

## REGULAR MEETING, JANUARY 16, 2024

The Regular Session of the Deadwood City Commission convened on Tuesday, January 16, 2024 at 5:00 p.m. in the Deadwood City Commission Chambers, 102 Sherman Street, Deadwood, South Dakota. Mayor David Ruth Jr. called the meeting to order with the following members present: Department Heads, City Attorney Quentin Riggins, and Commissioners Michael Johnson, Sharon Martinisko and Gary Todd. Commissioner Charlie Struble was absent. All motions passed unanimously unless otherwise stated.

### APPROVAL OF MINUTES

Martinisko moved, Johnson seconded to approve the minutes of January 2, and the special meeting of January 8, 2024. Roll Call: Aye-All. Motion carried.

### APPROVAL OF DISBURSEMENTS

Martinisko moved, Todd seconded to approve the January 16, 2024 disbursements as amended. Roll Call: Aye-All. Motion carried.

ALBERTSON ENGINEERING	PROJECT	18,230.64
AMAZON CAPITAL	SUPPLIES	1,084.55
AMERICAN ENGINEERING TESTING	PROJECT	4,308.50
AMERICAN RED CROSS TRAINING	SUPPLIES	288.00
ARCHAEOLOGICAL RESEARCH	FEMA	25,521.48
ASERMELY, MISTY	GRANT	12,000.00
ASSOCIATION FOR RURAL	MEMBERSHIP	20.00
ASSOCIATION OF STATE FLOOD	MEMBERSHIP	300.00
BACHAND, MIKE	REIMBURSEMENT	168.00
BADGER METER	SERVICE	900.00
BERBERICH DESIGN	SERVICE	3,748.26
BH CHEMICAL	SUPPLIES	2,756.22
BH COLLISION PROS	SERVICE	2,696.50
BH ENERGY	SERVICE	30,674.22
BH PIONEER	SERVICE	984.53
BH SECURITY	SERVICE	1,378.50
BH SPECIAL SERVICES	CLEANING	2,125.00
BH WINDOW CLEANING	SERVICE	2,537.00
BLAIR, CHRIS	GRANT	10,000.00
COMPLETE CONCRETE	PROJECT	135,971.08
CURTIS BLUE LINE	UNIFORMS	412.99
D.C. BOOTH HISTORIC FISH	SIGNAGE	5,000.00
DAKOTA PUMP	PROJECT	61,398.09
DEADWOOD CHAMBER	BILL LIST	5,606.25
ECOLAB	SERVICE	272.56
ELITE SIGNS	SIGNAGE	29,721.86
ESO SOLUTIONS	SERVICE	759.72
FETTER, CHARLES	REIMBURSEMENT	30.00
FIB CREDIT CARDS	SUPPLIES	8,087.26
FLOYD'S TRUCK CENTER	SERVICE	1,140.92
GALLS	SUPPLIES	154.39
GOLDEN WEST	SERVICE	3,539.50
GUNDERSON, PALMER, NELSON	SERVICE	2,775.00
HILLS INTERIORS	PROJECT	25,191.27
INTERSTATE ENGINEERING	PROJECT	4,597.10
IPS GROUP	SERVICE	6,802.34
JACOBS WELDING	SERVICE	3,935.00
KLJ ENGINEERING	PROJECT	150.35
KOALA ELECTRIC	SERVICE	216.55
KONE CHICAGO	MAINTENANCE	537.17
KR DEADWOOD SHERMAN STREET	EASEMENT	268,000.00
KUBOTA LEASING	LEASE	1,251.16
LAWRENCE CO. REGISTER	SERVICE	180.00
LEAD-DEADWOOD SANITARY	SERVICE	19,438.12
MIDWEST TAPE	SUPPLIES	208.96
MONUMENT HEALTH	SCREENING	489.00
MORRISON, RONDA	SERVICE	1,700.00
MUTUAL OF OMAHA	INSURANCE	355.70
NHS OF THE BLACK HILLS	CONTRACT	3,202.62
NORTH CENTRAL INT'L	SERVICE	786.00
NORTHERN TRUCK EQUIPMENT	SERVICE	987.00
NORTHWEST PIPE FITTINGS	SUPPLIES	43.70
ONSOLVE	RENEWAL	1,500.00
PANNIER	SERVICE	690.00
PEARSON, JACI	PROJECT	2,700.00
PETTY CASH	REC CENTER	300.00
QUADIENT FINANCE USA	POSTAGE	500.00
QUICKTROPHY	SERVICE	39.66
RECREATION SUPPLY	SUPPLIES	168.20
RED WATER TACTICAL	UNIFORM	1,200.00
SANDER SANITATION	SERVICE	12,593.90
SCOTT PETERSON MOTORS	SERVICE	690.01
SD COMMISSION ON GAMING	CITY SLOTS	29,829.55
SD PLANNERS ASSOCIATION	MEMBERSHIP	50.00
SD STATE POETRY SOCIETY	MEMBERSHIP	40.00
SERVALL	SUPPLIES	1,398.78
SOUTH DAKOTA 811	SERVICE	77.84
SOUTHSIDE SERVICE	SERVICE	1,439.59
SPEARFISH BUILDING	SUPPLIES	44.09
STALDER, LORNI	SUPPLIES	33.59
STRETCH'S	SERVICE	1,878.57
STRYKER	SUPPLIES	780.00

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STURGIS RESPONDER SUPPLY	UNIFORMS	774.56
TAPCO	SUPPLIES	313.00
UNIVERSITY OF SOUTH DAKOTA	GRANT	1,671.00
VERIZON CONNECT	SERVICE	171.60
WATERTREE	SERVICE	523.94
WESTERN DAKOTA TECH	SERVICE	2,200.00
WHITE'S CANYON MOTORS	SERVICE	843.30

Total \$775,114.24

**CONSENT**

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

- A. Permission to hire Atlas Maverick as non-certified patrol officer at \$24.22 per hour effective February 4, 2024 pending pre-employment screening.
- B. Permission to accept resignation of Rec Center front desk receptionist Adriane Melcher effective January 6, 2024.
- C. Permission to advertise in-house for 5 days and then in outside sources, if needed, for part-time Rec Center front desk receptionist (29 hours per week with 1/2 benefits per employee handbook) at \$16.00 per hour.
- D. Permission to hire Ashley Thompson as certified patrol officer at \$26.79 per hour effective February 4, 2024 pending pre-employment screening.
- E. Permission to allow three members of the Deadwood Volunteer Fire Department (Don Gifford, Shaun Brautigian and Louis Longmore) to use city vehicle to attend SD Firefighters Certificate class in Belle Fourche January 9 thru April 2, 2024.
- F. Permission for Mayor to sign agreement with Black Hills Central Reservations for services related to the ticketing system at the Event Center from January 1, 2024 through December 31, 2028.
- G. Permission for Mayor to sign Parking Lease Agreement with First Baptist Church for nine (9) parking spaces at cost of \$3,600.00 per year from January 1, 2024 through December 31, 2028.
- H. Permission to pay 2024 Parking Lease with First Baptist Church in the amount of \$3,600.00.
- I. Resolution 2024-03 Surplus Fire Equipment.

**RESOLUTION NO. 2024-03  
TO DECLARE THE FOLLOWING SURPLUS PROPERTY**

**BE IT RESOLVED** by the Deadwood City Commission that the City of Deadwood approved the following be declared surplus and sold to Lead Fire Department for \$1,100.00, allowable under SDCL 6-5-2:

Box Compartments/Water Tank  
Top Mount Turret

Dated this 16th day of January, 2024

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

- J. Permission to pay Elite Signs LLC in the amount of \$3,112.76 for the remaining Broadway Ramp sign replacement package. (To be paid by 2024 Parking & Transportation Supplies.)
- K. Permission to pay McDirt Excavation in the amount of \$3,454.59 for contract services on the Main Street water line repair. (To be paid by 2024 Water repair budget.)
- L. Permission to approve Grace Lutheran Church Not-For-Profit Grant request in the amount of \$21,974.00 for replacement of deteriorated and inappropriate storm windows. (To be paid by HP Outside Deadwood Grant line item.)
- M. Permission to approve purchases up to \$4,000.00 for expenses associated with Deadwood Day at the Capital on January 18, 2024. (To be paid from HP Public Education line item.)
- N. Permission to purchase up to 60 tons of salt from Black Strap at \$172.00 per ton. (To be paid by 2024 Streets Supplies budget.)

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### BID ITEMS

#### Results

Mayor Ruth Jr. stated 2 bids were received for the 2024 Mt. Moriah Cemetery project for concrete repair of walls in section 1, 2, 3, 4, 10 and 11 held on January 11, 2024 at 2:00 p.m. Bid bonds were included in the following bid submittals:

Complete Concrete: Base Bid-\$155,109.00, Alt. #1-\$2,137.00, Alt. #2-\$7,639.00, Alt. #3-\$1,103.00, Alt. #4-\$8,571.00, Alt. #5-\$1,912.00, Alt. #6-\$34,814.00 - Total \$211,285.00

SECO Construction: Base Bid-\$197,000.00, Alt. #1-\$8,000.00, Alt. #2-\$20,000.00, Alt. #3-\$6,500.00, Alt. #4-\$6,500.00, Alt. #5-\$5,500.00, Alt. #6-\$20,000 - Total \$277,000.00

Planning, Zoning and Historic Preservation Officer Kuchenbecker spoke about the project and recommends approval. Discussion was held concerning different prices in alternates and alternate #6. Martinisko moved, Johnson seconded to award bid to Complete Concrete in an amount of \$211,285.00 for 2024 Mt. Moriah Cemetery project for concrete repair of walls in section 1, 2, 3, 4, 10 and 11. Roll Call: Aye-All. Motion carried.

#### Set

Finance Officer McKeown spoke about the truck. Martinisko moved, Todd seconded to accept bids until 2:00 p.m. on February 1, 2024 with results to City Commission on February 5, 2024 for a 2002 or newer 95-100' Platform or Aerial Platform Ladder Truck. Roll Call: Aye-All. Motion carried.

### PUBLIC HEARINGS

#### Water Main Extension

Public hearing was opened at 5:07 p.m. by Mayor Ruth Jr. Public Works Director Stalder provided an overview on the water project, including improvements with the Denver pump station. Jennifer Sietsema, Black Hills Council of Local Government, discussed the required elements to be eligible for funding from the Board of Water and Natural Resources. She outlined the different revenue sources, financing, project surcharge, possible rate increase, sales tax, different types of bonds and how each would impact the City. Commissioner Todd asked if the commercial rate would be factored into the residential rate if rate increase is needed. Sietsema stated that the state tries to keep residential rates manageable. Mayor Ruth Jr. stated it is important to understand that Deadwood is a unique community that has more hotel rooms than actual residents. Our business community far exceeds our residential community, as far as water needs, and believes that there is an argument to be made that our commercial rates and our commercial usage should be part of the consideration. Sietsema stated they are part of the application, but she is not sure if they have an equal comparison across the state. Commissioner Martinisko stated grants are population based so we lose out in comparison to other communities even though our impact on our infrastructure and our need are as high as some larger cities. Sietsema stated the application will be considered by the Board of Water and Natural Resources in April and city representatives will be allowed to speak on the project's behalf. Hearing closed. Todd moved, Johnson seconded to pursue a funding from the Board of Water and Natural Resources for the Highway 85 Water Main Extension and Booster Pump Project. Roll Call: Aye-All. Motion carried.

#### Lease

Public hearing was opened at 5:35 p.m. by Mayor Ruth Jr. Kuchenbecker spoke about lease, hearing closed. Johnson moved, Martinisko seconded to lease 600 square feet of city property near the PRV building at the Deadwood Event Complex to CommNet Cellular Inc. for location of a small cell tower. Roll Call: Aye-All. Motion carried.

#### Forks, Corks, Kegs

Public hearing was opened at 5:36 p.m. by Mayor Ruth Jr. no one spoke in favor or against, hearing closed. Martinisko moved, Todd seconded to approve open container in zones 1 and 2 on Friday, April 12 from 5:00 p.m. to 10:00 p.m. and Saturday, April 13, 2024 from 11:00 a.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

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Hops and Hogs

Public hearing was opened at 5:37 p.m. by Mayor Ruth Jr. no one spoke in favor or against, hearing closed. Martinisko moved, Johnson seconded to approve open container in zones 1 and 2 Friday, May 17 from 5:00 p.m. to 10:00 p.m. and Saturday, May 18, 2024 from noon to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Set

Martinisko moved, Todd seconded to set public hearing on February 5 for Retail (on-off sale) Malt Beverage and SD Farm Wine License for Main Street Espresso at 652 Main Street. Roll Call: Aye-All. Motion carried.

Todd moved, Martinisko seconded to set public hearing on February 5 for Convention Center (on-sale) Liquor License (CL-501) and Retail (on-off sale) Malt Beverage and SD Farm Wine License (RB-3536) transfers from Deadwood Gaming BHCI LLC to Deadwood Hospitality BHCI LLC dba Deadwood Comfort Inn at 225 Cliff Street. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Resolution

Kuchenbecker spoke about the resolution. Commissioner Martinisko thanked Kuchenbecker for explanation of banners. Mayor Ruth Jr. stated when an event applies through the Event Committee, they can request to waive the banner fee. Martinisko moved, Todd seconded to approve Resolution 2024-04 Designating Special Events Recognized by the City of Deadwood for purposes of Ordinance Section 15.32.100 and 15.32.140 for 2024. Roll Call: Aye-All. Motion carried.

**RESOLUTION 2024-04**

**A RESOLUTION DESIGNATING SPECIAL EVENTS RECOGNIZED BY THE CITY OF DEADWOOD FOR PURPOSES OF ORDINANCES 15.32.100 AND 15.32.140**

**BE IT RESOLVED** by the Deadwood City Commission that the following events, with their respective dates of occurrence, are hereby recognized for the year 2024 as “special or civic event(s)” for purposes of Ordinances 15.32.100 and 15.32.140:

<b><u>Special or Civic Event:</u></b>	<b><u>Date(s) of Event:</u></b>
<b>1. ISOC Deadwood SnoCross Shootout</b>	<b>January 26-27, 2024</b>
<b>2. St. Patrick’s Day</b>	<b>March 15-16, 2024</b>
<b>3. Wild Bill Hickok Days</b>	<b>June 13-15, 2024</b>
<b>4. Days of ’76</b>	<b>July 21-27, 2024</b>
<b>5. Sturgis Rally</b>	<b>August 2-11, 2024</b>
<b>6. Kool Deadwood Nites</b>	<b>August 21-25, 2024</b>
<b>7. Oktoberfest</b>	<b>October 4-5, 2024</b>

Dated this 16th day of January, 2024

ATTEST:  
/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD  
/s/ David Ruth Jr., Mayor

Permission

Kuchenbecker spoke about the testing. Johnson moved, Martinisko seconded to use professional services of AET (American Engineering Testing) for required concrete and compaction testing in amount not to exceed \$35,000.00. (To be paid by FEMA project budget.) Roll Call: Aye-All. Motion carried.

Purchase

Kuchenbecker spoke about the purchase. Martinisko moved, Johnson seconded to purchase new desktop computer for the Planning, Zoning, and Historic Preservation Officer from Golden West in an amount of \$3,378.00 including installation. (To be split between Historic Preservation and Planning & Zoning equipment line items.) Roll Call: Aye-All. Motion carried.

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Acknowledge

Kuchenbecker spoke about the payment. Martinisko moved, Johnson seconded to acknowledge payment to the South Dakota State Archaeological Research Center in the amount of \$25,521.48 for the archaeological research and monitoring to date for the Whitewood Creek Restoration project as required by FEMA. (To be paid from the FEMA project line item.) Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

- A. Petitions may be taken out and circulation may begin on January 26, 2024 for two (2) City Commission seats, each 3-year term. Petitions must be returned no later than February 23, 2024 at 5:00 p.m.

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

ADJOURNMENT

Martinisko moved, Todd seconded to adjourn the regular session at 7:03 p.m. The next regular meeting will be on Monday, February 5, 2024 at 5:00 p.m.

ATTEST:

DATE: \_\_\_\_\_

\_\_\_\_\_  
Jessica McKeown, Finance Officer

BY: \_\_\_\_\_  
David Ruth Jr., Mayor

Published once at the total approximate cost of \_\_\_\_\_