-employment drug screening.

Public Hearing

Set public hearing for October 6, 2014 at 5:00 p.m. for Retail (on-sale) Liquor (CL-505), Package (off-sale) Liquor (PL-4521), Retail (on-off sale) Malt Beverage (RB-2831 & RB-2463), and Retail (on-off sale) Wine (RW-6415) license transfers from Platinum Ventures, LLC and Four Aces Lodging Group, LLC to Blue Sky Gaming, Inc. dba Tin Lizzie Gaming Resort at 555 Main Street.

BID ITEMS

Bid Opening

Public Works Director Green opened one bid for the five year Mt. Moriah concession operator lease.

Mel and Deb Maynard - \$6,155.00

Silvernail moved, Ruth seconded to accept the bid from Maynards. Mayor Turbiville congratulated and thanked the Maynards for their time. Roll Call: Aye-All. Motion carried.

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PUBLIC HEARINGS

Film Crew

Public hearing was opened at 5:05 p.m. by Mayor Turbiville. Amanda Kille, Deadwood Chamber, asked for periodic street closure on Main Street from Four Aces to Deadwood Street from 10:00 am to 6:00 p.m. on Friday October 17 and Saturday October 18. Commissioner Van Den Eykel asked Amanda to work with the tour busses during such time. Hearing closed. Silvernail moved, Todd seconded to approve the street closure. Roll Call: Aye-All. Motion carried.

Strongman Competition

Public hearing was opened at 5:08 p.m. by Mayor Turbiville. There being no public comment, hearing closed. Silvernail moved, Todd seconded to allow use of the Rodeo Grounds for the Strongman Competition event on October 4 from 7:00 am to 3:00 p.m. pending proof of insurance with the Chamber, since Chamber is sponsoring the event. Roll Call: Aye-All. Motion carried.

Public Hearing

Ruth moved, Silvernail seconded to waive 45-day requirement for special event permit and set public hearing on September 22, 2014 for street closure on Main Street for homecoming parade on September 26, 2014. Roll Call: Aye-All. Motion carried.

Silvernail moved, Todd seconded to schedule special meeting of city commission at 5:00 p.m. on September 22 to hold public hearing. Roll Call: Aye-All. Motion carried.

OLD BUSINESS

Ordinance #1218

Silvernail moved, Van Den Eykel seconded to approve second reading of 2015 Budget Appropriation Ordinance #1218. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Bids

Public Works Director Green stated the low bid for the Highway 85 project shared use path is Offedal Construction for \$752,480.20. He stated the low combined bid for three legs of the bid is considered low bid for the entire project, higher than the engineers estimate, and is unexplainable. In his opinion, with the work that has already been completed in preparation for this project and the likelihood of the costs becoming even higher if the project is delayed, the City should move forward and accept the bids contingent upon the approval for the entire project by South Dakota Transportation Commission. Green added that South Dakota Department of Transportation needs to know where the City is at with this project prior to the Commission meeting of Department of Transportation on September 25. Van Den Eykel moved, Silvernail seconded to approve the bid of \$752,480.20 contingent upon the approval of South Dakota Department of Transportation. Roll Call: Aye-All. Motion carried.

Public Works Director Green stated the low bid on water and sanitary sewer adjustments for the Highway 85 project is Offedal Construction for \$1,079,754.12. He stated the Lead Deadwood Sanitary District's portion for the project is part of this bid. Silvernail moved, Van Den Eykel seconded to approve the bid of \$1,079,754.12 contingent upon the approval of South Dakota Department of Transportation. Roll Call: Aye-All. Motion carried.

Hire

Silvernail moved, Todd seconded to hire Hills Material Company to resurface Railroad Street at a cost of \$31,310.56. Commissioner Todd asked about Spring Street as well. Green stated he has asked for an estimate for Spring Street and it was on city's priority list. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Commission acknowledged Deadwood Police Department award in the amount of \$20,045.70 from South Dakota Attorney Generals' office from Drug Control Fund to purchase items for drug apprehension purposes. Chief Fuller stated in the event of Felony Drug arrest, assets revert back to State of South Dakota, Office of Attorney General. Departments who participate in the program can apply for funding to enhance equipment related to drug enforcement.

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Attorney Riggins requested Executive Session for legal matters per SDCL 1-25-2(3) with possible action and Union Negotiations per SDCL 1-25-2 (4).

ADJOURNMENT

Todd moved, Van Den Eykel seconded to adjourn the regular session at 5:29 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3) with possible action and union negotiations per SDCL 1-25-2(4). The next regular meeting will be on Monday October 6, 2014, and a special meeting scheduled at 5:00 p.m. Monday, September 22, 2014.

After coming out of executive session at 6:06 p.m. Silvernail moved, Turbiville seconded to adjourn.

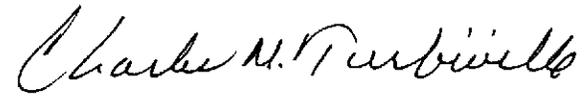
ATTEST:



Mary Jo Nelson, Finance Officer



DATE: October 6, 2014

BY: 

Charles M Turbiville, Mayor

Published once at the total approximate cost of _____