

## REGULAR MEETING, September 5, 2017, 2017

The Regular Session of the Deadwood City Commission convened on September 5, 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 August 21, 2017. Roll Call: Aye-All. Motion carried.

Ruth moved, Speirs seconded to approve the minutes of August 30, 2017. Roll Call: Aye-All. Motion carried.

AUGUST, 2017 PAYROLL: COMMISSION, \$4,096.14; FINANCE, \$28,563.54; PUBLIC BUILDINGS, \$7,687.40; POLICE, \$105,943.37; FIRE, \$7,032.21; BUILDING INSPECTION, \$5,826.84; STREETS, \$44,181.58; PARKS, \$49,803.01; PLANNING & ZONING, \$7,368.60; LIBRARY, \$9,695.68; RECREATION CENTER, \$23,739.62; HISTORIC PRESERVATION, \$23,239.81; WATER, \$22,861.87; MT. MORIAH, \$6,620.60; PARKING METER, \$13,471.79; TROLLEY, \$29,524.21; PARKING RAMP, \$7,651.23 **PAYROLL TOTAL: \$397,307.50**

### AUGUST, 2017 PAYROLL PAYMENTS:

Internal Revenue Service, \$101,555.79; S.D. Retirement System, \$38,952.78; Delta Dental, \$3,957.71.

### APPROVAL OF DISBURSEMENTS

Todd moved, Speirs seconded to approve the September 5, 2017 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	CONTRACT	299.88
ACE HARDWARE	SUPPLIES	443.95
ACTION MECHANICAL	INSPECTION	1,112.79
AINSWORTH-BENNING	PROJECT	331,738.00
ALBRIGHT CONSTRUCTION	PROJECT	8,280.00
ALSCO	SUPPLIES	132.00
ARLETH LAND SURVEYING	SERVICE	3,830.00
ATCO INTERNATIONAL	SUPPLIES	224.00
BH CHEMICAL	SUPPLIES	827.23
BH ENERGY	SERVICE	31,911.16
BH SECURITY	REPAIR	799.30
BRANDON INDUSTRIES	SIGNS	995.00
CAMPBELL, CADE	REFUND	23.00
CENTURY BUSINESS	SERVICE	364.64
CENTURY LINK	SERVICE	375.71
CHRONICLE OF THE OLD WEST	SUBSCRIPTION	30.00
CODE WORKS	SERVICE	5,544.72
CONRAD'S SIGNS	SERVICE	1,596.30
CONVERGINT TECHNOLOGIES	BATTERY	32.97
DAKOTA PLAINS AUCTION	ITEMS	2,497.60
DEADWOOD CHAMBER	BILL LIST	16,625.00
DVFD	STAFFING	1,242.04
DEADWOOD HISTORY	AD	162.50
EAGLE ENTERPRISES	LAMPS	2,241.00
EB COMMUNICATIONS	SERVICE	121.80
ECOLAB	SERVICE	90.00
EMERY-PRATT	BOOKS	159.41
FASTENAL	SUPPLIES	18.30
FIRST NATIONAL CREDIT CARD	SUPPLIES	2,283.92
FLOYD, TRAVIS	GRANT	2,000.00
G&H DISTRIBUTING	SUPPLIES	177.27
GARDNER CONSTRUCTION	PROJECT	5,203.00
GAYLORD BROS.	SUPPLIES	205.68
GLOBAL EQUIPMENT	FOOTSTOOL	62.90
GRIMM'S PUMP	SERVICE	141.75
HD SUPPLY WATERWORKS	SUPPLIES	450.00
HILLS MATERIALS	SERVICE	67.50
HISTORIC RAPID CITY	GRANT	15,000.00
HOMESTAKE OPERA HOUSE	GRANT	3,900.00
JACOBS WELDING	SERVICE	1,219.57
KNIGHT SECURITY	SERVICE	250.00
KT CONNECTIONS	SERVICE	775.56
LAWRENCE CO. REGISTER	FEE	60.00
MIDWEST TAPE	DVDS	126.95
MIKLA, JAMES & CHRISTINE	GRANT	7,504.34
MDU	SERVICE	2,445.26
MS MAIL	SERVICE	2,556.26
MUTUAL OF OMAHA	INSURANCE	230.80
MYSTIC PRESERVATION	GRANT	3,354.80
NETWORK SERVICES	SUPPLIES	39.62
NEVE'S UNIFORMS	TAGS	55.30
NORTHWEST PIPE FITTINGS	SUPPLIES	25.41
PETTY CASH	FINANCE	146.80
PL CARPENTRY	PROJECT	3,177.50
REGIONAL HEALTH	TESTING	135.00
ROSENBAUM'S SIGNS	PROJECT	21,745.00

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RUNGE, MIKE	REIMBURSEMENT	376.23
S AND C CLEANERS	CLEANING	2,740.00
SCHMIDT, WILLIAM	PROJECT	3,927.00
SD DEPT. OF MOTOR VEHICLES	TITLE	21.20
SD HUMANITIES COUNCIL	SPONSORSHIP	20,000.00
SD MAGAZINE	RENEWAL	25.00
SD MUNICIPAL LEAGUE	CONFERENCE	200.00
SD PUBLIC HEALTH LAB	TESTING	30.00
SERVALL	SUPPLIES	1,276.93
SOUTHSIDE OIL	GAS	22,340.25
THE LORD'S CUPBOARD	RECYCLING	57.42
TITAN MACHINERY	CONVEYOR	565.04
TOMS, DON	PROJECT	780.00
TRIPLE K	REPAIR	399.00
TRUGREEN	SERVICE	369.10
TTG ENTERPRISES	SERVICE	110.00
TWILIGHT	SUPPLIES	668.75
TWIN CITY HARDWARE	SUPPLIES	2,966.38
TWIN CITY HARDWARE	SUPPLIES	9,520.37
UTILITY SERVICE	SERVICE	24,114.00
VAST	SERVICE	3,152.05
VERIZON	METERS	40.01
VIEHAUSER ENTERPRISES	SERVICE	12.00
WARREN WINDOW	GRANT	10,413.48
WELLMARK	INSURANCE	41,608.10
WEST RIVER HISTORY	SPONSORSHIP	500.00
		TOTAL \$631,270.80

### ITEMS FROM CITIZENS ON AGENDA

#### Thank you

Tom Adams with American Legion introduced Oz Enderby, Commander of American Legion Post, and thanked the City for their support for their fundraiser during Kool Deadwood Nites.

#### Reinstate

Brad Meehan, Dakota Taxi, asked the Commission to reinstate Vehicle for Hire license which was suspended on August 30, 2017. After questions from current Vehicle for Hire licensees, Ruth moved, Struble seconded to reinstate license pending application submission to Chief of Police. Roll Call: Aye-All. Motion carried.

#### CONSENT

Ruth moved, Todd seconded to remove item B for separate consideration and approve the following consent items: Roll Call: Aye-All. Motion carried.

- A. Designate Black Hills Pioneer as official newspaper for twelve months per SDCL 9-12-6
- B. Removed for separate consideration beginning of new business.
- C. Resolution 2017-21 to make Annual Appointment of Business Improvement District #7 Board Members

### **RESOLUTION 2017-21 APPOINTING BUSINESS IMPROVEMENT DISTRICT NO. 7 BOARD MEMBERS**

**WHEREAS**, the City of Deadwood has by previous resolution, ordinances, and action established and designated the boundaries of Business Improvement District No. 7 for the City of Deadwood pursuant to SDCL 9-55-5; and

**WHEREAS**, SDCL 9-55-5 requires the appointment of a Business Improvement District's Board by the Mayor, with the approval of the governing body; and

**BE IT RESOLVED** by the City of Deadwood, by its Mayor and with the approval of the City Commission, having first established the above boundaries, that the following members are appointed to the Business Improvement District Board District No. 7 for a term of one (1) year from August 1, 2017 through July 31, 2018:

Diana Prada-Mineral Palace  
Willie Welchel-Gold Country Inn/Deadwood Station  
Pat Roberts-Best Western Hickok House

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Joe Henning-BH Inn and Suites  
Caleb Arcenault-Cadillac Jack's/Springhill Suites/Hampton Inn  
Gordon Mack-Cedarwood Inn  
Susan Kightlinger-Deadwood Mountain Grand  
Ken Gienger-Celebrity/Branch House  
Tracy Island-Comfort Inn  
Ron Island-Super 8  
Charles Brimmer-Bullock Hotel  
Dave Larson-Deadwood Dick's  
Sue Hayes-Deadwood Gulch Resort  
Michael Trucano-Hickok Hotel/Iron Horse Inn  
Michelle Fischer-The Hotel by Gold Dust  
Amber Diers-777/Gold Dust Lodging (Holiday Inn Express)/Hotel by Gold Dust  
Steve Schaeffer-First Gold  
Tom Rensch-Franklin Hotel  
Court French-Thundercove  
Dexter Koehne-Butch Cassidy Suites  
Blake Haverberg-Martin Mason  
Anthony Galbraith-Lodge at Deadwood  
Tom Koth-Madame Peacock's

Dated this 5th day of September, 2017

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

- D. Permission to increase wage of Rec Center employee Jeanne Reif from \$9.20 hr. to \$9.42 hr. effective September 9, 2017 after two years of service, and increase wage of Trolley Driver Lance Sandidge from \$12.18 hr. to \$13.01 hr. effective July 17, 2017 due to change in trolley wage scale.
- E. Hire Jhamel Smith for Ordinance Officer position effective September 11, 2017 at \$16.80 per hour, pending pre-employment screening
- F. Permission for Mayor to sign thirty-six (36) month agreement with Holiday Inn Express and Hotel by Gold Dust to rent 120 spaces for parking of motor vehicles in Broadway Parking Structure at cost of \$60.00 per space plus tax.
- G. Permission for Mayor to sign the following four (4) agreements with Deadwood History Inc. for use of city property: Adams Museum, Adams House, Homestake Adams Research Center, and Days of 76 Museum.
- H. Permission for Mayor to sign revised contract with Forgey Construction for work on Stewart Street.
- I. Permission to remove the following seasonal employees from payroll effective September 1, 2017: Colt Bradley, Connor Kuhl, Kristi LaQua, McKayla Norton, Ellen Voegeli, Ashley Hansen, Kadden Dillman, Kole Frisinger and Caleb Percy.
- J. Cancel contract with Mystic Miner for nonpayment of billboard lease. Amount owed \$1,694.00 including late fees.
- K. Permission to hire Adriane Melcher and Brad Morgan as receptionists for the Rec Center at \$8.93 hr. effective September 7, 2017 pending pre-employment drug screening.

PUBLIC HEARINGS

Set

Todd moved, Speirs seconded to set public hearing on September 18 at 5:00 p.m. for Resolution of Intent to Lease Billboard Space to Terry Peak Ski Resort. Roll Call: Aye-All. Motion carried.

Oktoberfest

Public hearing was opened at 5:07 p.m. by Mayor Turbiville. Lee Harstad, Deadwood Chamber of Commerce, was present to answer questions. No comments received. Hearing closed.

Ruth moved, Speirs seconded to allow the relaxation of the open container ordinance on Main Street from the Four Aces 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 5:00 p.m. to 10:00 p.m. on Friday, September 29, 2017. Roll Call: Aye-All. Motion carried.

## REGULAR MEETING, September 5, 2017, 2017

Ruth moved, Speirs seconded to allow the relaxation of the open container ordinance for same area as approved on Friday September 29, 2017 from noon to 10:00 p.m. on Saturday September 30, 2017. Roll Call: Aye-All. Motion carried.

Speirs moved, Todd seconded to approve street closure on Main Street from Wall Street to Deadwood Street, including some adjacent side streets from 9:00 a.m. to 6:00 p.m., waiver of vending fees from 11:00 a.m. to 6:00 p.m. and waiver of banner fees for Deadwood Chamber on Saturday September 30, 2017. Roll Call: Aye-All. Motion carried.

### Deadweird Events

Public hearing was opened at 5:09 p.m. by Mayor Turbiville. Lee Harstad, Deadwood Chamber of Commerce, was present to answer questions. No comments received. Hearing closed.

Ruth moved, Speirs seconded to allow the relaxation of the open container ordinance on Main Street from the Four Aces 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 Sherman Street from 5:00 p.m. to 10:00 p.m. on Friday, October 27, 2017. Roll Call: Aye-All. Motion carried.

Todd moved, Speirs seconded to allow the relaxation of the open container ordinance for same area as approved on October 27, 2017 from 12:00 p.m. to 10:00 p.m. on Saturday, October 28, 2017. Roll Call: Aye-All. Motion carried.

Ruth moved, Speirs seconded to approve street closure on Main Street from Wall Street to Deadwood Street, including some adjacent side streets from 5:00 p.m. to midnight, and Deadwood Street to Pine Street from 5:00 p.m. to 10:00 p.m. on Saturday October 28, 2017. Roll Call: Aye-All. Motion carried.

### Wild West Songwriters

Mayor Turbiville opened the public hearing 5:10 p.m. Lee Harstad, Deadwood Chamber, was present to answer questions. No comments received. Hearing closed.

Struble moved, Todd seconded to allow the relaxation of the open container ordinance on Main Street from the Four Aces 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 5:00 p.m. to 10:00 p.m. on Friday, October 13, 2017. Roll Call: Aye-All. Motion carried.

Ruth moved, Speirs seconded to allow the relaxation of the open container ordinance for same area as approved on October 13, 2017 from 12:00 p.m. to 10:00 p.m. on Saturday, October 14. Roll Call: Aye-All. Motion carried.

## NEW BUSINESS

### Resolution 2017-20

Todd moved, Struble seconded to add Louie LaLonde to list of board members and approve Resolution 2017-20 to Appoint Business Improvement District #1-6 Board Members. Roll Call: Aye-All. Motion carried.

### **RESOLUTION 2017-20 APPOINTING BUSINESS IMPROVEMENT DISTRICTS #1-6 BOARD MEMBERS**

**WHEREAS**, the City of Deadwood has by previous resolution, ordinances and action established and designated the boundaries of Business Improvement Districts 1, 2, 3, 4, 5 and 6 for the City of Deadwood; and

**WHEREAS**, SDCL 9-55-5 requires the appointment of a Business Improvement Districts Board by the mayor, with the approval of the governing body;

**REGULAR MEETING, September 5, 2017, 2017**

**NOW THEREFORE, BE IT RESOLVED** by the City of Deadwood that the following members are appointed to the Business Improvement Board for Districts 1, 2, 3, 4, 5 and 6 for the period from August 1, 2017, to July 31, 2018 or until such time as Business Improvement District makes an alternative recommendation to City.

Ron Island	Tom Rensch
Pat Roberts	Tony Sieber
Susan Kightlinger	Mary Dunne Larson
Steve Schaeffer	Mike Trucano
Donnie Patton	Lonny Strong
Ken Gienger	Paul Bradsky
Tracy Island	Louie LaLonde
Ron Russo	

Dated this 5th day of September, 2017

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

**First Reading**

Speirs moved, Ruth seconded to approve first reading of 2018 Budget Appropriation Ordinance #1263. Roll Call: Aye-All. Motion carried.

**Resolution 2017-22**

Speirs moved, Ruth seconded to approve Resolution 2017-22 to Surplus City Owned Real Estate, Lot 107B of Block 71. Zoning Administrator Nelson Jr. stated the land is adjacent to the old Hardware Store. Roll Call: Aye-All. Motion carried.

**RESOLUTION 2017 - 22  
RESOLUTION TO SURPLUS CITY OWNED REAL ESTATE**

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 107B of Block 71, Original Town of Deadwood; formerly the Public Lots of an unnamed Public Alley, and Lot 107 O.T. Deadwood, all located in the 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 5th day of September, 2017

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

**Appoint**

Speirs moved, Struble seconded to appoint Joyce Pfarr, Brett Runge, and Lyman Toews to the Board of Appraisers to value property on Lot 107B of Block 71 as result of Resolution 2017-22. Roll Call: Aye-All. Motion carried.

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First Reading

After discussion and clarification from Attorney Riggins, Ruth moved, Todd seconded to approve first reading of Ordinance #1264 to Amend Chapter 5.48.138 Vehicles for Hire/Revocation of License. Roll Call: Aye-All. Motion carried.

Contract

Todd moved, Struble seconded to allow the Mayor to sign contract with McDirt Excavating to replace two water valves on Main Street in an amount not to exceed \$10,000.00. Roll Call: Aye-All. Motion carried.

Contract

Ruth moved, Speirs seconded to allow the Mayor to sign contract with Michael Conover to replace sill fronts and rotten trim on windows, doorframes, garage door and panel replacement in City Hall at cost of \$16,000.00. Expenditure to be paid from Historic Preservation Capital Assets (budgeted). Roll Call: Aye-All. Motion carried.

Plan

Economic Development Incentive Plan for Housing was discussed. Zoning Administrator Nelson Jr. stated this plan would create a five-year tax rebate for vacant properties and new housing in Deadwood. The proposed rebate would refund city portion of property taxes back to owners for qualifying properties. Commissioner Todd expressed concern about owners of vacation homes taking advantage of a program meant to encourage full time residents. After discussion concerning owner occupied status and vacant home timeframe, Mayor Turbiville asked Zoning Administrator Nelson to address the issues and bring back for review.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Lee Harstad, Deadwood Chamber, thanked the Commission and City staff for help during Kool Deadwood Nites.

Attorney Riggins requested Executive Session for legal matters per SDCL 1-25-2(3) and union negotiations per SDCL 1-25-2(4) with possible action.

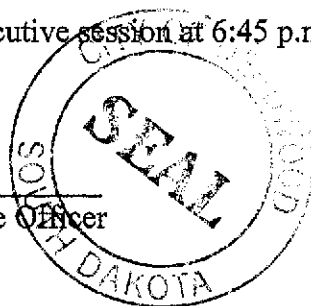
ADJOURNMENT

Speirs moved, Ruth seconded to adjourn the regular session at 5:38 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3) and union negotiations per SDCL 1-25-2 (4) with possible action. The next regular meeting will be on Monday September 18, 2017.

After coming out of executive session at 6:45 p.m., Ruth moved, Struble seconded to adjourn.

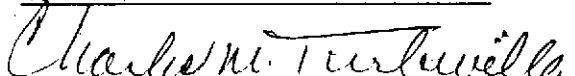
ATTEST:

  
Mary Jo Nelson, Finance Officer



DATE: 9-19-17

BY:

  
Charles M Turbiville, Mayor

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