

REGULAR MEETING, JULY 2, 2018

The Regular Session of the Deadwood City Commission convened on Monday, July 2, 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., Charlie Struble, and Gary Todd. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Martinisko moved, Struble seconded to approve the minutes of June 18, 2018. Roll Call: Aye-All. Motion carried.

JUNE, 2018 PAYROLL: COMMISSION, \$2,730.76; FINANCE, \$20,137.96; PUBLIC BUILDINGS, \$7,874.59; POLICE, \$61,660.67; FIRE, \$5,221.48; BUILDING INSPECTION, \$3,999.76; STREETS, \$29,008.66; PARKS, \$40,381.21; PLANNING & ZONING, \$5,059.44; LIBRARY, \$7,111.12; RECREATION CENTER, \$14,179.37; HISTORIC PRESERVATION, \$17,449.94; WATER, \$15,593.32; MT. MORIAH, \$5,656.80; PARKING METER, \$10,597.97; TROLLEY, \$21,693.70; PARKING RAMP, \$2,163.49. **PAYROLL TOTAL: \$270,520.24**

JUNE, 2018 PAYROLL PAYMENTS:

Internal Revenue Service, \$63,397.08; S.D. Retirement System, \$26,334.76; Delta Dental, \$4,161.99.

APPROVAL OF DISBURSEMENTS

Todd moved, Martinisko seconded to approve the July 2, 2018 disbursements plus additional bill. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	CONTRACT	330.94
ACE HARDWARE	SUPPLIES	70.95
ACE INDUSTRIAL	SUPPLIES	4,936.18
ALSCO	SUPPLIES	660.66
AMERICAN ENGINEERING	SERVICE	750.00
AMPAC	SUPPLIES	516.09
ATCO INTERNATIONAL	SUPPLIES	233.00
BADE, BRIAN	PHOTO	750.00
BH SECURITY	SERVICE	2,419.19
BH TENT & AWNING	SERVICE	1,133.66
BH TITLE COMPANY	REPORT	600.00
CHAMBERLIN ARCHITECTS	PROJECT	4,782.52
COMPETITIVE MASONRY	PROJECT	4,274.25
CORE & MAIN	SUPPLIES	199.62
D.C. BOOTH HISTORIC FISH	GRANT	13,200.00
DAYS OF '76	ALLOCATION	65,000.00
DEADWOOD ELECTRIC	REPAIR	3,423.99
DVFD	REIMBURSEMENT	1,477.50
DEMCO	SUPPLIES	1,230.68
EB COMMUNICATIONS	SERVICE	1,306.55
ECOLAB	SERVICE	189.90
ELKHORN RIDGE	GRANT	3,500.00
FASTENAL	SUPPLIES	50.90
FIRST INTERSTATE BANK	TIF	79.56
FIRST NATIONAL	SUPPLIES	1,812.47
FORGEY CONSTRUCTION	PROJECT	3,396.31
GENERAL TRAFFIC	SUPPLIES	112.48
GLOBAL EQUIPMENT	MIRROR	150.19
GLOVER, SANDY	REIMBURSEMENT	57.33
HAWKINS	SUPPLIES	1,048.42
HOLIDAY INN	LODGING	210.00
JACOBS WELDING	SERVICE	2,176.52
KLEIN APPRAISALS	APPRAISAL	650.00
KT CONNECTIONS	REPAIR	237.50
LAWRENCE CO. REGISTER	FEE	180.00
LEAD CHAMBER OF COMMERCE	ALLOCATION	6,000.00
LIBBY PRODUCTIONS	REFUND	1,100.00
LIBERTY NATIONAL BANK	TIF	129.00
LYNN'S	SUPPLIES	41.86
MEHLBERG CONSTRUCTION	PROJECT	2,550.35
MERTENS, KENNETH	REIMBURSEMENT	83.05
MIDWEST TAPE	DVDS	72.96
MOLLY CORPORATION	SUPPLIES	864.54
MDU	SERVICE	2,364.84
MUTUAL OF OMAHA	INSURANCE	240.70
OLD HOUSE JOURNAL	RENEWAL	19.95
OTIS ELEVATOR	CONTRACT	133.53
PETTY CASH	LIBRARY	50.00
PETTY CASH	HP	78.00
PITNEY BOWES	POSTAGE	500.00
QUIK SIGNS	SIGNS	382.50
QUILL	SUPPLIES	804.20
RCS CONSTRUCTION	PROJECT	185,557.59
RUSHMORE OFFICE	SUPPLIES	20.16
S AND C CLEANERS	CLEANING	3,405.00
SANITATION PRODUCTS	SUPPLIES	304.76
SCHMITZ, JOE	REIMURSEMENT	116.80
SCOTT PETERSON MOTORS	REPAIR	590.64
SD DEPT. OF ENVIRONMENT	FEE	600.00

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SD DEPT. OF MOTOR VEHICLES	PLATES	21.20
SD MAGAZINE	RENEWAL	50.00
SD MUNICIPAL LEAGUE	CLASS	25.00
SD PUBLIC HEALTH LAB	TESTING	30.00
SERVALL	SUPPLIES	1,296.76
SIMON MATERIALS	ROADSTONE	245.18
SIOUX CITY FOUNDRY	SKATES	900.00
SOCIETY OF BLACK HILLS	PUBLICATION	2,500.00
SPEARFISH HUSKY	SUPPLIES	296.00
STREICHER'S	HOLDER	50.98
TCF EQUIPMENT	TROLLEYS	9,400.86
TDG COMMUNICATIONS	SIGNS	2,227.50
TENTEXKOTA	AGREEMENT	526,653.40
THE LORD'S CUPBOARD	RECYCLING	91.20
TOM'S T'S	TSHIRTS	114.20
TRUGREEN	SERVICE	1,248.19
TWILIGHT	SUPPLIES	61.73
TWIN CITY HARDWARE	SUPPLIES	7,130.16
TWIN CITY HARDWARE	GRANT	2,022.32
UMENTHUM, KEITH	BOXES	200.00
USA BLUEBOOK	SUPPLIES	3.78
VAST	SERVICE	3,244.00
VERENDRYE MUSEUM	GRANT	1,000.00
VERIZON	SERVICE	93.24
VIGILANT BUSINESS	SOFTWARE	122.50
WELLMARK	INSURANCE	44,022.50
WESTERN STATES FIRE	REPAIR	1,574.50
WILLIAMS, JOHN	BOOKS	126.00
WINSELL CONSTRUCTION	PROJECT	18,064.13
ZEP SALES	SUPPLIES	441.25

TOTAL \$950,414.37

ITEMS FROM CITIZENS ON AGENDA

Years of Service

Fire Chief Rakow presented certificate to Trent Mohr for 35 years of service. Commission thanked him for his years of service.

Request

Ann Cass asked permission to install permanent bullpens and memorial plaque at Deadwood ballfields in memory of Marshall Sudlow, to be paid through fundraising. Mayor Turbiville stated the bullpens would be an excellent addition. Ruth moved, Martinisko seconded request. Roll Call: Aye-All. Motion carried.

CONSENT

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

- A. Resolution 2018-18 In Support of Application to Occupy SD Department of Transportation Highway Right-of-Way for Midwest Shrine Association Summer Session parade, August 16, 2018

RESOLUTION 2018-18 RESOLUTION IN SUPPORT OF APPLICATION TO OCCUPY S.D. DEPARTMENT OF TRANSPORTATION HIGHWAY RIGHT-OF-WAY WITHIN DEADWOOD CORPORATE LIMITS

WHEREAS, the City of Deadwood (CITY) will be home to the Midwest Shrine Association Summer Session on August 16 through August 17, 2018; and,

WHEREAS, State of South Dakota Highways 14A and 85 are located within the corporate limits of CITY and are affected by said closure; and,

WHEREAS, CITY herewith is submitting an application to the South Dakota Department of Transportation (SDDOT) for permit to occupy right-of-way for those portions of S.D. Highways 14A and 85 within the corporate limits of CITY on August 16, 2018, beginning at 6:00 p.m. until the end of the parade; and,

WHEREAS, by submission of the application for permit to occupy right-of-way, CITY agrees to provide protection to highway traffic during occupancy by use of proper signs, barricades, flag persons, and lights as prescribed in the "Manual of Uniform Traffic Control Devices"; and,

WHEREAS, CITY further agrees to indemnify, hold and save harmless the State of South Dakota, its Department of Transportation, its Officers and Employees, from any and all suits, actions or claims of any kind or nature brought because of any injuries or damage received or sustained by any person or property on account of the use or occupancy of right-of-way designated in this Resolution;

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NOW, THEREFORE, BE IT RESOLVED, that the City of Deadwood hereby supports the submission of the South Dakota Department of Transportation Application for Permit to Occupy Right-of-Way for the purpose described herein.

Dated this 2nd day of July, 2018

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

- B. Permission to increase wage of Parking Ramp employee Curtis Haugen from \$10.28 per hour to \$10.86 per hour effective June 21, 2018 after two years of service.
- C. Remove Parking Ramp employees Pam Goodwin and Lyle Fritzemeier from payroll effective May 5, 2018 and Rec Center employee Sabrina Brossart effective June 1, 2018.
- D. Permission to increase wage of Ordinance Officer Jeramy Russell from \$18.27 per hr. to \$19.23 per hr. effective July 3, 2018 after two years of service and Police Reserve Officer Sally Sprigler from \$13.70 per hr. to \$14.64 per hr. effective July 8, 2018 after four years of service.
- E. Permission for Mayor to sign Oakridge Cemetery Certificates of Purchase and Warranty Deeds for Mark Hadrick
- F. Permission for Police Department to hire up to six rally officers at 90% of prevailing wage
- G. Permission for Police Department to renew CMI Justice software at cost of \$7,150.00
- H. Allow Mayor to sign contract with Sacrison Paving for repairs in Dunlop Street area (approved June 18, 2018)
- I. Permission for Mayor to appoint Bonny Anfinson to the Deadwood History, Inc. board for a three-year term effective June 1, 2018
- J. Resolution 2018-19 to Surplus City-Owned Real Estate, Lot 2C of Block 23.

RESOLUTON 2018-19

RESOLUTION TO SURPLUS CITY OWNED REAL ESTATE

WHEREAS, the Deadwood City Commission desires to designate certain City owned real property as surplus land and transfer said real property to Deadwood-Lead Economic Development Corporation, pursuant to SDCL § 6-5-3 and 6-5-4

AND WHEREAS, the public interest will be better served by transferring the following described real property to the Deadwood-Lead Economic Development Corporation;

Lot 2C of Block 23, Formerly the North Half
and South Half of the Southwesterly 20 feet of
Lot 2 and the Northeasterly Five Feet of Lot 2,
Block 23, Original Town of Deadwood; City of
Deadwood, Lawrence County, South Dakota.

AND WHEREAS, the land to be designated as surplus and then transferred encourages the development of said property.

NOW THEREFORE IT IS HEREBY RESOLVED, pursuant to SDCL 6-5-4, the public interest will be better served by the proposed designation of surplus property and transfer of land to the Deadwood-Lead Economic Development Corporation.

IT IS FURTHER RESOLVED, that the Deadwood City Commission shall further follow all mandates of SDCL 6-5-4, as statutorily provided.

Dated this 2nd day of July, 2018

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

- K. Allow Mayor to sign Quit Claim Deed and Certificate of Real Estate value for same property
- L. Allow use of public property during picnic until 10:00 p.m. at the Event Complex on September 15 for Black Hills Veterans March and Marathon. Deposit has been received.

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PUBLIC HEARINGS

Land Exchange

Public hearing was opened at 5:05 p.m. by Mayor Turbiville. Commissioner Ruth recused himself but reserved the right to speak as a resident. Louie LaLonde, on behalf of Main Street Initiative Committee, Sandy Glover and Joe Schmitz, on behalf of Neighborhood Block Council, Business Owners Ron Island, Ron Russo, Mike Trucano and Doug Asermely, Father Michael Johnson, on behalf of Historic Preservation Commission and St. John's Episcopal Church, Residents Bill Glover, Dave Ruth, Sue and Gary Witt all spoke in favor. Commissioner Todd stated he supports the plaza as long as the matching funds are obtained in addition to the commitment made by Historic Preservation. Commissioner Martinisko stated the gathering place is for the betterment of the visitors and community.

Martinisko moved, Struble seconded to exchange the properties in question between the City of Deadwood and Super G Investments, and direct staff to draft the necessary resolution and negotiated agreements required for the completion of the exchange, understanding the final exchange is contingent on matching funds. Mayor Turbiville directed questions to Bill Pearson or Louie LaLonde concerning where additional funding would come from if state does not commit to matching funds and also asked about a letter written to the Governor by Economic Development Director Wagner and Mr. Pearson regarding same. Turbiville also directed questions to Historic Preservation Officer Kuchenbecker asking whether he has written documentation from State Historic Preservation and National Parks Service that they have approved the design. Kuchenbecker replied that the square was discussed but there is no final design to act on at this point. Commissioner Todd stated he was adamant that the city has satisfied its obligation toward the project with HP commitment and other funds obtained should not be from the City. Commissioner Martinisko made a motion to stop debate and call the question, second by Struble. Motion died for lack of majority.

Resident David Ruth answered some of the questions addressed. He stated in the motion on the floor, a resolution is referenced which is required to do a transfer property, and also references a negotiation agreement which will answer many concerns discussed, including Todd's concern about city being reimbursed for parking lot improvements at Pavilion site. Ruth added that all Commissioners will have input in the pending agreement and that Silverado has no interest in transferring this property to City if no plaza or gathering place is built. Tom Rensch, Super G Investments, stated they will not agree to the land exchange if the City has to provide more funding. Roll Call: Aye-All. Motion carried.

Set

Ruth moved, Todd seconded to set public hearing on July 16 for New Retail (on-off sale) Malt Beverage License, and transfer Retail (on-off sale) Wine License (RW-23145) from Apple Teaching Resources for Effective Education to Justin Fuller, Deadwood Beer and Wine LLC, dba Harrys and Joes at 65 Sherman Street. Roll Call: Aye-All. Motion carried.

Todd moved, Struble seconded to set public hearing on July 16 for New Retail (on-off sale) Malt Beverage License, and Retail (on-off sale) Wine License for Scott Jacobs, dba Jacobs Gallery at 670 Main Street. Roll Call: Aye-All. Motion carried.

Ruth moved, Martinisko seconded to set public hearing on July 16 for Motorcycle Parking. Roll Call: Aye-All. Motion carried.

OLD BUSINESS

Evaluation

Mayor Turbiville stated the Commission agreed to evaluate Sunday Event Series at this meeting, especially dealing with open container. Upon questioning, Fuller stated only one complaint was received in reference to open container in residential areas after last event. Commission agreed to continue with open container in zone 1.

NEW BUSINESS

Fund

Ruth moved, Martinisko seconded to allow Finance Officer to create Special Revenue Fund #0212 titled Business Improvement District #8. Roll Call: Aye-All. Motion carried.

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Ordinance

Ruth moved, Todd seconded to approve first reading of Ordinance #1277 to Create 2018 Budget for Business Improvement District #8 in the amount of \$230,000.00 for marketing. Roll Call: Aye-All. Motion carried.

Expenditures

Ruth moved, Todd seconded to approve recommended expenditures from April 24, 2018 BID 8 Board Minutes, \$25,000.00 for Freestyle Moto Cross event on September 7 and 8, 2018, and direct Finance Office to write check to reimburse BY Development, Deadwood Chamber and Deadwood Gaming Association. Additional reimbursements to approved expenditures will occur as cash becomes available. Roll Call: Aye-All. Motion carried.

Ordinances

Struble moved, Martinisko seconded to approve seconded reading of Ordinance #1274, Amending Chapter 2.24.030, Residency Policy. Roll Call: Aye-All. Motion carried.

Todd moved, Martinisko seconded to approve seconded reading of Ordinance #1276, Amending Chapter 8.12, Noise Ordinance. Business Owner, Toby Keehn questioned the Ordinance. Roll Call: Aye-All. Motion carried.

Agreements

Todd moved, Struble seconded to allow Mayor to sign parking lease with Celebrity for fourteen Spaces at Broadway Parking Structure in the amount of \$1,400.00 per month plus tax. Roll Call: Aye-All. Motion carried.

Ruth moved, Struble seconded to allow Mayor to sign agreement with OTIS for elevator maintenance at Adams Museum. Roll Call: Aye-All. Motion carried.

Contract

Martinisko moved, Ruth seconded to contract with Sacrison paving to patch streets in numerous areas of town in the amount of \$19,953.00 (low quote bases on quantities) and direct attorney to prepare contract. Roll Call: Aye-All. Motion carried.

Grants

Todd moved, Struble seconded to approve the Outside of Deadwood grants totaling \$75,000.00 for the second half of 2018. The approved eight grants are: Black Hills Mining Museum – Archiving Materials – Lead - \$7,000.00; Groton Community Historical Society – Trinity Episcopal Church - Groton - \$17,500.00; Homestake Opera House – Construction Design – Lead - \$15,000.00; Methodist Episcopal Church – Re-glazing stain Glass Windows – Wessington Springs - \$5,000.00; SD State historical Society – Digitize Maps – Pierre - \$15,000.00; United Church of Christ – Stained Glass Window Repair – Yankton - \$4,000.00; Verendrye Museum – Structure Repairs – Ft. Pierre - \$4,000.00; Whitewood Historic District – Street Lamps – Whitewood - \$7,500.00. Roll Call: Aye-All. Motion carried.

Resolution

Todd moved, Struble seconded to approve Resolution 2018-20 intent to lease Soda Fountain and set public hearing on July 16, 2018. Roll Call: Aye-All. Motion carried.

RESOLUTION NO. 2018-20 RESOLUTION OF INTENT TO LEASE CITY PROPERTY

WHEREAS, the City of Deadwood intends to adopt a Resolution to lease city property described as 1902 Soda Fountain (“Fountain”); now therefore

BE IT RESOLVED by the City of Deadwood that the City hereby declares its intent to lease city property for the purpose of _____, for the mutually agreed upon conditions of the Agreement Between The City of Deadwood’s Historic Preservation Commission and _____ for the period beginning _____, 2018 and ending _____, 20__; and

BE IT FURTHER RESOLVED Ownership of the Fountain remains with City of Deadwood’s Historic Preservation Commission.

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BE IT FURTHER RESOLVED The Fountain must be installed in a Historic Structure as defined by City Ordinance.

BE IT FURTHER RESOLVED The Fountain must be located on Main Street between Highway 14A and Pine Street.

BE IT FURTHER RESOLVED The Fountain must be utilized as a working soda fountain.

BE IT FURTHER RESOLVED The Fountain must have a lease agreement for at least 5 years and is renewable for an additional three terms.

BE IT FURTHER RESOLVED The Fountain must be maintained in good working order.

BE IT FURTHER RESOLVED No third parties will be allowed to take security interest in or place any other encumbrances on soda fountain.

BE IT FURTHER RESOLVED 60 day notice will be required for removal by either party.

BE IT FURTHER RESOLVED Deadwood Historic Preservation Office has right to inspect the Fountain with 24 hour notice.

BE IT FURTHER RESOLVED that a hearing shall be held before the Deadwood City Commission on Monday, the 16th day of July, 2018 at 5:00 p.m. or soon thereafter as the matter may be heard at the City Commission Chambers located at 102 Sherman Street, in the City of Deadwood, to consider the lease of real property.

The city finance officer shall give public notice of this hearing at least ten (10) days prior to the public hearing.

Dated this 2nd day of July, 2018

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

Negotiations

Ruth moved, Martinisko seconded to enter into negotiations with Winter & Company for development of Main Street Master Plan as recommended by the Selection Committee. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

- Deadwood received Recreational Trails Program funding in the amount of \$60,000.00 for Deadwood Whitewood Creek Trail and Boardwalk Rehabilitation project. Mayor Turbiville thanked Bob Nelson Jr. and Bonny Anfinson for their efforts.
- Harley Davidson to utilize space in lower Main Parking Lot for demo rides August 3 through August 12, 2018, coordinating with Chamber.

Commissioner Ruth thanked the City for their support with Shrine Circus.

ADJOURNMENT

Todd moved, Martinisko seconded to adjourn the regular session at 5:58 p.m. The next regular meeting will be on Monday, July 16, 2018.

ATTEST:


Mary Jo Nelson
Mary Jo Nelson, Finance Officer

DATE: 7-17-18

BY:

Charles M. Turbiville
Charles M Turbiville, Mayor

Published once at the total approximate cost of _____