

REGULAR MEETING, November 16, 2015

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The Regular Session of the Deadwood City Commission convened on November 16, 2015 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 November 2, 2015. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Todd moved, Van Den Eykel seconded to approve the November 16, 2015. Roll Call: Aye-All. Motion carried.

ABC BUSINESS	SUPPLIES	1,410.02
ALBERTSON ENGINEERING	PROJECT	2,180.94
ALSCO	SUPPLIES	168.06
AMAZON WEB	SERVICES	229.28
ATCO INTERNATIONAL	SUPPLIES	831.00
BH CHEMICAL	SUPPLIES	347.95
BH DISPOSAL	SERVICE	400.00
BH PIONEER	ADS	563.85
BLACKSTRAP	SERVICE	11,002.35
BROADBAND UTOPIA	SHIPPING	37.12
BROKEN BOOT GOLD MINE	GRANT	5,230.30
CHAINSAW CENTER	SUPPLIES	109.32
COOMES, TIM	GRANT	1,900.00
CULLIGAN	SUPPLIES	107.50
DAKOTA BUSINESS	MAINTENANCE	171.75
DAKOTA FENCE	PROJECT	66,300.00
DAKOTA PRAIRIE LANDSCAPES,	PROJECT	21,459.89
DAKOTA SECURITY	SERVICE	223.00
DAKOTA SUPPLY	SUPPLIES	315.88
DEADWOOD CHAMBER	BILL LIST	51,007.38
DEADWOOD DEVELOPMENT	POSTAGE	41.97
E.T. SPORTS	SUPPLIES	407.76
EAGLE ENTERPRISES	SUPPLIES	524.32
ECOLAB	SERVICE	200.00
EDDIE'S TRUCK CENTER	SERVICE	351.48
FERBER ENGINEERING	PROJECT	1,250.00
GENERAL TRAFFIC	SERVICE	9,160.00
GENPRO ENERGY	PROJECT	128,975.00
GOLDEN WEST	SERVICE	1,193.65
GUNDERSON, PALMER, NELSON	SERVICE	5,134.30
HD SUPPLY WATERWORKS	SUPPLIES	201.38
JACOBS WELDING	SERVICE	5,498.78
KDSJ	ADS	160.00
KONE	MAINTENANCE	266.80
L.L. BEAN	AWARDS	931.35
LAWSON PRODUCTS	SUPPLIES	419.36
LEAD DEADWOOD ARTS CENTER	FRAMES	660.00
LEAD-DEADWOOD REGIONAL	SERVICE	522.00
LEAD-DEADWOOD SANITARY	USAGE	26,470.17
LUX, JUSTIN	REIMBURSEMENT	169.50
LYNN'S	SUPPLIES	88.33
M&M SANITATION	RENTAL	550.00
MARKERTEK VIDEO	SUPPLIES	989.97
MIDCO DIVING	SERVICE	2,699.00
MIDCONTINENT	SERVICE	65.00
MDU	SERVICE	3,188.32
MS MAIL	SUPPLIES	1,035.09
MUTUAL OF OMAHA	INSURANCE	5.07
NATIONAL MAIN STREET	MEMBERSHIP	250.00
NEVE'S	UNIFORMS	799.21
NEWELL MUSEUM	GRANT	13,848.50
NORTHERN HILLS TECHNOLOGY	SERVICE	54.00
NORTHWEST PIPE FITTINGS	SUPPLIES	225.18
PASSPORT PARKING	METERS	39.25
PETE LIEN & SONS	SUPPLIES	201.50
PETTY CASH	HP, P&Z	133.55
PITNEY BOWES	POSTAGE	500.00
PLASTIC WORKS	SUPPLIES	1,300.00
PUSH-PEDAL-PULL	PARTS	4,248.27
RASMUSSEN MECHANICAL	KIT	306.45
REGIONAL HEALTH	TESTING	100.00
RENNER, DONOVAN	REIMBURSEMENT	252.01
SD COMMISSION ON GAMING	CITY SLOTS	27,443.18
SD GOV. FINANCE OFFICERS	MEMBERSHIP	130.00
SD GOV. HUMAN RESOURCE	MEMBERSHIP	50.00
SD MUNIC. STREET	MEMBERSHIP	35.00
SD MUNICIPAL LEAGUE	MEMBERSHIP	1,709.09
SD ONE CALL	SERVICE	43.68
SD POLICE CHIEFS'	MEMBERSHIP	121.78
SDML WORKERS' COMP	PREMIUM	55,412.00
SOCIETY OF BLACK HILLS	GRANT	1,450.00
SOUTHSIDE OIL	DIESEL	10,340.00
SOUTHSIDE SERVICE	SERVICE	582.13
STURDEVANT'S	SUPPLIES	1,949.81
TALLGRASS	PROJECT	1,440.00

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TEMPERATURE TECHNOLOGY	SENSOR	207.86
TRIPLE K TIRE	SERVICE	829.48
TROUTON, JEFF	GRANT	600.00
TURBIVILLE INDUSTRIAL	ADAPTER	147.20
TURBIVILLE, CHARLES	REIMBURSEMENT	358.96
TWILIGHT	SUPPLIES	579.45
TYLER TECHNOLOGIES	MAINTENANCE	203.00
VAST	SERVICE	1,547.85
WASTE CONNECTIONS	SERVICE	8,567.61
WESTERN STAR	CABLE	6.45
WHEELER LUMBER	SUPPLIES	4,420.80
WHISLER BEARING	SUPPLIES	73.90
WHITE'S CANYON	ROD	173.55
	TOTAL	\$ 495,834.89

ITEMS FROM CITIZENS ON AGENDA

Years of Service

Fire Chief Helmin presented certificates to Alex Hamann for 15 years of service, and Lei' Ani Wieringa for five years of service as volunteer firefighters. Chief Helmin also mentioned Pat Eastman for 25 years of service as volunteer firefighter. Commission thanked them for their years of service.

Request

Wayne Morris, on behalf of Deadwood Business Club, asked the Commission for additional funding in the amount of \$6,000.00. Morris said additional funds would be used for special events and charities. After discussion about funding and other non-profit organizations, Morris was directed to BID 7 by Mayor Turbiville. No action taken. Roll Call: Aye-All. Motion carried.

Lighting

Discussion was held on possible change of street lighting standards from Walnut Street to Highway 385. Public Works Director Green stated DOT engineers indicated redesigning would have to take place, and other issues such as replacing utilities underground. Ron Island, Business Owner, spoke in favor of the historic lighting. After much discussion about cost, and time frame, Mayor Turbiville asked Green to obtain further information from DOT and bring forward at next Commission meeting.

CONSENT

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

- A. Acknowledge principal and interest payments to bondholders on Certificates of Participation in the following amounts: \$2,965,000.00 principal, and \$334,293.75 interest.
- B. Resolution 2015-19 to amend prior Resolution 2005-33 in regard to certain financial policies in accordance with Governmental Accounting Standards Board.

Resolution 2015-19

A RESOLUTION WHICH SHALL REPLACE RESOLUTION 2005-33, TO ESTABLISH THE FOLLOWING FINANCIAL POLICIES IN ACCORDANCE WITH GOVERNMENTAL ACCOUNTING STANDARDS BOARD

Be it resolved by the Deadwood City Commission that in accordance with the Governmental Accounting Standards Board Statements and Pronouncements, the City of Deadwood has instituted the following policies to provide consistency within the financial reporting of the city.

BASIS OF ACCOUNTING: The City of Deadwood prepares government-wide financial statements using the economic resources focus and the accrual basis of accounting as do the business type activity and fiduciary fund financial statements. Governmental fund financial statements will be reported using the current financial resources measurement focus and the modified accrual basis of accounting.

RESTRICTED AND UNRESTRICTED RESOURCES: The City of Deadwood has hereby instituted a priority system regarding restricted and unrestricted cash. When both restricted and unrestricted resources are available for use, it is the policy of the City of Deadwood to use

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restricted resources first, then unrestricted resources as they are needed, excluding Library and Rubble Site Funds, where unrestricted resources would be used first.

OPERATING VS. NONOPERATING REVENUES AND EXPENSES: The City of Deadwood's enterprise or businesses like activity funds distinguish operating revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing services with regard to our enterprise operations. Principal operating revenues of these operations are charges for services in each fund. Nonoperating revenues include grants and interest earned. Operating expenses of our enterprises include salaries and benefits, supplies, and depreciation. The loss on disposal of capital assets is a nonoperating cost.

REVENUE AVAILABILITY CRITERIA: The City of Deadwood considers revenues to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the City of Deadwood considers revenues to be available if they are collected within ~~30~~ 45 days of the end of the current fiscal period.

Dated this 16th day of November, 2015

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

- C. Approve expenditures of \$13,757.00 from Historic Preservation DOT Highway 85/386 line item for Gateway Interpretive Signage with 100% reimbursement from SD DOT: allow Mayor to sign contract with Berberich Designs in the amount of \$9,875.00 for six (6) interpretive signs, and allow Mayor to sign contract with Pannier Graphics for \$3,883.00 for signs.
- D. Approve Change Order #1 for CAI Construction Inc. at 10 Harrison retaining wall project and add five days to completion date due to rain delay, and no additional cost.
- E. Allow Brandy Ryan to attend thirteen week LET Basic Training in Pierre effective November 22, 2015:
- F. Permission for Mayor to sign the 2016 Memorandum of Understanding with the Lead-Deadwood School District for the School Resource Officers.
- G. Approve 2016 Active Transportation Collaboration application. Successful community will receive technical assistance to provide recommendations for improving walkability. Permission for Mayor to sign letter.
- H. Permission for Mayor to sign Oakridge Cemetery Certificates of Purchase and Warranty Deeds for Donna M. and Robert E. Nelson, Sr., and Fred and Shanon Schallenkamp.
- I. Permission to remove the following seasonal and part-time employees from payroll: Shelly Corbitt effective September 16, 2015; Janet Lanphear, Connie Olsen, Meggan Pierce, Doris Schenk, Georgeann Silvernail, and Jeanne Zurey effective October 16, 2015; Tavis Little and Matt Hardin effective November 1, 2015.
- J. Remove John Bigney effective November 4, 2015 from the Volunteer Fire Department roster for workers compensation purposes.

PUBLIC HEARINGS

Public hearing was opened at 5:21 p.m. by Mayor Turbiville. Commissioner Ruth recused himself and discussion was held on Resolution 2015-17 to annex property into city limits. Attorney Tim Johns, on behalf of property owners requesting annexation, stated the services requested are police and fire protection, garbage collection, a trolley stop at KOA, and be zoned highway commercial. Commissioner Speirs stated his pros and cons based on conversations with residents. Pros: 1) It expands the city's tax base. 2) It brings trolley services to more businesses. Cons: 1) After serving on Planning and Zoning Committee, he believes annexation of this sort is spot zoning and does not include all contiguous properties. 2) The value of the properties does not increase city coffers significantly in relation to what our city budget is. 3) The residency policy for elected officials should follow the same policy as for hired employees. When a seated city commissioner has a residency that is altered to provide for his continuation on the City Commission, it differs from the policies we expect our employees to adhere to. 4) City trolley service suffers from a large deficit and it is doubtful that including this route will affect the trolley revenue much. 5) The city is burdened with more than enough maintenance issues, and faced with our present boundaries, people want their tax dollars used in support of taxpayers who have been paying into the community. 6) Elected officials should be held to a higher standard than our employees. Sharon Martinisko, resident, spoke in favor of the annexation. Commissioner Todd stated he could not see any adverse effects, but only benefits by adding new businesses and new residents. Commissioner Van Den Eykel stated he is not against the annexation, but questioned why not include property to Maitland Road, why aren't

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contiguous properties included. David Ruth Jr. spoke on behalf of the Ruth Family Trust, thanked the Commission for considering the annexation and explained that his grandfather wants the property to stay in the family name. Ruth also stated this annexation is about adding to the tax base, having the opportunity to bring in more property to the city without the capital outlay by the city itself, and brings the opportunity for the KOA to participate in historical programs. After discussion, Todd moved, Turbiville seconded to approve the Resolution 2015-17 to annex property into city limits. Roll Call: Aye-Todd, Turbiville. Nay-Speirs, Van Den Eykel. Abstained-Ruth. Motion failed for lack of majority.

Mardi Gras

Public hearing was opened at 5:38 p.m. by Mayor Turbiville. Sarah Anderson, Deadwood Chamber of Commerce, requested approval for the following:

Todd moved, Speirs seconded to allow the relaxation of the open container ordinance on Main Street from the Four Aces to Masonic Temple, Broadway Street from Wall to Shine, Sherman Street from Pioneer Way to the south side of Pine Street, Deadwood Street from Pioneer Way to Sherman Street, Siever Street, Pine Street from Main Street to Sherman Street and Lee Street from Pioneer Way to Sherman Street on Friday January 29, 2016 from 5:00 p.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Todd moved, Speirs seconded to allow the relaxation of the open container ordinance for same area as approved on Friday January 29 for Saturday January 30, 2016 from 12:00 p.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Todd moved, Speirs seconded to approve waiver of banner fees and street closure on Main Street from Four Aces to the Masonic Temple from 6:45 p.m. to 8:00 p.m. or until parade ends on Saturday January 30, 2016. Roll Call: Aye-All. Motion carried.

Set

Speirs moved, Todd seconded to set public hearing on December 7, 2015 for Notice of Intent to lease to Private Party for three year parking leases at corner of Main and Deadwood Streets. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Second Readings

Van Den Eykel moved, Todd seconded to approve second reading of Ordinance #1235 to Continue Business Improvement District 1-6 for 2016. Roll Call: Aye-All. Motion carried.

Speirs moved, Todd seconded to approve second reading of Ordinance #1236 to Continue Business Improvement District 7 for 2016. Roll Call: Aye-All. Motion carried.

Todd moved, Speirs seconded to approve second reading of Ordinance #1237 Amending Chapter 15.32, Article II, Disallowed Signs. Ordinance removes time requirement for putting up and dismantling Christmas holiday decorations. Roll Call: Aye-All. Motion carried.

Contract

Speirs moved, Todd seconded to approve contract and allow Mayor to sign contract with Chad Adams to manage Tri-City Rubble Site. Total cost is \$10,485.00, financial responsibilities prorated as follows: \$3,276.00 from cities of Lead and Deadwood, and \$657.00 from Central City. Roll Call: Aye-All. Motion carried.

Policy

Mayor Turbiville stated Public Works would like to adopt a snow removal policy. He appointed Public Works Director Ron Green, Commissioners David Ruth and Mark Speirs, and also Pat Roberts, Ken Gienger and Mike Trucano to be on a committee to establish a policy and bring forward. Roll Call: Aye-All. Motion carried.

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First Reading

After discussion about naming and signage of the complex, Van Den Eykel moved, Speirs seconded to approve first reading of Ordinance #1238 regarding amendment to Deadwood Rodeo grounds. Roll Call: Aye-All. Motion carried.

Approval

Speirs moved, Van Den Eykel seconded to approve underground utility service at approximately five (5) buildings as result of utility relocation project at cost of approximately \$25,000.00 Roll Call: Aye-All. Motion carried.

Contract

Speirs moved, Van Den Eykel seconded to allow Mayor to sign contract with TSP to provide construction documents for electrical utility service ties at cost not to exceed \$4,620.00. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Attorney Riggins requested Executive Session for legal matters per SDCL 1-25-2 (3) with possible action and union matters per SDCL 1-25-2 (1) with no action.

A special meeting will be held on Wednesday November 18, 2015 to approve bills that were not included in regular bill list.

Commissioner Ruth thanked those who supported the annexation and expressed disappointment in the outcome.

ADJOURMENT

Todd moved, Speirs 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 and union matter per SDCL 1-25-2 (1) with no action. The next regular meeting will be on Monday December 7, 2015.

After coming out of executive session at 6:23 p.m., Speirs moved, Van Den Eykel seconded to adjourn.

Special meeting of the Deadwood City Commission convened on November 18, 2015 at 8:00 a.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: Finance Officer Nelson, Historic Preservation Officer Kuchenbecker, and Commissioners David Ruth Jr., Mark Speirs, Gary Todd and Jim Van Den Eykel.

APPROVAL OF DISBURSEMENTS

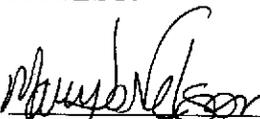
Ruth moved, Todd seconded to approve the November 18, 2015 disbursements. Roll Call: Aye-All. Motion carried.

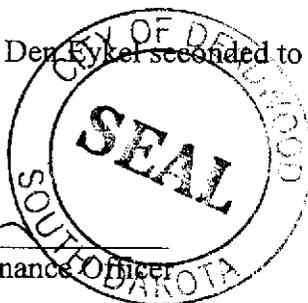
BARRY'S ELECTRIC	PROJECT	3,948.99
J & B RENTALS	PROJECT	4,615.23
KRACHT, LAWRENCE	PROJECT	10,000.00
LAWRENCE CO. REGISTER	FEES	270.00
LAWRENCE TITLE COMPANY	FEES	300.00
NEIGHBORHOOD LENDING	SERVICE	92.00
SHEPHERD, LANNY	PROJECT	4,420.45
TURNBULL & SONS	PROJECT	8,650.00
WELLMARK	INSURANCE	41,002.20
	TOTAL	\$ 73,298.87

ADJOURMENT

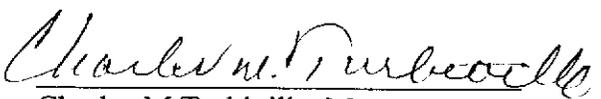
Speirs moved, Van Den Eykel seconded to adjourn the special meeting at 8:02 a.m.

ATTEST:


Mary Jo Nelson, Finance Officer



DATE: Dec 8, 2015

BY: 
Charles M Turbiville, Mayor