

REGULAR MEETING, OCTOBER 1, 2018

The Regular Session of the Deadwood City Commission convened on Monday, October 1, 2018 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 Sharon Martinisko, David Ruth Jr., and Charlie Struble. Commissioner Gary Todd was absent. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Struble moved, Martinisko seconded to approve the minutes of September 17, 2018. Roll Call: Aye-All. Motion carried.

SEPTEMBER, 2018 PAYROLL: COMMISSION, \$2,730.76; FINANCE, \$19,519.72; PUBLIC BUILDINGS, \$6,563.79; POLICE, \$63,335.30; FIRE, \$5,200.48; BUILDING INSPECTION, \$3,999.76; STREETS, \$29,360.05; PARKS, \$27,539.31; PLANNING & ZONING, \$5,059.44; LIBRARY, \$6,389.80; RECREATION CENTER, \$13,428.51; HISTORIC PRESERVATION, \$16,313.99; WATER, \$15,301.58; MT. MORIAH, \$5,775.46; PARKING METER, \$11,146.22; TROLLEY, \$19,606.89; PARKING RAMP, \$1,418.22. **PAYROLL TOTAL: \$252,689.28**

SEPTEMBER, 2018 PAYROLL PAYMENTS:

Internal Revenue Service, \$59,308.29; S.D. Retirement System, \$26,791.84; Delta Dental, \$4,313.53.

APPROVAL OF DISBURSEMENTS

Ruth moved, Struble seconded to approve the October 1, 2018 disbursements. Roll Call: Aye-All. Motion carried.

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| A & B BUSINESS | CONTRACT | 336.29 |
| A & B WELDING | SUPPLIES | 136.00 |
| ACE HARDWARE | SUPPLIES | 105.86 |
| ACE INDUSTRIAL | SUPPLIES | 974.30 |
| ALMANZA, TYSON | PROJECT | 2,129.75 |
| ALSCO | SUPPLIES | 278.44 |
| AMAZON | SERVICE | 637.09 |
| AMERICAN LIBRARY | MEMBERSHIP | 220.00 |
| AR500 ARMOR | SUPPLIES | 510.75 |
| ATCO INTERNATIONAL | SUPPLIES | 406.00 |
| BH PIONEER | ADS | 12.50 |
| BH SECURITY | SERVICE | 2,082.45 |
| BH SPECIAL SERVICES | CLEANING | 4,480.00 |
| BH VETERANS MARCH | REFUND | 500.00 |
| CARBO, ELIZABETH | REIMBURSEMENT | 108.50 |
| CARTER FMX | SPONSOR | 16,100.00 |
| CHAINSAB CENTER | SUPPLIES | 5.38 |
| COMPUTER SUPPORT | SERVICE | 139.99 |
| CONOVER, MICHAEL | PROJECT | 13,610.28 |
| CONVERGINT TECHNOLOGIES | SERVICE | 372.45 |
| CULLIGAN | SUPPLIES | 25.00 |
| DAYS OF '76 | REFUND | 1,000.00 |
| DEADWOOD CHAMBER | BILL LIST | 69,559.47 |
| DEADWOOD ELECTRIC | SERVICE | 1,818.79 |
| DEADWOOD GAMING | BID#8 | 10,000.00 |
| DEADWOOD GRANITE | SERVICE | 1,800.00 |
| DEADWOOD HISTORY | SERVICE | 122.50 |
| DEADWOOD-LEAD ECONOMIC | INVESTMENT | 250.00 |
| DELL RAPIDS SOCIETY | GRANT | 10,000.00 |
| EAGLE ENTERPRISES | SUPPLIES | 715.75 |
| ECOLAB | SERVICE | 497.73 |
| EME CORPORATION | SUPPLIES | 1,466.00 |
| EMERY-PRATT | BOOKS | 172.27 |
| FIRST NATIONAL CREDIT CARD | SUPPLIES | 30.10 |
| GALLS | UNIFORMS | 90.95 |
| GAYLORD BROS | SUPPLIES | 490.64 |
| GLOBAL EQUIPMENT | TABLE | 1,065.29 |
| GOLDEN WEST | SERVICE | 1,791.51 |
| HAWKINS | SUPPLIES | 1,267.64 |
| HILLYARD | SUPPLIES | 857.00 |
| HILT CONSTRUCTION | REPAIR | 4,900.00 |
| HOMETOWN TROLLEY | SUPPLIES | 337.16 |
| HUBER, JASON | REIMBURSEMENT | 36.00 |
| JACOBS WELDING | SERVICE | 2,074.97 |
| JUNEKS SERVICE | SERVICE | 226.23 |
| KT CONNECTIONS | REPAIR | 405.00 |
| LANE, KATHLEEN | PROJECT | 4,000.00 |
| LAWRENCE CO. REGISTER | RECORD | 60.00 |
| LAWSON PRODUCTS | SUPPLIES | 248.82 |
| LEAD-DEADWOOD SCHOOL | GRANT | 50,000.00 |
| MASTER'S AUTO DETAILING | SERVICE | 460.00 |
| MID-AMERICAN RESEARCH | SUPPLIES | 449.71 |
| MIDWEST TAPE | DVDS | 309.81 |
| MS MAIL | SERVICE | 1,374.65 |
| MYSTIC PRESERVATION | GRANT | 6,000.00 |
| NAJA SHRINERS | ALLOCATION | 4,100.00 |
| NETWORK SERVICES | SUPPLIES | 232.20 |

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| NEWKIRK CONSTRUCTION | PROJECT | 1,600.00 |
| NORTHWEST PIPE FITTINGS | SUPPLIES | 85.19 |
| OTIS ELEVATOR | SERVICE | 133.53 |
| PETE LIEN & SONS | SUPPLIES | 251.88 |
| PL CARPENTRY | PROJECT | 6,603.84 |
| QUILL | SUPPLIES | 32.48 |
| RASMUSSEN MECHANICAL | SERVICE | 199.77 |
| RECREATION SUPPLY | SUPPLIES | 457.20 |
| RUSHMORE OFFICE | SUPPLIES | 119.67 |
| RUSSELL, JERAMY | REIMBURSEMENT | 395.00 |
| S AND C CLEANERS | CLEANING | 4,915.00 |
| SD DEPT. OF CORRECTIONS | FIREWISE | 2,093.05 |
| SD DEPT. OF REVENUE | TAX | 6,387.51 |
| SD ONE CALL | SERVICE | 22.40 |
| SD PUBLIC ASSURANCE | RENEWAL | 215,664.00 |
| SERVALL | SUPPLIES | 1,367.73 |
| SHAMA, LARRY AND MARCI | PROJECT | 7,426.50 |
| SOCIETY OF AMERICAN | RENEWAL | 140.00 |
| SOUTH DAKOTA OVERHEAD DOOR | SERVICE | 1,003.61 |
| SPEARFISH HUSKY | SUPPLIES | 372.00 |
| SPEIRS, MARK | SERVICE | 7,551.03 |
| STURGIS AUTO PARTS | SUPPLIES | 63.98 |
| TCF | TROLLEYS | 9,400.86 |
| THE LORD'S CUPBOARD | RECYCLING | 67.08 |
| TIME EQUIPMENT RENTAL | SUPPLIES | 159.75 |
| TOMS, DON | PROJECT | 500.00 |
| TRIPLE K | SERVICE | 952.49 |
| TRUGREEN | SERVICE | 63.34 |
| TWILIGHT | SUPPLIES | 481.63 |
| TWIN CITY HARDWARE | SUPPLIES | 3,662.03 |
| UMENTHUM, KEITH | PROJECT | 5,764.51 |
| UNITED CHURCH OF CHRIST | GRANT | 15,000.00 |
| UTILITY SERVICE | SERVICE | 24,114.00 |
| VAST | SERVICE | 3,211.97 |
| VERIZON | SERVICE | 133.04 |
| VIEHAUSER ENTERPRISES | SERVICE | 244.98 |
| WARNE CHEMICAL | SUPPLIES | 76.50 |
| WELLMARK | INSURANCE | 45,398.82 |
| WELLS PLUMBING | SERVICE | 378.96 |
| WEST RIVER HISTORY | CONFERENCE | 62.50 |

TOTAL \$ 587,939.05

ITEMS FROM CITIZENS ON AGENDA

Proclamation

The Mayor read a proclamation declaring October 12, 2018 as Mary Jo Nelson Day in Deadwood.

Service Awards

Mayor Turbiville presented certificates to the following employees: Sonya Papousek, Andrew Larive for 5 years of service; Jan Peppmeier for 10 years of service; John Tridle for 15 years of service; Mary Jo Nelson and Randy Pharr for 20 years of service. Assistant Finance Officer Morrison also recognized 2018 South Dakota Municipal League Hall of Fame Inductees for 20 Years of service as follows: Mary Jo Nelson and Randy Pharr. Ken Allen was absent but recognized for 5 years of service. Commission thanked each of them for their time.

Briefing

Paul Thomson, Director of Lawrence County Emergency Management, gave an overview of elected officials briefing. Thomson discussed the disaster process, emergency management overview, emergency planning and the Incident Command System.

CONSENT

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

A. Pass Resolution 2018-24 Approving Cash Transfers Between Funds

RESOLUTION 2018-24 A RESOLUTION TO APPROVE INTERFUND CASH TRANSFERS IN THE CITY OF DEADWOOD

Be it resolved by the Deadwood City Commission that on October 1, 2018, the City of Deadwood has approved the following accounting transactions for 2018:

- Transfer cash from Historic Preservation Fund 0215 to Parking/Trolley Fund 0610, \$75,000.00 for support of trolley operational expenses. From Historic Preservation Fund 0215 to General Fund 0101, \$1,322,356.00 for impact funds from Historic Preservation Fund to Water Fund, \$160,814.00 for impact funds.

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- From General Fund 0101 to Library Fund 0206, \$63,357.00 in support of operational expenses.
- From Bed and Booze Fund 0209 to General Fund 0101, \$50,000 for partial payment of utility costs. From Bed and Booze Fund 0209 to Historic Preservation Fund, \$80,000 to assist in costs associated with Upper Main Archway signage.

Dated this 1st day of October, 2018

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

B. Pass Resolution 2018-25 Establishing Fee for Temporary Meter Rental

**CITY OF DEADWOOD
RESOLUTION 2018-25
TO ESTABLISH FEE FOR TEMPORARY METER RENTAL**

WHEREAS, City Ordinances require certain use fees, charges for services and other designations to be established by resolution;

NOW THEREFORE BE IT RESOLVED THAT the City of Deadwood hereby establishes the following fees and other designations effective October 24, 2018:

Temporary Water Meter Rental\$100.00 which must be paid prior to rental.

Dated this 1st day of October, 2018

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

- C. Acknowledge completion of TIF 10 and payments by Optima LLC to RCS Construction in the amount of \$3,233,374.75, \$2,600,000.00 of which will be repaid utilizing project tax increment revenue receipts and direct Finance Officer to sign Certification of Completion of Site Improvements
- D. Acknowledge Homeland Security Grant award submitted by Kelly Fuller to purchase four folding ballistic shields. Total cost \$13,226.67, 20% city match.
- E. Acknowledge payment to South Dakota Public Assurance Alliance for 2018-2019 liability insurance at cost of \$215,664.00, paid from Commission line item (budgeted)
- F. Allow Deadwood History Inc. to serve complimentary beer and wine at Adams Museum Exhibit opening on November 7 from 5:00 p.m. to 7:00 p.m.
- G. Permission to purchase 300 tons of sand from Hills Material for \$15.00/ton (\$4,500.00 total) from Streets Department (budgeted)
- H. Permission to purchase 100 tons of salt from Blackstrap Inc. at \$85.00/ton (\$8,500.00 total) from Streets Department (budgeted)
- I. Purchase gym divider curtain including labor from Specialty Installation LLC for Rec Center in the amount of \$6,365.00, to be paid from Rec Center Equipment line item (budgeted)
- J. Permission to extend 160 hours of vacation for Kelly Fuller to November 30, 2018
- K. Permission to hire Armstrong Fire Extinguisher Service for annual fire extinguisher maintenance at cost of \$2,606.00 to be paid from Public Buildings
- L. Approve proposed changes to job description for Public Buildings Maintenance Technician and increase pay rate from \$19.06 an hour to \$20.73 an hour
- M. Permission to advertise for 5 days in house for Public Buildings Maintenance Technician, then advertise to public
- N. Permission for Mayor to sign Agreement for Main Street Master Plan Phase 1 Services with Winter & Company (approved September 17, 2018)
- O. Request use of public property and waive of parking lot fees for Lead-Deadwood Girls Softball Tournament June 21 through June 23, 2019
- P. Purchase two benches from Victor Stanley from Historic Preservation General maintenance line item
- Q. Approve payment to Deadwood Electric in the amount of \$2,544.67 for Rodeo Grounds electric work, to be paid from Historic Preservation Rodeo Grounds Capital Asset account

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PUBLIC HEARINGS

Harvest Jubilee

Public hearing was opened at 5:17 p.m. by Mayor Turbiville. No one spoke in favor or against, hearing closed. Martinisko moved, Ruth seconded to approve street closure on Main Street from Wall to Pine Street from 11:30 a.m. to 5:00 p.m. pending proof of insurance. Roll Call: Aye-All. Motion carried.

Resolution

Ruth moved, Struble seconded to approve Resolution 2018-26. Roll Call: Aye-All. Motion carried.

RESOLUTION NO. 2018 - 26

**RESOLUTION OF INTENT TO
CONTINUE BUSINESS IMPROVEMENT DISTRICTS, AND
ESTABLISH RATES FOR 2019 FOR BUSINESS IMPROVEMENT DISTRICTS**

WHEREAS, Business Improvement Districts Nos. 1-6 have been created and Business Improvement District Boards appointed since August of 1990 and re-appointed and continued through the current date; and

WHEREAS, such Business Improvement Districts Boards have recommended and the City Commission has accepted plans and occupation tax assessments for the calendar years 1991 through 2018; and

WHEREAS, the Business Improvement District Boards have recommended continuation of Business Improvement Districts Nos. 1, 2, 3, 4, 5, and 6 and have recommended the amount of the Business Improvement Tax Levy; and

NOW, THEREFORE, BE IT RESOLVED by the City of Deadwood that the City hereby declares its intent to continue Business Improvement Districts No. 1, 2, 3, 4, 5, and 6 with the boundaries of the Districts as follows:

Business Improvement District No. 1: All hotels, motels, lodging establishments and gaming establishments located within the city limits of Deadwood, applied to all gaming devices and hotel rooms located within the city limits of Deadwood and affiliated with or have common ownership with any gaming establishment or property.

Business Improvement District No. 2: All other hotels, motels and lodging establishments located within the City of Deadwood applied to all gaming devices located in a business with common or unrestricted access within the business premises, excepting the first fifty (50) such gaming devices, including any business existing as of the date of this ordinance and any future similar businesses meeting the same criteria.

Business Improvement District No. 3: All hotels, motels, lodging establishments, and bed and breakfast establishments within the City of Deadwood which do not have gaming devices.

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Business Improvement District No. 4: Each gaming establishment leasing a city slot machine as determined by sealed bid or auction conducted by the city of Deadwood.

Business Improvement District No. 5: Gaming establishment known as the VFW located at 10 Pine Street

Business Improvement District No. 6: inactive

BE IT FURTHER RESOLVED that the City of Deadwood declares its intent to establish Occupation Tax Levies as follows:

1) The estimated monies to be raised by the Business Improvement Districts in 2019 is \$506,495.00; the estimated costs for the expenses, improvements, activities, and promotions within the Business Improvement Districts are as follows:

A. Business Improvement Districts No. 1, 2, 3, 4, 5, and 6:

| | |
|---|----------------------|
| Administrative and legal expenses | \$ 10,000.00 |
| Deadwood Chamber of Commerce and Visitors Bureau - Marketing | \$ 440,495.00 |
| Contingency | \$ 15,000.00 |
| TOTAL | \$ 506,495.00 |

2) The imposition of the General Occupation Tax for the six Districts shall be as follows:

- A. District No. 1: Tax at the rate of \$100.00 per year or \$5.00 per year per square foot for 20 square feet for each gaming device, slot machine, 21 table poker table or other table game, or video lottery machine, excepting municipal slot machines. Motels, hotels and bed and breakfast establishments shall pay \$50.00 per year per room or \$.167 per square foot per motel, hotel, or bed and breakfast lodging units using 300 square feet for each room.
- B. District No. 2: Tax at the rate of \$25.00 per year or \$1.25 per square foot on twenty (20) square feet for each gaming device, slot machine, or other table game, excepting municipal slot machines which shall be applied to all gaming devices located in a business with common or unrestricted access within the business premises, excepting the first fifty (50) such gaming devices, including any business existing as of the date of this ordinance and any future similar businesses meeting the same criteria.
- C. District No. 3: Tax at the rate of \$50.00 per year per room or \$.167 per square foot per year for motels, hotels, and bed and breakfast establishments using 300 square feet for each room.

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- D. District No. 4: Tax at the rate of \$2,000.00 per year or \$100.00 per square foot for twenty (20) square feet for each city or municipal slot machine as determined by sealed bid or auction conducted by the city of Deadwood
- E. District No. 5: Tax at the rate of \$50.00 per year or \$2.50 per square foot on 20 square feet for each gaming device, slot machine, 21 table or poker table, or video lottery machine, excepting municipal slot machines.
- F. District No. 6: inactive

3) That the levies shall be billed and collected monthly by the City Finance Officer with the annual levy to be paid in monthly installments due on the 10th day of each month beginning with the first installment due in the Finance Office on January 10, 2019 with a fifteen (15%) percent late charge to be added for all past due charges.

4) That the taxes as set forth in paragraph 2 above shall be determined by the number of games and video lottery machines licensed by the South Dakota Commission on Gaming and the South Dakota Lottery Commission as of the first day of January for the first six months of each year, and as of the first day of July, for the second six months of each year, with adjustments to be made for the licenses added or deleted on the first day of the month following the addition or deletion.

BE IT FURTHER RESOLVED that amounts raised from the imposition of the occupation taxes set forth above are projected to be in the amount of Five hundred six thousand, four hundred ninety-five dollars (\$506,495.00)

BE IT FURTHER RESOLVED that a hearing shall be held before the City Commission of the City of Deadwood, South Dakota, on the 5th day of November, 2018, at 102 Sherman Street in the City of Deadwood, South Dakota, to consider the business occupation tax levy. The City Finance Officer shall give notice of the hearing by mailing a complete copy of this Resolution of Intent to each occupant or user of space or property owner located in the proposed Districts at least thirty (30) days prior to the public hearing.

Dated this 1st day of October, 2018
ATTEST:
/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD
/s/ Charles Turbiville, Mayor

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Set

Martinisko moved, Ruth seconded to set public hearing for BID 1-6 Levy on November 5, 2018. Roll Call: Aye-All. Motion carried.

Struble moved, Ruth seconded to set public hearing on October 15 for SnoCross Events. Roll Call: Aye-All. Motion carried.

Martinisko moved, Struble seconded to set public hearing on October 15 for K9 Keg Pull Events. Roll Call: Aye-All. Motion carried.

OLD BUSINESS

Update

Public Works Director Green stated the building inspector completed investigation on property located at 20 Washington and has provided written a summary report. He said report would be submitted to three department heads for review and sent to property owner, at which time a hearing will be scheduled with Historic Preservation Commission. Commissioner Martinisko thanked Green for the information.

NEW BUSINESS

Ordinance

Ruth moved, Martinisko seconded to approve first reading of Ordinance #1280 Amending Chapter 8.08.010 Fireworks and Burning. Roll Call: Aye-All. Motion carried.

Final Plat

Martinisko moved, Ruth seconded to act as Board of Adjustment and approve final plat of Lots 1 and 2 of Apex Subdivision, general location 612 to 614 Main Street. Approved by Planning and Zoning on September 19. Full Legal Description: Lots 1 and 2 of Apex Subdivision; Formerly Lot IJ-1 of Block H, Lot 403A, Being a Subdivision of Probate Lot 403, Lots 1, J and K of Block H and Portion of Vacated Broadway Street, All Located in the Original Town of Deadwood, . Roll Call: Aye-All. Motion carried.

Findings of Fact

Ruth moved, Martinisko seconded to act as Board of Adjustment and approve Findings of Fact for a Conditional Use Permit for a Tattoo Business at 79 Sherman Street for Dustin Flynn dba Rellik Tattoo. Approved by Planning and Zoning on September 19. Roll Call: Aye-All. Motion carried.

Contract

Struble moved, Martinisko seconded to contract with Dharma Tree Care to trim trees and shrubs at Gordon Park at cost of \$11,500.00 to be paid from Parks Budget. Roll Call: Aye-All. Motion carried.

Agreement

Ruth moved, Struble seconded to allow Mayor to sign addendum and extend Concession Agreement with Cheyenne Crossing Store, LLC for three years to November 14, 2021 as allowed by Part A in original contract. Roll Call: Aye-All. Motion carried.

Negotiations

Martinisko moved, Ruth seconded to approve entering into negotiations with Scull Construction for public gathering space in an amount not to exceed \$300,000.00. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

- Bureau of Land Management Public Hearing on shooting range will be held on October 4 at 4:30 p.m. at Brownsville Fire Station.

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

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ADJOURNMENT

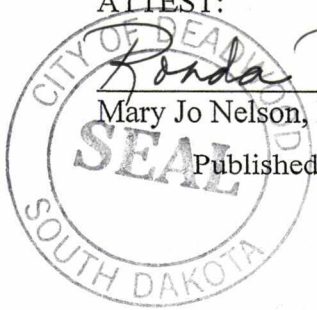
Martinisko moved, Struble seconded to adjourn the regular session at 5:27 p.m. convene into Executive Session for legal matters per SDCL 1-25-2 (3) with possible action. The next regular meeting will be on Monday, October 15, 2018.

After coming out of executive session at 6:05 p.m., Ruth moved, Struble seconded to adjourn.

ATTEST:

DATE: Oct. 14, 2018

BY: Charles M. Turbiville
Charles M Turbiville, Mayor

 Ronda Morrison
Mary Jo Nelson, Finance Officer

Published once at the total approximate cost of _____