

## REGULAR MEETING, October 16, 2017, 2017

The Regular Session of the Deadwood City Commission convened on October 16, 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

Struble moved, Todd seconded to approve the minutes of October 2, 2017. Roll Call: Aye-All. Motion carried.

### APPROVAL OF DISBURSEMENTS

Todd moved, Struble seconded to approve the October 16, 2017 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS SOLUTIONS	CONTRACT	42.34
ACE HARDWARE	SUPPLIES	84.97
ADAMS SALVAGE	SERVICE	8.62
AFFORDABLY CREATIVE	PROJECT	7,994.00
ALBERTSON ENGINEERING	ASSESSMENT	3,510.00
AMAZON	SERVICE	175.15
ARLETH LAND SURVEYING	RESEARCH	622.50
ASSOCIATED BAG	BAGS	395.68
ATCO INTERNATIONAL	SUPPLIES	443.09
BETTER HOMES & GARDENS	SUBSCRIPTION	11.00
BIALAS, KURT AND DAWN	GRANT	22,037.00
BH CHEMICAL	SUPPLIES	853.19
BH ENERGY	SERVICE	29,723.53
BH HEATING	PROJECT	16,065.00
BH PIONEER	ADS	674.09
BLAIR, LINDA	REIMBURSEMENT	74.00
BOMGAARS	SUPPLIES	134.99
BOOM CONCRETE	BENCH	90.00
CALIFORNIA CONTRACTORS	SUPPLIES	263.76
CAMPBELL SUPPLY	SUPPLIES	158.45
CHAINSAB CENTER	SUPPLIES	264.78
CHANEY-MOODIE, JEANETTE	REIMBURSEMENT	591.90
COCA COLA	SUPPLIES	40.00
CRESCENT ELECTRIC	CONDUIT	948.41
CULLIGAN	SUPPLIES	145.00
DEADWOOD ALIVE	OCTOBER	1,500.00
DEADWOOD CHAMBER	LUNCHEON	176.75
DVFD	REIMBURSEMENT	170.39
EAGLE ENTERPRISES	SUPPLIES	961.76
EDDIE'S TRUCK CENTER	SUPPLIES	168.15
EME CORPORATION	PLOTTER	4,795.00
EMERY-PRATT	BOOKS	58.24
FASTENAL	SUPPLIES	671.10
FERBER ENGINEERING	SERVICE	345.00
FIRST NATIONAL CREDIT CARD	SUPPLIES	372.79
FOREMOST PROMOTIONS	SUPPLIES	204.92
FOSSO, BONNIE	GRANT	631.85
GALLS	SUPPLIES	178.94
GAYLORD BROS	SUPPLIES	1,011.08
GENERAL TRAFFIC CONTROLS,	SUPPLIES	208.70
GLOBAL EQUIPMENT	CHAIRS	1,642.70
GOLDEN WEST	SERVICE	1,586.15
HILLS MATERIALS	SUPPLIES	2,641.16
HOUGH, WILLIAM	PARKING	10.00
J & L SERVICES	SERVICE	340.00
JENNER EQUIPMENT	SUPPLIES	83.58
KDSJ	ADS	260.00
KNECHT	SUPPLIES	8,395.68
KONE	MAINTENANCE	290.08
LAWRENCE CO. REGISTER	FEES	30.00
LEAD-DEADWOOD SANITARY	USAGE	32,462.15
M&M SANITATION	RENTAL	330.00
MACROVISION	FACEBOOK	750.00
MEHLBERG CONSTRUCTION	PROJECT	2,448.33
MICHAEL TODD & COMPANY	SUPPLIES	468.72
MIDCONTINENT	SERVICE	65.00
MIDWEST TAPE	DVDS	134.09
MIKLA, JAMES & CHRISTINE	GRANT	381.11
MITZI'S BOOKS	BOOKS	99.09
MDU	SERVICE	275.74
MS MAIL	SERVICE	310.00
NARTEC	SUPPLIES	438.80
NEIGHBORHOOD HOUSING	SERVICE	6,180.00
NETWORK SERVICES	SUPPLIES	432.11
NEVE'S UNIFORMS	PANTS	396.06
NFPA	SUPPLIES	527.03
NH FRATERNAL ORDER	DUES	390.00
NORTHERN HILLS TECHNOLOGY	SERVICE	150.00
NORTHWEST PIPE FITTINGS	SUPPLIES	327.86
OSBORN, JANET	REIMBURSEMENT	67.05
PETTY CASH	LIBRARY	49.00
PFARR, RANDY	REIMBURSEMENT	22.00
PHIL'S ELECTRIC	PROJECT	1,469.70
PL CARPENTRY	PROJECT	3,177.50
POSITIVE PROMOTIONS	SUPPLIES	561.93
QUALITY SERVICES	PROJECT	1,890.62
QUICK TROPHY	NAME TAGS	45.58

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RAMKOTA HOTEL	MEETING	359.97
RAPID DELIVERY	FEES	40.25
RASMUSSEN MECHANICAL	SERVICE	882.05
REGIONAL HEALTH	TESTING	320.00
RIGHTEOUS GARAGE DOORS	PROJECT	7,532.37
ROGERS CONSTRUCTION	PROJECT	2,448.98
RUSHMORE OFFICE	SUPPLIES	126.22
S AND C CLEANERS	SERVICE	1,147.50
SD COMMISSION ON GAMING	CITY SLOTS	27,443.18
SD DEPT. OF LABOR	BENEFITS	1,021.77
SD DEPT. OF REVENUE	TAX	9,036.78
SD DEPT. OF LEGISLATIVE	AUDIT	16,167.00
SMITHSONIAN	RENEWAL	19.00
SOCIETY OF AMERICAN	RENEWAL	136.00
STRICKLAND, JAXON	DAMAGE	600.00
STURDEVANT'S	SUPPLIES	902.35
SUMMIT SIGNS	SIGNS	110.00
TRUGREEN	SERVICE	733.13
TURBIVILLE, CHARLES	REIMBURSEMENT	388.00
TWIN CITY HARDWARE	SUPPLIES	2,519.48
TWIN CITY HARDWARE	GRANT	8,664.25
VERIZON	METERS	40.01
VISIONS HOME IMPROVEMENTS	PROJECT	3,443.40
WASTE CONNECTIONS	DUMPSTERS	7,593.59
WESTBROOK, LESTER & LITA	GRANT	934.43
WESTERN COMMUNICATIONS	SUPPLIES	210.00
WHITE'S QUEEN CITY MOTORS	INDICATOR	307.43
ZOGICS	SUPPLIES	10.00
		TOTAL \$259,072.08

## ITEMS FROM CITIZENS ON AGENDA

### Request

Louie LaLonde, Main Street Initiative, asked Commission for permission to hold a Community Holiday Mixer on Friday, December 1, 2017 from 5:00 p.m. to 7:00 p.m. at Mustang Sally's and Celebrity Parking Lot. Ms. Lalonde asked for city assistance with tree decorating and bon fire. She also would like to bring recognition to the anniversary of the fire in 1987 and display a video during the mixer.

### Request

Lee Harstad, Chamber of Commerce, asked Commission to include wine in open container zones. Mr. Harstad stated this request was discussed by local businesses with hopes to further enhance the visitor experience while in town. Commissioner Todd questioned why this did not go before the Safety Committee. Mr. Harstad replied due to timing issues, he is going to Commission rather than the committee. After discussion and questions, Ruth moved, Speirs seconded to approve wine in open container zones and allow Safety Committee to assist with the glass design. Roll Call: Aye-Ruth, Speirs, Struble, Turbiville. Nay-Todd. Motion carried.

### Mail Delivery

Douglas Stephens, US Post Office, spoke to the Commission concerning centralized delivery of mail to enhance safety for mail carriers. Mr. Stephens stated the Post Office will be mailing out letters of request to residents for input on potential areas around town.

### CONSENT

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

- A. Approve Employee Policy manual updates and additions
- B. Approve Facility Use and Equipment Agreement for use of Deadwood Pavilion
- C. Approve schedule change and allow Mayor to sign Amendment 1 to Agreement Number 614591 with SD Department of Transportation.
- D. Acknowledge results of surplus auction held on September 23, with proceeds in the amount of \$3,168.74
- E. Permission to hire Martin Yost as a part-time Police Officer at \$20.12 per hr. effective October 17, 2017.
- F. Permission for Mayor to sign a Memorandum of Understanding between the City of Deadwood, the City of Lead and the Lead-Deadwood School District for two School Resource Officers.
- G. Accept resignation from Historic Preservation Intern Elizabeth Millay effective October 4, 2017
- H. Permission to purchase 11 LED replacement light fixtures for Pioneer Way from Twin City Hardware at \$996.00 each for a total cost of \$10,956.00. ( to be paid from the Streets budget)

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- I. Terminate Trolley Diver Terry Hansen effective October 6, 2017
- J. Permission to hire Alice Swift Hawk as part-time temporary employee for Public Buildings at \$8.93 per hour effective October 5, 2017
- K. Permission to hire Jhamel Smith as a Police Reserve effective October 17, 2017 at \$12.18 per hr. and remove Nathan Lechner from the Police Reserve program effective October 1, 2017
- L. Permission to increase wage of Collections Intern Lili Sjomeling from \$9.98 per hr. to \$10.71 per hr. effective October 16, 2017 after four years of service, Water Foreman Randy Pfarr from \$23.14 per hr. to \$24.29 per hr. effective October 16, 2017 after one year as foreman (100% of prevailing wage), Parking Ramp Attendant Andrew Goodwin from \$9.98 per hr. to \$10.54 per hr. effective October 21, 2017 after two years of service and Water Technician Lance Sandidge from \$18.41 per hr. to \$19.43 per hr. effective October 24, 2017 after one year as Water Tech (95% of prevailing wage).
- M. Permission to purchase a snow blower attachment for the skid steer/mini loader from Butler Machinery in the amount of \$5,658.00, to be paid from the Parks budget.
- N. Permission to hire Bill Schmidt to replace sections of sidewalks on Main Street that have been determined to be safety hazards. Cost not to exceed \$10,000.00 and City will seek reimbursement from the adjacent property owners per City ordinance.
- O. Permission to hire Evangeline Tarway as an intern for the Archives Department at \$8.93 per hr. effective October 17, 2017 pending pre-employment drug screening.
- P. Permission to purchase 50,000 Mt. Moriah Cemetery and Downtown Walking Tour brochures not to exceed \$14,000.00; to be paid from Historic Preservation Public Education.
- Q. Permission to hire Macro Vision to develop a 10-minute informational video of the December 18, 1987 Syndicate Fire at a cost not to exceed \$3,000.00; \$600.00 to be paid from the Deadwood Volunteer Fire Department and \$2,400.00 paid from Historic Preservation Public Education.

## PUBLIC HEARINGS

### Craft Beer Fest

Public hearing was opened at 5:18 p.m. by Mayor Turbiville. Sarah Anderson, Deadwood Chamber, was available to answer questions.

Speirs moved, Struble seconded to allow the relaxation of the open container ordinance on Main Street from the Tin Lizzie 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 3:00 p.m. to 10:00 p.m. on Friday, November 10, 2017. Roll Call: Aye-All. Motion carried.

### SnowCross

Public hearing was opened at 5:20 p.m. by Mayor Turbiville. Sarah Anderson, Deadwood Chamber, was available to answer questions.

Todd moved, Ruth seconded to allow the relaxation of the open container ordinance at the Event Complex from 10:00 a.m. to 10:00 p.m. on Friday, January 19, 2018. Roll Call: Aye-All. Motion carried.

Speirs moved, Ruth seconded to allow the relaxation of the open container ordinance at the Event Complex from 8:00 a.m. to 10:00 p.m. on Saturday, January 20, 2018. Roll Call: Aye-All. Motion carried.

Todd moved, Struble seconded to waive user fees at the Event Complex, Football Field, Parks Department Parking Lot, Concession Stands, Crow's Nest and all of the track area on Monday January 15 through January 22, 2018, waiver of banner fees, vending fees on public property, street closure on Crescent Street from Rodeo Street to 76 Drive with exception of Trolley and Parks Department vehicles, and allow fireworks display at 6:00 p.m. on Friday January 19 and Saturday January 20, 2018. Roll Call: Aye-All. Motion carried.

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### NAJA Shriners

Public hearing was opened at 5:22 p.m. by Mayor Turbiville. Tom Nelson was available to answer questions.

Speirs moved, Struble seconded to waive user fees at the Event Complex on Thursday, August 16 and Friday, August 17, 2018 and street closure on Main Street from Tin Lizzie Gaming Resort to the Masonic Temple from 6:00 p.m. until parade ends on Thursday, August 16, 2018, contingent on Shriners obtaining Right-to-Occupy from the South Dakota Dept. of Transportation for the parade. Roll Call: Aye-All. Motion carried.

### OLD BUSINESS

#### Incentive Plan

Discussion continued on proposed Incentive Program for Housing. Zoning Administrator Nelson Jr. presented the Commission with examples of Certification of Owner-Occupied Dwelling, state statutes, and a breakdown for property tax rebate. Commissioner Todd stated he felt strongly that proposed ordinance should state that property be owner occupied, and added there are many incentives currently in place for existing homes. Todd also suggested that if approved, a marketing plan be established to promote as an incentive to bring new residents to town, not just create an ordinance to place on the books. Commissioner Speirs expressed frustration with vacant homes in Deadwood, and Commissioner Ruth requested Nelson bring a firm number of eligible vacant homes and with the assessed value for further review.

### NEW BUSINESS

#### Second Reading

Ruth moved, Speirs seconded to approve second reading of Ordinance #1265, Supplemental Budget #2 for Revolving Loan Fund. Roll Call: Aye-All. Motion carried.

#### Holiday

Ruth moved, Speirs seconded to continue action to designate December 26, 2017 as holiday for city employees until November. Roll Call: Aye-All. Motion carried.

#### Agreement

Ruth moved, Speirs seconded to approve Purchase Agreement to allow the sale of surplus city property known as Lot 107B of Block 71 of Original Town of Deadwood in the amount of \$380.00 to Conrad Enterprises, Inc. Roll Call: Aye-All. Motion carried.

#### Quit Claim Deed

Struble moved, Todd seconded to allow Mayor to sign Quit Claim Deed and Certificate of Real Estate Value for same property mentioned above. Roll Call: Aye-All. Motion carried.

#### Deed

Zoning Administrator Nelson Jr. presented Quit Claim Deed for parcel located between Thunder Cove and Highway 85 from the State of South Dakota to City of Deadwood. The deed area is approximately 44,000 square feet. Parcel: Lot A1 in a portion of Lot H2 and the 66 foot right of way of US Highway 85 in Tract 1 of the Jim Lode Mineral Survey 1636; the 66 foot right of way of US Highway 85 in Lot 7 and Placer Claim 57 in Section 27 – Township 5 North – Range 3 East of the B.H.M. and a portion of Lot H2 and the 66 foot right of way of US Highway 85 in M.S. 107 in Section 27 – Township 5 North – Range 3 East of the B.H.M. all located in the City of Deadwood, Lawrence County, South Dakota.

#### Purchase

Speirs moved, Ruth seconded to purchase landscaping trees and planting by Aspen Ridge Lawn and landscaping for Lot A1 recently acquired from SD Department of Transportation, not to exceed \$10,000.00, budgeted item for 2017 through Capital Improvement Plan. Roll Call: Aye-All. Motion carried.

#### Request

Ruth moved, Speirs seconded to allow Northern Hills Alliance for Children use of public property and waiver of fees for Zombie Run on Saturday September 29, 2018. Roll Call: Aye-All. Motion carried.

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### First Reading

Discussion was held concerning Ordinance #1266, amending Chapter 15.01.040 to allow for appeals in regard to International Building Code. Attorney Riggins stated this ordinance deals with previous discussions regarding openings in party walls between businesses in town and whether a grandfather clause is necessary. Riggins concluded that a grandfather clause does exist in section 104.10 which he read aloud. It is Riggins' opinion that due to the grandfather provision, it is unnecessary to create yet another provision, which would have less effect than what is currently on the books. He added that City Commission believes they should have the ability to appeal building code decisions beyond Board of Appeals, which creates two additional steps: to allow for appeals to City Commission, and then to Circuit Court. Commissioner Ruth questioned sections C and D in regard to limits of authority of the City Commission to empower them to waive requirements of the code. Ruth stated he understands the language was drafted from the Board of Appeals language, and the reason Board of Appeals has that limitation is because they are an appointed body. He went on to say that as an elected body, it is important that the Commission retain the ability to make changes if need be, and read his proposed changes aloud. Business owner and resident Mike Trucano spoke in favor of ordinance and the suggested changes. After discussion, Ruth moved, Speirs seconded to amend Ordinance #1266, and then to have first reading of the amended Ordinance #1266 to Amend Chapter 15.01.040 to enable appeal of Board of Appeals decisions directly to City Commission, then to Circuit Court. Aye-All. Motion carried.

### Vacation Rentals

Zoning Administrator Nelson Jr. stated the department met with City Attorney and Chief of Police to address violations of vacation rentals in Deadwood. An amendment on Ordinance Section 17.53.60 will be brought forward. Nelson stated vacation rentals in residential zones are not allowed in the city limits and are in violation of the municipal code as well as state law. Commissioner Ruth added it is important to keep pursuing violations to protect our lodging industry as well as the interest of the residents in the neighborhoods being impacted.

### INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Mayor Turbiville read the following informational items:

- Flu Shot Clinic for employees and commissioners on November 9, 2017 from 1:00 p.m. to 3:00 p.m. in the City Commission Room

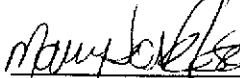
Attorney Riggins requested Executive Session for legal matters per SDCL 1-25-2(3) with possible action.

### ADJOURNMENT

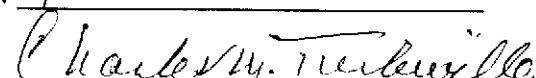
Speirs moved, Todd seconded to adjourn the regular session at 5:59 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3) with possible action. The next regular meeting will be on Monday November 6, 2017.

After coming out of executive session at 6:07 p.m., Speirs moved, Todd seconded to adjourn.

ATTEST:

  
Mary Jo Nelson, Finance Officer

DATE: 11-6-17

BY:   
Charles M Turbiville, Mayor

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