The Regular Session of the Deadwood City Commission convened on November 20, 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

Speirs moved, Ruth seconded to approve the minutes of November 6, 2017. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

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

ACE HARDWARE	CUDDI THC	055 06
	SUPPLIES	257.96
AINSWORTH-BENNING	PROJECT	310.00
AKROP, DAVE	PROJECT	506.38
And the and a second seco		
ALBERTSON ENGINEERING	PROJECT	6,814.59
ALPINE IMPRESSIONS	LOGO	65.00
ALSCO	SUPPLIES	132.00
AMAZON	SEVICE	180.04
ARLETH LAND SURVEYING	PROJECT	1,937.50
ARMSTRONG EXTINGUISHER	MAINTENANCE	2,552.00
ASPEN RIDGE LAWN	PROJECT	1,871.00
ATCO INTERNATIONAL	SUPPLIES	330.00
BIALAS, KURT AND DAWN	GRANT	3,264.00
		can be an out of the
BH ASPHALT	PROJECT	8,646.44
BH CHEMICAL	SUPPLIES	3,622.94
BH PIONEER	ADS	384.45
The second se		
BH SPECIAL SERVICES	CLEANING	980.00
BH TITLE	REPORT	450.00
BH WINDOW CLEANING	CLEANING	770.75
BLACKSTRAP		
	SALT	6,523.80
BROCK WHITE COMPANY	SUPPLIES	1,979.00
BUTLER MACHINERY	SNOWBLOWER	5,658.00
CAI CONSTRUCTION	PROJECT	3,701.62
CHAINSAW CENTER	SUPPLIES	155.86
CHEMSEARCH	SUPPLIES	161.95
CITY OF LEAD	SHELTER	2,860.12
		COLUMN PROPERTY STREAMS
CONVERGINT TECHNOLOGIES	REPAIR	31.89
CULLIGAN	SUPPLIES	278.50
DAKOTA INSULATION	PROJECT	568.98
DAKOTA LUMBER	PROJECT	7,013.13
DAKOTA WINDS CONSTRUCTION	PROJECT	12,167.08
DEADWOOD CHAMBER	BOOKLETS	3,532.50
		State of the second
DVFD	REIMBURSEMENT	42.59
DEER MOUNTAIN GUTTER	PROJECT	417.08
DUNCAN PARKING	MAINTENANCE	997.56
E.T. SPORTS	SERVICE	126.00
EDDIE'S TRUCK CENTER	SUPPLIES	269.77
EMERY-PRATT	BOOKS	40.98
FAULK COUNTY HISTORICAL	GRANT	9,250.00
FIRST INTERSTATE BANK	TIF	32,158.60
FIRST PHOTO	PRINTS	279.00
GADGET TECHNOLOGY	SUPPLIES	199.98
GALLS		
	UNIFORMS	392.72
GOLDEN WEST	SERVICE	67.40
GRIMM'S PUMP	REPAIR	399.87
GUNDERSON, PALMER, NELSON	SERVICE	3,090.00
HERMY'S HTG	PROJECT	1,000.00
HILLS MATERIALS	ROADSTONE	120.24
IDENTISYS	CARDS	613.80
INTEGRATED PARKING	MAINTENANCE	3,456.00
JACOBS WELDING	SERVICE	104.65
JOHN WALSH	GRANT	600.00
KC VIDEO PRODUCTIONS	SERVICE	180.00
KNECHT	PROJECT	2,635.73
KOALA ELECTRIC	PROJECT	7,625.51
KONE	INSTPECTION	290.08
LAWRENCE CO. AUDITOR	TIF	8,224.48
LAWRENCE CO. REGISTER	FEES	300.00
LEAD DEADWOOD ARTS CENTER	AWARDS	330.00
LEAD-DEADWOOD SANITARY	TIF	1,541.60
LEAD-DEADWOOD SCHOOL	TIF	22,193.48
LIBERTY NATIONAL BANK	TIF	548.95
LYNN'S	SUPPLIES	56.65
M&M SANITATION	RENTAL	404.78
MEHLBERG CONSTRUCTION	PROJECT	4,596.30
MICHAEL TODD & COMPANY	SUPPLIES	347.21
MIDWEST TAPE	DVDS	222.04
MIKLA, JAMES & CHRISTINE	GRANT	508.00
MOHR, TRENT	REIMBURSEMENT	22.00
MS MAIL		15,131.51
	SERVICE	
	SERVICE	1 150 51
NATHAN GREENAWAY	PROJECT	1,450.54
NATHAN GREENAWAY NEIGHBORHOOD HOUSING		6,466.25
NEIGHBORHOOD HOUSING	PROJECT	
NEIGHBORHOOD HOUSING NORTHERN HILLS TECHNOLOGY	PROJECT CONTRACT SERVICE	6,466.25 15.00
NEIGHBORHOOD HOUSING NORTHERN HILLS TECHNOLOGY PFARR, RANDY	PROJECT CONTRACT SERVICE REIMBURSEMENT	6,466.25 15.00 22.00
NEIGHBORHOOD HOUSING NORTHERN HILLS TECHNOLOGY PFARR, RANDY PITNEY BOWES	PROJECT CONTRACT SERVICE REIMBURSEMENT POSTAGE	6,466.25 15.00 22.00 500.00
NEIGHBORHOOD HOUSING NORTHERN HILLS TECHNOLOGY PFARR, RANDY	PROJECT CONTRACT SERVICE REIMBURSEMENT	6,466.25 15.00 22.00
NEIGHBORHOOD HOUSING NORTHERN HILLS TECHNOLOGY PFARR, RANDY PITNEY BOWES QUALITY SERVICES	PROJECT CONTRACT SERVICE REIMBURSEMENT POSTAGE PROJECT	6,466.25 15.00 22.00 500.00
NEIGHBORHOOD HOUSING NORTHERN HILLS TECHNOLOGY PFARR, RANDY PITNEY BOWES	PROJECT CONTRACT SERVICE REIMBURSEMENT POSTAGE	6,466.25 15.00 22.00 500.00 27,032.23

RAPP SALES	SUPPLIES	163.00
RASMUSSEN MECHANICAL	SUPPLIES	48.63
RB CONSTRUCTION	PROJECT	1,006.28
REGIONAL HEALTH	SERVICE	60.00
RON UNDERHILL	GRANT	2,744.00
SD ASSN. OF CODE ENFORCEME	MEMBERSHIP	40.00
SD BUILDING OFFICIALS	MEMBERSHIP	50.00
SD COMMISSION ON GAMING	CITY SLOTS	27,443.18
SD DEPT. OF CORRECTIONS	FIREWISE	4,456.33
SD DEPT. OF MOTOR VEHICLES	TITLE	16.20
SD DEPT. OF REVENUE	TAX	4,622.09
SD GOV. FINANCE OFFICERS	DUES	130.00
SD GOV. HUMAN RESOURCE	DUES	50.00
SD MUNIC. STREET	MEMBERSHIP	35.00
SD ONE CALL	SERVICE	31.36
SD POLICE CHIEFS	MEMBERSHIP	121.78
SD STATE HISTORICAL	GRANT	24,950.00
SDML WORKERS' COMP FUND	PREMIUM	60,201.00
SJOMELING, ROBERT	GRANT	1,250.00
SOCIETY OF BLACK HILLS	GRANT	1,785.20
SORENSON, LILA	GRANT	584.58
SOUTHSIDE SERVICE	SERVICE	2,538.40
SPECIALTY VEHICLES	SERVICE	308.59
SPLIT ROCK STUDIOS	PROJECT	1,951.00
ST. JOHN'S EPISCOPAL	GRANT	216.83
STANTON'S SEWING	PATCHES	50.07
STRETCH'S GLASS	SERVICE	2,098.00
STURDEVANT'S	SUPPLIES	1,448.64
TACTICALGEAR	HOLSTER	115.90
TEMPERATURE TECHNOLOGY	REPAIR	228.66
THE LORD'S CUPBOARD	ALLOCATION	2,578.75
TRIDLE, JOHN	REIMBURSEMENT	22.00
TRIPLE K TIRE	SERVICE	88.50
TRUGREEN	SERVICE	146.00
TWILIGHT	SUPPLIES	434.96
TWIN CITY HARDWARE	SUPPLIES	2,011.04
UWI	CARRIERS	1,869.95
VFW	FLAGS	59.00
VICTOR STANLEY	BENCHES	10,026.00
VISIONS HOME IMPROVEMENTS	PROJECT	6,144.42
WESTERN COMMUNICATIONS	ANTENNAS	82.05
WHITE'S OUEEN CITY MOTORS	SUPPLIES	105.56
ZEP SALES	SUPPLIES	322.39
	00111110	522.55

TOTAL \$395,276.25

ITEMS FROM CITIZENS ON AGENDA

<u>License</u>

Ruth moved, Todd seconded to grant Deadwood Chamber a special temporary liquor license at Event Center for SnoCross on January 19 from 10:00 a.m. to 10:00 p.m. and January 20, 2018 from 8:00 a.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

<u>Request</u>

Lori Frederick from Governor's Office of Economic Development requested continued use of office space at City Hall. After discussion, Todd moved, Speirs seconded request. Roll Call: Aye-All. Motion carried.

Funding

Mike Rodman and Deadwood Alive reenactors thanked the city for funding the extended 2017 season and asked Commission to consider funding \$20,000.00 for 2018 season. Speirs moved, Ruth seconded to expend Bed and Booze Fund dollars for requested amount to extend 2018 season. Roll Call: Aye-All. Motion carried.

Participation

Brad Wilson, Administrator SDPAA Workers Compensation Fund, presented City of Deadwood a 30 Year Plaque for participation in SDPAA Workers Compensation Fund.

CONSENT

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

- A. Acknowledge Change Orders 1-4 and Pay Applications/Draw Requests 1-9 in regard to Tru Hotel project. Total contract amount \$3,220,383.39, TIF #10 eligible expenditures 2.6 million
- B. Approve attendance of Sonya Papousek in basic Law Enforcement Certification Course from November 26, 2017 through March 2, 2018.
- C. Resolution 2017-25 to Approve 2017 Interfund Cash Transfers and Close or Combine Certain Funds

RESOLUTION 2017-25, A RESOLUTION TO APPROVE INTERFUND CASH TRANSFERS, CLOSE OR COMBINE CERTAIN ACCOUNTING FUNDS IN THE CITY OF DEADWOOD

Be it resolved by the Deadwood City Commission that on November 20, 2017, the City of Deadwood has approved the following accounting transactions for 2017:

- Transfer cash From Historic Preservation Fund 0215 to Trolley Department Fund 0610, \$92,000.00 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 0215 to Water Fund 0602, \$160,814.00 for impact funds. From Historic Preservation Fund 0215 to Welcome Center Capital Projects Fund 0564 \$500,000.00 for construction.
- From General Fund 0101 to Library Fund 0206, \$56,010.00 in support of operational expenses. From General Fund 0101 to Welcome Center Capital Project Fund 0564, \$500,000.00 for construction.
- From Bed and Booze Fund 0209 to General Fund 0101, \$50,000.00 for partial payment of utility costs.
- Capital Projects Fund 0544 named as St. Ambrose shall be closed and combined with Business Type Fund 0607. Fund 0607 currently named Mt. Moriah shall be renamed as Historic Cemeteries.
- Capital Projects Fund 0564 named as Welcome Center shall be closed.
- Business Type Fund Broadway Parking Fund 0611 shall be closed, and combined with Business Type Fund 0610 Parking and Transportation.

Dated this 20th day of November, 2017 ATTEST: /s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD /s/ Charles Turbiville, Mayor

D. Renew Wine and Alcohol Licenses for 2018, pending payment of Business Improvement District and property taxes

APPROVAL OF APPLICATIONS FOR LIQUOR/WINE LICENSE RENEWALS FOR 2018 CONVENTION CENTER LICENSES

Blue Sky Gaming, Tin Lizzie Gaming Resort (CL-505)
BY Development Inc., Cadillac Jacks (RL-504)
Deadwood Hospitality Resort LLC, Deadwood Gulch Resort (CL-15404)
Deadwood Resort LLC, The Lodge at Deadwood, (CL-509)
First Gold, Inc., First Gold Hotel, (CL-502)
Gold Dust Lodging Group LLC, Holiday Inn Express Hotel & Suites (CL-503)
GR Deadwood LLC, Mineral Palace Hotel & Gaming (CL-507)
Gulches LLC, Deadwood Comfort Inn/Gulches of Fun (CL-501)
Historic Deadwood Convention Facility, LLC, Wooden Nickel, Iron Horse Inn, Martin Mason Hotel, (CL-511)
Hotel Franklin Inc., Historic Franklin Hotel (CL-506)
NMD Venture, NMD Venture –Hickok's Hotel & Casino (CL-508)
Tentexkota, Deadwood Mountain Grand Hotel & Casino (CL-510)

PACKAGE (OFF-SALE) LIQUOR

Black Diamond Capital LLC, Gold Dust (PL-4520) Blue Sky Gaming, Tin Lizzie Gaming Resort, (PL-4521) Deadwood Hospitality Resort, LLC., Deadwood Gulch Resort, (PL-4522) GR Deadwood LLC, Mineral Palace Hotel & Gaming, (PL-4524) Packhorse Liquor & Convenience Inc., Pack Horse Liquor & Convenience (PL-4523)

RETAIL LIQUOR LICENSES

Black Diamond Capital LLC, Gold Dust (RL-5792)
B.P.O Elks Lodge #508, Elks Lodge (RL-5540)
Bullock Hospitality, Bullock Hotel (RL-5542)
Deadwood Distillery, LLC, Deadwood Distillery (RL-5534)
Midnight Star Enterprises, Midnight Star I & II (RL-5995)
Midwest Motels of Deadwood, Buffalo Bodega (RL-5535)
Nugget Saloon, LLC, Nugget Saloon, (RL-5536)
Old Style Saloon No. 10 Inc., Saloon No. 10 (RL-5537)
Deadwood Distillery, LLC, Deadwood Distillery (RL-5534)
Super G Investments Inc., Silverado Gaming Establishment (RL-5538)
VFW Post 5969, VFW (RL-5541)

RETAIL (ON-OFF SALE) WINE

Angels Attic Uncorked, Angels Attic (RW-20691) Apple Teaching Resources for Effective Education, Harry's Spaghetti Western, (RW-23145) Blue Sky Gaming Inc., Tin Lizzie Gaming Resort, (RW-6415) Blue Sky Gaming Inc., Tin Lizzie Gaming Resort, (RW-6491) BRI Inc., Best Western Hickok House, (RW-6466) Broken Arrow Trading Company Inc., Deadwood Winery, (RW-21479) BY Development Inc., Cadillac Jacks, (RW-6537) Deadwood History Inc., Adams Museum & House, (RW-19327) Deadwood History Inc., Days of 76 Museum Inc. (RW-20401) Deadwood Hospitality Resort LLC, Deadwood Gulch Resort, (RW-6401) Deadwood Resort LLC, The Lodge at Deadwood, (RW-19226) DGS LLC, Deadwood Gulch Saloon, (RW-6646) Fairmont Hotel Corp., Fairmont Hotel, (RW-6461) GR Deadwood LLC, Mineral Palace Hotel & Gaming, (RW-6480) Hotel Franklin Inc., Historic Franklin Hotel, (RW-6643) Jackson Winery & Vineyard LLC, Belle Joli Winery, (RW-7568) Kodiaks Inc., Kodiaks Arcade Shooting Gallery, (RW-21877) Mary Larson, Deadwood Dicks, (RW-20965) M.S. Mail LLC, M.S. Mail, (RW-22642) Mustang Sallys Inc., Mustang Sallys, (RW-6499) Old Style Saloon No. 10 Inc., Saloon No. 10, (RW-19210) Princeton Inc., Deadwood Super 8/Lucky 8 Gaming, (RW-6447) Richard & Marguerite Olesen, Deadwood Wild Bills Trading Post (RW-21777) Rolling Hills Farm Investments LLC, Celebrity Hotel & Casino, (RW-6542) Super G Investments, Inc., Silverado, (RW-6436) Tentexkota LLC, Deadwood Mountain Grand Hotel & Casino (RW-21330) Vaughn Mary Boyd, Deadwood Tobacco Company, (RW-6648) Willy's Wild West Inc., Deadwood Station, (RW-20626) Winery Hill City LLC, Naked Winery Deadwood, (RW-24025)

- E. Pay Adam's Salvage \$3,383.46 for Deadwood's portion of liability insurance for rubble site operations. Payment is divided between Lead, Deadwood, Lawrence County and Central City (budgeted).
- F. Acknowledge the following payment to bondholders on November 1, 2017 for 2012 and 2015 Certificates of Participation: principal of \$2,555,000.00 and interest of \$160,025.00
- G. Permission to pay Maintenance Technician Dustin Nelson, \$23.08 per pay period for cell phone allowance.

BID ITEMS

Surplus Trolley

Mayor Turbiville stated one bid was opened for Trolley at 2:00 p.m. today as advertised.

Dave Usselman, Mina, S.D. - \$2,675.00

Transportation and Facilities Director Kruzel recommended Commission accept bid from Usselman in the amount of \$2,675.00. Todd moved, Struble seconded to accept bid. Roll Call: Aye-All. Motion carried.

Crane Truck

Mayor Turbiville stated three bids were opened for Crane Truck at 2:00 p.m. today as advertised. V and H Inc. – 1st truck - 1996 Kenworth - \$67,000.00 2nd truck - 1995 Oshkosh - \$44,000.00

3rd truck did not meet specs.

\$1.80 per mile transportation from truck location

Whiteford Kenworth – 1st truck – 2000 International - \$69,900.00

2nd truck did not meet specs.

\$1950.00 FOB rate to Deadwood

Rod Dickson, Equipment Repair Solutions – 2000 Sterling - \$49,900.00

\$1.50 per mile transportation from truck

Kruzel requested continuance until December 4th for review. Ruth moved, Speirs seconded request. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS

Vacate

Mayor Turbiville opened the public hearing at 5:10 p.m. for petition to vacate a portion of Pearl Street and passage of Resolution 2017-26. Upon questioning by resident Georgeann Silvernail, Planning and Zoning Administrator Nelson Jr. stated this portion of Pearl Street is on the northwest side of Burnham Street. Hearing closed. Speirs moved, Ruth seconded to pass Resolution 2017-26 to Vacate Portion of Pearl Street. Roll Call: Aye-All. Motion carried.

RESOLUTION 2017-26 TO VACATE A PORTION OF PEARL STREET

WHEREAS, the Deadwood City Commission has received a petition for the vacation of a portion of a city street pursuant to SDCL 9-45-7; and

WHEREAS, the petition requested vacation of the following-described property:

That portion of Pearl Street of the City of Deadwood, Lawrence County, South Dakota, as shown on Exhibit A attached hereto and by such reference incorporated herein.

WHEREAS, a public hearing was held on Monday, November 20, 2017, at 5:05 p.m., after due notice to the public and any other adjacent landowners, and no objections were made or received; and

WHEREAS, no actual construction of this portion of Pearl Street was ever done and the public interest will be better served by vacating the street right-of-way because petitioners' home is the only residential structure served by the existing portion of Pearl Street; and

WHEREAS, it would cause no inconvenience to the public because public travel will not be impacted; now therefore, it is hereby

RESOLVED, pursuant to SDCL 9-45-7, that the public interest will be better served by the proposed vacating of the portion of the street right-of-way; and it is further

RESOLVED that the Deadwood City Commission shall publish and file this Resolution as statutorily provided.

Dated this 20th day of November, 2017 ATTEST: /s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD /s/ Charles Turbiville, Mayor

Ball Drop

Public hearing was opened at 5:12 p.m. by Mayor Turbiville. No one spoke in favor or against, hearing closed. Speirs moved, Ruth seconded to approve street closure on Main Street from Pine Street to Lee Street from 11:50 p.m. on December 31, 2017 to 12:10 a.m. on January 1, 2018 for the New Year's Eve Ball Drop at the Franklin Hotel. Roll Call: Aye-All. Motion carried.

K9 Keg Pull

Public hearing was opened at 5:13 p.m. by Mayor Turbiville. No one spoke in favor or against, hearing closed.

Struble moved, Todd seconded to allow the relaxation of the open container ordinance on Main Street from the Tin Lizzies Gaming Resort 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 from 12:00 p.m. to 10:00 p.m. on Saturday, January 20, 2018. Roll Call: Aye-All. Motion carried.

Todd moved, Struble seconded to approve street closure on Main Street from Pine Street to Deadwood Street, from 9:00 a.m. to 6:00 p.m. on Saturday January 20, 2018. Roll Call: Aye-All. Motion carried.

OLD BUSINESS

Pavilion

Mayor began discussion concerning the future of the Pavilion. Mayor Turbiville stated he asked Department Heads Tom Kruzel, Kevin Kuchenbecker and Bob Nelson Jr. to put together possible options in order to make a decision. Kuchenbecker gave a brief description of the seven options, which were; Option 1 – Parking, Option 2 – Apartment Complex, Option 3 - Housing, Option 4 - New Commercial Enterprise, Option 5 - Gift to Government Agency, Option 6 – City Retain Ownership and Option 7 – Sale of the Property. After discussion concerning voting procedure for each option and other input from citizens in the audience, Turbiville stated these options would be considered at next Commission Meeting on December 4.

NEW BUSINESS

Board of Adjustment

Ruth moved, Speirs seconded to act as Board of Adjustment and approve final plat for Lot 1A of Meverden Addition, Formerly Lots 1 thru 7 of the Meverden Addition and Lots 1 thru 3 of Block G of Fargo's Addition and Block D of Weisflog Addition and A portion of Meverden Street; all located in M.S. 81 and M.S. 283. Planning and Zoning Administrator Nelson Jr. stated plat will define property lines, remove a portion of private property from roadway, clear encroachments and create utility easement. Roll Call: Aye-All. Motion carried.

First Reading

Ruth moved, Speirs seconded to approve first reading of Ordinance #1267, to Amend Chapter 17, Change of Zoning from R1 to C1 at intersection of Water Street and Cemetery Street. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Mayor Turbiville read the following informational items:

- The City of Deadwood will participate in Homestake Opera House Festival of Trees.

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

ADJOURNMENT

Speirs moved, Struble seconded to adjourn the regular session at 5:34 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3) and personnel matters per SDCL 1-25-2(1) with possible action. The next regular meeting will be on Monday December 4, 2017.

After coming out of executive session at 5:55 p.m., Todd moved, Speirs seconded to increase Bonny Anfinson's hourly rate from \$18.72 to \$19.72 effective November 20, 2017.

Ruth moved, Struble seconded to adjourn.

ATTEST: min

Mary Jo Nelson, Finance Officer

DATE: <u>Dec. 4, 2017</u> BY: <u>Charles M. Turbeville</u> Charles M Turbiville, Mayor

Published once at the total approximate cost of _____

