

REGULAR MEETING, JUNE 6, 2022

The Regular Session of the Deadwood City Commission convened on Monday, June 6, 2022 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 L. 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 of May 16, 2022. Roll Call: Aye-All. Motion carried.

MAY, 2022 PAYROLL: COMMISSION, \$2,730.76; FINANCE, \$19,508.85; PUBLIC BUILDINGS, \$13,923.04; POLICE, \$74,865.60; FIRE, \$6,026.12; BUILDING INSPECTION, \$4,520.23; STREETS, \$29,055.45; PARKS, \$19,608.74; PLANNING & ZONING, \$5,810.01; LIBRARY, \$6,088.16; RECREATION CENTER, \$17,800.13; HISTORIC PRESERVATION, \$19,029.00; WATER, \$15,301.37; MT. MORIAH, \$318.48; PARKING METER, \$10,054.06; TROLLEY, \$13,221.73; PARKING RAMP, \$1,360.18. **PAYROLL TOTAL: \$259,221.91.**

MAY, 2022 PAYROLL PAYMENTS:

Internal Revenue Service, \$66,550.49; S.D. Retirement System, \$33,114.42; Delta Dental, \$4,508.00.

APPROVAL OF DISBURSEMENTS

Struble moved, Todd seconded to approve the June 6, 2022 disbursements as amended. Roll Call: Aye-All. Motion carried.

2100 INC	BID #8	25,000.00
A & B BUSINESS SOLUTIONS	CONTRACT	515.20
A & J SUPPLY	SUPPLIES	212.37
ABSOLUTE LOG HOMES	SUPPLIES	628.94
ACE HARDWARE	SUPPLIES	147.77
ALSCO	SUPPLIES	2,080.75
AMAZON CAPITAL	SUPPLIES	827.26
AMERICAN ENGINEERING TESTING	PROJECT	1,097.75
AMERICAN LEGION EMBLEM	SUPPLIES	260.45
AMERICAN RED CROSS TRAINING	SUPPLIES	402.00
ANTHEM SPORTS	SUPPLIES	233.97
ATCO INTERNATIONAL	SUPPLIES	530.40
BH ASPHALT	PROJECT	14,392.88
BH CHEMICAL	SUPPLIES	2,346.91
BH PIONEER	SERVICE	20,250.00
BH SECURITY	PROJECT	448.01
BH SPECIAL SERVICES	CLEANING	2,250.00
BH WINDOW CLEANING	SERVICE	1,339.00
BURLESON, BILL	REIMBURSEMENT	72.24
CAPFIRST EQUIPMENT FINANCE	CAT938M LOADERS	36,882.10
CENTURY BUSINESS	PLOTTER	645.41
CERTIFIED LABORATORIES	SUPPLIES	194.66
CHAINSAW CENTER	RENTAL	443.59
CHAMBERLIN ARCHITECTS	PROJECT	4,881.25
CITY OF SPEARFISH	DUTY VEST	150.00
COCA COLA	SUPPLIES	680.00
CULLIGAN	SUPPLIES	170.25
DB MARKETING TEAM	SUPPLIES	114.44
DEADWOOD CHAMBER	BILL LIST	98,242.01
DEADWOOD CHAMBER	BID#9	80,000.00
DEADWOOD ELECTRIC	SERVICE	6,153.10
DVFD	REIMBURSEMENT	450.00
DEADWOOD GAMING ASSOCIATION	BID #8	10,000.00
DEADWOOD HISTORY	ALLOCATION	110,000.00
DEADWOOD HOSPITALITY RESORT	REIMBURSEMENT	6,500.00
DEPOT MUSIC PRODUCTIONS	SERVICE	500.00
DOG WASTE DEPOT	SUPPLIES	299.98
EAGLE ENTERPRISES	SUPPLIES	191.76
ECOLAB	SERVICE	98.15
EPCO	SUPPLIES	1,573.74
FASTENAL	SUPPLIES	5.95
FIRST INTERSTATE BANK	TIF #8	248,009.74
FIRST NET	SERVICE	160.16
GOLDEN WEST	SERVICE	1,349.34
HAMANN, ALEX	MEETINGS	210.00
HAWKINS	SUPPLIES	1,498.14
HILLYARD	SUPPLIES	438.55
HUNTINGTON	TROLLEYS	73,509.42
IPS GROUP	SERVICE	2,740.40
JACOBS WELDING	SERVICE	1,159.08
KIMBALL MIDWEST	SUPPLIES	758.24
KNECHT	SUPPLIES	2,660.47
LAKOTA CONTRACTING	UNIFORMS	160.70
LARIVE, ANDREW	REIMBURSEMENT	138.44
LAWRENCE CO. REGISTER	SERVICE	30.00

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LAWSON PRODUCTS	SUPPLIES	212.22
LIBERTY NATIONAL BANK	TIF #9	86.88
MENARD'S	SUPPLIES	1,670.09
MID-AMERICAN RESEARCH	SUPPLIES	2,648.54
MDU	SERVICE	9,041.56
MS MAIL	SERVICE	1,535.80
MUTUAL OF OMAHA	INSURANCE	266.42
NAJA SHRINERS	BID #8	10,000.00
NORTHERN HILLS TECHNOLOGY	SERVICE	32.50
NORTHWEST PIPE FITTINGS	SUPPLIES	3,498.76
OTIS ELEVATOR	MAINTENANCE	814.59
PRESSURE SERVICES	SUPPLIES	58.63
QUADIENT FINANCE USA	POSTAGE	500.00
QUADIENT LEASING USA	LEASE	245.46
QUICKTROPHY	SUPPLIES	45.17
QUIK PAVE PRODUCTS	SUPPLIES	1,373.93
QUIK SIGNS	SERVICE	212.89
RAKOW, JASON	MEETINGS	105.00
RAPID DELIVERY	SERVICE	14.95
RECREATION SUPPLY	SWIM BLOCKS	32,338.52
ROCKINGTREE LANDSCAPES	SUPPLIES	649.01
RUNGE, MIKE	CONFERENCE	176.99
S AND C CLEANERS	CLEANING	11,301.00
SCOTT PETERSON MOTORS	SERVICE	1,400.84
SD DEPT. OF CORRECTIONS	FIREWISE	3,093.93
SD MUNICIPAL LEAGUE	WORKSHOP	50.00
SD PUBLIC ASSURANCE ALLIANCE	SERVICE	783.97
SD PUBLIC HEALTH LAB	TESTING	30.00
SDASRO	REGISTRATION	150.00
TEAM LABORATORY CHEMICAL	SUPPLIES	1,776.50
THE BLIND GUY	SERVICE	790.43
THE LORD'S CUPBOARD	RECYCLING	132.75
TOWEY DESIGN GROUP	PROJECT	21,331.84
TRI AIR TESTING	TESTING	227.00
TRUGREEN	SERVICE	179.30
TWIN CITY HARDWARE	SUPPLIES	9,692.46
TWISTED APPAREL	SERVICE	359.60
ULINE	SUPPLIES	582.14
UMENTHUM, KEITH	PROJECT	1,999.20
UNITED LABORATORIES	SUPPLIES	1,319.82
VANWAY TROPHY	SUPPLIES	234.80
VAST	SERVICE	3,654.05
VERBA, DIANNE	REIMBURSEMENT	441.30
VERIZON CONNECT	SERVICE	171.60
VERIZON WIRELESS	SERVICE	748.38
VIEHAUSER ENTERPRISES	SERVICE	42.00
VISIONARY LANDSCAPING	PROJECT	2,198.45
WELLMARK	INSURANCE	58,462.17
WEM	BID #8	6,000.00
WERLINGER AUTO BODY REPAIR	SERVICE	2,236.70
WESTERN STATES FIRE PROTEC	SERVICE	995.00
		Total \$959,948.11

ITEMS FROM CITIZENS ON AGENDA

Years of Service

Fire Chief Hamann presented certificates to Toby Edstrom for 40 years and Ken Hawki for 50 years as a volunteer firefighter. Commission thanked them for their service.

Request

Mayor Ruth Jr. stated this item was continued from last meeting. Sarah Kryger, Deadwood Chamber, stated an agreement has not been made between the American Legion Auxiliary #31 and VFW Post 5969 during the conversations that have been had. Commission Todd stated both are terrific organizations and intention is wonderful but feel that both entities have an opportunity to raise funds. Commissioner Struble asked if there is another event that the Auxiliary could raise funds. Pat Adams, American Legion Auxiliary #31, stated Kool Deadwood Nites has been their only fundraiser for the past 14 years. Mayor Ruth Jr. stated the city understands this is the Auxiliary’s only fundraiser but that does not mean city cannot help in the facilitating finding more fundraising opportunities. Martinisko moved, Johnson seconded to deny request from American Legion Auxiliary #31 of Lead for a special alcohol license to serve beer and wine at Interpretive Lot during Kool Deadwood Nites on Friday, August 26 and Saturday, August 27, 2022. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to refund fee of \$200.00 for the alcohol license to American Legion Auxiliary #31. Roll Call: Aye-All. Motion carried.

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Request

Martinisko moved, Todd seconded to approve request from Black Hills Post 5969 VFW for a special alcohol license to serve beer and wine at Interpretive Lot during Kool Deadwood Nites on Friday, August 26 and Saturday, August 27, 2022 from 11:00 a.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

CONSENT

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

- A. Permission for the Mayor to sign contract with Simon Contractors of SD, Inc for the Sampson Street mill/overlay project awarded on May 2, 2022.
- B. Accept resignation of Wes Thompson as Mount Moriah Cemetery Ticket Booth Attendant effective May 23, 2022.
- C. Permission to move Verla Little from part-time to full-time patrol officer at \$25.79 per hour effective June 7, 2022
- D. Permission to make Trolley Drivers Randi Coddington and Herb Cowart Weekend Trolley Managers with an additional \$2.00 per hour when acting as managers, per Section 5.12 of employee handbook.
- E. Remove Alison Ball, Library Assistant II, from payroll effective May 31, 2022.
- F. Permission to advertise in house for 5 days and then official newspaper for Library Assistant II at 13.27 per hour.
- G. Permission for the library to purchase four Maxwell Thomas Lounge chairs with tablet arm and power from Direct Supply in the amount of \$5,333.19. (To be paid from Library furniture budget which was increased due to SD Humanities Council American Rescue Plan grant that was received on November 22, 2021.)
- H. Removed for separate consideration in New Business
- I. Recommendation from Event Committee to waive user fees for Jeep Jamboree due to issues with parking at Event Complex during 2021 Jeep Jamboree Event.
- J. Permission for Mayor to sign parking lease with Peterson CPA for three (3) parking spots located on Siever Street for a total of \$225.00 per month plus tax and applicant shall incur the cost of the signs and installation. Recommended approval by the Parking and Transportation Committee on May 19, 2022.
- K. Allow use of public property at the Event Complex on Thursday, September 15 through Saturday, September 17, 2022 for Black Hills Jeep Jamboree.
- L. Permission to approve updated job description for Fire Service Technician position.
- M. Recommendation from Parking & Transportation Committee to allow free ridership on City trolleys during Kool Deadwood Nites (Wednesday, August 25th through Sunday, August 28, 2022.) Acknowledge \$21,000.00 of contributions to the City from sponsors to offset Trolley revenue for event.
- N. Approve Special Alcohol License for His and Hers Ale House to serve beer and wine at Outlaw Square, Sunday, July 3 from 4:30 p.m. to 10:00 p.m. and Friday, July 8 and Saturday, July 9, 2022 from 4:30 p.m. to 10:00 p.m. for Deadwood Live Events. No public hearing necessary since license is on publicly owned property.
- O. Permission to hire and pay Viehauser Enterprises (DBS Genes) to upgrade keyless entry for back door of the firehall in the amount of \$2,934.94. (To be paid from Public Buildings budget.)
- P. Permission to hire Warne Chemical for Noxious Weed treatment along Whitewood Creek through Deadwood in the amount of \$5,030.00. (To be paid from Parks - CIP Whitewood Creek line item.)
- Q. Permission to allow Police Dept to purchase 2020 Dodge Durango from Kansas Highway Patrol in amount of \$29,350.00. (To be paid from Police equipment budget.)
- R. Permission to allow Sergeant Cory Shafer to travel (via airplane) to Topeka, Kansas and drive back newly purchased vehicle. Travel will occur within the next two weeks with expenditures not to exceed \$1,500.00.

BID OPENINGS

Mt. Moriah Cemetery Improvements

Mayor Ruth stated one bid was opened for Mt. Moriah Project as advertised. Bid bonds and acknowledge of Addendum 1 were included in the following bid submittals:

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Complete Concrete: \$283,840.00
S&S Builders: \$687,290.00

Historic Preservation Officer Kuchenbecker asked to continue for review. Martinisko moved, Johnson seconded to continue results of bid opening on June 1 at 2:00 p.m. for Mt. Moriah Cemetery Improvements Project. Roll Call: Aye-All. Motion carried.

23 Centennial Avenue

Mayor Ruth stated one bid was opened for 23 Centennial Avenue Retaining Wall as advertised. Bid bonds and acknowledge of Addendums 1 and 2 were included in the following bid submittals:

RCS Construction - \$129,000.00

Kuchenbecker asked to continue for review. Johnson moved, Martinisko seconded to continue results of bid opening on June 2 at 2:00 p.m. for 23 Centennial Avenue Retaining Wall. Roll Call: Aye-All. Motion carried.

9 Shine Street

Mayor Ruth stated one bid was opened for 9 Shine Street Retaining Wall as advertised. Bid bonds and acknowledge of Addendums 1 and 2 were included in the following bid submittals:

RCS Construction - \$164,000.00

Kuchenbecker asked to continue for review. Struble moved, Todd seconded to continue results of bid opening on June 2 at 2:00 p.m. for 9 Shine Street Retaining Wall. Roll Call: Aye-All. Motion carried.

8 Jefferson Street

Mayor Ruth stated one bid was opened for 8 Jefferson Retaining Wall as advertised. Bid bonds and acknowledge of Addendums 1 and 2 were included in the following bid submittals:

RCS Construction - \$249,000.00

Kuchenbecker asked to continue for review. Martinisko moved, Johnson seconded to continue results of bid opening on June 2 at 2:00 p.m. for 8 Jefferson Street Retaining Wall. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS

Set

Struble moved, Todd seconded to set public hearing on June 20 for Retail (on-off sale) Malt Beverage for Clark & Apex LLC at 612-614 Main Street. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to set public hearing on June 20 for Retail (on sale) Liquor License transfer from Midnight Star, LLC to Main Ledge, LLC dba Midnight Star. Roll Call: Aye-All. Motion carried.

Todd moved, Struble seconded to set public hearing on June 20 for What Women Want Event. Roll Call: Aye-All. Motion carried.

Struble moved, Todd seconded to set public hearing on June 20 for Dia Del Taco Event. Roll Call: Aye-All. Motion carried.

OLD BUSINESS

Annual Report

Finance Officer McKeown spoke about the annual report. Johnson moved, Martinisko seconded to approve the 2021 unaudited annual report. Roll Call: Aye-All. Motion carried.

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NEW BUSINESS

Employee Handbook (6H)

McKeown stated that was an error, discussion not needed as wage scale will be on a future agenda. Martinisko moved, Struble seconded to approve updating employee handbook section 4.15. Roll Call: Aye-All. Motion carried.

Variance

Planning and Zoning Administrator Russell spoke about the Variance. Martinisko moved, Struble seconded to Act as Board of Adjustment and approve the request for variance - Richard Neeson - 26 Washington Avenue (Tract A being a Subdivision of Lots 3 and 4 in Block 53 of the Original Townsite of Deadwood Lawrence County, South Dakota.) Approved by the Planning and Zoning Commission on May 18, 2022 and Historic Preservation Commission on May 25, 2022. Roll Call: Aye-All. Motion carried.

Final Plat

Russell spoke about the final plat. Martinisko moved, Johnson seconded to Act as Board of Adjustment and approve the final plat. Corrected Final Plat - Creating Property Lines/Sale of Property - Stage Run - DMD Construction INC. Lots 12A, 12B, 13A and 13B, Block 4A of Palisades Tract of Deadwood Stage Run Addition to the City of Deadwood Located in the SW1/4 of Section 14, the SE1/4 Section 15, The NE1/4NE1/4 of Section 22 and the N1/2NW1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota, Formerly a Portion of Lot 1, Block 4A. Approved by Planning & Zoning Commission May 18, 2022. Roll Call: Aye-All. Motion carried.

Final Plat

Russell spoke about the final plat. Struble moved, Martinisko seconded Act as Board of Adjustment and approve the final plat - Creating Property Lines/Sale of Property - The Ridge - Randy Horner. Lot A of the Ridge Development Formerly A Portion of the Preacher Smith Tract. Located in Government Lot 8 and Government Lot 5 Sec. 1, T.5N., R.3E., B.H.M. The City of Deadwood, Lawrence County, South Dakota. Approved by the Planning and Zoning Commission on May 18, 2022. Discussion was held concerning the TIF district. Roll Call: Aye-All. Motion carried.

Final Plat

Russell spoke about the final plat. Martinisko moved, Struble seconded to Act as Board of Adjustment and approve final Plat - Consolidating Property Lines - Park Plat - City of Deadwood. Park Lot and Spring Street Lots 1 and 2; Consisting of an Unnamed Lot, Lot C and Lot 2 of Block 1, Lots A, B and Lots 2 thru 6 of Block 2, and the Unnamed Right of Way; Being Portions of M.S 283, in the City of Deadwood, Lawrence County, South Dakota. Approved by the Planning and Zoning Commission on May 18, 2022. Roll Call: Aye-All. Motion carried.

Rezoning Request

Russell spoke about the rezoning from Residential (R1) to Commercial (C1). Commissioner Martinisko thanked Mrs. Ideus for understanding the current vacation rental concerns. Martinisko moved, Struble seconded to Act as Board of Adjustment and approve rezoning request - Nicole Ideus - 6, 8, 10 Water Street - Plat of Tract A revised, including Tract A, Lot B-2, Lot C of Water Street Right of Way and the remainder of probate Lot 318 lying West of the East Bulkhead of Whitewood Creek. Being a portion of Probate Lot 318 and Block 38, Original Town, City of Deadwood. All located in the SE1/4 of Section 22, and the SW1/4 of Section 23, T.5N., R.3E., B.H.M., Lawrence County, South Dakota. (Lot C and B-2 according to Plat Doc. #95-4001.) Recommended Approval by Planning and Zoning Commission May 18, 2022. Roll Call: Aye-All. Motion carried.

First Reading

Russell stated ordinance is to update zoning map. Struble moved, Todd seconded to approve First Reading of Ordinance #1354 Amending Title 17, Zoning. Roll Call: Aye-All. Motion carried.

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Findings of Facts

Russell spoke about the permit. Struble moved, Johnson seconded to Act as Board of Adjustment and approve Findings of Fact and Conclusion - Conditional Use Permit - Bed and Breakfast - Deanna and Thomas Smith at 29 Van Buren St. (The Southerly 57 feet of Lots 21, 22, 23 and 24, Block 50 Original Townsite, City of Deadwood Lawrence County, South Dakota.) Recommend Approval by Planning and Zoning Commission on May 18, 2022.

License

McKeown stated applicant has meet all city criteria of the cannabis ordinances for Medical Dispensary. City license will not be issued until state approval and final approval are received. Martinisko moved, Struble seconded to release Form E for GLP SD, LLC at 417 Cliff Street. Roll Call: Aye-All. Motion carried.

Purchase

Kuchenbecker spoke about the purchase. Johnson moved, Struble seconded to approve purchase of streetlight banners from Quik Signs for Pioneer Way from Broken Boot to First Gold at cost not to exceed \$7,321.50. (To be paid from the HP Public Education line item.) Roll Call: Aye-All. Motion carried.

Purchase

Fire Chief Hamann spoke about the purchase. Struble moved, Todd seconded to allow Fire Dept. to purchase four (4) Motorola AXP4000 and six (6) Motorola SL-300 radio/pagers from Western Communications in an amount not to exceed \$15,106.00. (To be paid from Fire Dept. Equipment budget.) Roll Call: Aye-All. Motion carried.

Contract

Kuchenbecker spoke about the contract. Johnson moved, Todd seconded to enter into contract with L and L Insulation Inc. to mitigate mold in the basement of 1 Mt. Moriah Drive in the amount of \$7,860.00. (To be paid from Mt. Moriah repair budget.) Roll Call: Aye-All. Motion carried.

Contract

Public Works Director Nelson Jr. spoke about the contract. Martinisko moved, Struble seconded to accept quote and enter into contract with Tree Wise Men LLC for phase 6 of clean up to Whitewood Creek (Highway 385 to 320 Cliff Street) in the amount of \$29,700.00. (to be paid from the Parks Department Budget – CIP Whitewood Creek.) Roll Call: Aye-All. Motion carried.

Pay

Kuchenbecker spoke about the payment. Struble moved, Todd seconded to pay Lawrence County in the amount of \$10,030.13 for the third payment of three for the 2020 Flight of Pictometry Aerial Imagery. (To be paid from Historic Preservation GIS line item.) Roll Call: Aye-All. Motion carried.

First Reading

Russell spoke about the ordinance. He stated there are possible discrepancies with short-term rentals in different zoning districts. Mayor Ruth Jr. this is a process that started with a conditional use permit hearing. City recognized then that as a commission and community, we had to decide what type of densities each neighborhood would be ok with and what would be appropriate. Martinisko moved, Johnson seconded to approve first reading of Ordinance #1355, Temporary Moratorium for additional short-term rentals in the following zoning districts: Residential (R1), Residential Multi-Family (R2), Planned Unit Development (P.U.D.), Public Use and Park Forest. Pat Dringman, Block Club Representative of Stage Run, understands the zoning issue, requested a block club meeting to talk about short-term rentals. Mayor Ruth Jr stated the public hearing on June 20, and everyone will have the opportunity to speak either for or against this moratorium. Commissioner Todd stated it is not just unique to Stage Run but all over town. Lois Schretenthalen, Stage Run Resident, questioned what happens to the short-term rentals that are active now. Attorney Riggins stated with the passage of the moratorium, current legal short -term rental would not be affected. Nancy Clausen, Stage Run Resident, questioned if the tenants are allowed to rent when not living there and concerned about safety issue with

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everyone coming and going. Commissioner Martinisko stated if there are any issues concerning safety, please contact the Police Department. Roll Call: Aye-All. Motion carried.

Public Hearing

Martinisko moved, Johnson seconded to set public hearing for second reading of Ordinance #1355 on June 20, 2022. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Oz Enderby, President of Lead Fire Protection Board, asked the Commission for a letter of support concerning the South Dakota Wildland Fire leaving the Lead Fire Station.

Sandy Glover, Fire Department, stated there will be an open house on Wednesday, June 29 to commemorate the 20th Anniversary of the Grizzly Gulch Fire.

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 5:58 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 6, 2022 at 5:00 p.m.

After coming out of executive session at 7:23 p.m.

Martinisko moved, Johnson seconded to advertise in house for 5 days and then official newspaper for Fire Service Technician position at \$25.00 per hour. Roll Call: Aye-All. Motion carried.

Martinisko moved, Struble seconded to advertise in house for 5 days for police lieutenant position at \$29.00 per hour. Roll Call: Aye-All. Motion carried.

Martinisko moved, Struble seconded to adjourn.

ATTEST:

DATE: _____

Jessica McKeown, Finance Officer

BY: _____
David Ruth Jr., Mayor

Published once at the total approximate cost of _____