

REGULAR MEETING, SEPTEMBER 16, 2019

The Regular Session of the Deadwood City Commission convened on Monday, September 16, 2019 at 5:00 p.m. in the Deadwood City Commission Chambers, 102 Sherman Street, Deadwood, South Dakota. Mayor Ruth Jr. called the meeting to order with the following members present: Department Heads, City Attorney Quentin L. Riggins, and Commissioners Michael Johnson, Sharon Martinisko, Charlie Struble, and Gary Todd. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTE

Struble moved, Martinisko seconded to approve the amended minutes of September 3, 2019.

Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Martinisko moved, Johnson seconded to approve the September 16, 2019 disbursements. Roll Call: Aye-All. Motion carried.

A & I DISTRIBUTORS	SUPPLIES	180.55
ACE HARDWARE	SUPPLIES	112.10
ACE INDUSTRIAL SUPPLY	SUPPLIES	3,120.62
ALBERTSON ENGINEERING	PROJECT	2,291.37
ALBRIGHT CONSTRUCTION	PROJECT	41,430.85
AMAZON	SERVICE	671.98
ANCESTOR CONCRETE	PROJECT	3,570.00
ANFINSON, BONNY	REIMBURSEMENT	57.68
ARMOUR ROOFING	PROJECT	39,192.00
AXON ENTERPRISE	SERVICE	2,193.12
BALCO UNIFORM	UNIFORMS	191.93
BH CHEMICAL	SUPPLIES	457.89
BH ENERGY	SERVICE	31,462.78
BH ENERGY	SUBSCRIPTION	500.00
BH PIONEER	SERVICE	988.50
BH SECURITY	SERVICE	460.92
BLACKSTRAP	SUPPLIES	9,426.14
BLAIR, LINDA	REIMBURSEMENT	32.26
CAI CONSTRUCTION	PROJECT	21,700.00
CAMPBELL SUPPLY	SUPPLIES	217.12
CENTURY BUSINESS PRODUCTS	CONTRACT	305.54
CHANNEY-MOODIE, JEANETTE	REIMBURSEMENT	195.00
COCA COLA	SUPPLIES	566.00
COMPETITIVE MASONRY	PROJECT	19,019.13
CULLIGAN	SUPPLIES	340.00
DAKOTA LUMBER	SUPPLIES	2,863.00
DEADWOOD CHAMBER	BILL LIST	48,383.99
DEADWOOD ELECTRIC	SERVICE	301.21
DVFD	STAFFING	1,393.56
DEADWOOD HISTORY	DISPLAY	700.00
EAGLE ENTERPRISES	SUPPLIES	747.52
EMERY-PRATT	BOOKS	124.04
FASTENAL	SUPPLIES	568.45
FED EX	SHIPPING	13.14
FERBER ENGINEERING	SERVICE	240.00
FLAT EARTH SIGN	REPAIR	2,470.00
GALLS	SUPPLIES	42.79
GENERAL TRAFFIC CONTROLS	SUPPLIES	2,540.00
GOLDEN WEST	SERVICE	3,274.50
ILEVEL CONSTRUCTION	PROJECT	693.88
IVERSON CONSTRUCTION	PROJECT	9,970.52
JANKE AND SONS TRUCKING	SERVICE	2,623.56
JORGENSEN, LISA M.	PROJECT	21,854.17
JUNEKS	SERVICE	549.61
KDSJ	SERVICE	160.00
KNECHT HOME CENTER	SUPPLIES	165.00
KONE	MAINTENANCE	470.34
KTM DESIGN SOLUTIONS	MONITORING	400.00
LAMB PAINTING	PROJECT	7,882.67
LEAD-DEADWOOD OPTIMIST	DONATION	45.00
LEAD-DEADWOOD SANITARY	USAGE	34,220.05
LOWE ROOFING	PROJECT	33,535.00
LYNN'S	SUPPLIES	165.36
M&M SANITATION	RENTAL	220.00
MARCO	CONTRACT	484.78
MCNARY, TOM	PROJECT	792.16
MIDWEST TAPE	DVDS	158.93
MDU	SERVICE	16.50
NHS OF THE BLACK HILLS	CONTRACT	5,478.75
NORTHERN HILLS TECHNOLOGY	SERVICE	32.50
NORTHWEST PIPE FITTINGS	SUPPLIES	30.42
PACKER CONCRETE	PROJECT	7,470.98
PETE LIEN & SONS	PROJECT	213.00
PETTY CASH	HP/ZONING	161.79
PITNEY BOWES	LEASE	250.05
PONTIUS, JERRY	REIMBURSEMENT	85.68
POWERPLAN	SUPPLIES	2,129.96
QUICK TROPHY	NAME PLATE	91.13
QUILL	SUPPLIES	166.99
RAPID CITY JOURNAL	SUBSCRIPTION	542.99
RAPID DELIVERY	DELIVERY	13.23
RASMUSSEN MECHANICAL	PROJECT	22,402.00

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SCHMIDT, WILLIAM	PROJECT	5,200.00
SCULL CONSTRUCTION	PAY APP #8	610,325.64
SD COMMISSION ON GAMING	CITY SLOTS	29,829.55
SD DEPT. OF CORRECTIONS	FIREWISE	4,332.56
SD DEPT. OF MOTOR VEHICLES	TITLE	23.20
SD DEPT. OF PUBLIC SAFETY	SERVICE	2,340.00
SD MUNICIPAL LEAGUE	REGISTRATION	165.00
SD ONE CALL	SERVICE	53.76
SIMON CONTRACTORS	PROJECT	142,631.34
SIMON MATERIALS	SUPPLIES	7,720.88
SOCIETY OF AMERICAN	MEMBERSHIP	140.00
SPLIT ROCK STUDIOS	PROJECT	79,064.55
STRETCH'S	SERVICE	1,431.45
STURDEVANT'S	SUPPLIES	1,026.53
SVENCO	PROJECT	123.30
THE LORD'S CUPBOARD	RECYCLING	48.43
TOMS, DON	PROJECT	600.00
TRIPLE K	SERVICE	3,519.50
TRUGREEN	SERVICE	747.42
TWILIGHT	SUPPLIES	89.82
TWIN CITY HARDWARE	GRANT	1,376.44
WALSH, JOHN	PROJECT	3,009.17
WARNE CHEMICAL	SERVICE	7,300.00
WASTE CONNECTIONS	SERVICE	7,642.20
WEATHER-TITE EXTERIORS	PROJECT	7,200.00

TOTAL 1,311,763.42

ITEMS FROM CITIZENS ON AGENDA

Audit

Al Schaefer with South Dakota Dept. of Legislative Audit appeared to update Commission on the 2018 closing conference. He stated that there were no written findings. The report contained some oral comments, which were: annual report contained some classification and accrual type errors that were adjusted; transfers between BID Funds and General Fund, Parking and Transportation Fund and General Fund for administrative and other services but are not tied to a specific expenditure; and a policy has not been established by the Commission as to what procedures should be followed for the collection of unpaid parking fines and at what point they should be written off. The report contained some immaterial violations which were: Municipality incurred expenditures in excess of appropriations contrary to SDCL 9-21-25; the 2018 annual report was not filed with the Department of Legislative Audit by May 31, 2019 as required by SDCL 9-22-21; and annual salary publication did not list all the potential compensation employees could receive. Schaefer thanked Finance Office staff and department heads for their cooperation and assistance. Commission thanked Schaefer for his time.

Thank You

Tom Adams and Oz Enderby with American Legion thanked the City for their support for their fundraiser during Kool Deadwood Nites.

Proclamation

Mayor Ruth Jr. read a proclamation declaring September as Childhood Cancer Awareness Month and September 23 as Go Gold for Childhood Cancer Day in the City of Deadwood.

Counts

Lee Harstad, Deadwood Chamber, gave an update on the counts for the Welcome Center and Information Center which is a 12% increase year to date. Harstad thanked city staff.

Bill Dispute

Mary Larson, Deadwood Dicks, asked the Commission to dismiss the bill Deadwood Dicks received for shoveling in March. Mayor Ruth Jr. stated this is before the Commission before a lien is put on the property. After discussion, Martinisko moved, Johnson seconded to write-off \$43.25 for snow removal 51 Sherman Street. Roll Call: Aye-All. Motion carried.

Service (continued from September 3)

Planning and Zoning Administrator Russell spoke with Rothenhoefer and stated they are putting together a counter proposal to present to the City. Martinisko, Struble seconded to remove item from agenda and take no action pending future request. Roll Call: Aye-All. Motion carried.

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CONSENT

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

- A. Permission for Mayor to sign contract with Ferber Engineering/Smart Software Solutions, Inc. to develop online search engine on City of Deadwood's website, in the amount of \$12,800 for Phase 1 of project. (To be paid from City Archive budget.)
- B. Permission to increase wages for Community Service Officer Marie Vansickel from \$17.83 per hour to \$18.82 per hour retroactive to August 29, 2019 after one year of service, and Rec Center Receptionist Edmund Ryan from \$9.48 per hour to \$9.76 per hour effective September 21, 2019 after one year of service.
- C. Permission for Mayor to sign Oakridge Cemetery Certificates of Purchase and Warranty Deeds for Bill & Amy Reiser.
- D. Permission to hire Albright construction to replace metal roof on HARCC building in the amount of \$18,032.11. (To be paid from Public buildings- hail damage.)
- E. Permission to hire Albright construction to replace metal roofs on shelters at Powerhouse Park in the amount of \$8,074.08. (To be paid from Public buildings- hail damage.)
- F. Permission for Lamb Painting continue paint repairs at Adams museum. Project has more issues than expected. Total project not to exceed \$7,500.00. (Budgeted item in HP Capital assets.)
- G. Permission for Lamb painting to repair and paint windows at the Rec center not to exceed \$6,500.00. (Budgeted item in HP Capital Assets.)
- H. Permission to purchase 6,000 gallons of fuel at \$2.28 per gallon for a total of \$13,680.
- I. Permission for Mayor to sign agreement with Lawrence County for Deadwood Police Department to share Public Safety Resources for communications, public safety operations and law enforcement services within the County and City.
- J. Permission to hire Aaron McPheeters as Police Officer effective 9/23/19 at a rate of \$21.35 per hour, pending pre-employment and drug screenings.
- K. Permission for Andy Larvie to be moved to the Community Service Officer position effective 9/25/19 at a rate of \$19.81 per hour. Also allow him to remain on police force as a part-time police officer with a rate of \$21.35 per hour.
- L. Permission to re-hire Sage Forsting as Lifeguard effective 9/18/19 at a rate of \$10.31 per hour, pending pre-employment and drug screening.
- M. Permission for Mayor to sign agreement with Albertson Engineering regarding assessment of Whitewood Creek in an amount not to exceed \$18,670.00. (To be paid from Whitewood Creek CIP, with possible reimbursement from FEMA.)
- N. Permission for Mayor to sign agreement with KTM Design Solutions to design sanitary sewer service at 227 Williams Street. (To be paid from HP Professional services line item.)
- O. Permission for Mayor to sign agreement with RCS Construction for 291 Williams Street Retaining Wall in the amount of \$195,800.00.
- P. Permission for Mayor to sign agreement with RCS Construction for 562 Williams Street Retaining Wall in the amount of \$93,600.00.
- Q. Permission for Deadwood Fire Department to purchase operational management software from PSTrax, in amount not to exceed \$3,500.00.
- R. Permission to allow Public Work's department permission to prepare contract with Butler Machinery, for the lease of two 2019 Caterpillar 140-13A Motor Graders trading in two units, 2006 Caterpillar 143H and 2001 Caterpillar 134H. No funds expended 2019 with lease payments to begin as budgeted in 2020, with annual appropriation.

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PUBLIC BUILDINGS

Homecoming

Public hearing was opened at 5:20 p.m. by Mayor David Ruth Jr. No one spoke in favor or against, hearing closed. Todd moved, Struble seconded to approve street closure on Main Street from Tin Lizzie Gaming Resort to Masonic Temple on September 20 from 2:00 p.m. until parade ends for Lead-Deadwood High School Homecoming Parade. Roll Call: Aye-All. Motion carried.

Transfer

Public hearing was opened at 5:21 p.m. by Mayor David Ruth Jr. No one spoke in favor or against, hearing closed. Johnson moved, Todd seconded to approve Retail (on-off sale) malt Beverage (RB-21329), Retail (on-off sale) Wine (RW-21330), and Convention Center (on sale) Liquor (CL-0510) Licenses transfers from TenTexKota LLC to ZCN LLC dba Deadwood Mountain Grand at 1906 Deadwood Mountain Drive. Roll Call: Aye-All. Motion carried.

Waive/Set

Martinisko moved, Johnson seconded to waive 45-day requirement for special event application. Roll Call: Aye-All. Motion carried.

Martinisko moved, Todd seconded to set public hearing on October 7 for Songwriters Festival. Roll Call: Aye-All. Motion carried.

TIF #11

Public hearing was opened at 5:24 p.m. by Mayor David Ruth Jr. Mayor stated project developers and Tobin Morris with Dougherty and Company are here to answer questions. Business Owner, Mike Trucano, spoke against the TIF. He believes this gives a competitive disadvantage to small businesses. Commissioner Todd questioned why this Grant TIF instead of a traditional TIF. Tobin Morris replied this type of TIF is more of a risk to the developer if the City does not appropriate annually, it will expire. Morris also stated if the city should not appropriate, it is classified as non-constitutional debt. Todd would like a guarantee that TIF will not go towards the City debt. City Attorney Riggins stated several emails have been exchanged and at this point the TIF will not go against the city debt. Todd stated his duties as a Commissioner are to protect the interest of residents and would like to be able to tell them what the City got out of a 3 million dollar TIF. Commissioner Martinisko believes the City will benefit from the TIF with updated curb and gutter, Wild Bill Statue upgrade, and archeological. Commissioners Johnson and Struble questions have been answered and support the TIF. Caleb Arceneaux stated Tin Lizzie's has put a lot of time and effort working with Historic Preservation to develop a façade on first floor and create a connection between what is now an empty parking lot between Mineral Palace and Tin Lizzie, and believes the connection will be a benefit to the city. Historic Preservation Officer Kuchenbecker stated the National Programmatic Agreement was executed in August of this year with the U.S. Department of Agriculture – Rural Development, State Historic Preservation Office, Deadwood Historic Preservation and the developer. The agreement included a Historic Preservation Treatment Plan which outlined the archaeological investigation for the proposed development but did not address the ownership of the artifacts. Kuchenbecker also stated several City and Historic Preservation Commissions expressed their feelings if the TIF funds were going to be used to pay for the archaeological work then the ownership of the artifacts should be retained with the City and should be a separate agreement between the developer and the City. After discussion, hearing closed. Martinisko moved, Johnson seconded to approve request for TIF 11. Roll Call: Aye-Johnson, Martinisko, Struble, Ruth. Nay-Todd. Motion carried.

NEW BUSINESS

Project Plan

Martinisko moved, Johnson seconded to approve Project Plan for Tax Increment Finance District #11. Planning and Zoning recommended approval on September 4, 2019 with conditions of adding more details of proposed expenditures and questions on appropriate disbursements. Roll Call: Aye-Johnson, Martinisko, Struble, Ruth. Nay-Todd. Motion carried.

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Agreement

Martinisko moved, Johnson seconded to allow Mayor to sign agreement for Development with Deadwood Hotels, LLC. Roll Call: Aye-Johnson, Martinisko, Struble, Ruth. Nay-Todd. Motion carried.

Resolution

Johnson moved, Struble seconded to approve Resolution 2019-31 to create Tax Increment Finance District #11. Roll Call: Aye-Johnson, Martinisko, Struble, Ruth. Nay-Todd. Motion carried. Resolution published September 20th in the Black Hills Pioneer.

Ordinances

Martinisko moved, Todd seconded to approve second reading of Ordinance #1299 Amending Title 17 – Zoning. Roll Call: Aye-All. Motion carried.

Finance Officer McKeown stated current fund balances (section two of ordinance) has been updated to reflect additional bill that will be paid in 2019. The transfers in/out line item was also updated, as directed by Legislative Audit. Martinisko moved, Struble seconded to approve second reading of 2020 Budget Appropriation Ordinance #1300. Roll Call: Aye-All. Motion carried.

Findings of Fact

Todd moved, Struble seconded to Act as Board of Adjustment and approve Findings of Fact for Conditional Use Permit for Tattoo Shop at 470 Main Street. Planning and Zoning Commission approved on September 4, 2019. Roll Call: Aye-All. Motion carried.

Plat

Public Works Director Nelson Jr. explained the plat. Martinisko moved, Struble seconded to approve to Act as Board of Adjustment and approve Final Plat of Railroad Avenue. Legal Description: Lots 10, 11 and 12 of the Meverden Addition; Formerly a part of Railroad Avenue and being a part of M.S. 81 and 283, City of Deadwood Lawrence County, South Dakota. Submitted by the City of Deadwood for right-of-way and land transfer purposes. Planning and Zoning Commission approved on September 4, 2019. Roll Call: Aye-All. Motion carried.

Ordinances

Nelson Jr. stated the following two ordinances deal with trash receptacles. Mayor Ruth Jr. stated this was brought forward before from a resident and this is step one in addressing the issue.

Martinisko moved, Johnson seconded to approve first reading of Ordinance #1301 Amending Chapter 12.50 Staging Areas. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to approve first reading of Ordinance #1302 Amending Chapter 17.60 Special Uses. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

- Encourage community and staff to join the Mayor at Deadwood/Lead Homecoming Football Game – September 20 during half-time, Trevor Tridle will be introduced as an inductee of the High School Hall of Fame.

Historic Preservation Officer Kuchenbecker thanked First Interstate Bank for volunteer day at Mt. Moriah for cleanup.

Nelson Jr thanked Box Elder Job Corp for Whitewood Creek Cleanup.

Commissioner Struble thanked city staff for assistance with Deadwood Jam.

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Commissioner Todd explained his concern about the TIF. He stated the total growth was \$31,000.00 as far as tax base from last year, and feels the major projects going on in the town that are not taxable will affect our school district. Todd encourages commission to start working on the tax basis in the future.

Commissioner Martinisko thanked the staff on the audit process and congratulated Finance Officer McKeown on her first audit with the City.

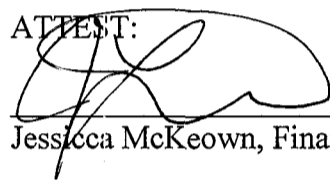
Attorney Riggins requested Executive Session for legal matters per SDCL 1-25-2(3), union negotiations per SDCL 1-25-2 (4), and personnel matter per SDCL 1-25-2(1) with possible action.

ADJOURNMENT

Struble moved, Martinisko seconded to adjourn the regular session at 6:07 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3), union negotiations per SDCL 1-25-2 (4), and personnel matter per SDCL 1-25-2(1) with possible action. The next regular meeting will be on Monday, October 7, 2019.

After coming out of executive session at 6:23 p.m. Martinisko moved, Todd seconded to adjourn.

ATTEST:



Jessicca McKeown, Finance Officer

DATE:

10/7/19

BY:

David Ruth Jr., Mayor

Published once at the total approximate cost of _____

