

REGULAR MEETING, DECEMBER 18, 2017

The Regular Session of the Deadwood City Commission convened on December 18, 2017 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, Charlie Struble and Gary Todd. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Todd moved, Struble seconded to approve the minutes of November 20, 2017. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Struble moved, Todd seconded to approve the December 18, 2017 disbursements. Roll Call: Aye-All. Motion carried.

1ST CHOICE CONSTRUCTION	PROJECT	50,000.00
A & B WELDING	SERVICE	15.00
ACE HARDWARE	WALLPLATES	55.76
ADAMS SALVAGE	TIRES	4.78
AFFORDABLY CREATIVE	PROJECT	3,000.00
ALBERTSON ENGINEERING	ASSESSMENT	1,088.87
ALSCO	SUPPLIES	170.55
AMAZON	SERVICE	175.11
AMERICAN LIBRARY	MEMBERSHIP	213.00
AMICK SOUND	REPAIR	163.10
ANTIQUES & ART	ANTIQUES	125.00
ASPEN RIDGE LAWN	PROEJCT	9,951.04
ATCO INTERNATIONAL	SUPPLIES	339.00
BIERSCHBACH EQUIPMENT	SUPPLIES	4.12
BIESIOT, TONY	MEETINGS	175.00
BH CHEMICAL	SUPPLIES	532.44
BH ENERGY	SERVICE	31,010.05
BH MONUMENT	SERVICE	495.00
BH PIONEER	ADS	699.86
BH TENT & AWNING	AWNING	3,667.09
BH WINDOW CLEANING	CLEANING	3,256.00
BOMGAARS	ORNAMENTS	19.97
BRUNSON, RONDA	REIMBURSEMENT	454.52
BSN SPORTS	CART	144.00
BUTLER MACHINERY	SUPPLIES	1,242.66
CAMPBELL, ROBERT	PROJECT	2,700.00
CITY OF FORT PIERRE	GRANT	10,000.00
COCA COLA	SUPPLIES	315.00
COMPUTER SUPPORT SERVICES	KIT	628.99
CONDUENT GOVERNMENT SYSTEM	RENEWAL	675.00
CONOVER, MICHAEL	GRANT	9,260.02
CONVERGINT TECHNOLOGIES	SUPPLIES	616.86
CULLIGAN	SUPPLIES	155.00
DAKOTA BATTERY	SUPPLIES	125.63
DAYS INN MITCHELL	CONFERENCE	362.50
DEADWOOD CHAMBER	MARKETING	20,888.63
DEADWOOD ELECTRIC	SERVICE	516.89
DEADWOOD HISTORY	PROGRAMS	15,000.00
DMC WEAR PARTS	SUPPLIES	1,336.00
EAGLE ENTERPRISES	SUPPLIES	1,247.04
EDDIE'S TRUCK CENTER	SUPPLIES	433.49
EMERY-PRATT	BOOKS	131.69
FASTENAL	SUPPLIES	130.28
FELD FIRE	TESTER	2,475.00
FIRST INTERSTATE BANK	TIF PAYMENTS	202,626.94
FIRST NATIONAL BANK	SERIES 2012	5,762.50
FIRST NATIONAL CREDIT CARD	SUPPLIES	966.98
FLAT EARTH SIGN	SIGNS	455.00
FULL RESTORATION	GRANT	16,345.11
G&H DISTRIBUTING	SUPPLIES	128.41
GALLS	UNIFORMS	242.54
GAYLORD BROS.	SUPPLIES	7,280.00
GIBBS, IVER AND MONICA	PROJECT	1,981.64
GLOVER, SANDY	REIMBURSEMENT	311.91
GOLDEN WEST	SERVICE	1,502.08
GUNDERSON, PALMER, NELSON	SERVICE	2,866.73
KDSJ	ADS	220.00
LAWRENCE CO. REGISTER	FEE	30.00
LAWSON PRODUCTS	SUPPLIES	40.97
LEAD-DEADWOOD REGIONAL	COVERAGE	744.00
LEAD-DEADWOOD SANITARY	USAGE	55,849.68
LIGHTING PLASTICS OF MN	SUPPLIES	3,050.85
M&M SANITATION	RENTAL	220.00
MARCO	CONTRACT	510.49
MARTINISKO, JOHN	MEETINGS	225.00
MCNARY, TOM	PROJECT	600.00
MIDCONTINENT	SERVICE	77.00
MIDWEST TAPE	BOOKS	463.79
MS MAIL	SERVICE	1,849.06
MUTUAL OF OMAHA	INSURANCE	235.75
NEIGHBORHOOD HOUSING	SERVICE	4,995.00
NETWORK SERVICES	SUPPLIES	17.10
NORTHERN HILLS RECREATION	GRANT	9,226.00
NORTHERN HILLS TECHNOLOGY	SERVICE	15.00
OWENS INTERSTATE SALES	SUPPLIES	54.23
PETTY CASH	HP/PLANNING	122.46
PHIL'S ELECTRIC	PROJECT	2,595.90

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PITNEY BOWES	LEASE	250.05
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POSEY, BEVERLY	REIMBURSEMENT	16.11
QUALITY SERVICES	PROJECT	2,117.13
QUILL	SUPPLIES	228.93
RAPID DELIVERY	DELIVERY	32.20
RASMUSSEN MECHANICAL	REPAIR	232.90
REDWOOD TOXICOLOGY	TEST	21.84
RICH, BILL	MEETINGS	225.00
ROBLEY, GREG	PROJECT	1,300.00
RUNGE, BRETT	MEETINGS	200.00
RUSHMORE OFFICE	LABELS	20.99
SD ASSN. OF RURAL WATER	DUES	575.00
SD COMMISSION ON GAMING	CITY SLOTS	27,443.18
SD DEPT. OF CORRECTIONS	FIREWISE	4,803.07
SD DEPT. OF TOURISM	SPONSORSHIP	3,100.00
SD DEPT. OF REVENUE	TAXES	3,245.75
SD ONE CALL	SERVICE	21.28
SDSM&T	WORKSHOP	425.00
SEATON PUBLISHING	SOUNDBAR	1,388.43
SERVALL	SUPPLIES	409.40
SHEDD, JIM	MEETINGS	225.00
SORENSEN, LILA	REIMBURSEMENT	12.77
SOUTHSIDE OIL	DIESEL	12,977.64
SOUTHSIDE SERVICE	SERVICE	327.25
SPEARFISH LUMBER	WINDOWS	2,943.72
STRICKLAND, VICKI	DESIGN	450.00
STURDEVANT'S	SUPPLIES	1,470.30
SULLY COUNTY	GRANT	7,500.00
TALLGRASS	PROJECT	1,700.00
TDG COMMUNICATIONS	AD	550.00
TOMS, DON	PROJECT	1,560.00
TREWHELLA, MISTY	REIMBURSEMENT	130.41
TRIPLE K	REPAIR	56.99
TURBIVILLE INDUSTRIAL	SUPPLIES	256.12
TWILIGHT	SUPPLIES	305.81
TWIN CITY HARDWARE	SUPPLIES	1,224.90
TWIN CITY HARDWARE	GRANT	5,325.00
TWO WHEELER DEALER	PEDALS	60.00
VAST	SERVICE	140.69
VFW BLACK HILLS POST 5969	FLAGS	105.00
VISIONS HOME IMPROVEMENTS	GRANT	7,944.73
WASTE CONNECTIONS	DUMPSTER	7,593.59
WESTERN STAR	DOOR	5,400.00
YESCO	SERVICE	589.28

TOTAL \$601,017.52

ITEMS FROM CITIZENS ON AGENDA

Days of 76

Pat Roberts, Joel Peterson, Chris Roberts and Ron Burns with Days of '76 Committee thanked the City for their support and stated that the rodeo was chosen Medium Rodeo of the Year for the 14th year in a row at the PRCA National Convention.

After presenting property tax and sales tax figures to Commission, Pat Roberts asked that Commission exempt Days of '76 Rodeo from \$1.00 ticket charge for the year 2018. Todd moved, Speirs seconded to waive additional \$1.00 fee. Commissioner Ruth stated the City should exempt additional fees for the Days of '76 in perpetuity. Todd amended his motion, Speirs seconded to exempt Days of '76 in perpetuity. Roll Call: Aye-All. Motion carried.

CONSENT

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

- A. Authorize purchase 5500 gallons of diesel fuel from Southside at cost of \$2.36 per gallon
- B. Remove the following seasonal employees from payroll effective December 10, 2017.
Mu Chay Chay, Alice Swifthawk, Elizabeth Carbo, Broc Hanson, Coltan Radensleben, Riley Lundquist, Linsey Sandidge and Rylee Sundermann.
- C. Donate two abandoned bicycles to Lions Club at their request. Serial numbers are on file in Finance Office. Donation is allowable per SDCL 43-41-11.
- D. Purchase trees and bushes from Pennington County Conservation District for \$3,030.00 for areas along Whitewood Creek, to be paid from 2018 budget.
- E. Permission to contract with TSP to design bathroom addition to south side of Deadwood Rec Center in an amount not to exceed \$5,000.00 excluding reimbursables to be paid from 2018 budget. (CIP budget)
- F. Allow Mayor to sign contract with Black Hills Central Reservations (Black Hills Vacations) for services related to ticketing system at Event Center

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- G. Permission for Mayor to sign renewal agreement with Barefoot Resort for billboard lease from January 1, 2018 to December 31, 2018 at rate of \$55.00 per month (no change from prior year)

PUBLIC HEARINGS

Mardi Gras

Public hearing was opened at 5:06 p.m. by Mayor Turbiville. Sarah Anderson, Deadwood Chamber of Commerce, was available to answer questions.

Speirs moved, Ruth seconded to allow the relaxation of the open container ordinance on Main Street from Tin Lizzie Gaming Complex 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 83 Sherman Street on Friday February 9, 2018 from 5:00 p.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Speirs moved, Struble seconded to relax the open container ordinance for same area as approved on Friday February 9 for Saturday February 10, 2018 from 12:00 p.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Speirs moved, Ruth seconded to approve waiver of banner fees and street closure on Main Street from Tin Lizzie Gaming Resort to the Masonic Temple from 6:45 p.m. to 8:00 p.m. or until parade ends on Saturday February 10, 2018. Roll Call: Aye-All. Motion carried.

OLD BUSINESS

Pavilion

Mayor Turbiville reviewed four options regarding pavilion issue as stated at previous Commission meetings. Attorney Riggins reviewed South Dakota statutes as well as city's Conflict of Interest policy per Resolution 2017- 12 and stated that if a commissioner had a pecuniary interest, in particular in dealing with land exchange, commissioner may not vote, but may discuss by following our procedure, which is to declare conflict, leave Commission area and discuss as a member of the general public. He added that the Commissioner could discuss construction of a square in general without creating conflict.

Discussion was held concerning selling of property. Commissioner Todd stated that he was originally in favor of this option to recoup previous costs incurred, but expressed concerns that City would have no control over buyer. Resident Lyman Toews presented results of a survey he conducted with people living within 300 feet of the Pavilion. The survey indicated residents preferred parking instead of commercial building. Resident Marlin Maynard asked where parking would be for patrons of business, as well as school.

Discussion followed to city keeping property and razing the building. Commissioner Ruth stated this option ensures parking for the school district and utilizes lot during non-school hours. Historic Preservation Officer Kuchenbecker stated the building is non-contributing for historic landmark district. Commissioner Speirs stated future of our school should remain number one priority. Mayor Turbiville added that reserve funds would have to be used to demolish and prepare lot, which may cost in excess of \$300,000.00. Resident Sharon Martinisko requested that if city does retain lot for parking, they install meters only until recovery of investment.

Commission then discussed donating to Lead-Deadwood School District. School board member Orson Ward stated the school supports any decision the Commission makes and appreciates the will of the commission to take care of the school in Deadwood. Ward stated if city offered the property, the school would initiate the approval process, discussion would take place at the board meeting on January 8, with action possibly in February after public input.

Discussion continued to request from Silverado to exchange Pavilion property for Franklin Motor Lodge property, provided certain conditions were met. Commissioner Todd expressed concerns with using public funds to enhance private property. Mayor reviewed recent letter from Mr. Rensch that indicated swap would take place if city took lead on building a square and that no additional taxes of any kind would be imposed. Turbiville added that estimated cost is 4.5-5 million dollars.

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Ruth moved, Speirs seconded to raze building, and maintain ownership as a parking lot, and work with school district for parking. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Ordinances

Ruth moved, Speirs seconded to approve second reading of Ordinance #1268, Supplemental Budget Ordinance #3 for 2017. Roll Call: Aye-All. Motion carried.

Struble moved, Ruth seconded to approve second reading of Ordinance #1269, to Amend Chapter 6.08, Dogs and Cats, and set impound and license fees by resolution. Roll Call: Aye-All. Motion carried.

Todd moved, Speirs seconded to approve second reading of Ordinance #1270, to Amend Chapter 15.00 Building Construction Fees. Roll Call: Aye-All. Motion carried.

Ruth moved, Speirs seconded to approve second reading of Ordinance #1271, to Amend Chapter 17.04.090, Conformance Required. Roll Call: Aye-All. Motion carried.

Recommendation

Ruth moved, Speirs seconded to act as Board of Adjustment and approve Planning and Zoning Commission recommendation to approve Bed and Breakfast establishment for James and Susan Trucano at 124 Charles Street, providing the following stipulations are met: must be owner occupied, proof of SD Sales Tax License provided to city, proof of building inspection to ensure code compliance, proper paperwork must be filed with City Finance Office for BID tax, commercial water and garbage, and proof of South Dakota Department of Health Lodging License provided to Planning and Zoning Office. Roll Call: Aye-All. Motion carried.

Recommendation

Ruth moved, Speirs seconded to act as Board of Adjustment and approve Planning and Zoning Commission recommendation to approve Bed and Breakfast establishment for Debra Kahler at 56 Taylor, providing the same stipulations are met as mentioned above for 125 Charles Street. Roll Call: Aye-All. Motion carried.

Contract

Speirs moved, Struble seconded to allow Mayor to sign contract with TruGreen for weed spraying on city owned properties at cost of \$12,289.45. Roll Call: Aye-All. Motion carried.

Invoice

Ruth moved, Speirs seconded to allow Finance Office to pay invoice from Interstate Engineering for emergency flood study at cost of \$6,128.66 from Parks budget. Planning and Zoning Administrator stated study is required by FEMA. Roll Call: Aye-All. Motion carried.

Purchases

Struble moved, Ruth seconded to allow Historic Preservation to purchase replacement street signs and decorative posts at cost of \$5,435.00, to be paid from Wayfinding capital asset line item. Roll Call: Aye-All. Motion carried.

Speirs moved, Struble seconded to allow Historic Preservation to purchase three HP ZBook mobile workstations and five docking stations at cost not to exceed \$6,700.00 from Archives budget. Roll Call: Aye-All. Motion carried.

Sponsor

Speirs moved, Struble seconded to allow Historic Preservation to sponsor docuseries on Days of '76 Rodeo to be aired during "Special Cowboy Moments" to be paid from Public Education line item at cost of \$5,700.00. Roll Call: Aye-All. Motion carried.

Agreement

Speirs moved, Ruth seconded to allow Mayor to sign agreement with South Dakota State Historical Society Board of Trustees to pay Historical Society \$60,000.00 per year annually from July 2018 to July 2022. Roll Call: Aye-All. Motion carried.

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Discussion

Mayor Turbiville read history of events regarding Prairie Hills Transit issues through December. Facilities and Transportation Director Kruzel presented several options for consideration. Commission discussed possible continued funding to Prairie Hills vs. purchase of city-owned handicap accessible vehicle, with service provided by trolley drivers. Commissioners agreed that continuing paratransit was important for our residents. Ruth moved, Struble seconded to provide paratransit system for Deadwood residents with vehicle purchase. Roll Call: Aye-All. Motion carried.

Purchase

Speirs moved, Ruth seconded to allow Deadwood Rec Center to purchase Octane ZR 8000 Zero Runner, leg press machine and squat machine at total cost of \$9,987.82. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

- Next City Commission meeting will be held on Tuesday, January 2, due to observance of New Year's Day
- Standard and Poor's Global Rating upgraded Deadwood's credit rating from AA- to A+ and upgraded rating on certificates of participation from a to A+.
- Deadwood Rec Center is participating in Silver Sneakers fitness program, which fully subsidizes Medicare, group retirees and older adults that includes basic fitness membership.

Finance Officer Nelson clarified that the majority of budget supplements passed on Ordinance #1268 did not involve city funds. One particular TIF expenditure was a pass through with monies allocated to School, County and Sanitary District, and developer cash contribution was accounted for in another TIF account. Supplement also included grant revenues which did not require expenditure of city dollars, but was received from outside sources, particularly monies awarded through drug seizures.

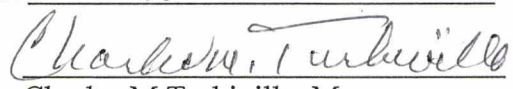
ADJOURNMENT

Speirs moved, Ruth seconded to adjourn the regular session at 6:17 p.m. The next regular meeting will be on Tuesday January 2, 2018.

ATTEST:


Mary Jo Nelson, Finance Officer

DATE: 1-3-18

BY: 
Charles M Turbiville, Mayor

Published once at the total approximate cost of _____

