

REGULAR MEETING, JUNE 4, 2018

The Regular Session of the Deadwood City Commission convened on Monday, June 4, 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

Martinisko moved, Ruth seconded to approve the minutes of May 21, 2018. Roll Call: Aye-All. Motion carried.

MAY, 2018 PAYROLL: COMMISSION, \$2,730.76; FINANCE, \$20,265.97; PUBLIC BUILDINGS, \$6,564.23; POLICE, \$57,501.52; FIRE, \$5,200.48; BUILDING INSPECTION, \$4,080.69; STREETS, \$29,493.68; PARKS, \$26,489.48; PLANNING & ZONING, \$5,059.44; LIBRARY, \$6,686.47; RECREATION CENTER, \$13,287.13; HISTORIC PRESERVATION, \$16,977.97; WATER, \$14,800.29; MT. MORIAH, \$1,141.20; PARKING METER, \$8,731.89; TROLLEY, \$16,258.44; PARKING RAMP, \$2,607.24. **PAYROLL TOTAL: \$237,876.88**

MAY, 2018 PAYROLL PAYMENTS:

Internal Revenue Service, \$55,513.10; S.D. Retirement System, \$25,866.12; Delta Dental, \$4,071.40.

APPROVAL OF DISBURSEMENTS

Struble moved, Martinisko seconded to approve the June 4, 2018 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	CONTRACT	312.89
A & B WELDING	SERVICE	43.75
ACE HARDWARE	SUPPLIES	127.93
ACE INDUSTRIAL	SUPPLIES	1,779.20
ALBERTSON ENGINEERING	PROJECT	3,168.87
ALSCO	SUPPLIES	268.07
ATCO INTERNATIONAL	SUPPLIES	224.00
AVENET	SERVICE	550.00
BIERSCHBACH EQUIPMENT	SUPPLIES	150.00
BH MINING MUSEUM	GRANT	2,412.39
BH PIONEER	SUBSCRIPTION	226.41
CENTURY BUSINESS PRODUCTS	CONTRACT	452.94
CHAMBERLIN ARCHITECTS	PROJECT	4,744.65
COMPETITIVE MASONRY	PROJECT	8,175.77
CONOVER, MICHAEL	PROJECT	15,389.38
CORE & MAIN	REPAIR	113.25
CREATIVE PRODUCT	SUPPLIES	67.00
DEADWOOD CHAMBER	BILL LIST	61,988.56
DEADWOOD ELECTRIC	SERVICE	112.75
DEADWOOD GRANITE	HEADSTONE	1,600.00
DEADWOOD HISTORY	SERVICE	1,128.75
ECOLAB	SERVICE	256.53
EMERY-PRATT	BOOKS	63.06
FIRST INTERSTATE BANK	TIF	24.48
FIRST NATIONAL CREDIT	SUPPLIES	2,732.87
FORGEY CONSTRUCTION	PROJECT	5,481.29
GAYLORD BROS.	SUPPLIES	85.92
GOLDEN WEST	SERVICE	6,798.13
GRACE LUTHERAN CHURCH	GRANT	970.57
HAWKINS	SUPPLIES	1,022.05
IDENTISYS	SUPPLIES	611.90
INTERSTATE ENGINEERING	PROJECT	3,152.60
JACOBS WELDING	SERVICE	163.65
KUCHENBECKER, KEVIN	REIMBURSEMENT	163.50
LAWSON PRODUCTS	SUPPLIES	331.03
LIGHTING PLASTICS	SUPPLIES	961.95
LYNN'S	SUPPLIES	35.88
MID-AMERICAN RESEARCH	SUPPLIES	520.67
MIDWEST ART CONSERVATION	MEMBERSHIP	50.00
MIDWEST TAPE	DVDS	209.96
MDU	SERVICE	4,639.95
MONTANA HISTORICAL SOCIETY	RENEWAL	35.00
MS MAIL	SERVICE	3,764.08
MUTUAL OF OMAHA	INSURANCE	250.60
NEIGHBORHOOD HOUSING	SERVICE	2,268.75
NETWORK SERVICES	SUPPLIES	108.46
NORTHERN HILLS SOD FARM	SUPPLIES	128.90
OSBORN, JANET	REIMBURSEMENT	53.64
PASSPORT LABS	METERS	126.25
PETE LIEN	SERVICE	218.50
PRINT FILE	SERVICE	529.20
PUSH-PEDAL-PULL	SERVICE	42.50
QUIK SIGNS	WRAPS	1,673.79
RAMKOTA HOTEL	CONFERENCE	190.00
RAPID CITY JOURNAL	SUBSCRIPTION	390.22
RCS CONSTRUCTION	PROJECT	182,787.39
RECREATION SUPPLY	SUPPLIES	16.22
ROCKINGTREE LANDSCAPES	SUPPLIES	165.60
RUSHMORE NEWS	BOOKS	197.91

REGULAR MEETING, JUNE 4, 2018

S AND C CLEANERS	CLEANING	2,325.00
SCHMIDT, WILLIAM	PROJECT	1,685.00
SCOTT PETERSON MOTORS	SERVICE	31.19
SD DEPT. OF CORRECTIONS	FIREWISE	612.00
SD DEPT. OF MOTOR VEHICLES	TITLE	21.20
SD DEPT. OF REVENUE	LICENSES	300.00
SD ONE CALL	SERVICE	30.24
SD PUBLIC HEALTH LAB	TESTING	30.00
SD STATE HISTORICAL	RENEWAL	40.00
SERVALL	SUPPLIES	1,049.65
SILVERNAIL, GEORGEANN	REIMBURSEMENT	23.36
SIMON MATERIALS	SUPPLIES	178.95
SOCIETY FOR HUMAN RESOURCE	MEMBERSHIP	209.00
STRETCH'S	SUPPLIES	274.95
STURGIS AUTO PARTS	SUPPLIES	50.48
SUMMIT SIGNS	SIGNS	217.50
THE LORD'S CUPBOARD	RECYCLING	106.02
TOMS, DON	PROJECT	1,000.00
TRIPLE K	REPAIR	2,210.90
TRUGREEN	SERVICE	872.27
TURBIVILLE, CHARLES	REIMBURSEMENT	204.20
TWIN CITY HARDWARE	SUPPLIES	6,583.43
TYLER TECHNOLOGIES	MAINTENANCE	836.27
VANWAY TROPHY	PLAQUE	86.53
VAST	SERVICE	3,181.25
VERBA, DIANNE	REIMBURSEMENT	428.35
VERIZON WIRELESS	SERVICE	133.25
WELLMARK	INSURANCE	49,635.46
WESTERN COMMUNICATIONS	SUPPLIES	43.00
WESTERN STAR	SUPPLIES	456.80
WESTERN STATES FIRE PROTEC	SERVICE	620.00
WOODLAWN CEMETERY ASSOCIAT	GRANT	2,500.00

TOTAL \$400,235.81

ITEMS FROM CITIZENS ON AGENDA

Mayor Turbiville thanked the Days of 76 Museum Board for the transfer/donation of assets in the amount of \$531,337.86. Expenditures were made by the Days of 76 Museum Board from 2006 through 2012 during construction of Days of 76 Museum, a city property. Ruth moved, Struble seconded to accept. Roll Call: Aye-All. Motion carried.

Erica Spurrier, Golden West Farming Co., requested permission to operate seasonal Deadwood Farmers Market every Friday from 9:00 a.m. to 2:00 p.m. July 7,13,20 and 27; August 3,17 and 31; September 7,14 and 21 at History Center Interpretive Parking Lot. She stated that they will not operate during scheduled Chamber events and will not be in the way of the bus tour that operates from same location. Certificate of insurance has been received. Martinisko moved, Ruth seconded to approve the request. Roll Call: Aye-All. Motion carried.

Ruth moved, Martinisko seconded to approve use of public space by American Legion Post 31 at History and Information Center during Kool Deadwood Nites from Thursday, August 23 through Sunday, August 26. Roll Call: Aye-All. Motion carried.

Trash Container Issue

Joe Schmitz, Stage Run resident, gave a slide presentation showing why he feels many of the trash containers around the city are not following city ordinance, which makes them unattractive to tourists and residents. He complimented many beautification efforts but showed examples of dumpsters sitting out in the open, which he believes detract from the overall view of the city. He stated the City should either enforce its own policy or eliminate it. Leroy Stuen, owner of apartment building in area, spoke in opposition. Commissioners Ruth, Martinisko, and Struble stated that they do not like to see unenclosed dumpsters on main streets and they would like to see ordinances be enforceable and not selectively enforced. Mayor Turbiville said he was not sure all dumpsters can be enclosed due to their locations. Issue will be discussed at next meeting.

CONSENT

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

- A. Resolution 2018-17 to Surplus Real Property known as Lot 10 Block 1, M.S. 308, and Transfer to Deadwood-Lead Economic Development

RESOLUTION 2018 – 17 RESOLUTION TO SURPLUS CITY OWNED REAL ESTATE

REGULAR MEETING, JUNE 4, 2018

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

Lot 10, Block 1 of The Subdivision of M.S. 308; Formerly A Portion of the Deadwood Amusement Park Tract in M.S. 308, All Located in the N1/2 of Section 23, T5N, R3E, B.H.M., 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.

IT IS FURTHER RESOLVED, that the Deadwood City Commission shall further follow all mandates of SDCL 6-5-3, as statutorily provided.

Dated this 4th day of June, 2018

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

- B. Approve 2018 annual payment to Twin City Animal Shelter for spay and neuter funds in the amount of \$3,250.00 from General Fund (budgeted)
- C. Approve use of public property and allow Deadwood History to conduct Archeology Camp at Gordon Park from June 4-14, 2018
- D. Grant reduction in trolley rate from \$1.00 to .50 per ride to Deadwood Alive in conjunction with 2018 Stagecoach Rides.
- E. Permission to hire Don Luckie and Dennis K. Rottenbacher for trolley driver positions at \$12.06 per hour effective June 5, 2018, pending pre-employment screening

PUBLIC HEARINGS

Public hearing was opened at 5:20 p.m. by Mayor Turbiville. No one spoke in favor or against, hearing closed. Martinisko moved, Ruth seconded to approve New 2018-2019 Malt Beverage and SD Farm Wine Licenses for the following: Broken Arrow Trading Company at 606 Main St., Leon Jason Mook dba The Gallows Tavern at 8 Lee St., TSG LLC dba Pump House at Mind Blown Studio at 73 Sherman St., Mary Tautkus dba Chubby Chipmunk Hand Dipped Chocolates at 420 Cliff St., and a Retail (on-off sale) Wine License to TSG LLC dba Pump House at Mind Blown Studio at 73 Sherman St. Roll Call: Aye-All. Motion carried.

Struble moved, Ruth seconded to set public hearing on June 18 for Camaro Rally on June 22, including parking on southwest side of Main Street and Wall to Lee Street northwest side from 5:00 p.m. to 9:00 p.m.. Roll Call: Aye-All. Motion carried.

Martinisko moved, Ruth seconded to set public hearing on June 18 for Bev's B'S Poker Run including Main Street parking from Wall to Lee Street on southwest side only from 6:00 p.m. to 10:00 p.m. on Sunday, June 24. Roll Call: Aye-All. Motion carried.

Ruth moved, Struble seconded to waive 45-day requirement and set public hearing on June 18 for July 4th parade street closure. Roll Call: Aye-All. Motion carried.

OLD BUSINESS

Noise Ordinance

Olivia Jacobs, Jacobs Studio, presented a proposed ordinance and reviewed changes as recommended by committee. The Mayor scheduled first reading for June 18, 2018.

Billboard

Mike Ryan, representing Barefoot Resort, appeared before Commission regarding sign issue at Nevada Gulch. After much discussion, Ruth moved to allow Barefoot to replace sign, City would prepare five-year contract beginning January 1, 2018, with no charge for first two years and payments of \$660 beginning January 1, 2020. Martinisko seconded. Ruth amended motion to state that per county requirement, no more changes can be made to that location. Martinisko seconded. Roll Call: Aye-Martinisko, Struble, Ruth. Nay-Turbiville. Motion carried.

REGULAR MEETING, JUNE 4, 2018

NEW BUSINESS

Ordinance

Mayor Turbiville explained city's ordinance that requires city employees to live within a five-mile radius of city limits. He has checked with all surrounding towns, and Deadwood is alone in requiring such a radius, but some require response time. Resident Tom Blair stated he likes the response time requirement. Resident Ann Ochse spoke in opposition to change. Commissioner Ruth stated we are losing certified officers to the County due to this requirement, and lifeguards have an exclusion from ordinance due to difficulty in finding qualified employees. After much discussion, Ruth moved to reject the First Reading to Rescind Residency Policy but directed staff to come back with alternative first reading that includes response time. Martinisko seconded. Roll Call: Aye-All. Motion carried. Mayor appointed Ruth to meet with Department Heads on June 8, 2018 regarding ordinance.

Ordinance

Finance Officer Nelson explained proposed ordinance amendment would comply with state law changes July 1, 2018 regarding sale of alcoholic beverages within City of Deadwood. Ruth moved, Martinisko seconded to approve first reading of Ordinance #1275 to Revise Chapter 5.04 Alcoholic Beverages. Roll Call: Aye-All. Motion carried.

Permission

Mayor Turbiville requested that city contract for additional appraisal for city property known as Remainder of Lot A, Block 20, which is adjacent to Franklin Motor Lodge and currently leased to Silverado for parking. He stated taxpayers need to know how much the city has invested in this property if it is being considered for property exchange. Resident Louie Lalonde reminded the Commission of the economic impact the proposed square will have on Deadwood, and stated there are more people in Deadwood in favor, than not, of the new town squares to help City move forward. Main Street Initiative Chairperson Bill Pearson said the lost \$31,000 yearly parking revenue will be more than made up by property taxes from economic development as a result of the square. Remaining Commissioners agreed that appraisal was unnecessary. Martinisko moved, Ruth seconded not to hire appraiser for said property. Roll Call: Aye-Martinisko, Struble, Ruth. Nay-Turbiville. Motion carried.

Pyrotechnic Display Application

Ruth moved, Struble seconded to approve application for Permit for Pyrotechnic Display for PBR Event on June 8 and 9, 2018. Ruth moved, Struble seconded. Roll Call: Aye-All. Motion carried.

Sign exception requests

Planning & Zoning Administrator Bob Nelson Jr. reported that applicant requested permission to place two banners on the back of the main grandstand. Ruth moved, Struble seconded to grant exception to sign code 15.32.130.26 disallowed signs and allow Libby Productions to display banners for PBR Event on June 8 and 9, 2018. Roll Call: Aye-All. Motion carried.

Georgette Ohayen, Shankar Jewelry, reported their store is celebrating 40 years of business in Deadwood and requested permission to display banner the size of her awning from June 21 through Labor Day. Martinisko then moved, Ruth seconded to grant exception to sign code 15.32.130.26 disallowed signs and allow Georgette Ohayen to display banner for time requested. Roll Call: Aye-All. Motion carried.

Board appointments

Ruth moved, Martinisko seconded to appoint Robin Carmody and reappoint Beverly Posey to Historic Preservation Commission until terms expire in 2021. Roll Call: Aye-All. Motion carried.

Martinisko moved, Struble seconded to reappoint Dain Derosier and Ted Spencer to Board of Appeals until terms expire in 2021. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

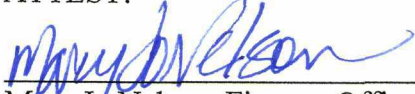
Martinisko directed Finance Officer to place discussion on the property exchange between the Pavilion and Franklin lot properties with possible action on June 18 agenda and invited the public to meeting for input.

REGULAR MEETING, JUNE 4, 2018

ADJOURNMENT

Struble moved, Ruth seconded to adjourn the regular session at 6:20p.m. The next regular meeting will be on Monday, June 18, 2018.

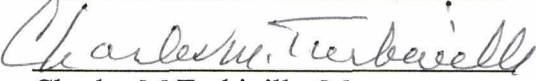
ATTEST:


Mary Jo Nelson, Finance Officer

DATE:

6-19-18

BY:


Charles M Turbiville, Mayor

Published once at the total approximate cost of _____

