

REGULAR MEETING, APRIL 17, 2017

The Regular Session of the Deadwood City Commission convened on April 17, 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, Commissioners David Ruth Jr., Mark Speirs, Gary Todd, and Jim Van Den Eykel. City Attorney Quentin L. Riggins was absent. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Speirs moved, Todd seconded to approve the minutes of April 3, 2017 and Board of Adjustment minutes of March 20, 2017. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Ruth moved, Todd seconded to approve the April 17, 2017 disbursement. Roll Call: Aye-All. Motion carried.

AASLH MEMBERSHIP	RENEWAL	115.00
ACE INDUSTRIAL	SUPPLIES	154.70
ALBRIGHT CONSTRUCTION	PROJECT	56,758.95
ALSCO	SUPPLIES	130.82
AMANO MCGANN	AUTOMATION	91,259.78
AMAZON WEB	SERVICE	188.74
BH CHEMICAL	SUPPLIES	498.44
BH PIONEER	ADS	680.76
BH TITLE	SEARCH	300.00
BH URGENT CARE	TESTING	60.00
BH WINDOW CLEANING	CLEANING	1,464.00
BRANDON INDUSTRIES	SIGNS	976.00
CAI CONSTRUCTION	PROJECT	11,472.00
CARQUEST	SUPPLIES	58.11
CHAINSAW CENTER	SUPPLIES	473.51
COCA COLA	SUPPLIES	178.00
COMPETITIVE MASONRY	PROJECT	23,383.15
CONVERGINT TECHNOLOGIES	SERVICE	341.58
CULLIGAN	SUPPLIES	520.50
DAKOTA SUPPLY	SUPPLIES	114.47
DAVE STAFFORD ARCHITECTURE	PROJECT	584.77
DAYS OF '76 MUSEUM	OPERATING	85,000.00
DEADWOOD ALIVE	PAYMENT	20,000.00
DEADWOOD ELECTRIC	PROJECT	7,631.96
DEADWOOD HISTORY	ADMISSION	160.00
DEADWOOD-LEAD ECONOMIC	ALLOCATION	48,000.00
DEMCO	SUPPLIES	276.56
DRAGONS ARE TOO SELDON	WORKSHOP	575.00
DREAMFLY CREATIONS	RECONSTRUCTION	378.87
EAGLE ENTERPRISES	SUPPLIES	862.76
EB COMMUNICATIONS	SERVICE	144.90
ECOLAB	SERVICE	245.25
EMERY-PRATT	BOOKS	231.06
FIREHOUSE SOFTWARE	RENEWAL	675.00
GOLDEN VALLEY PRESS	BOOK	50.00
GQ PROFESSIONAL ACCOUNTS	SUBSCRIPTION	39.00
GUNDERSON, PALMER, NELSON	SERVICE	3,973.01
HARRISON, MARILYN	ELECTION	153.00
INTERSTATE BATTERY	SUPPLIES	9.50
JACOBS WELDING	SERVICE	1,600.15
KDSJ	ADS	160.00
KNECHT	SUPPLIES	37.98
KONE	INSPECTION	290.08
LEAD-DEADWOOD SANITARY	CONSUMPTION	27,186.89
LIGHT AND SIREN	SUPPLIES	331.00
LIGHTING PLASTICS OF MN	REPAIRS	521.00
LYNN'S	SUPPLIES	24.24
M&M SANITATION	RENTAL	220.00
MACROVISION	FACEBOOK	750.00
MED-TECH RESOURCE	BATTERIES	108.91
MENARD'S	SUPPLIES	379.18
MIDCONTINENT COMMUNICATION	SERVICE	65.00
MIDWEST TAPE	DVDS	251.88
MITZI'S BOOKS	BOOKS	53.53
MDU	SERVICE	383.03
MS MAIL	SERVICE	3,257.69
NEIGHBORHOOD HOUSING	CONTRACT	5,477.50
NETWORK SERVICES	SERVICE	158.18
NORTHERN HILLS TECHNOLOGY	SERVICE	55.00
NORTHWEST PIPE FITTINGS	SUPPLIES	899.97
OSBORN, JANET	REIMBURSEMENT	76.63
OTIS ELEVATOR	CONTRACT	129.30
OVERDRIVE	MAINTENANCE	3,000.00
OWENS INTERSTATE	SUPPLIES	126.63
PASSPORT PARKING	METERS	70.25
PETTY CASH	PKNG RAMP	1,000.00
PITNEY BOWES	POSTAGE	500.00
PLAY IT AGAIN SPORTS	AIRDYNE	699.99
QUALITY SERVICES	CURATION	1,718.05
QUICK TROPHY	TAGS	21.00
QUIK SIGNS	SIGNS	1,448.22
RANGEL CONSTRUCTION	PROJECT	10,019.05
RASMUSSEN MECHANICAL	PROJECT	9,987.16
SCHOLL PLUMBING	BOILER	6,377.56
SCOTT PETERSON MOTORS	REPAIR	2,287.24

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SD COMMISSION ON GAMING	CITY SLOTS	27,443.18
SD DEPT. OF CORRECTIONS	FIREWISE	4,108.19
SD DEPT. OF LABOR	UNEMPLOYMENT	111.75
SD DEPT. OF REVENUE	TAX	3,315.64
SD DEPT. OF TRANSPORTATION	PROJECT	153,797.00
SD ONE CALL	SERVICE	24.64
SD STATE ARCHIVES	MICROFILM	64.00
SOCIETY OF BLACK HILLS	GRANT	3,687.50
SORENSEN, LILA	ELECTION	153.00
SPLIT ROCK STUDIOS	PROJECT	182,250.00
STANLEY STEEMER	CLEANING	2,900.00
STREICHER'S	GRAPHICS	284.98
STURDEVANT'S	SUPPLIES	1,705.29
SUMMIT SIGNS	SIGNS	745.50
TDG COMMUNICATIONS	WEBSITE	30.00
TEEN COURT	ALLOCATION	8,500.00
TSP	SERVICE	2,520.00
TTG ENTERPRISES	REPAIR	220.00
TWIN CITY HARDWARE	WINDOWS	602.69
UMENTHUM, KEITH	PROJECT	7,462.92
VANWAY TROPHY	PLAQUE	38.50
WAISANEN, ARDATH	ELECTION	178.00
WASTE CONNECTIONS	DUMPSTER	929.54
WESTERN COMMUNICATIONS	CHARGER	53.00
ZUERCHER TECHNOLOGIES	MAINTENANCE	32.92
		TOTAL \$838,949.68

Canvass Election

Acting as Board of Canvass, Van Den Eykel moved, Todd seconded to approve the election results and sign Official Canvass Sheet for April 11, 2017 municipal election. Commissioner Ruth abstained. Roll Call: Aye-Van Den Eykel, Speirs, Todd, Turbiville. Motion carried.

Two (2) Three-Year Term for City Commission

David R. Ruth Jr.	158
Charlie Struble	146
Bob Nelson Sr.	127
Marlin Maynard	62
Jim Trucano	49

ITEMS FROM CITIZENS ON AGENDA

Proclamations

Joann Eastman requested Mayor Turbiville sign the Proclamation for Arbor Day on May 5 and stated that Tree Board planned to plant a tree at corner of Sherman Street and Harrison Street. Finance Officer Nelson stated that SD Department of Transportation did not support due to line of sight in the right-of-way and asked Eastman to contact Public Works Director Ron Green.

The Mayor read a proclamation declaring the month of May as Wildland Fire Awareness Month in Deadwood.

Tour Bus Request

Jan Van Tassel, Original Deadwood Tours, asked the Commission to allow bus tours through Mt. Moriah beginning April 27. After discussion regarding a possible ordinance change to allow for earlier tours, Speirs moved, Todd seconded to allow bus tours starting April 27, pending proof of insurance. Roll Call: Aye-All. Motion carried.

CONSENT

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

- A. Approve change order #1 from Amano McGann parking garage automation to return two boards from system and reduce contract amount by \$1,524.36
- B. Permission to hire Ashley Hansen as a seasonal employee in Finance at \$10.71 per hour and Archives at \$8.93 per hour effective May 8, 2017, pending pre-employment screening
- C. Remove Ken Allen and Nate Allen effective April 4, 2017 from the Volunteer Fire Department roster and add Cody Rakow effective April 4 for workers compensation purposes

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- D. Permission for Mayor to sign contract with RCS for Whitewood Creek restoration (approved April 3, 2017)
- E. Permission for Mayor to sign Loan Agreement for Use of Property for permission to use Elk Head Mount from Patrick Kinghorn from May 15, 2017 until May 14, 2022, to be exhibited in Deadwood Welcome Center
- F. Permission to purchase 10,000 trolley tokens from Phelps Ad Specialties at cost of \$3,800.00 plus shipping
- G. Advertise for Trolley Manager position in house for period of five days
- H. Permission for Eddie's Truck Sales to repair turbo on 2011 trolley at cost not to exceed \$6,500.00
- I. Renew agreement with South Dakota School for the Deaf for office rental at 3 Siever Street in the amount of \$3,000.00
- J. Permission to purchase 5500 gallons of gasoline from Southside at cost of \$2.12 per gallon
- K. Permission to place signage on Walnut Street to identify hidden approach and allow Mayor to sign Application for Permit to Occupy Right-of-Way with South Dakota Department of Transportation
- L. Permission for Bickle Trucking to repair water tanker truck at cost not to exceed \$3,700.00
- M. Permission for Mayor to sign Agreement for Use of Property between Bill Pearson and City of Deadwood for Archeology Camp

PUBLIC HEARINGS

Lions

Public hearing was opened at 5:10 p.m. by Mayor Turbiville. Sarah Anderson, Deadwood Chamber, was available to answer questions. Hearing closed.

Van Den Eykel moved, Speirs seconded to approve street closure on Main Street from Tin Lizzie's Gaming Resort to Pine Street from 10:00 a.m. until parade ends and waive banner fees on Saturday, May 20, 2017. Roll Call: Aye-All. Motion carried.

Car Show

Public hearing was opened at 5:11 p.m. by Mayor Turbiville. Sarah Anderson, Deadwood Chamber, was available to answer questions. Hearing closed.

Ruth moved, Speirs seconded to approve street closure on Deadwood Street from Main Street to Pioneer Way from 10:00 a.m. to 3:00 p.m. on Saturday, June 3, 2017. Roll Call: Aye-All. Motion carried.

Mustang Rally

Public hearing was opened at 5:12 p.m. by Mayor Turbiville. Sarah Anderson, Deadwood Chamber, was available to answer questions. Hearing closed.

Speirs moved, Todd seconded to approve street closure on Main Street from Wall to Deadwood Street from 10:00 a.m. to 1:00 p.m. on Thursday, August 31, 2017. Roll Call: Aye-All. Motion carried.

Kool Deadwood Nites

Public hearing was opened at 5:13 p.m. by Mayor Turbiville. Sarah Anderson, Deadwood Chamber of Commerce, was present to answer questions. Hearing closed.

Todd moved, Speirs 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 Thursday, August 24, 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 August 24, from 12:00 p.m. to 10:00 p.m. on Friday, August 25, 2017. Roll Call: Aye-All. Motion carried.

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Todd moved, Speirs seconded to allow the relaxation of the open container ordinance for same area as approved on August 24, from 12:00 p.m. to 10:00 p.m. on Saturday, August 26, 2017. Roll Call: Aye-All. Motion carried.

Speirs moved, Ruth seconded to approve street closure on Main Street from Wall to Deadwood Street on Wednesday August 23 from 2:00 p.m. to 2:00 a.m. on Sunday August 27; Siever Street on Thursday August 24 from 5:00 p.m. to 10:00 p.m.; Main Street from Deadwood Street to Pine Street on Thursday August 24, from 2:00 p.m. to 10:00 p.m.; Main Street from Deadwood to Pine on Friday August 25, and Saturday August 26 from 3:00 p.m. to 10:00 p.m.; Main Street from Pine to Tin Lizzies Gaming Resort on Sunday August 27, 2017 from 8:00 a.m. to 3:00 p.m.; waiver of vendor fees for Deadwood Chamber merchandise on Main Street, Interpretive Lot on Thursday August 24 through Saturday August 26; waiver of vending fee for non-profit (American Legion) at Interpretive Lot on Thursday August 24, from 4:00 p.m. to 10:00 p.m.; waiver of parking fees for registered vehicles Thursday, August 24 through Sunday, August 27; use of Interpretive Lot Thursday August 24 at 2:00 a.m. to 2:00 p.m. Sunday, August 27; use of Lower Main Lot for registration and registered cars only Thursday, August 24 at 8:00 a.m. through 10:00 p.m. Saturday, August 26; use of Event Complex on Saturday August 26 from 6:00 a.m. to 2:00 p.m. for car judging and Sunday August 27 at 7:00 a.m. for parade lineup and waiver of banner fees Thursday August 24 through Sunday August 27, 2017. Roll Call: Aye-All. Motion carried.

National Guard Convention

Public hearing was opened at 5:15 p.m. by Mayor Turbiville. Sarah Anderson, Deadwood Chamber, was available to answer questions. Hearing closed.

Speirs moved, Ruth seconded to approve use of football field at Event Center on Friday, April 21, at 11:00 a.m. to 3:00 p.m. Roll Call: Aye-All. Motion carried.

Set hearings

Ruth moved, Todd seconded to set public hearing on May 1 for PBR Pro Events. Roll Call: Aye-All. Motion carried.

Todd moved, Speirs seconded to set public hearing on May 1 for 3 Wheeler Events. Roll Call: Aye-All. Motion carried.

Van Den Eykel moved, Todd seconded to set public hearing on May 1 for Retail (on-sale) Liquor License (RL-5334) transfer from Pink Blossom, LLC to Deadwood Distillery, LLC at 643 Main Street. Roll Call: Aye-All. Motion carried.

Ruth moved, Speirs seconded to set public hearing on May 1 for Retail (on-off sale) Wine and Retail (on-off sale) Malt Beverage Licenses for Naked Winery at 693 Main St. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Ordinance

Speirs moved, Ruth seconded to approve first reading of Ordinance #1259 to Rescind Chapter 2.20, Parks and Rec Board. Roll Call: Aye-All. Motion carried.

Resignation

Speirs moved, Ruth seconded to accept resignation of Marie Farrier from Planning and Zoning Commission with regret. Commissioners wished her the best and thanked her for her many years of service. Mayor Turbiville encouraged anyone interested in sitting on the Commission to send a letter to the City. Roll Call: Aye-All. Motion carried.

Change Order

Speirs moved, Van Den Eykel seconded to approve Change Order #1 for Days of 76 Grandstand Roof Replacement in the amount of \$5,911.00, for the replacement of rotted logs identified during replacement as well as additional layer of underlayment not included in original specifications. Roll Call: Aye-All. Motion carried.

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Approval

Todd moved, Van Den Eykel seconded to approve recommendation from Planning and Zoning Commission to grant exception from ordinance to allow for Lead-Deadwood fraternal organization signage, and allow Mayor to sign Application for Permit to Occupy Right-of-Way at Highway 385 intersection. Roll Call: Aye-All. Motion carried.

Appoint

Todd moved, Ruth seconded to appoint the following individuals to the steering committee for Comprehensive Plan: Bob Nelson Sr., Lyman Toews, Georgeann Silvermail, Ann Ochse, Louie LaLonde, Toni Burns, Dave Ruth Jr., and Mark Speirs. Mayor Turbiville stated the committee is an advisory body only with no final decision making authority. Commissioner Ruth stated that by including the four additional applicants the committee would have representation from gaming industry, Deadwood-Lead Economic Development, a marketing event planner and real estate agents. Roll Call: Aye-All. Motion carried.

Resolution

Mayor asked Finance Officer to review Resolution 2017-11 to Establish a Cash Reserve Policy for General and Historic Preservation Funds within the City of Deadwood. Nelson stated that a written policy is looked upon favorably by Legislative Audit and bond rating agencies. Historic Preservation Commissioner Blair expressed concern that the resolution was not presented to the Historic Preservation Commission. Historic Preservation Commissioner Toews had additional questions as to whether or not policy included Revolving Loan Fund. Nelson replied that Revolving Loan Fund was separate and not included. After additional discussion, Speirs moved, Van Den Eykel seconded to approve. Roll Call: Aye-Speirs, Todd, Van Den Eykel, Turbiville, Nay-Ruth. Motion carried.

RESOLUTION 2017-11

A RESOLUTION ESTABLISHING CASH RESERVE POLICY FOR HISTORIC PRESERVATION FUND AND GENERAL FUND WITHIN THE CITY OF DEADWOOD

WHEREAS, the Commission of the City of Deadwood endorses sound financial policies and practices with regard to administration of reserve funds in the City; and

WHEREAS, the Commission has determined that a Cash Reserve Policy is the most responsible way to provide resources for unanticipated events which could adversely affect the financial condition of the City and jeopardize its ability to continue necessary public services; and

WHEREAS, the Commission understands the importance of maintaining the City's creditworthiness as well as mitigating results of possible economic downturns, and The Commission wishes to manage its financial resources by establishing cash balance reserves for General and Historic Preservation Funds.

In the General Fund, a Cash Reserve shall be created equal to 100% of the current fiscal year budgeted expenditures, excepting those expenditures which are capital outlay in nature and have been previously approved by City Commission as a capital expenditure.

In the Historic Preservation Fund, a Cash Reserve shall be created equal to 75% of the gaming revenue received in the previous calendar year.

These reserves shall be in addition to all other reserves as may be required by Commission or other activity that may require a cash restriction. In any fiscal year when the Commission is unable to create a Cash Reserve as required by this resolution, the Commission with input from the Finance Officer shall develop a written plan to replace this minimum cash reserve level within 24 months.

It shall be the duty of the Finance Officer to make a report to the Commission as soon as practical as of December 31 of each year. If it is determined that there is an amount of cash that exceeds the minimum acceptable Cash Reserve level, the surplus funds can be designated for the following: reduction of debt, one time capital needs, or applied to a capital improvement and replacement program.

Compliance with this provision shall also be reviewed as a part of the annual budget adoption process. The Finance Officer shall prepare a written report to the City Commission identifying the fund's required balance, actual balance as of prior fiscal year end, and projected cash balance at the end of the current year's budget fiscal year end.

Dated this 17th day of April, 2017

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

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Proposal

Speirs moved, Ruth seconded to allow Mayor to sign proposal to hire Code Works to conduct plan review services for certain projects if requested by Public Works from April 2017 through April 2020 at twenty percent (20%) of building permit cost. Building Inspector Mohr provided a brief history. Roll Call: Aye-All. Motion carried.

Speed Sign Purchase

Speirs moved, Van Den Eykel seconded to approve the recommendation from Parking and Transportation Committee to purchase and install solar powered speed check RADAR speed sign at cost of \$6,098.00, and allow Mayor to sign application for Permit to Occupy Right-of-Way. Roll Call: Aye-All. Motion carried.

Ghost Mural Grant

Speirs moved, Ruth seconded to approve pilot program for ghost mural grant at Celebrity Hotel in the amount of \$5,185.00, to be paid from Revolving Loan fund. Roll Call: Aye-All. Motion carried.

Archeology

Speirs moved, Ruth seconded to approve final phase of Deadwood Recreation Archeology investigation and enter into contract with Quality Services Inc. in the amount not to exceed \$49,860.00, to be paid from 2017 and 2018 Archeology budget. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Mayor Turbiville read the following informational items:

- Recycle containers were moved to back of Engine House
- Beginning May 1, Charter busses will park along the hillside and regular vehicles will park along the highway at Railroad Street Parking Lot

The Commissioners and Department Heads presented Commissioner Van Den Eykel with a plaque for his years of service and wished him well. Commissioner Van Den Eykel thanked citizens of Deadwood, Department Heads, staff and fellow Commissioners for their support.

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

ADJOURNMENT

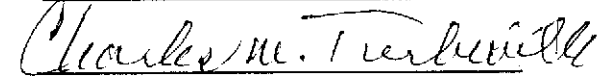
Speirs moved, Ruth seconded to adjourn the regular session at 5:55 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3) with possible action. The next regular meeting will be on Monday May 1, 2017.

After coming out of executive session at 6:12 p.m., Van Den Eykel moved, Speirs seconded to adjourn.

ATTEST.


Mary Jo Nelson, Finance Officer

DATE: 5-3-17

BY: 
Charles M Turbiville, Mayor

Published once at the total approximate cost of _____