

REGULAR MEETING, JUNE 5, 2017

The Regular Session of the Deadwood City Commission convened on June 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

Todd moved, Struble seconded to approve the minutes of May 15, 2017. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Struble moved, Ruth seconded to approve the June 5, 2017 disbursement. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	CONTRACT	330.98
ACE HARDWARE	SUPPLIES	44.34
AINSWORTH-BENNING	PROJECT	196,477.99
ALSCO	SUPPLIES	261.64
ARLETH LAND SURVEYING	SERVICE	585.00
ATCO INTERNATIONAL	SUPPLIES	250.00
BICKLE TRUCK	SUPPLIES	924.19
BH ASPHALT	PROJECT	2,198.98
BH CHEMICAL	SUPPLIES	132.12
BH ENERGY	SERVICE	25,999.94
BH PIONEER	SUBSCRIPTION	226.41
BH SECURITY	SERVICE	1,077.41
BLACKBURN BASEMENT	PROJECT	7,235.00
BRANDON INDUSTRIES	SIGNS	2,315.85
CENTURY BUSINESS	CONTRACT	587.70
CHAMBERLIN ARCHITECTS	PROJECT	1,296.25
DAKOTA BUSINESS	CONTRACT	160.90
DAKOTA TREE SPRAYING	SPRAYING	10,668.00
DASH MEDICAL GLOVES	SUPPLIES	141.80
DEADWOOD ALIVE	MAY	20,000.00
DVFD	REIMBURSEMENT	208.75
DEADWOOD HISTORY	SERVICE	528.75
DEMCO	SUPPLIES	609.01
ECOLAB	SERVICE	155.25
EDDIE'S TRUCK	REPAIR	346.62
EMERY-PRATT	BOOKS	63.31
FASTENAL	SUPPLIES	209.42
FIRST NATIONAL	BENCH	4,296.03
FOOTHILLS SEED	SERVICE	180.00
GOLDEN WEST	SERVICE	6,587.12
GRIMM'S PUMP	SUPPLIES	115.14
HAWKINS	SUPPLIES	1,000.60
HI-VIZ SAFETY WEAR	SUPPLIES	1,719.75
HILLYARD	SUPPLIES	6,890.34
JACOBS WELDING	SERVICE	322.33
KOKINOS CONSTRUCTION	FACADE	24,000.00
LAWRENCE CO. AUDITOR	TIF	8,237.84
LAWRENCE CO. EQUALIZATION	SERVICE	6,839.17
LAWSON PRODUCTS	SUPPLIES	372.63
LEAD DEADWOOD ARTS	FRAMES	605.38
LEAD-DEADWOOD SANITARY	TIF	1,544.10
LEAD-DEADWOOD SCHOOL	TIF	22,229.54
MAXIMUM PROMOTIONS	BANNER	394.00
MCGRATH, RHONDA	SUPPLIES	18.80
MENARD'S	CABINET	186.37
METERING & TECHNOLOGY	SUPPLIES	640.27
MIDWEST TAPE	DVDS	150.93
MIKE VAGA PLUMBING	SERVICE	900.94
MIKES CAMERA INDUSTRIAL	SERVICE	208.87
MOHR, TRENT	REIMBURSEMENT	53.00
MDU	SERVICE	5,473.34
MOTOROLA	RADIOS	4,142.10
MS MAIL	SERVICE	620.00
NETWORK SERVICES	SUPPLIES	493.44
NEVE'S UNIFORMS	UNIFORMS	3,405.66
NORTHERN HILLS SOD FARM	BLUEGRASS	184.60
NORTHWEST PIPE FITTINGS	KIT	294.74
OSBORN, JANET	REIMBURSEMENT	75.53
OWENS INTERSTATE	SUPPLIES	661.54
PAPOUSEK, SONYA	REIMBURSEMENT	35.00
PARTSMASTER	DRILL	1,262.64
PETE'S TAXIDERMY	SHEEP	1,500.00
PETTY CASH	HP/PZ	173.49
PIENI KIRKKO	SUPPLIES	150.00
PITNEY BOWES	POSTAGE	500.00
QUICK NAME TAGS	PLATE	26.08
QUIK SIGNS	SIGNS	524.18
REGIONAL HEALTH	TESTING	225.00
RUNGE, MIKE	SUPPLIES	50.80
S AND C CLEANERS	SERVICE	2,620.65
SACRISON ASPHALT	LIMESTONE	437.40
SD DEPT. OF MOTOR VEHICLES	LICENSE	16.20
SD DEPT. OF REVENUE	RENEWALS	300.00
SD PUBLIC ASSURANCE ALLIAN	SERVICE	1,083.62
SD PUBLIC HEALTH LAB	TESTING	30.00
SECOND CENTURY DEVELOPMENT	GRANT	706.20
SERVALL	SUPPLIES	1,449.23

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SPECIALTY VEHICLES	PANEL	506.12
SPORTS ILLUSTRATED	SUBSCRIPTION	89.04
TEMPERATURE TECHNOLOGY	REPAIR	2,121.34
THE LORD'S CUPBOARD	RECYCLING	77.18
TRIPLE K	REPAIR	85.00
TRUGREEN	SERVICE	103.77
TSP	PROJECT	5,239.79
TURBIVILLE, CHARLES	REIMBURSEMENT	88.20
TWILIGHT	SUPPLIES	129.50
TWIN CITY HARDWARE	SUPPLIES	6,131.85
TYLER TECHNOLOGIES	SERVICE	796.45
UMENTHUM, KEITH	PROJECT	1,300.17
VAST	SERVICE	1,812.77
VERIZON WIRELESS	METERS	40.01
WALL STREET JOURNAL	SUBSCRIPTION	197.94
WELLMARK	INSURANCE	42,044.06
WELLS PLUMBING	SWITCH	42.99
WHITE'S QUEEN CITY MOTORS	SUPPLIES	67.77
WOLFF'S PLUMBING	PROJECT	5,000.00
WOODLAND CONSTRUCTION	PROJECT	4,105.50
ZEP SALES	SUPPLIES	256.29

TOTAL \$457,205.94

ITEMS FROM CITIZENS ON AGENDA

Requests

Speirs moved, Ruth seconded to allow Moonrise Mountain Enterprises use of public space to operate a Farmers Market located at the corner of Deadwood and Siever Streets, with proof of insurance. Hours are every Friday from June 9 to October 27 from 9:00 a.m. to 2:00 p.m. Roll Call: Aye-All. Motion carried.

Rose Speirs, Deadwood History Inc., requested permission to sell beer and wine June 29 for Party on the patio at Historic Adams House Lawn from 7:00 p.m. to 9:00 p.m. Speirs moved, Struble seconded said request. Roll Call: Aye-All. Motion carried.

Rose Speirs, Deadwood History Inc., requested permission to serve beer and wine September 8 for Deadwood History Big Thank You at Adams Museum from 5:00 p.m. to 7:00 p.m. Ruth moved, Speirs seconded said request. Roll Call: Aye-All. Motion carried.

Briefing

Paul Thomson, Director of Lawrence County Emergency Management, presented annual elected officials briefing. Thomson discussed the disaster process, emergency management overview, emergency planning and the Incident Command System. Commission thanked Thomson for his time.

Funding

Barb Cline, Prairie Hills Transit, requested additional funding in the amount of \$5,000.00 for 2017 budget. After discussion and questions, Ruth moved, Todd seconded to deny the funding request, but encouraged Cline to apply for possible additional funding in the next budget cycle. Roll Call: Aye-All. Motion carried.

CONSENT

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

- A. Allow Finance Officer to pay \$6,000.00 to Lead Area Chamber of Commerce for July 4 fireworks from Bed and Booze Fund (budgeted)
- B. Permission for Mayor to sign Oakridge Cemetery Certificate of Purchase and Warranty Deed for Neil Wicks & Cleo Maynard-Wicks
- C. Accept resignation from Rec Center employee Philip Madsen effective May 24, 2017
- D. Remove Zac Mau from the Parks Dept. payroll and request permission to hire Elizabeth Carbo and Ellen Voegeli as gardeners in the parks Dept. at \$8.93 hr. effective June 7, 2017
- E. Allow use of public property during picnic until 8:30 p.m. at the Event Complex on September 23 for Black Hills Veterans March and Marathon. Deposit has been received
- F. Renew 2017-2018 Malt Beverage Licenses for Naked Winery and The Midway
- G. Permission to hire Jacob Schlinkert for part time front desk position at Rec Center at rate of \$8.93 per hour pending pre-employment screening
- H. Permission to issue up to 200 discounted trolley passes for Cowboy Fast Draw during Wild Bill Days at \$10.00 for three days

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- I. Permission to contract with Robb Campbell to produce ten oral histories in the amount of \$6,750.00. This is a budgeted item, to be paid from Archives department. If approved, permission for Mayor to sign contract.
- J. Permission to contract with Rogers Construction to paint all fences around arena at Event Center/Rodeo Grounds in the amount of \$3,500.00, to be paid from Parks budget
- K. Permission for Mayor to sign contract between City of Deadwood and Quality Services in the amount of \$49,860.00 for artifact curation (approved by City Commission on April 17, 2017)
- L. Allow Lead-Deadwood Regional Hospital Foundation to hang pink bunting on some Main Street light poles for Days of 76 parade in conjunction with Tough Enough to Wear Pink Day
- M. Permission for Mayor to sign contract with Complete Concrete Inc. in the amount of \$81,500.00 for retaining wall at 53 Taylor (approved by City Commission on May 15, 2017)

BID ITEMS

Sweeper

Speirs moved, Ruth seconded to set bid opening on June 29 at 2:00 p.m. to trade in 2008 7.3 cu. yd. volumetric street sweeper for 2017 2.4 cu. Yd. volumetric sweeper. Results will be provided to Commission on Monday, July 3. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS

Set

Speirs moved, Struble seconded to set public hearing on June 19 for Retail (on-off sale) Malt Beverage and Retail (on-off sale) Wine Licenses for Deadwood Chamber at 501 Main St. Roll Call: Aye-All. Motion carried.

Speirs moved, Struble seconded to set public hearing on June 19 for Camaro Rally: Main Street parking on June 23. Roll Call: Aye-All. Motion carried.

Speirs moved, Struble seconded to set public hearing on June 19 for Cannonball Run: street closure September 8, use of portion of Interpretive Lot September 6 through September 8. Roll Call: Aye-All. Motion carried.

OLD BUSINESS

Resolution 2017-12

Speirs moved, Ruth seconded to approve Resolution 2017-12 to Adopt Conflict of Interest for Elected and Appointed Officials. Roll Call: Aye-All. Motion carried.

RESOLUTION 2017-12

A RESOLUTION ADOPTING A CONFLICT OF INTEREST POLICY

FOR ELECTED AND APPOINTED OFFICIALS OF THE CITY OF DEADWOOD.

WHEREAS, South Dakota Codified Laws (SDCL) Section §1-56-10 requires that all non-state agencies receiving state grants and awards from a state agency adopt and enforce a conflict of interest policy; and

WHEREAS, the City of Deadwood receives grant dollars from the State of South Dakota either directly or through federal pass-through funds which will be subject to the statutory requirement that it enforce a conflict of interest policy; and

WHEREAS, while provisions addressing conflicts of interest for municipal officials currently exist in state law, the Commission wishes to adopt a conflict of interest policy that incorporates these statutory requirements and assists its elected and appointed officials in recognizing, disclosing, and avoiding conflicts or interests; and

WHEREAS, adopting a conflict of interest policy will clarify expectations from the public when elected and appointed officials are conducting City business; and

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WHEREAS, the City of Deadwood deems it is in the best interest of the City to adopt this Conflict of Interest Policy for the Commission and for all elected and appointed officials of the City.

NOW THEREFORE, BE IT RESOLVED, by the City of Deadwood, that there is hereby established the following Conflict of Interest policy, which in its entirety reads as follows:

CITY OF DEADWOOD CONFLICT OF INTEREST POLICY FOR ELECTED AND APPOINTED OFFICIALS

The City of Deadwood seeks to prevent and avoid any conflicts of interest in the conduct of its business operations and to avoid the appearance of such conflicts to the public it serves. Each elected and appointed official has the duty to place the interests of the citizens of Deadwood foremost in any dealings on behalf of the City and has a continuing responsibility to comply with this Policy. This policy applies to any elected or appointed official who serves on the Commission, who serves on any board, committee, or who is appointed to serve the City in any capacity pursuant to SDCL Chapter 9-14 (collectively referred to as "Official").

Conflicts of interest may exist when an Official, or an immediate family member or such Official, has a personal or financial interest clearly separate from that of the general public on a matter before the Official. An immediate family member for purposes of this policy is any person related to an Official within the first degree of consanguinity and includes a spouse, parent, child, grandparent, grandchild or an individual claimed by the Official or his/her spouse as a dependent for federal income tax purposes. Such conflicts of interest may be financial or personal, direct or indirect, and the existence of a conflict of interest is dependent upon the unique facts of a particular situation.

It is the policy of the City of Deadwood to follow state law regarding conflicts of interest, and this policy is not intended to be more strict than the applicable requirements of state law.

Generally, state law provides that an Official may not have a personal financial interest in any City transaction for the purchase of labor or services, materials or supplies, or real or personal property that belongs to the City. An exception to this general rule may apply if the transaction is reasonable and just, if the contract is made without fraud or deceit, and if the Official discloses the conflict and recuses himself/herself from participation in the decision for which there is a conflict of interest. These exceptions include the following:

- (1) A contract for \$5,000 or less;
- (2) A contract awarded by competitive bidding procedures if more than one competitive bid is submitted or, if only one competitive bid is submitted, the procedures in SDCL 6-1-2.1 have been followed;
- (3) A contract for professional services;
- (4) A contract awarded off of the state contract list at the established price or less;
- (5) A contract that does not require competitive bidding when there is no other source of supply or services and when the total of any such contracts does not exceed \$50,000 for a public improvement or \$25,000 for a contract for supplies or services; or
- (6) A contract with an entity for which competitive bidding is not required unless the majority of the governing body are members or stockholders who collectively have a controlling interest, or any governing board Official is an officer or manager or such entity.

No Department Head who is authorized in his/her official capacity to sell or lease any property or to make any contract may be personally interested, directly or indirectly, in any such sale, lease, or contract.

Procedure When Conflicts of Interest Exist

If an Official who is a member of the City Commission, or a board, committee has a disqualifying interest in a matter before the body on which the Official serves, he/she shall disclose the conflict to the body prior to its consideration of the matter. Once this disclosure is made, the Official shall not formally participate in the official discussion, any executive session, or any vote on the matter. If the Official has a conflict of interest in the

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matter and chooses to participate in the discussion, the Official should leave the dais and speak on the item from the audience as a member of the public.

If it is alleged that an Official has a disqualifying conflict of interest in a matter before the City Commission, or a board, committee on which the Official serves, and if the Official does not voluntarily refrain from participating in the matter, then the official may be disqualified from officially participating in consideration of the matter upon a two-thirds vote of the Commission, board, committee on which the Official serves. The City Commission, board, committee voting to disqualify such official must make a specific finding of the disqualifying conflict of interest for which it has excluded the official from participating in the matter under consideration. An Official disqualified in this manner may not participate in the official discussion, any executive session, or any vote on the matter.

If any Official desires assistance to determine if that Official, or another Official, has a disqualifying conflict of interest, the Official may request an advisory opinion from the City Attorney's Office. Such opinion shall be made available to all members of the City Commission, or the board, committee about which the opinion is provided, but shall not be available for public inspection unless a majority of the members of the City Commission, or the board, committee to which the opinion is provided votes to make such opinion public.

Distribution of Policy to Officials

Upon adoption of this policy, the City Attorney's office shall distribute this Conflict of interest Policy and all pertinent state law provisions to all City Officials. The policy and state law provisions shall be timely provided to all newly elected or appointed Officials.

Dated this 5th day of J, 2017

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

NEWBUSINESS

Renewal

Speirs moved, Ruth seconded to renew Wellmark health insurance for employees from August 1, 2017 to July 31, 2018 at 1.67% premium reduction and allow Mayor to sign all associated documents. Roll Call: Aye-All. Motion carried.

Appoint

Speirs moved, Ruth seconded to approve recommendation by Mayor Turbiville to reappoint Lyman Toews and Tom Blair to serve a 3-year term on Historic Preservation Commission. Roll Call: Aye-All. Motion carried.

Todd moved, Speirs seconded to approve recommendation by Mayor Turbiville to appoint Ann Ochse to serve a 3-year term on Historic Preservation Commission. Roll Call: Aye-All. Motion carried.

Todd moved, Speirs seconded to approve recommendation by Mayor Turbiville to appoint Beverly Posey to serve a 1-year term on Historic Preservation Commission to fill vacancy due to resignation of Chuck Williams. Roll Call: Aye-All. Motion carried.

Requests

Todd moved, Struble seconded to allow Northern Hills Alliance for Children use of public property and waiver of fees for Zombie Run on Sunday, September 24, 2017. Roll Call: Aye-All. Motion carried.

Speirs moved, Ruth seconded to allow Mickelson Trail Trek use of Sherman Street parking Lot, use of Rec Center, use of trolley, and waiver of group fee from 9:30 a.m. to 2:00 p.m. on Sunday, September 17, 2017. Roll Call: Aye-All. Motion carried.

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Contract

Speirs moved, Ruth seconded to approve recommendation of committee to allow Mayor to sign contract with ACES for engineering services in conjunction with Utility Improvement Project at Lower Main Street in the amount of \$49,970.00, scheduled for 2018. Public Works Director Green stated this project is in conjunction with SD Dept. of Transportation. Roll Call: Aye-All. Motion carried.

Agreement

Speirs moved, Struble seconded to approve amended Event Center Complex agreement regarding parking as recommended by Safety Committee. Transportation and Facilities Director Kruzel reviewed changes to existing agreement. Roll Call: Aye-All. Motion carried.

Wayfinding

Todd moved, Struble seconded to approve Phase III for Wayfinding project in the amount of \$34,965.00 with Big Red Construction, to be paid from Historic Preservation Capital Assets. Roll Call: Aye-All. Motion carried.

Special event

Speirs moved, Todd seconded to waive 45 days requirement for submission of special event and allow motorcycle parking on Main Street (southwest side only) from Saloon #10 to Bullock Hotel from 6:00 p.m. to 8:00 p.m. on June 11 for Bev's Boys Poker Run. Clay Sprague, Saloon #10, gave an overview of event. Roll Call: Aye-All. Motion carried.

Change Order

Ruth moved, Speirs seconded to approve Change Order #11 for Lower Main Welcome Center Project for \$6,604.00 bringing total project to \$6,514,421.99. Public Works Director Green stated change order is for building signs and in-grade lighting for two exterior sculpture pads. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

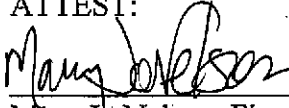
Attorney Riggins requested Executive Session for legal matters per SDCL 1-25-2(3) with possible action.

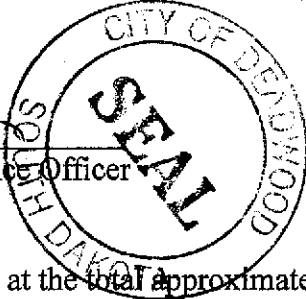
ADJOURNMENT

Todd moved, Struble seconded to adjourn the regular session at 5:53 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 June 19, 2017.

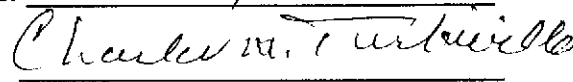
After coming out of executive session at 6:40 p.m., Speirs moved, Struble seconded to adjourn.

ATTEST:


Mary Jo Nelson, Finance Officer



DATE: June 19, 2017

BY: 
Charles M Turbiville, Mayor

Published once at the total approximate cost of _____