

REGULAR MEETING, AUGUST 21, 2023

The Regular Session of the Deadwood City Commission convened on Monday, August 21, 2023 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, Charlie Struble and Gary Todd. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Martinisko moved, Johnson seconded to approve the minutes August 7, 2023. Roll Call: Aye-All. Motion carried.

APROVAL OF DISBURSEMENTS

Struble moved, Todd seconded to approve the August 21, 2023 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS SOLUTIONS	CONTRACT	83.88
A & B WELDING	SUPPLIES	420.30
A & I DISTRIBUTORS	SUPPLIES	723.42
ACE HARDWARE	SUPPLIES	87.24
ADOBE INC	SUBSCRIPTION	2,590.92
ALBERTSON ENGINEERING	PROJECT	1,553.71
ALEX AIR APPARATUS 2	BUNKER GEAR	8,834.35
ALPINE IMPRESSIONS	SERVICE	115.00
AMAZON CAPITAL	SUPPLIES	1,189.44
AMAZON	SERVICE	1,004.82
ASSOCIATED SUPPLY	SUPPLIES	1,640.38
AVID4 ENGINEERING	SERVICE	3,900.00
BADGER METER	SERVICE	753.00
BARCO PRODUCTS	SUPPLIES	1,463.53
BARRY'S ELECTRIC	SERVICE	4,856.80
BH CHEMICAL	SUPPLIES	974.61
BH ENERGY	SERVICE	28,892.85
BH PIONEER	SERVICE	932.71
BH WINDOW CLEANING	SERVICE	1,510.00
BRANDON INDUSTRIES	SUPPLIES	1,589.00
DAYS OF '76	ALLOCATION	10,000.00
DEADWOOD CHAMBER - SQUARE	BID #9	50,000.00
DVFD	STAFFING	990.00
DEADWOOD GRANITE	SERVICE	3,600.00
DEADWOOD HISTORY	AD	120.00
FELD FIRE	SERVICE	1,050.00
FIB CREDIT CARDS	SUPPLIES	1,422.18
FLOYD'S TRUCK CENTER	SERVICE	974.58
GALLS	UNIFORMS	107.23
GEPPERT, MADDY	REIMBURSEMENT	20.00
GOLDEN WEST	SERVICE	3,464.50
GRUNDY CENTER AUTO BODY	SERVICE	1,901.00
HAWKINS	SUPPLIES	1,107.95
HENDERSON, STEVEN	REIMBURSEMENT	164.08
IPS GROUP	SERVICE	4,421.83
JACOBS WELDING	SERVICE	28.20
JASSMAN, TROY	REIMBURSEMENT	33.00
JLG ARCHITECTS	PROJECT	2,690.00
JOHNSON FITNESS	SERVICE	972.20
JOHNSTON, DELANEY	PROGRAM	350.00
KDSJ	SERVICE	255.00
KNECHT	SUPPLIES	233.07
LAWRENCE CO. REGISTER	SERVICE	90.00
LAWSON PRODUCTS	SUPPLIES	671.44
LEAD-DEADWOOD SANITARY	SERVICE	33,494.80
LYNN'S	SUPPLIES	65.28
MACQUEEN EMERGENCY	SUPPLIES	14,018.21
MCLEODS	SUPPLIES	1,547.05
METERING & TECHNOLOGY	METERS	7,222.78
MICROSOFT	SUPPORT	703.06
MID-AMERICAN RESEARCH	SUPPLIES	418.31
MIDCONTINENT TESTING	TESTING	28.50
MIDWEST TAPE	SUPPLIES	71.22
MODERN MARKETING	SUPPLIES	493.84
MORRISON, RONDA	SERVICE	1,740.00
MUTUAL OF OMAHA	INSURANCE	251.93
NHS OF THE BLACK HILLS	SERVICE	3,000.00
NORTHWEST PIPE FITTINGS	SUPPLIES	1,835.56
ONSITE FIRST AID	SUPPLIES	117.78
OTIS ELEVATOR	MAINTENANCE	835.05
PETE LIEN & SONS	SUPPLIES	430.68
QUADIANT FINANCE USA	POSTAGE	500.00
QUADIANT LEASING USA	LEASE	245.46
QUIK SIGNS	PROJECT	3,013.58
QUILL	SUPPLIES	86.70
RAMKOTA HOTEL	CONFERENCE	77.00
RASMUSSEN	SUPPLIES	385.36
SANDER SANITATION	SERVICE	14,348.90
SCHMIDT, WILLIAM	PROJECT	2,470.00
SD COMMISSION ON GAMING	CITY SLOTS	29,829.55
SD DENR	SERVICE	650.00
SD DEPT. OF REVENUE	TAX	11,205.33

REGULAR MEETING, AUGUST 21, 2023

DEPT. OF REVENUE	LICENSE	375.00
SERVALL	SUPPLIES	1,896.27
SHAFER, DANIELLE	REIMBURSEMENT	747.33
SIMON MATERIALS	SUPPLIES	340.21
SODAK TITLE	SERVICE	120.00
SPEARFISH BUILDING	SUPPLIES	293.84
STREICHER'S	AMMUNITION	1,898.74
TOMS, DON	PROJECT	600.00
TRITECH SOFTWARE SYSTEMS	LICENSE	2,800.07
TRUGREEN	SERVICE	3,283.91
TWIN CITY HARDWARE	SUPPLIES	2,762.85
TWIN CITY HARDWARE	GRANT	2,271.93
ULINE	SUPPLIES	768.39
VANWAY TROPHY	SUPPLIES	203.80
VERIZON CONNECT NWF	SERVICE	92.95
VERIZON WIRELESS	SERVICE	707.66
VIEHAUSER ENTERPRISES	SERVICE	16.00
VIGILANT BUSINESS SOLUTION	SERVICE	1,533.50
WARNE CHEMICAL	SUPPLIES	1,900.00
WESTERN STATES FIRE	SERVICE	975.00

Total \$300,455.60

ITEMS FROM CITIZENS ON AGENDA

Thank you

Travis Rogers, on behalf of the Days of '76 Committee, thanked the Commission and City of Deadwood for their support with the Days of '76 Events. Commission expressed appreciation to the Days Committee.

Proclamations

The Mayor read a proclamation declaring the month of September as Responsible Gaming Education Month in Deadwood.

CONSENT

Struble moved, Martinisko seconded to omit item 6A for separate consideration and approve the following consent items. Roll Call: Aye-All. Motion carried.

- A. Removed for separate consideration in New Business
- B. Approve Personnel Policy 10.31 Drug and Alcohol Policy
- C. Approve Personnel Police 6.7.10 Policy Academy Travel
- D. Resolution 2023-18 Surplus Fire Equipment and Donate
- E. Permission to make second-half of 2023 budget allocation to Deadwood Lead Economic Development in the amount of \$24,000.00 from Bed and Booze Fund.
- F. Approve Special Liquor License for Cadillac Jacks to serve liquor at Event Complex on Saturday, September 9, 2023 from 4:00 p.m. to 10:00 p.m. for Motocross Events. No public hearing necessary since license is on publicly owned property.
- G. Permission to purchase and install vinyl flooring in Archaeological Laboratory from Hills Interiors in an amount not to exceed \$2,800.00. (To be paid by HP Capital Assets).
- H. Permission for letter to be sent to South Dakota Department of Agriculture and Natural Resources regarding optional sanitary sewer connections for Phase III of Stage Run development.
- I. Permission to purchase four MSA SCBA cylinders from Macqueen Equipment in the amount of \$3,468.02. (To be paid by Fire Dept. Equipment budget.)
- J. Permission to purchase fire hose from M&T Fire and Safety at a cost not to exceed \$4,000.00. (To be paid by Fire Dept. Supplies budget.)
- K. Permission to purchase 5500 gallons of fuel at \$3.45 per gallon from Southside Oil.

PUBLIC HEARINGS

License

Public hearing was opened at 5:07 p.m. by Mayor David Ruth Jr. Nick Bennett, Dakota Shivers Brewing, was available to answer questions, hearing closed. Martinisko moved, Johnsons seconded to approve Retail (on-off sale) Malt Beverage and SD Farm Wine License for Dakota Shivers Brewing, LLC dba Tootsie's Taproom at 667 Main Street Roll Call: Aye-All. Motion carried.

REGULAR MEETING, AUGUST 21, 2023

Licenses

Public hearing was opened at 5:08 p.m. by Mayor David Ruth Jr. Levi Venner, Black Hills Provisions, was available to answer questions, hearing closed. Todd moved, Struble seconded to approve Retail (on-off sale) Malt Beverage and Retail (on-off sale) Wine Licenses for Black Hills Provisions LLC, dba Maynard's at 696 Main Street. Roll Call: Aye-All. Motion carried.

Transfer

Public hearing was opened at 5:09 p.m. by Mayor David Ruth Jr. No one spoke in favor or against, hearing closed. Johnson moved, Struble seconded to approve Retail (on-off sale) Malt Beverage and SD Farm Wine License Transfer from Shelby Clarkson to Terzo Spazio dba Pump House Coffee and Eatery at 73 Sherman Street. Roll Call: Aye-All. Motion carried.

Moto Show

Public hearing was opened at 5:10 p.m. by Mayor David Ruth Jr. Sarah Kryger, Deadwood Chamber, was available to answer questions, hearing closed. Struble moved, Todd seconded to approve open container Saturday, September 9, 2023 from 4:00 p.m. to 10:00 p.m. at Event Complex; and waiver of user fees Wednesday, September 6 through Monday, September 11, 2023 at the Event Complex. Roll Call: Aye-All. Motion carried.

Fair in the Square

Public hearing was opened at 5:12 p.m. by Mayor David Ruth Jr. Bobby Rock, Outlaw Square, was available to answer questions. Discussion was held concerning overlapping with Farmers Market at Gordon Park. Martinisko moved, Johnson seconded to approve street closure on Deadwood Street from Main Street to Pioneer Way from noon on Friday, September 8 to 9:00 p.m. on Saturday, September 9, 2023. Roll Call: Aye-All. Motion carried.

Permit

Public hearing was opened at 5:14 p.m. by Mayor David Ruth Jr. Kuchenbecker stated Planning and Zoning approved conditional use permit for a vacation home establishment at 36 Water Street with conditions, hearing closed.

Permit

Public hearing was opened at 5:15 p.m. by Mayor David Ruth Jr. Kuchenbecker stated Planning and Zoning approved conditional use permit for a vacation home establishment at 64 Cliff Street with conditions, hearing closed.

NEW BUSINESS

Resignation

Commissioner Martinisko stated Dave Bruce withdrew his resignation as Planning & Zoning Commissioner. Martinisko moved, Johnson seconded to reject resignation of Dave Bruce as Planning & Zoning Commissioner effective August 31, 2023. Roll Call: Aye-All. Motion carried.

Second Reading

McKeown stated no changes between first and second reading. Martinisko moved, Johnson seconded to approve second reading of Ordinance #1382 Creating Chapter 2.04.200 Introduction and Adoption of Annual Municipal Budget. Roll Call: Aye-All. Motion carried.

Second Reading

Kuchenbecker stated no changes between first and second reading. Martinisko moved, Johnson seconded to approve second reading of Ordinance #1383 amending Planned Unit Development (PUD) Boundaries for the Stage Run PUD. Roll Call: Aye-All. Motion carried.

Second Reading

Kuchenbecker stated no changes between first and second reading. Johnson moved, Struble seconded to approve second reading of Ordinance #1384 for Change of Zoning within the Stage Run Planned Unit Development. Discussion was held concerning commercial highway. Roll Call: Aye-All. Motion carried.

REGULAR MEETING, AUGUST 21, 2023

Second Reading

Kuchenbecker stated no changes between first and second reading. Martinisko moved, Struble seconded to approve second reading of Ordinance #1385 for a Change of Zoning within the Planned Unit Development at The RIDGE at Deadwood. Roll Call: Aye-All. Motion carried.

Conditional Use Permit

Martinisko moved, Johnsons seconded to Act as Board of Adjustment and approve with conditions the Conditional Use Permit - Vacation Home Establishment - 36 Water Street - Deadwood Rentals, LLC (Trinity Conrad) with the following conditions: Conditional Use Permit runs with the applicant and not the land, proof of a state tax number shall be provided to the Planning and Zoning Office, proof that the Building Inspector has inspected the building and it meets all the building codes, City water and sewer rates to be changed from residential to commercial rates, proper paperwork is file with the City of Deadwood Finance Officer for BID taxes, proof of City of Deadwood Business License, Obtain lodging license after inspection from the SD Dept. of Health without changing the historic character of the resource and all parking shall be off street. Legally described as: Tract A, an 8' Platted Alley and a Portion of Lot R-1 of the City of Deadwood Railroad Property all Located in the Hillsdale Addition to the City of Deadwood, in the NW1/4 of Section 26, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota; and, Tract B-1, McGovern Hill Addition of the City of Deadwood, Located in the NW1/4NW1/4 of Section 26 T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Roll Call: Aye-All. Motion carried.

Conditional Use Permit

Struble moved, Todd seconded to Act as Board of Adjustment and approve with conditions the Conditional Use Permit - Vacation Home Establishment - 64 Cliff Street - Owson Properties, LLC (Mike and Kat Sneesby) with the following conditions: Conditional Use Permit runs with the applicant and not the land, proof of a state tax number shall be provided to the Planning and Zoning Office, proof that the Building Inspector has inspected the building and it meets all the building codes, City water and sewer rates to be changed from residential to commercial rates, proper paperwork is file with the City of Deadwood Finance Officer for BID taxes, proof of City of Deadwood Business License, Obtain lodging license after inspection from the SD Dept. of Health without changing the historic character of the resource and all parking shall be off street. Legally described as: Lot X2 of Riverside Addition City of Deadwood, Lawrence County, South Dakota Formerly Lot X of Riverside Addition Locate in the NE1/4 of Section 27, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Roll Call: Aye-All. Motion carried.

Final Plat

Kuchenbecker spoke about the plat. Johnson moved, Struble seconded to Act as Board of Adjustment and approve the Final Plat - Adjusting Property Lines - 1 Katon Drive - Kraft Family Living Trust and Terry and Dawn Bahr legally described as: Plat of Lot 3R-1 Revised of Katon Subdivision Formerly Lot 3R-1 of Katon Subdivision, Lot AB1 of Placer 58, Lot AB1 of Placer Claim 57 and Lot 1 of the Subdivision of Tract E-1 being a portion of Placer M.S. 57, Placer M.S. 58 and Hillside Placer M.S. 749 Located in the SE1/4 of Section 27, T5N, R3E, B.H.M. City of Deadwood, Lawrence County, South Dakota and Plat of Lot 1 Revised of the Subdivision of Tract E-1 Formerly Lot 1 of the Subdivision of Tract E1 Being a Portion of Hillside Placer M.S. 749 Located in the SE1/4 of Section 27, T5N, R3E, B.H.M. City of Deadwood, Lawrence County, South Dakota. Roll Call: Aye-All. Motion carried.

Sculpture (continued from August 7, 2023)

Commissioner Johnson spoke about the Calamity Jane sculpture. Discussion was held since last meeting and location has been changed to Outlaw Square near the Gazebo. Martinisko moved, Johnson seconded to grant permission to place Calamity Jane Sculpture in Outlaw Square. Roll Call: Aye-All. Motion carried.

Grant

Fire Chief Hamann spoke about the grant. Todd moved, Struble seconded to grant permission for Fire Department to apply for SD Wildland VFA grant (90/10 match) to purchase ten sets of personnel protective gear. City portion not to exceed \$3,000.00 and to be paid by Fire Dept. Public Safety budget. Roll Call: Aye-All. Motion carried.

REGULAR MEETING, AUGUST 21, 2023

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Robin Schiro, Mineral Palace employee, wanted the Commission to be aware of individuals posing as IRS Investigators or FBI in the gaming casinos hacking into systems and vandalizing hotel rooms. She indicated she has been communicating with the Governor's Office and Gaming Commission.

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, Struble seconded to adjourn the regular session at 5:39 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3) and personnel matters per SDCL 1-25-2(1) with possible action. The next regular meeting will be on Tuesday, September 5, 2023 at 5:00 p.m.

After coming out of executive session at 6:10 p.m., Martinisko moved, Johnson seconded to adjourn.

ATTEST:

DATE: _____

Jessica McKeown, Finance Officer

BY: _____
David Ruth Jr., Mayor

Published once at the total approximate cost of _____