

## REGULAR MEETING, JUNE 20, 2016

The Regular Session of the Deadwood City Commission convened on June 20, 2016 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, Gary Todd and Jim Van Den Eykel. All motions passed unanimously unless otherwise stated.

### APPROVAL OF MINUTES

Ruth moved, Speirs seconded to approve the minutes of June 6, 2016. Roll Call: Aye-All. Motion carried.

### APPROVAL OF DISBURSEMENTS

Todd moved, Van Den Eykel seconded to approve the June 20, 2016 disbursements. Roll Call: Aye-All. Motion carried.

ADAMS SALVAGE	SERVICE	294.46
AINSWORTH-BENNING	PROJECT	608,424.00
AMAZON	SERVICE	280.31
ARMSTRONG EXTINGUISHER	MAINTENANCE	164.29
B.S. REMODELING	FEES	25.00
BH ASPHALT	PROJECT	5,856.13
BH CHEMICAL	SUPPLIES	2,548.65
BH ENERGY	SERVICE	2,907.67
BH EXTERIORS	PROJECT	4,018.48
BH PIONEER	ADS	876.02
BH URGENT CARE	TESTING	660.00
BOMGAARS	SUPPLIES	479.38
BRADLEY, ANTHONY	REIMBURSEMENT	32.00
BRANDON INDUSTRIES	SIGNS	5,765.00
BUTLER MACHINERY	KEYS	26.90
CABLE COMMUNICATION	PROJECT	6,118.66
CHAINSAW CENTER	TRIMMER	787.82
CHANNING BETE	SUPPLIES	522.06
COCA COLA	SUPPLIES	151.00
CONOVER, MICHAEL	REPAIR	4,107.16
CONVERGINT TECHNOLOGIES	CAMERA	355.15
CULLIGAN	SUPPLIES	198.25
DAKOTA BUSINESS	CONTRACT	155.88
DAKOTA SUPPLY	PROJECT	865.15
DAKOTA TREE SPRAYING	SERVICE	9,000.00
DEADWOOD ELECTRIC	REPAIRS	542.39
DEADWOOD HISTORY	EXPENSES	5,360.67
DEADWOOD-LEAD ECONOMIC	STUDY	593.18
EDDIE'S TRUCK CENTER	REPAIR	5,465.95
FERBER ENGINEERING	PROJECT	2,145.00
FLACK TRUCKING	SERVICE	385.00
FULLER, KELLY	REIMBURSEMENT	462.62
GENE'S LOCK SHOP	SERVICE	729.94
GOVERNMENT FINANCE OFFICER	NEWSLETTER	50.00
GREEN INK DESIGNS	BROCHURES	100.00
GUNDERSON, PALMER, NELSON	SERVICE	4,469.28
HANSEN WHEEL	SUPPLIES	3,525.67
HEARTLAND PAPER	SUPPLIES	472.94
HILLS MATERIALS	SUPPLIES	856.82
INTERSTATE ENGINEERING	SERVICE	3,967.89
JACOBS WELDING	SERVICE	100.69
KARL'S TV	TV	338.88
KDSJ	ADS	160.00
KIMBALL MIDWEST	SUPPLIES	186.21
KONE	REPAIRS	678.93
LEAD-DEADWOOD SANITARY	USAGE	27,008.05
LEAD-DEADWOOD SCHOOL	TRAINING	784.13
LOUIS BERGER	PROJECT	704.00
LUX, JUSTIN	REIMBURSEMENT	127.80
LYNN'S	SUPPLIES	30.00
M&M SANITATION	RENTAL	220.00
M.R. GUSTAFSON	TIF 7	39,212.02
METERING & TECHNOLOGY	SUPPLIES	548.79
HOLCOMB ANIMAL	QUARANTINE	95.00
MICHAEL TODD	LIGHTBAR	184.90
MIDCO DIVING	INSPECTION	2,399.00
MIDCONTINENT	SERVICE	65.00
MIDCONTINENT TESTING	TESTING	20.25
MONTANA ASSOCIATION	CONFERENCE	590.00
MOSS ROCK LANDSCAPING	PROJECT	35,330.00
MS MAIL	SERVICE	1,187.98
NEIGHBORHOOD LENDING	CONTRACT	24,021.25
NETWORK SERVICES	SUPPLIES	280.58
NEVE'S	UNIFORMS	169.85
NORTHWEST PIPE FITTINGS	SUPPLIES	595.91
OFTEDAL CONSTRUCTION	PROJECT	16,081.11
OWENS INTERSTATE	SUPPLIES	232.36
PASSPORT PARKING	METERS	56.25
PEPPMEIER, JANICE	REIMBURSEMENT	585.76
PITNEY BOWES	POSTAGE	500.00
QUIK SIGNS	SIGNS	518.05
RAPID DELIVERY	SERVICE	47.97
RASMUSSEN MECHANICAL	SERVICE	1,107.23
REGIONAL HEALTH	TESTING	550.00
ROSENBAUM'S SIGNS	PROJECT	70,000.00
ROWMAN & LITTLEFIELD	SERVICE	40.21
SANITATION PRODUCTS	SUPPLIES	303.86

## REGULAR MEETING, JUNE 20, 2016

SCHMIDT, WILLIAM	PROJECT	2,290.00
SD COMMISSION ON GAMING	CITY SLOTS	27,443.18
SD DEPT. OF MOTOR VEHICLES	PLATES	16.20
SD DEPT. OF REVENUE	RENEWALS	450.00
SD DEPT. OF REVENUE	TAX	3,180.11
SD ONE CALL	SERVICE	54.88
SHARKEY PLUMBING	PROJECT	680.12
SIGN EXPRESS	PROJECT	132.00
SOUTHSIDE OIL	DIESEL	9,296.69
SOUTHSIDE SERVICE	SERVICE	383.36
SPEARFISH HUSKY	SUPPLIES	288.00
SPLIT ROCK STUDIOS	PROJECT	5,000.00
STREICHER'S	GRAPHICS	34.99
STRETCH'S GLASS	SERVICE	1,010.50
STURDEVANT'S	SUPPLIES	1,464.34
SUMMIT SIGNS	SIGNS	205.00
SUPERIOR SANITATION	CLEANING	450.00
TALLGRASS	PROJECT	270.00
THE LORD'S CUPBOARD	RECYCLING	71.36
TOMS, DON	PROJECT	780.00
TRUGREEN	SERVICE	2,457.00
TSP	PROJECT	3,522.63
TWIN CITY HARDWARE	SUPPLIES	1,477.50
VAST	SERVICE	462.62
VISIONS HOME IMPROVEMENTS	PROJECT	2,040.00
WASTE CONNECTIONS	DUMPSTER	7,915.60
WESTERN STAR	SUPPLIES	200.62
WHEELER LUMBER	PROJECT	2,386.25
ZEP SALES	SUPPLIES	200.09
<b>TOTAL</b>		<b>\$ 982,971.83</b>

## ITEMS FROM CITIZENS ON AGENDA

### Procedures

Jean Smith with Ketel Thorstenson gave a brief description of the Agreed upon Procedures conducted for Revolving Loan Fund being administered by Neighborworks as of December 31, 2015. Smith talked about procedures performed as well as related recommendations. Smith added that Neighborworks and Historic Preservation have been included in process, Historic Preservation Commission has received the report, and recommended changes are being implemented. The official report is on file in both Finance and Historic Preservation Offices. Commission thanked Ms. Smith for her time.

### Status

Ken Gienger, Celebrity Hotel, asked the Commission about the status of parklets, outdoor drinking and increase in parking rates at Broadway Parking Ramp. Attorney Riggins stated from a legal standpoint, parklets under the state statue cannot be on a street, only sidewalks and walkways. Commissioner Todd stated the Commission has not seen a design for approval. Mayor Turbiville stated if a designed is brought forth, Safety Committee should approve as well.

Gienger asked about the state law that allows for seating outside a business for outdoor drinking. Attorney Riggins stated state law allows outdoor drinking, but this is a local option and municipality must adopt an ordinance including parameters on the sidewalk.

Gienger asked the Commission to reconsider the rates at the Broadway Parking Ramp. Gienger questioned why no input from businesses and BID 1-6 was received. Mayor Turbiville stated the Commission did accept recommendations from both in December 2015, and as a result, adopted the following rates at Broadway Parking Ramp: free first hour, \$2.00 second hour, \$4.00 third hour, \$6.00 fourth hour to 24 hours with understanding adjustments would be revisited if needed. Since revenue has not increased, the resolution with amended rates will take effect June 29. Business owners/managers Tony Keehn, Amber Diers, Tracy Island and Diana Graham spoke against the rate change. Commissioner Todd stated the Commission has been very concerned about the impact of downtown businesses, have worked all their lives to improve and enhance the downtown, and did follow recommendations from BID 1-6 and Revitalization. However, a bond payment needs to be made, the City needs to pay their bills, and people should not forget that the city has increased free parking throughout town. Upon questioning from Commissioner Speirs, Tracy Island said BID 1-6 is committed to paying the cash shortfall. Commissioner Ruth said he wanted more input before passage, but also did not believe BID 1-6 wants an additional assessment prior to year end. He added that the resolution has passed but the City can make adjustments going forward. After discussion the Commission thanked those in attendance for voicing their concerns.

## REGULAR MEETING, JUNE 20, 2016

### Concerns

Dan DeLauriers, Shirttail Gulch Homeowner, and other residents expressed their concerns about the current location of the gun range, and asked the Commission consider an alternate location. Mayor Turbiville stated Greg Vecchi, owner, will not be able to attend a Commission meeting until July 18. Commission thanked the residents for coming and expressing their concerns and invited them back at that time to continue discussion.

### CONSENT

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

- A. Permission for Police Department to hire eight police officers to work during Sturgis Rally at \$16.07 per hour
- B. Acknowledge interest payment of \$261,212.50 to bondholders on May 1, 2016 by First National Bank, bond trustee. This payment is for Series 2012 and Series 2015 Certificates of Participation
- C. Permission for Mayor to sign agreement with Black Hills State University for Phase II of Botanical Conservation (approved on January 19, 2016)
- D. Accept resignation of Caroline Landiss as Deadwood Police Department Reserve Officer
- E. Accept resignation of Ordinance Officer Jameson Tebben effective July 2, 2016
- F. Permission to hire Jeramy Russel as Ordinance Officer at rate of \$16.32 effective July 3, 2016, pending pre-employment screening
- G. Follow recommendation of Historic Preservation Commission and purchase 270 rolls of newspaper microfilm from South Dakota State Archives at cost not to exceed \$8,700.00, to be paid from Archives budget
- H. Accept resignations of Parking Ramp employees Brian Carmichael and Arlys Janke effective June 14, 2016
- I. Permission to hire Curtis Haugen as Parking Ramp Attendant at \$9.15 per hour effective June 21, 2016
- J. Permission to pay Scott Peterson Motors an amount not to exceed \$2,900.00 to repair air conditioning unit on trolley
- K. Approve staircase addition to Deadwood Mountain Grand. Conservation easement requires Commission approval prior to building alternations.
- L. Approve corrugated awning addition to Deadwood Mountain Grand. Conservation easement requires Commission approval prior to building alterations.
- M. Permission for Mayor to sign time and materials contract with Rogers Construction for Whitewood Creek debris and tree removal. (approved on June 6, 2016)
- N. Permission to purchase 5500 gallons of gasoline from Southside at cost of \$2.31 per gallon
- O. Permission to purchase retaining wall blocks from Birdsall Sand Gravel for retaining wall on Wabash Street, not to exceed \$5,000.00, to be paid from Streets repair budget
- P. Permission to hire Hayden Hill as seasonal parks employee at \$8.67 per hour effective June 27, 2016, pending pre-employment screening
- Q. Permission to purchase two truck bed liner kits from the Plastic Works for \$2,772.00 a piece for total of \$5,444.00, not including shipping costs, to be paid from Streets budget

### BID ITEMS

Speirs moved, Todd seconded to set bid opening on July 28, 2016 at 2:00 p.m. for final phase of St. Ambrose Cemetery restoration, with results to Commission on August 1, 2016. Roll Call: Aye-All. Motion carried.

Speirs moved, Ruth seconded to set bid opening on July 14, 2016 at 2:00 p.m. for retaining wall at 3 Shine Street, with results to Commission on July 18, 2016. Roll Call: Aye-All. Motion carried.

## **REGULAR MEETING, JUNE 20, 2016**

### **PUBLIC HEARINGS**

#### **July 4 Parade**

Public hearing was opened at 6:01 p.m. by Mayor Turbiville. There being no public comment, hearing closed. Speirs moved, Ruth seconded to approve the street closure request for the July 4<sup>th</sup> parade on Main Street from Tin Lizzie Gaming Resort to the Masonic Temple from 3:00 p.m. until the parade ends on Monday July 4, 2016. Roll Call: Aye-All. Motion carried.

Public hearing was opened at 6:02 p.m. by Mayor Turbiville. There being no public comment, hearing closed. Speirs moved, Todd seconded to approve use of Sherman Street Parking Lot, use of trolley and waiver of trolley fee on Sunday September 18, 2016 for Mickelson Trail Trek. Roll Call: Aye-All. Motion carried.

Public hearing was opened at 6:03 p.m. by Mayor Turbiville. There being no public comment, hearing closed. Todd moved, Van Den Eykel seconded to approve the Retail (on-off sale) Malt Beverage and Retail (on-off sale) Wine Licenses for Apple Teaching Resources for Effective Ed, dba Spaghetti Western at 65 Sherman Street. Roll Call: Aye-All. Motion carried.

### **NEW BUSINESS**

#### **Second Reading**

Van Den Eykel moved, Ruth seconded to approve second reading of Supplemental Budget Ordinance #1245. Roll Call: Aye-All. Motion carried.

#### **Permission**

Speirs moved, Todd seconded to allow Police Department to utilize Equitable Drug Sharing Funds in the amount of \$26,378.79 for firearms and holsters from Streicher's. Roll Call: Aye-All. Motion carried.

#### **Renewal**

Speirs moved, Ruth seconded to renew 2016-2017 Malt Beverage Licenses for Deadwood Gulch Saloon at 560 Main Street and Deadwood Winery at 696 Main Street. Roll Call: Aye-All. Motion carried.

#### **Resolution 2016-11**

Speirs moved, Ruth seconded to approve Resolution 2016-11 to Dissolve First Gold TIF #7. Roll Call: Aye-All. Motion carried.

### **RESOLUTION 2016- 11**

#### **RESOLUTION DISSOLVING TAX INCREMENT DISTRICT NUMBER SEVEN - CITY OF DEADWOOD**

WHEREAS, the City of Deadwood created Tax Increment District Number SEVEN on January 23, 2006; and

WHEREAS, there are no outstanding financial obligations which have resulted from either the creation or the existence of Tax Increment District Number SEVEN; and

WHEREAS, the City has determined that the adopted Project Plan for Tax Increment District Number SEVEN has been completed; and

WHEREAS, the Deadwood City Commission is authorized to dissolve this Tax Increment District pursuant to SDCL 11-9-46.

NOW, THEREFORE, BE IT RESOLVED by the City of Deadwood that Tax Increment District Number SEVEN be, and is hereby dissolved; and

BE IT FURTHER RESOLVED that any funds remaining in the Tax Increment District Number SEVEN Fund, pursuant to SDCL 11-9-31, be distributed in the manner provided by SDCL 11-9-45.

Dated this 20th day of June, 2016

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

## REGULAR MEETING, JUNE 20, 2016

### Contracts

Speirs moved, Van Den Eykel seconded to allow Mayor to sign contract with A and L Contractors to replace 230 feet of water main in area of Burlington Street in the amount of \$41,816.00 to be paid from Water Fund which was budgeted in previous fiscal year. Roll Call: Aye-All. Motion carried.

Ruth moved, Speirs seconded to approve project and allow Mayor to sign contract with Forgey Construction to repair retaining wall at 66 Williams Street at cost of \$9,500.00 to be paid from Street repairs budget. Roll Call: Aye-All. Motion carried.

### Approval

Van Den Eykel moved, Speirs seconded to approve Addendum #2 and allow Mayor to sign contract with FMG for testing at Lower Main Visitor Center project at cost of \$5,000.00, bringing total cost to \$28,208.00. Roll Call: Aye-All. Motion carried.

### Contract

Speirs moved, Ruth seconded to allow Mayor to sign contract with Neighborhood Housing Services of the Black Hills for Revolving Loan and Grant Funds. City will reimburse NHS for eligible costs incurred subject to maximum of \$75,000.00 for period beginning January 1, 2016 and ending December 31, 2016. Discussion was held concerning documentation of hourly rate and attendance of Historic Preservation Commission meetings. Kuchenbecker added the majority of programs have been brought in house. Roll Call: Aye-All. Motion carried.

### Permission

Speirs moved, Ruth seconded to rent a portable traffic system for McKinley St./Pioneer Way intersection from Traffic Services Company for \$4,500.00 a month, to be paid from Street budget. Public Works Director Green stated duration of temporary lighting is undetermined at this time since existing signal is obsolete. Green also expressed his concerns with Department of Transportation who stated the upgrade for this signal will take place in 2018. Roll Call: Aye-All. Motion carried.

### Change Order

Speirs moved, Van Den Eykel seconded to allow Mayor to sign Change Order #4 for the Lower Main Street Welcome Center in the amount of \$83,952.18 for items not included in original plans, as well as removal of waste material and additional engineered fill, bringing total contract to \$6,551,384.98. Roll Call: Aye-All. Motion carried.

### Contract

Ruth moved, Speirs seconded to contract with Rasmussen Mechanical to replace heat exchanger on the rooftop unit at City Hall for \$5,905.00. Existing heat exchanger will be sent to manufacturer for warranty evaluation and possible partial reimbursement. Roll Call: Aye-All. Motion carried.

### Enforcement

Discussion was held concerning Ordinance regarding Weeds, Chapter 8.20. Mayor Turbiville stated there are a number of issues with residents not maintaining their lawns. Turbiville also stated at the present time this is handled only on a complaint basis and the ordinance should be enforced. Chief Fuller stated ordinance officers will identify non-compliant properties. Fuller also said ordinance states that public notice may be given by publication in official newspaper, and city can begin enforcement after passage of five days. Fuller also stated communication with absentee property owners is difficult. After discussion concerning direction of staff, possible contact with homeowners, and contracting out versus staff time, Speirs moved, Ruth seconded to enforce ordinance regarding weeds, Chapter 8.20 with a reasonable attempt to contact homeowner. Roll Call: Aye-All. Motion carried.

### Permission

Van Den Eykel moved, Todd seconded to sell 11 light assemblies to the City of Sturgis at cost of \$1,100.00 each. Assemblies were purchased as part of Highway 85/385 project and are no longer needed due to installation of historic lightning. Roll Call: Aye-All. Motion carried.

## REGULAR MEETING, JUNE 20, 2016

### Contract

Speirs moved, Van Den Eykel seconded to enter into contract with Rogers Construction for time and materials not to exceed \$25,000.00 for cleaning, raking, tree trimming and overall general maintenance at Mt. Moriah Cemetery, to be paid from Mt. Moriah Fund. Commissioner Todd questioned why Parks Department is not doing this project. Public Works Director Green stated parks department is having a hard time keeping up with all other projects in town. Discussion was also held concerning the maintenance of additional parks recently built. Roll Call: Aye-All. Motion carried.

### INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Mayor Turbiville read the following informational item:

- Raffle permit application received from South Dakota Solid Waste Management Association, prize to be drawn September 14 or 15, 2016, for scholarship funds. No action approves per SDCL 22-25-25.

- Next Deadwood City Commission Meeting will be held on Tuesday, July 5, due to July 4 Holiday.

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

Commissioner Speirs thanked the Police Department for rescuing animals being left in vehicles.

Commission Ruth thanked the Department Heads and employees for their work with Wild Bill Days.

### ADJOURMENT

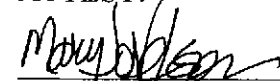
Speirs moved, Van Den Eykel seconded to adjourn the regular session at 6:32 p.m. and convene into Executive Session for legal and contractual matters per SDCL 1-25-2 (3) with possible action. The next regular meeting will be on Tuesday, July 5, 2016.

After coming out of Executive Session at 7:10 p.m. Van Den Eykel, Todd seconded to direct legal counsel to write a letter to the concessionaire, Cookies Chuckwagon LLC, notifying them that they are in default and are also providing them with the 30 day notice that we are terminating the agreement in the event defaults are cured. Roll Call: Aye-All. Motion carried.

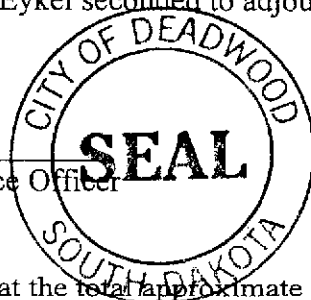
Todd moved, Speirs seconded to direct legal counsel to write a letter to Ditech Financial informing them that they are in violation of the city's minimum maintenance ordinances at 33 Taylor Avenue. Roll Call: Aye-All. Motion carried.

Todd moved, Van Den Eykel seconded to adjourn.

ATTEST:



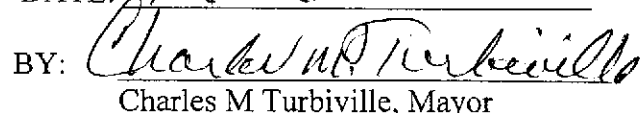
Mary Jo Nelson, Finance Officer



DATE:

7-6-16

BY:

  
Charles M Turbiville, Mayor

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