

## REGULAR MEETING, MARCH 17, 2014

The Regular Session of the Deadwood City Commission convened on March 17, 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 Joe Peterson, Georgeann Silvernail, Gary Todd and Jim Van Den Eykel. All motions passed unanimously unless otherwise stated.

### APPROVAL OF MINUTES

Silvernail moved, Todd seconded to approve the minutes of March 3, 2014. Roll Call: Aye-All. Motion carried.

### APPROVAL OF DISBURSEMENTS

Silvernail moved, Van Den Eykel seconded to approve the March 17, 2014 disbursements plus additional bill. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	CONTRACT	120.18
ABC BUSINESS	SUPPLIES	240.89
AIM DISTRIBUTION	SUPPLIES	59.21
ALBERTSON ENGINEERING	PROJECT	828.75
ALCO	SUPPLIES	82.82
ALSCO	MATS	54.00
AMAZON	SERVICE	251.39
AMERICAN SODA FOUNTAIN	RESTORATION	3,150.00
ARLETH LAND SURVEYING	PROJECT	1,750.00
AUGUSTANA COLLEGE	CONFERENCE	1,000.00
BH PIONEER	ADS	1,712.98
BH URGENT CARE	TESTING	412.76
BROWN & SAENGER	BOOK	350.00
BUTLER MACHINERY	SERVICE	373.00
CENTURY BUSINESS	CONTRACT	267.01
CENTURY LINK	SERVICE	254.49
CRARY HUFF	SERVICE	1,417.50
CULLIGAN	SUPPLIES	100.50
CUSTOM MICRO	MAINTENANCE	3,150.00
DAKOTA BUSINESS	MAINTENANCE	147.49
DAKOTA SECURITY	INSPECT	35.14
DASH MEDICAL	GLOVES	121.80
DEADWOOD CHAMBER	CONFERENCE	8,698.52
ECOLAB	SERVICE	341.50
ELEVATE DESIGN	PROJECT	2,671.68
EMERY-PRATT	BOOKS	335.73
FARMER BROTHERS	SUPPLIES	244.95
FLASHBAY	SUPPLIES	668.00
FULLER, KELLY	REIMBURSEMENT	409.96
GALLS	TRAINING	145.98
GAYLORD BROS	SUPPLIES	984.10
GOLDEN WEST	PAGER	3,262.53
GOOD SHEPHERD CLINIC	ALLOCATION	1,000.00
INSIDE THE TAPE	TRAINING	275.00
INTERNATIONAL CODE	DUES	125.00
JACOBS WELDING	SERVICE	578.66
KEN'S CAMPER	PROPANE	35.77
KNECHT	SUPPLIES	303.65
KONE	MAINTENANCE	258.40
LAMB MOTOR	FORD	26,986.00
LAWRENCE CO. REGISTER	FEE	210.00
LAWRENCE CO. TREASURER	TAX	9,635.11
LAWRENCE TITLE COMPANY	FEE	25.00
LEAD-DEADWOOD SANITARY	USAGE	25,646.53
M&M SANITATION	RENTAL	307.50
MENARD'S	SUPPLIES	51.92
MERTENS, KENNETH	REIMBURSEMENT	322.06
MIDCONTINENT	SERVICE	65.00
MIDWEST TAPE	DVD	45.98
MDU	GAS	11,201.54
MS MAIL	CARDS	1,966.52
NETWORK SERVICES	SUPPLIES	371.57
NEVE'S	UNIFORMS	89.48
NORTHERN HILLS TECHNOLOGY	SERVICE	24.00
NORTHERN TRUCK EQUIPMENT	SERVICE	301.70
RADIOSHACK	SUPPLIES	405.43
RAPID DELIVERY	SERVICE	42.00
RAPID FIRE PROTECTION	SERVICE	520.41
RASMUSSEN MECHANICAL	SERVICE	250.93
RUD-CHAIN	SWITCH	84.00
SD BUILDING OFFICIALS	CONFERENCE	75.00
SD COMMISSION ON GAMING	CITY SLOTS	18,852.27
SD DEPT. OF MOTOR VEHICLES	PLATES	18.00
SD DEPT PF REVENUE	TAXES	2,237.86
SD MUNICIPAL LEAGUE	REGISTRATION	125.00
SD ONE CALL	SERVICE	2.22
SD PUBLIC HEALTH LAB	TESTING	52.00
SD STATE ARCHIVES	MICROFILM	57.60
SD STATE HISTORICAL SOCIETY	SPONSORSHIP	500.00
SDN COMMUNICATIONS	SERVICE	571.20
SERVALL	SUPPLIES	1,516.50
SOUTHSIDE SERVICE	SERVICE	653.80
STREICHER'S	SERVICE	284.98
STRETCH'S	SERVICE	1,611.25
STURDEVANT'S	SUPPLIES	1,891.48

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TASER INTERNATIONAL	EQUIPMENT	6,834.55
TDG COMMUNICATIONS	PROJECT	180.00
TOMS, DON	PROJECT	630.00
TRIPLE K	SERVICE	683.13
TWILIGHT	SUPPLIES	591.10
WASTE CONNECTIONS	SERVICE	7,475.22
WATER GEAR	GOGGLES	141.80
WEIGH RITE TECHNOLOGY	SERVICE	800.15
WEST RIVER FOUNDATION	SERVICE	4,005.91
	<b>TOTAL</b>	<b>\$ 164563.04</b>

### ITESM FROM CITIZENS ON AGENDA

#### Permission

Lacey Remmich and Angela Bear's Heart asked the Commission for permission to ghost hunt at Mt. Moriah Cemetery. Remmich stated she has been intrigued with the history of Wild Bill Hickok and Calamity Jane for many years. She said on her ghost hunt she would like to take her night vision camera and spirit box, which goes off radio frequency and picks up if a ghost answers back in real time. Mayor Turbiville asked what time and how long they would be in the cemetery, and if it would be possible to hunt from the outside trails versus the cemetery itself. Remmich stated they would be there for a couple of hours after dark and that hunting from the outside could work. Turbiville asked Police Chief Fuller what his thoughts were on allowing someone into the Cemetery. Fuller stated it can be upsetting to the residents in the area and the last time the city allowed something like this there was vandalism and damage to the Chinese Burner and some grave markers. Commissioner Todd said the residents of Deadwood did not want this type of activity to go on in public cemeteries and the Commission made a commitment to not allow it. After further discussion Silvernail moved, Todd seconded to deny the request of ghost hunting in Mt. Moriah Cemetery. Roll Call: Aye-All. Motion carried. The Commission thanked them for their time and interest in Mt. Moriah.

### PUBLIC HEARING/BID OPENINGS

#### Public Hearing

Silvernail moved, Todd seconded to set public hearing at 5:03 p.m. on April 7, 2014 for transfers of Retail (on-off sale) Malt Beverage (RB-2512), Retail (on-off sale) Wine (RW-6436), and Package (off-sale) Liquor (RL-5538) Licenses from Super G Investment Corp. to Super G Investment Corp. dba Silverado Casino/Motor Lodge at 709 Main Street. Roll Call: Aye-All. Motion carried.

#### Public Hearing-Mickelson Trail Marathon

Public hearing was opened at 5:05 p.m. by Mayor Turbiville. Emily Wheeler requested approval for the following:

Silvernail moved, Todd seconded to approve the use of the Sherman Street Parking Lot on May 31 and June 1, 2014 to be used as the finish line for the Deadwood Mickelson Trail Marathon, Fast 5K, Kids 1K and 2K. Roll Call: Aye-All. Motion carried.

Silvernail moved, Todd seconded to approve the use of the Days of 76 Rodeo Grounds parking area from 5:00 a.m. to 3:00 p.m. on June 1, 2014 to allow privately hired buses to pick up and transport contestants to the starting and finishing lines for the event. Roll Call: Aye-All. Motion carried.

Peterson moved, Todd seconded, to waive the banner fees for Sunday, June 1, 2014. Roll Call: Aye-All. Motion carried.

#### Public Hearing

Silvernail moved, Van Den Eykel seconded to set public hearing at 5:05 p.m. on April 7, 2014 for retail (on-sale) Liquor License (RL-5536) transfer from KLK Venture LLC to First Interstate Bank. Roll Call: Aye-All. Motion carried.

#### Public Hearing

Silvernail moved, Van Den Eykel seconded to set public hearing at 5:07 p.m. on April 7, 2014 for Retail (on-sale) Liquor License (RL-5534) transfer from Miss Kitty Enterprises LLC to First Interstate Bank. Roll Call: Aye-All. Motion carried.

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### Advertise

Van Den Eykel moved, Silvernail seconded to advertise for Deadwood Football Field and Days of '76 Rodeo Grounds Fence Improvement Project April 21, 2014 at 2:00 p.m., with results to City Commission that same day. Roll Call: Aye-All. Motion carried.

### FINANCE

#### Wage Increase

Peterson moved, Silvernail seconded to increase wage of Parking Ramp Attendant David Swaney from \$9.31 an hour to \$9.83 an hour effective March 14, 2014 after completing two years of service. Roll Call: Aye-All. Motion carried.

### HISTORIC PRESERVATION/PLANNING AND ZONING

#### Request

Commissioner Van Den Eykel stated that he talked with Planning and Zoning Administrator Nelson Jr. regarding Mr. Peterson's request to annex Whitewood Creek Road. He stated the annexation request is for approximately 10 acres by the tunnel along with a request for maintenance of the road, tree trimming and opening the road after a snowfall. Van Den Eykel does not believe it would benefit the City at this time. Van Den Eykel moved, Silvernail seconded to deny the annexation request from Bob Peterson at 20575 Whitewood Creek Road. Roll Call: Aye-All. Motion carried.

#### Payment

Van Den Eykel moved, Todd seconded to approve payment of \$2,500 donation to Northern Hills Railway Society from Advocacy line item. Roll Call: Aye-All. Motion carried.

#### Permission

Van Den Eykel moved, Silvernail seconded to hire Flat Earth Art and Sign Company to clean and paint the Gateway monument signs at a cost not to exceed \$12,545.00, to be paid from Historic Preservation Capital Assets. Commissioner Van Den Eykel asked if there were any other bids, to which Historic Preservation Officer Kuchenbecker stated there were no other bids, but the City has worked with Flat Earth Art before and they were recommended. Commissioner Todd asked if Flat Earth could create something to look at, as he is afraid that the signs might look like hundred dollar billboards. Kuchenbecker said he talked with Tim Peterson, owner of Flat Earth Art who said they could start with the Mickelson Trail sign and if the Commission does not like the sign they will not continue. After further discussion, Van Den Eykel and Silvernail rescinded their motion. Van Den Eykel moved, Silvernail seconded to allow Flat Earth Art and Sign to paint the sign at Mickelson Trailhead and allow the Commission to review before painting the other five signs. Roll Call: Aye-All. Motion carried.

#### Contract

Van Den Eykel moved, Silvernail seconded to hire and enter into contract with Maryland Department of Planning for the conservation of 168 copper alloy coins in an amount not to exceed \$4,400.00 to be paid from City Archives. Roll Call: Aye-All. Motion carried.

#### Contract

Van Den Eykel moved, Silvernail seconded to hire and enter into contract with Siouxland Heritage Museums for the development of six portable baseball exhibit panels at a cost not to exceed \$6,000.00, to be paid from City Archives. Roll Call: Aye-All. Motion carried.

#### Permission

Van Den Eykel moved, Todd seconded to allow the Mayor to sign Recreational Trails Program grant application. Roll Call: Aye-All. Motion carried.

#### Information

Commissioner Van Den Eykel stated that there will be a public meeting for input on the Rotary Park Project in the Century Room on April 3, 2014 from 4:30 p.m. to 6:00 p.m. If there are any questions, contact Planning and Zoning Administrator Nelson Jr.

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### POLICE/FIRE/LIBRARY

#### Agreement

Silvernail moved, Van Den Eykel seconded to continue the signing of Mutual Aid agreement between Lead and Deadwood until April 7, 2014. Roll Call: Aye-All. Motion carried.

#### Approval

Silvernail moved, Peterson seconded to approve the Passport parking concept for parking meter payment and sign proposal. Police Chief Kelly outlined the proposal, which provides the customers another way to pay for parking via telephone, texting or smart phone application. Ron Russo, Chairman of Deadwood Revitalization Committee spoke in favor of the concept and believes it to be more visitor friendly. Roll Call: Aye- Peterson, Silvernail, Todd, Turbiville. Nay-Van Den Eykel. Motion carried.

#### Wage Increase

Silvernail moved, Peterson seconded to increase wage of Police Officer David Riley from \$18.78 an hour to \$20.87 an hour effective March 13, 2014 after completing one year of service, which is 100% prevailing wage. Roll Call: Aye-All. Motion carried.

### LEGAL BUSINESS

#### First Reading

Silvernail moved, Peterson seconded to approve first reading of Ordinance #1210 requiring Knox Boxes on commercial properties. Commissioner Van Den Eykel said he understands the idea but wonders what the cost is to the businesses and who is responsible for maintaining the box. He also asked if letters were sent out to each business notifying them of this new ordinance. Fire Chief Glover stated the cost is \$300.00 and that the businesses would be in charge of maintaining the box. Mayor Turbiville said the next reading will be April 7, 2014 and asked Glover to send a letter of notification out to each business involved. Turbiville said a Knox Box is a box that contains a key to the building in case of an emergency. He also stated the police and fire departments would enter a code to get the key in case of an emergency. Van Den Eykel asked what the penalty would be for businesses not participating. Attorney Riggins stated the standard state requirement is a Class 2 misdemeanor, 30 days in jail and or a \$1,000.00 fine. Commissioner Todd believes input is needed from the businesses. Mike Rodman asked if the South Dakota Gaming Commission had been consulted to make sure it would not violate the rules of a non-licensed gaming operator having access to the key. After further discussion, Silvernail and Peterson rescinded the motion to approve First Reading. Van Den Eykel moved, Todd seconded to continue Ordinance #1210 until April 7, 2014 to allow Fire Chief time to send letters to businesses and to contact the South Dakota Gaming Commission. Roll Call: Aye-All. Motion carried.

#### Certificate

Silvernail moved, Todd seconded to allow the Mayor to sign Certificates of Purchase and Warranty Deeds for Maria Corey and Laura LaPorte. Roll Call: Aye-All. Motion carried.

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

### MAYORS BUSINESS

#### Information

Mayor Turbiville stated South Dakota Department of Transportation public meeting regarding Highway 85 project will be on April 1, 2014 from 5:00 p.m. to 7:00 p.m. at Deadwood Gulch Convention Center.

#### Meeting

Mayor Turbiville announced the next Commission meeting is scheduled for April 7, 2014.

#### Payment

Silvernail moved, Todd seconded to approve payment of \$2,970.00 to TDG Communications for State of the City Presentation from Advocacy line item. Roll Call: Aye-All. Motion carried.

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Request

Paul Berry and Wayne Morris, Revitalization Sub Committee members asked the Commission for City participation and assistance in the Whitewood Creek Community Cleanup. Morris stated the cleanup would start at the box culvert at Four Aces and continue along to US Highway 14A near Belle Joli Winery. They would like to start May 10, 2014 depending on weather. Van Den Eykel moved, Silvernail seconded to allow the City to participate and assist in the Whitewood Creek Cleanup. Mayor Turbiville asked Morris to coordinate this project with Public Works Director Raysor. Roll Call: Aye-All. Motion carried.

Commissioner Todd excused himself from the meeting.

Request

Paul Berry, Wayne Morris, Revitalization Sub Committee members asked the Commission for City support in the development of a designated connector trail between the Mickelson Trail and the Whitewood Creek Trail. Berry said the trail would start at Powder House Park, cross Cemetery Street, go behind the Rec Center, continue down through Bullock and Celebrity parking lots, and join the Whitewood Creek Trail. He stated there would have to be a ramp installed behind the Rec Center and easements would have to be obtained with the Bullock and Celebrity for use of the Parking Lots. Berry also stated connecting the trail would be a valuable asset to Deadwood to create a more user-friendly pedestrian environment and promote bicycling. Morris asked the City to assist with striping and appropriate logos to establish a designated route. After further discussion Silvernail moved, Van Den Eykel seconded to support the development of a designated connector trail between the Mickelson Trail and the Whitewood Creek Trail. Roll Call: Aye-All. Motion carried.

Candidates Forum

Mayor Turbiville announced the Candidates Forum will be April 3, 2014 at 6:00 p.m. in the City Commission Room.

Permission

Van Den Eykel moved, Silvernail seconded to allocate up to \$11,000.00 towards the Roger Brooks Branding Program, to be paid from Historic Preservation Public Education and Advocacy budget. Business owner Dave Sulentic asked if branding the town would incorporate parking meters. Mayor Turbiville stated that branding will include such things as free parking from Thanksgiving through Christmas, and that businesses can offer discounted parking. Roll Call: Aye-All. Motion carried.

ITEMS FROM CITIZENS NOT ON AGENDA

Tracey Sandidge asked about the Fountain House being moved to Lincoln Avenue. He stated he would like to volunteer his time to remove the tree by the Smith Apartments. Mayor Turbiville told Sandidge the tree is on private property and he would have to contact the owner of the apartments or Optima.

ITEMS FROM MAYOR, COMMISSIONERS, DEPARTMENT HEADS NOT ON AGENDA

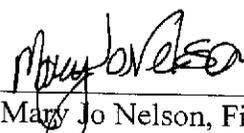
Commissioner Silvernail congratulated Saloon #10 on receiving the 2013 National Team of Excellence Award for Relay of Life from the American Cancer Society. She said in 2013 they raised \$60,150.00 and their goal for 2014 is \$75,000.00.

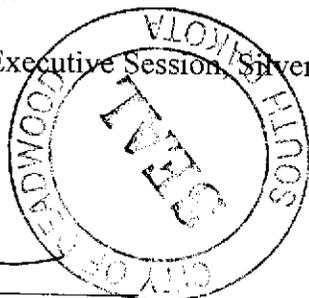
ADJOURNMENT

Silvernail moved, Peterson 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). The next regular meeting will be on Monday April 7, 2014.

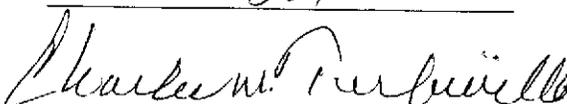
After coming out of Executive Session, Silvernail moved, Peterson seconded to adjourn meeting at 6:20 p.m.

ATTEST:

  
Mary Jo Nelson, Finance Officer



DATE: 04-07-2014

BY:   
Charles M Turbiville, Mayor

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