

## REGULAR MEETING, January 19, 2016

The Regular Session of the Deadwood City Commission convened on January 19, 2016 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., Mark Speirs, Gary Todd, and Jim Van Den Eykel. All motions passed unanimously unless otherwise stated.

### APPROVAL OF MINUTES

Ruth moved, Speirs seconded to approve the minutes of January 4, 2016. Roll Call: Aye-All. Motion carried.

### APPROVAL OF DISBURSEMENTS

Todd moved, Van Den Eykel seconded to approve the January 19, 2016 disbursements. Roll Call: Aye-All. Motion carried.

ABC BUSINESS	SUPPLIES	2,309.46
AINSWORTH-BENNING	PROJECT	51,619.00
ALBERTSON ENGINEERING	PROJECT	8,279.30
AMAZON	SERVICE	229.28
BALKENHOL, FERD	OVERPAYMENT	23.91
BERBERICH DESIGNS	SERVICE	13,125.60
BERG, DALE	MEETINGS	175.00
BH DISPOSAL	SERVICE	850.00
BH MINING MUSEUM	GRANT	8,933.42
BH PIONEER	SUBSCRIPTION	966.40
BH WINDOW CLEANING	CLEANING	1,073.00
BLACKBURN BASEMENT	PROJECT	12,519.50
BLAIR, THOMAS	MEETINGS	250.00
BLOOM, CHRIS AND MARGARET	PROJECT	5,365.50
BROCK WHITE	SUPPLIES	349.20
CAI CONSTRUCTION	PROJECT	26,370.00
COCA COLA	SUPPLIES	130.90
CULLIGAN	SUPPLIES	124.00
DEADWOOD CHAMBER	BILL LIST	226,653.55
DEADWOOD ELECTRIC	SERVICE	83.42
DEADWOOD HISTORY	EDUCATION	5,326.34
EAGLE ENTERPRISES	BULBS	407.76
EDDIE'S TRUCK	REPAIR	5,367.48
FARMER BROTHERS	SUPPLIES	235.80
FASSBENDER COLLECTION	COLLECTION	20,000.00
FERBER ENGINEERING	ANALYSIS	1,975.00
FLOYD, LAURA	MEETINGS	275.00
FREEMAN'S ELECTRIC	PROJECT	10,700.00
GALLS	UNIFORMS	154.98
GARDNER CONSTRUCTION	PROJECT	12,030.00
GLOVER, WILLIAM	REIMBURSEMENT	64.00
GOLDEN WEST	SERVICE	777.40
GUNDERSON, PALMER, NELSON	SERVICE	3,840.00
HAWKI, KEN	REIMBURSEMENT	104.00
HAWKINS	SUPPLIES	1,024.60
JACOBS WELDING	SERVICE	157.84
JOHNSON, MICHAEL	MEETINGS	275.00
JULIN, SUZANNE	PROJECT	1,950.00
KARL'S TV	TV	449.99
KDSJ	ADS	160.00
KONE	INSPECTIONS	266.80
KRUZEL, TOM	REIMBURSEMENT	158.99
LAWRENCE CO. REGISTER	RECORDING	330.00
LAWRENCE TITLE COMPANY	SERVICE	150.00
LEAD-DEADWOOD SANITARY	USAGE	23,364.11
LYNN'S	SUPPLIES	13.00
M&M SANITATION	RENTAL	220.00
MARIAH PRESS	PROJECT	48.95
MASONIC CEMETERY	GRANT	3,364.86
MASONIC CENTER	GRANT	5,500.00
MCCLELLAND'S CATERING	CONFERENCE	1,653.12
MENARD'S	SUPPLIES	402.17
MERTENS, KENNETH	REIMBURSEMENT	293.72
MID-STATES ORGANIZED	MEMBERSHIP	150.00
MIDCONTINENT	SERVICE	65.00
MS MAIL	SERVICE	1,479.44
NAMMINGA, LYNN	MEETINGS	250.00
NATIONAL TRUST FOR HISTORI	MEMBERSHIP	250.00
NEIGHBORHOOD LENDING	CONTRACT	5,814.30
NORTHWEST PIPE FITTINGS	SUPPLIES	49.33
PASSPORT PARKING	METERS	12.25
PASTPERFECT SOFTWARE	RENEWAL	432.00
PITNEY BOWES	POSTAGE	500.00
PUSH-PEDAL-PULL	TREADMILLS	6,926.80
QUIK SIGNS	SIGNAGE	221.33
QUILL	SUPPLIES	217.72
RASMUSSEN	SERVICE	199.50
RECREATION SUPPLY	SUPPLIES	139.96
REGIONAL HEALTH	TESTING	75.00
RENNER, DONOVAN	REIMBURSEMENT	254.71
RUNGE, MIKE	REIMBURSEMENT	81.17
SD COMMISSION ON GAMING	CITY SLOTS	27,443.18
SD DEPT. OF CORRECTIONS	FIREWISE	2,342.67
SD DEPT. OF LABOR	UNEMPLOYMENT	474.00
SD ONE CALL	SERVICE	35.84

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SPECIALTY VEHICLES	SUPPLIES	42.86
STRETCH'S	SERVICE	338.60
STURDEVANT'S	SUPPLIES	1,686.45
STURGIS AUTO PARTS	SUPPLIES	18.63
TALLGRASS	PROJECT	1,260.00
THE LORD'S CUPBOARD	RECYCLING	63.36
TOEWS, LYMAN	MEETINGS	250.00
TOM'S T'S	SUPPLIES	237.33
TRIDLE, JOHN	REIMBURSEMENT	55.41
TSP	PROJECT	2,201.63
TWIN CITY HARDWARE	SUPPLIES	1,107.71
UMENTHUM, KEITH	PROJECT	808.86
VAST	SERVICE	1,622.61
WASTE CONNECTIONS	SERVICE	7,895.61
WESTERN COMMUNICATIONS	SERVICE	511.40
WHITE'S CANYON	PUMP	787.00
WIERINGA, ANNA	REIMBURSEMENT	64.00
WILLIAMS, CHUCK	MEETINGS	275.00
	<b>TOTAL</b>	<b>\$527,112.03</b>

**ITEMS FROM CITIZENS ON AGENDA**

**Request**

Carolyn Weber on behalf of Deadwood History Inc. asked permission to serve wine and beer to compliment hors d'oeuvres in addition to lawn games after evening tours at Adams House. Weber explained the new tours, and that the times would be 6:00 p.m. to 7:30 p.m. on Wednesdays and Fridays from June 8 through August 26. Discussion was held concerning a beer and wine license. Todd moved, Van Den Eykel seconded request. Roll Call: Aye-All. Motion carried.

**CONSENT**

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

- A. Acknowledge ACH payment to be made on January 29, 2016 for principal and interest on Broadway Parking Garage revenue bond in the amount of \$417,605.00.
- B. Resolution 2016-02 to Establish 2015 Cash Designations per SDCL 9-21-14.1.

**Resolution 2016-02**

**A RESOLUTION TO ESTABLISH CASH DESIGNATIONS**

Be it resolved by the Deadwood City Commission that the City of Deadwood approved the establishment of cash reserves in the following funds for capital outlay purposes per SDCL 9-21-14.1 as of December 31, 2015:

<b>General Fund Designated for Fire Truck:</b>	<b>\$ 168,509.00</b>
<b>Business Improvement District #7 Designated for Convention Center:</b>	<b>\$ 326,421.00</b>
<b>Parking and Transportation Designation for Trolley Replacement:</b>	<b>\$ 300,000.00</b>

Dated this 19th day of January, 2016

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

- C. Resolution 2016-03 to Approve Interfund Cash Transfers for 2015.

**RESOLUTION 2016-03**

**A RESOLUTION TO MAKE THE FOLLOWING INTERFUND CASH TRANSFERS FOR THE YEAR 2015**

Be it resolved by the Deadwood City Commission that the following interfund cash transfers be approved for the year 2015.

From Historic Preservation (Fund 0215) to Trolley Department (Fund 0610) \$25,000.00 for trolley reserve and \$92,000.00 for support of trolley operational expenses. From Historic Preservation (Fund 0215) to General Fund (Fund 0101) for impact funds \$1,322,356.00. From Historic Preservation (Fund 0215) to Water Fund (Fund 0602) for

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impact funds \$160,814.00. From Historic Preservation Fund (0215) to St. Ambrose Capital Projects Fund (Fund 0544) for construction project \$400,000.00.

From General Fund (0101) to Rubble Site Fund (0701) \$5,000.00 for Deadwood's share of operational expenses at the site per agreement. From General Fund (Fund 0101) to Library Fund (Fund 0206) \$41,002.00 in support of operational expenses.

From Bed and Booze Fund (Fund 0209) to General Fund (Fund 0101) \$35,000.00 for partial reimbursement of utility costs. From Bed and Booze Fund (0209) to Parking and Transportation Fund (Fund 0610) \$52,000.00 in support of operational expenses resulting in cash shortfall.

From BID 1-6 (Fund 0213) to Parking Ramp Fund (0611) \$185,885.00 to meet bond coverage requirements.

Dated this 19th day of January, 2016

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

- D. Remove Kathy Toscana effective December 14, 2015 from the Volunteer Fire Department roster for workers compensation purposes.
- E. Permission to hire Heather Monson as a Police Reserve at \$11.83 per hour effective January 20, 2016.
- F. Permission for Finance Office to pay 2016 allocation to the following non-profits: \$5,000.00 CASA, \$5,000.00 Boys and Girls Club of the Black Hills, \$5,000.00 Dakota State University/CETUP (budgeted from Bed and Booze Fund).
- G. Designate Black Hills Pioneer as official newspaper per SDCL 9-12-6.
- H. Approve the following official depositories for the City of Deadwood per SDCL 9-22-6: Wells Fargo Bank, Deadwood SD; First National Bank, Lead SD; BankWest, Pierre SD; First Interstate Bank, Deadwood SD.
- I. Amend previous approval for dozer repairs and allow payment of \$3,865.00 to Butler Machinery. (previously approved not to exceed \$3,500.)
- J. Allow Mayor to sign Temporary Construction Easement with Kanti and Sulabha Patel for an area in Whitewood Creek in conjunction with Lower Main project.
- K. Permission for Mayor to sign renewal agreement with Barefoot Resort for billboard lease from January 1, 2016 to December 31, 2016 at rate of \$55.00 per month (no change from prior year).
- L. Permission for Police Department to advertise for two reserve officer positions.
- M. Renew GIS Maintenance package for 2016 at cost of \$12,000.00 from various budgeted line items within respective department's outlines in memo.
- N. Allow Mayor to sign annual Broadway Parking Ramp lease agreement with NMD (Hickok's) for twelve spaces at \$100.00 per space plus tax from January 1, 2016 to December 31, 2016.
- O. Allow Mayor to sign annual Broadway Parking Ramp lease agreement with Gold Dust Lodging for 120 spaces at \$60.00 per space plus tax from January 1, 2016 to December 31, 2016.

### PUBLIC HEARINGS

Public hearing was opened at 5:06 p.m. by Mayor Turbiville. No one spoke in favor or against, hearing closed. Van Den Eykel moved, Ruth seconded to approve the Retail (on-off sale) Wine License for Lynnette Milos dba MS Mail, LLC at 140 Sherman Street. Roll Call: Aye-All. Motion carried.

Speirs moved, Todd seconded to set public hearing on February 1 for street closures on Thursday July 14, Friday July 15, and Saturday July 16, 2016 for 3 Wheeler Motorcycle Rally. Roll Call: Aye-All. Motion carried.

### NEW BUSINESS

#### Second Reading

Van Den Eykel moved, Ruth seconded to approve second reading of Ordinance #1242 Amending Chapter 15.32, Signs. Roll Call: Aye-All. Motion carried.

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Purchase

Todd moved, Van Den Eykel seconded to allow Police Department to purchase body camera system at cost of \$21,336.00, to be paid from Equitable Drug Sharing Award. Chief Fuller stated this purchase is for the safety of the officers and could avoid a potential liability. Roll Call: Aye-All. Motion carried.

Van Den Eykel moved, Speirs seconded to approve the purchase of high visibility work wear for Public Works Department with City of Deadwood logo. Discussion was held concerning supplementing budget, price, city or personal property, and changing of personnel manual. Chief Fuller stated employees will be identifiable to the public as opposed to someone wearing a t-shirt, and will be beneficial to the City and our guests. Roll Call: Aye-All. Motion carried.

Resolution 2016-04

Van Den Eykel moved, Ruth seconded to approve Resolution 2016-04 to Surplus Real Property at 767 Main (Pavilion). Mayor Turbiville stated if the Commission approves the surplus of property, the City should protect the interest of the Chamber. Turbiville also stated he would like to have Deadwood-Lead Economic Development find a manufacturer that might consider buying the building. Commissioner Todd believes more discussion is needed on the property. Roll Call: Aye-Ruth, Van Den Eykel, Turbiville. Nay-Speirs, Todd. Motion carried.

**RESOLUTION 2016 -04**

**RESOLUTION TO SURPLUS CITY OWNED REAL ESTATE**

**WHEREAS**, the Deadwood City Commission has determined that the property known as Deadwood Pavilion at 767 Main Street, Deadwood, South Dakota is no longer necessary, useful or suitable for the purpose for which it was acquired by the City of Deadwood and the same constitutes surplus property; now therefore,

**BE IT RESOLVED**, by the City of Deadwood the following described real property located in Deadwood, Lawrence County, South Dakota,

Lot A of Block 24 and 27-foot public access and utility easement. Original town site of Deadwood as recorded in Plat Document 2013-416, Lawrence County, South Dakota.

Be sold by means to be determined by Deadwood City Commission at a future date and time.

Dated this 19th day of January, 2016

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

Discussion

Discussion was held on a proposed ordinance requested by Sharon Martinisko at previous meeting. The proposal would require that any printed material or communication made clearly states who paid for the communication. Resident Sharon Martinisko stated her proposed ordinance would help provide transparency to our government. Commissioner Speirs would like to see this measure on the ballot come April so residents of the community can decide. Mike Rodman, Deadwood Gaming Association, opposed the additional rules for campaigns. Resident Georgeann Silvernail opposed the proposed ordinance and stated residents already have enough rules to follow. Silvernail also read a letter she received from Butte County States Attorney regarding legality of a previous mailing. The letter stated that second class communities are not required to comply. Commissioner Ruth stated why we as a Commission would not encourage transparency. He also stated in every election or ballot initiatives, voters should be aware of who is interested in it being passed and how the information is being dispersed. After much discussion Todd moved, Ruth seconded to direct City Attorney to prepare ordinance for first reading. Roll Call: Aye-Todd, Ruth. Nay-Speirs, Van Den Eykel, Turbiville. Motion failed.

Appoint

Speirs moved, Ruth seconded to appoint Raul Ponce DeLeon to the Library Board effective January 1, 2016 through December 31, 2016. Roll Call: Aye-All. Motion carried.

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Contracts

Speirs moved, Todd seconded to allow Archives to enter into contracts for eight 2016 Archives projects totaling \$34,000.00, budgeted item. The contracts are: Dr. Suzanne Julin - \$6,750.00, Donald Toms - \$8,000.00, ImageUp Creative Services - \$4,550.00, South Dakota State Archives - \$2,100.00, South Dakota State Archaeological Research Center - \$5,000.00, Maryland Archaeological Conservation Laboratory - \$1,300.00, Maryland Archaeological Conservation Laboratory - \$2,700.00 and Black Hills State University - \$3,100.00. Roll Call: Aye-All. Motion carried.

Speirs moved, Ruth seconded to allow the Mayor to sign contracts with South Dakota Historic Society in the amount of \$5,000.00, Imageup Creative Services, LLC in the amount of \$4,550.00, and Donald Toms in the amount of \$8,000.00, budgeted in Archives. Roll Call: Aye-All. Motion carried.

Proposal

Van Den Eykel moved, Speirs seconded to accept proposal from Deadwood Alive and enter into five-year contract at cost of \$103,000.00 for 2016, budgeted item. Roll Call: Aye-All. Motion carried.

Permission

Van Den Eykel moved, Ruth seconded to pursue and enter into contract with CODE RED notification system at annual cost of \$1,500.00. Police Chief Fuller stated this system is currently used by surrounding cities and will provide improved communication to the community. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Anne Rogers on behalf of the Boys and Girls Club thanked the Commission for supporting the club.

Commissioners Todd and Speirs expressed concern with the snow removal during the previous weekend.

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

ADJOURNMENT

Speirs moved, Van Den Eykel 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) with possible action. The next regular meeting will be on Monday February 1, 2016.

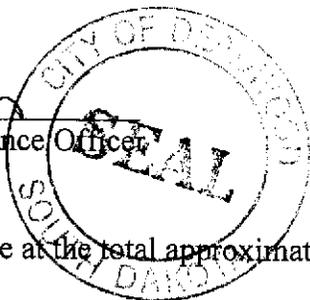
After coming out of executive session at 6:15 p.m., Speirs moved, Todd seconded to adjourn.

ATTEST:

DATE: Feb. 2, 2016

Mary Jo Nelson  
Mary Jo Nelson, Finance Officer

BY: Charles M. Turbiville  
Charles M Turbiville, Mayor



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