

REGULAR MEETING, OCTOBER 7, 2024

The Regular Session of the Deadwood City Commission convened on Monday, October 7, 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, Blake Joseph, Sharon Martinisko and Charlie Struble. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Joseph moved, Struble seconded to approve the minutes of September 16, 2024. Roll Call: Aye-All. Motion carried.

SEPTEMBER 2024 PAYROLL: COMMISSION, \$3,692.28; FINANCE, \$23,909.52; PUBLIC BUILDINGS, \$7,667.69; POLICE, \$87,081.50; FIRE, \$5,257.20; BUILDING INSPECTION, \$5,138.80; STREETS, \$39,551.09; PARKS, \$34,546.69; PLANNING & ZONING, \$3,851.70; LIBRARY, \$7,231.20; RECREATION CENTER, \$20,633.05; HISTORIC PRESERVATION, \$23,388.27; WATER, \$18,946.74; MT. MORIAH, \$6,976.00; PARKING METER, \$16,939.17; TROLLEY, \$25,794.02; PARKING RAMP, \$3,705.76 **PAYROLL TOTAL: \$334,310.68.**

SEPTMEBER 2024 PAYROLL PAYMENTS:

Internal Revenue Service, \$78,467.81; S.D. Retirement System, \$36,472.54; Delta Dental, \$3,869.10.

APROVAL OF DISBURSEMENTS

Struble moved, Joesph seconded to approve the October 7, 2024 disbursements plus additional bill. Roll Call: Aye-All. Motion carried.

A & B BUSINESS SOLUTIONS	CONTRACT	786.88
A & B WELDING	SUPPLIES	122.20
A-Z SHREDDING	SERVICE	117.24
ACE HARDWARE	SUPPLIES	10.78
AMAZON CAPITAL	SUPPLIES	1,543.98
AMERICAN RED CROSS TRAINING	SUPPLIES	46.00
ARAPAHOE ROOFING & SHEET	PAY APP #1	205,000.00
ASHER, JULIE	REFUND	25.00
ATCO INTERNATIONAL	SUPPLIES	620.87
BATTERIES PLUS BULBS	SUPPLIES	32.50
BH ASPHALT	PROJECT	3,471.43
BH CHEMICAL	SUPPLIES	1,569.27
BH DOORS	SERVICE	1,860.00
BH PIONEER	SUBSCRIPTION	281.69
BH SECURITY	SERVICE	3,041.85
BH WINDOW CLEANING	SERVICE	615.00
BLOOMERS FLOWERS	SUPPLIES	62.00
BLUEPEAK	SERVICE	4,803.27
BOMGAARS	SUPPLIES	228.95
BRANCH CONSTRUCTION	PROJECT	4,757.00
BRANDON INDUSTRIES	SERVICE	10,821.95
BRITE IDEAS	SUPPLIES	167.90
BUTLER MACHINERY	SUPPLIES	1,566.82
CENTURY BUSINESS PRODUCTS	CONTRACT	301.43
CHAINSAW CENTER	SUPPLIES	862.48
CHAMBERLIN ARCHITECTS	SERVICE	3,150.00
CHAPTER Y - PEO	POINSETTIAS	150.00
COMPLETE CONCRETE	PAY APP #5	450,161.76
CULLIGAN	SUPPLIES	173.40
CURTIS BLUE LINE	UNIFORMS	37.55
DEADWOOD CHAMBER	BILL LST	12,874.04
DEADWOOD ELECTRIC	SERVICE	137.32
DEADWOOD GAMING	BID #8	10,000.00
DEADWOOD HISTORY	SERVICE	122.50
ECOLAB	SERVICE	225.86
ENVIRONMENTAL EQUIPMENT	SUPPLIES	497.94
ERNEST HOSPITALITY	REFUND	105.00
FAIRBAIRN, NOEL	PROJECT	3,571.33
FASTENAL	SUPPLIES	94.45
FIRST NET	SERVICE	240.24
FLOYD'S TRUCK CENTER	SERVICE	77.60
GAYLORD BROS	SUPPLIES	437.57
GOLDEN WEST	SERVICE	17,581.58
GREAT WESTERN TIRE	SERVICE	619.50
HAWKINS	SUPPLIES	986.60
HEIMAN	BRUSH SKID	18,275.00
INTERSTATE ENGINEERING	PROJECT	131.22
JERRY GREER'S ENGINEERING	SERVICE	1,063.70
JOHNER PAVING	PROJECT	2,842.61
KNOX COMPANY	LICENSE	584.00
LAWRENCE CO. EQUALIZATION	SERVICE	1,776.00
LAWRENCE CO. REGISTER	SERVICE	30.00
LEGENDARY ELECTRIC	SERVICE	3,890.31
LOOKOUT PLAN + CODE	SERVICE	461.60
LYNN'S	SUPPLIES	65.88

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MACK'S AUTO BODY	SERVICE	1,891.40
MARCO	CONTRACT	168.90
METERING & TECHNOLOGY SOLU	SUPPLIES	6,597.10
MID-AMERICAN RESEARCH CHEM	SUPPLIES	816.91
MIDWEST TAPE	SUPPLIES	271.64
MDU	SERVICE	2,460.51
MORRISON, RONDA	SERVICE	1,460.00
MS MAIL	SERVICE	1,531.42
NFPA	SERVICE	1,552.50
NIELSEN, BAILI	REFUND	50.00
NORTHWEST PIPE FITTINGS	SUPPLIES	4,238.82
ONSITE FIRST AID	SUPPLIES	275.32
OTIS ELEVATOR	MAINTENANCE	352.69
PATRIOT FIRE & SAFETY	SERVICE	998.60
QUADIENT FINANCE USA	POSTAGE	500.00
QUIK SIGNS	SERVICE	496.90
RCS CONSTRUCTION	PAY APP #12	265,363.50
ROSENBAUM, DAVID	REFUND	25.00
RUNGE, MIKE	REIMBURSEMENT	56.10
S AND C CLEANERS	CLEANING	10,254.00
SACRISON ASPHALT	PROJECT	1,311.48
SALOON #10	DECORATIONS	60.00
SD PUBLIC ASSURANCE ALLIANCE	SERVICE	705.95
SD PUBLIC HEALTH LAB	TESTING	211.00
SIMON MATERIALS	SERVICE	1,140.00
SOUTHSIDE SERVICE	SERVICE	30.00
SPEARFISH AUTO SUPPLY	SUPPLIES	119.21
STAN HOUSTON EQUIP	SUPPLIES	947.50
STATION AUTOMATION	RENEWAL	2,700.00
STREET IMAGE TRUCK	SERVICE	649.99
STURDEVANT'S	SUPPLIES	1,948.02
STURGIS RESPONDER SUPPLY	UNIFORMS	558.90
SUMMIT FIRE PROTECTION	INSPECTION	242.00
SUMMIT SIGNS AND SUPPLY	SUPPLIES	210.00
TEMPLE CONSTRUCTION	PROJECT	26,944.83
THE HANDY MAN	PROJECT	2,859.38
THE JUNK DRAWER	SUPPLIES	747.50
TOLAR, JESSICA	REIMBURSEMENT	421.54
TOMS, DON	PROJECT	600.00
TOWEY DESIGN GROUP	PROJECT	11,125.10
TRAFFIC CONTROL	SERVICE	600.00
TWIN CITY HARDWARE	SUPPLIES	2,507.40
ULINE	SUPPLIES	470.86
VAN TASSEL, JEREMY	REIMBURSEMENT	30.00
VAN TASSEL, SARAH	REIMBURSEMENT	30.00
VERIZON CONNECT FLEET USA	SERVICE	359.00
VERIZON WIRELESS	SERVICE	713.98
VIEHAUSER ENTERPRISES	SERVICE	1,537.39
VOLKENANT, TIMOTHY	REFUND	103.50
WAREING BELLE FOURCHE	VEHICLE	39249.00
WEST RIVER HISTORY CONFERECE	CONFERENCE	330.00
WESTERN COMMUNICATIONS	SUPPLIES	225.00
WHITE'S CANYON MOTORS	SUPPLIES	13.82
WO MOTORSPORTS	DEPOSIT REFUND	2,350.00

Total \$1,174,494.71

ITEMS FROM CITIZENS ON AGENDA

Proclamations

The Mayor read a proclamation declaring October 7 through October 14, 2024 as National 4-H week in the City of Deadwood.

The Mayor read a proclamation declaring October as Archives month in the City of Deadwood.

Recognition

Fire Chief Hamann recognized firefighter Don Gifford on completing South Dakota Firefighter Certification. Commission congratulated him.

CONSENT

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

- A. Permission to correct resignation date from seasonal Mt. Moriah ticket booth attendant Sandra Parsons to be October 16, 2024 rather than Sept. 16, 2024.
- B. Permission to terminate Streets Equipment Operator Kasey Campbell effective September 16, 2024.
- C. Permission advertise in-house for 5 days and then with outside sources, if needed, for Streets Operator/Laborer at \$23.00 (D11-D13 \$21.00 to \$23.00 rank) per hour.
- D. Permission to hire Kirsten Robeson as half-time (25 hours per week with 1/2 time benefits per employee handbook) Library Education/Program Coordinator at \$17.00 per hour effective Oct. 15, 2024 pending pre-employment screening.

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- E. Permission to move Jessica Tolar from half-time Library Assistant I to half-time Library Assistant II (25 hours per week with 1/2 time benefits per employee handbook) at \$16.65 per hour effective October 13, 2024.
- F. Permission to promote Police Sergeant (II) Erik Jandt to Police Lieutenant at \$33.34 per hour effective October 13, 2024.
- G. Permission to promote Police Sergeant (I) Sally Sprigler to Police Sergeant (II) at \$31.99 per hour effective October 13, 2024.
- H. Permission to accept resignation from Parks Technician Jackson Gardner effective October 18, 2024.
- I. Permission to advertise in-house for 5 days and then in outside sources for Parks Technician at \$19.00 per hour. (D9 rank)
- J. Permission to approve new job description for full-time Lifeguard 2.
- K. Permission to approve new job description for weekend assistant trolley manager.
- L. Permission to allow Mayor and Board President to sign management representation letter for City of Deadwood 2022 Audit.
- M. Removed for separate consideration in New Business.
- N. Recommendation from Event Committee to adopt updated Special Event Permit Application.
- O. Permission to pay William Schmidt for concrete repair work, due to water valve box leak near 531 Main Street, in the amount of \$3,166.00. (To be paid by Water repair line item.)
- P. Permission for Mayor to sign contract with Hoskinson Contracting, Inc for the repair of City retaining wall located at 48 and 52 Taylor Avenue in the amount of \$67,346.40.
- Q. Permission to hire Lowe Roofing, Inc. at a cost of \$4,850.00 and Legendary Electric in the amount of \$1,122.44 for repairs to roof at 669 Main Street after removal of Tootsie Sign as required in original lease agreement. (To be paid by HP Public Education line item.)
- R. Permission to pay Grimm's Pump and Industrial supply in the amount of \$3,956.91 for emergency repair on the small feature pump at Recreation Center. (To be paid by Rec Center professional services line item.)
- S. Permission to purchase replacement parts from Northwest Pipe in the amount of \$4,585.84. (To be paid by Water repair line item with reimbursement from MDU.)
- T. Permission to pay William Schmidt to replace the Denver Pump Station asphalt with concrete in an amount not to exceed \$10,720.00. (To be paid by Water repair line item.)
- U. Permission to pay Summit Fire Protection for annual fire extinguisher testing in the amount of \$5,056.70. (To be paid by Public Buildings professional services line item.)
- V. Permission for Mayor to sign Agreement to Permit Permanent Encroachment for SDN Communications along Railroad Avenue.

BID ITEMS

Advertise

Planning, Zoning and Historic Preservation Officer Kuchenbecker spoke about the project. Martinisko moved, Johnsons seconded to advertise and set bid opening at 2:00 p.m. on November 12, 2024 to repair the retaining wall and stairs at 34 and 35 Jackson Street with results presented on November 11, 2024. Roll Call: Aye-All. Motion carried.

Advertise

Parks, Recreation & Events Director Adler spoke about the project. Johnson moved, Struble seconded to advertise and set bid opening at 2:00 p.m. on December 10, 2024 for RFP for lease of Mt. Moriah Facility with results presented on December 16, 2024. Finance Officer McKeown stated the agreement with current lease expires at the end of December. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Application (6M)

McKeown stated an additional sentence needs to be struck from application. Martinisko moved, Struble seconded to approve Event Complex application as amended. Roll Call: Aye-All. Motion carried.

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Second Reading

Kuchenbecker stated no changes between first and second reading. Johnson moved, Martinisko seconded to approve Second Reading of Ordinance #1406 Amending Chapter 12.08 Sidewalk Construction and Repair. Roll Call: Aye-All. Motion carried.

First Reading

McKeown spoke about the supplement. Martinisko moved, Joseph seconded to approve First Reading of Ordinance #1407 Budget Supplement #5for 2024. Roll Call: Aye-All. Motion carried.

Resolution

McKeown spoke about the resolution. Struble moved, Martinisko seconded to approve Resolution 2024-23 Surplus Property. Roll Call: Aye-All. Motion carried.

**RESOLUTION NO. 2024-23
TO DECLARE THE FOLLOWING SURPLUS PROPERTY**

BE IT RESOLVED by the Deadwood City Commission that the City of Deadwood approve the following property be declared surplus and disposed of according to state statutes, including disposal, sale or trade-in on new equipment:

2013 Dodge Ram 1500 Pickup – VIN#1C6RR7KP6DS592294

2011 Chevy Tahoe – VIN#1GNSK2E06BR268211

Dated this 7th day of October, 2024

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

Plat

Kuchenbecker spoke about the plat application. Martinisko moved, Struble seconded to Act as Board of Adjustment and approve Plat Application - Division of property and creating property lines - Tract 1A of Miller Street (City of Deadwood) legally described as Plat of Tract 1A of the Miller Street Subdivision, formerly a portion of Tract 1 of the Miller Street Subdivision, Original Town of Deadwood per P.L. Rogers Map, located in the SW 1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. (Approved by Planning and Zoning Commission on September 18, 2024.) Roll Call: Aye-All. Motion carried.

Plat

Kuchenbecker spoke about the plat application. Martinisko moved, Johnson seconded to Act as Board of Adjustment and approve Plat Application - Combine Lots - Landmark Tract legally described as Plat of the Landmark Tract of the City of Deadwood, formerly Lot 13, Lot 15, Lot 17, Lot 19, Lot 21, Lot 23, Lot 25, Lot 26, Lot 27 and the vacated alley between Lot 23 and Lot 25 all in Block 30 of the City of Deadwood according to the P.L. Rogers Map of the City of Deadwood; less and except Tract 1 of Miller Street subdivision according to Plat Document #2012-05646, and less and except Wild Bill Lot according to Plat Document #2012-03484, all located in the SW 1/4 of Section 23, Township 5 North, Range 3 East of the Black Hills Meridian, City of Deadwood, Lawrence County, South Dakota. (Approved by the Planning and Zoning Commission on September 18, 2024.) Roll Call: Aye-All. Motion carried.

Application

Kuchenbecker spoke about the temporary license. Struble moved, Martinisko seconded to Act as Board of Adjustment and approve application for Temporary Vendors License - Revive 605 (L. Murphey). (Approved by Planning and Zoning Commission on September 18, 2024.) Roll Call: Aye-All. Motion carried.

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Review

Kuchenbecker spoke about the review. Joseph moved, Struble seconded to Act as Board of Adjustment and approve Annual Review - Conditional Use Permit - Vacation Home Establishment - 36 Water Street - Deadwood Rentals (T. Conrad) with the following conditions: with the following conditions: the conditional use permit runs with the applicant and not the land, proof of sales tax license number, building inspector has inspected the building, city water and sewer rates have been changed from residential to commercial rates, proper paperwork is filed with the finance office for BID taxes, a city business license has been issued, maintain a lodging license from SD Dept. of Health, 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 NW 1/4 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 NW 1/4 of Section 26 T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. (Approved by Planning and Zoning Commission on September 18, 2024.) Roll Call: Aye-All. Motion carried.

Review

Kuchenbecker spoke about the review. Struble moved, Joseph seconded to Act as Board of Adjustment and approve Annual Review - Conditional Use Permit - Vacation Home Establishment - 819 Main Street (T. Conrad) with the following conditions: the conditional use permit runs with the applicant and not the land, proof of sales tax license number, building inspector has inspected the building, city water and sewer rates have been changed from residential to commercial rates, proper paperwork is filed with the finance office for BID taxes, a city business license has been issued, maintain a lodging license from SD Dept. of Health, and all parking shall be off street. Legally described as Lot 12 in Block A of Sunnyside addition to the City of Deadwood as set out in Plat Book 3 Page 251, Lawrence County, South Dakota, except that part deeded to the State of South Dakota for highway purposes as set out in Book 372 page 58 and Page 168; and, Tract A-1 in Block A, a replat of Tracts "A" and "B" of the subdivision of Lot 13, Block A of Sunnyside addition, located in the NW 1/4 NE 1/4 of Section 27, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota, according to Plat filed in Document No. 2001-4003. (Approved by Planning and Zoning Commission September 18, 2024.) Roll Call: Aye-All. Motion carried.

Quote

Kuchenbecker spoke about the quote. Martinisko moved, Johnson seconded to accept quote from Hoskinson Contracting for 5 Harrison retaining wall in the amount of \$35,100.00. (To be paid by HP retaining wall line item and homeowner.) Roll Call: Aye-All. Motion carried.

Agreement

Johnson moved, Joseph seconded to allow Mayor to sign agreement with Hoskinson Contracting for 5 Harrison retaining wall. Roll Call: Aye-All. Motion carried.

Plat

Kuchenbecker spoke about the application. Martinisko moved, Johnson seconded to Act as Board of Adjustment and approve Plat Application - Move Lot Line and Create New Lot - Tract F1, F2 and G1 of McGovern Hill Road (J. Martin) legally described as Plat of Tracts F1, F2 and G1 of the Crawford Addition II formerly Tracts F and G of Crawford Addition II and a portion of Probate Lot 299 City of Deadwood, Lawrence County, South Dakota located in the NE 1/4 of Section 27 and the NW 1/4 of Section 26, T5N, R3E, B.H.M. (Approved by Planning and Zoning Commission October 2, 2024.) Roll Call: Aye-All. Motion carried.

Pay-off

Public Works Director Stalder spoke about the pay-off. Struble moved, Joseph seconded to pay-off CAT 242D3 Skid Steer to CapFirst in the amount of \$24,336.81. (To be paid by Streets equipment line item.) Roll Call: Aye-All. Motion carried.

Lease

Stalder spoke about the lease. Martinisko moved, Johnsons seconded to allow Mayor to sign lease (with an option to purchase) 2024 Caterpillar 140-5AWD motor grader from Butler Machinery Company in the amount of \$331,229.34. (To be paid by Streets equipment line item.) Roll Call: Aye-All. Motion carried.

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Lease

Stalder spoke about the lease. Martinisko moved, Johnson seconded to allow Mayor to sign lease (with an option to purchase) 2023 Caterpillar 140-5AWD motor grader from Butler Machinery Company in the amount of \$310,976.54. (To be paid by Streets equipment line item.) Roll Call: Aye-All. Motion carried.

Purchase

Parking and Transportation Director Lux spoke about the purchase. Martinisko moved, Johnsons seconded to purchase 2021 Ford F-150 XLT from Goodrich Motors, Inc. in the amount of \$37,990.00 (To be paid by Parking & Transportation equipment line item. If approved, budget re-allocation will be needed.) Roll Call: Aye-All. Motion carried.

Change Order

Kuchenbecker spoke about the change order. Martinisko moved, Struble seconded to accept Construction Change Order #1 at net cost of \$36,233.00 with Complete Concrete, Inc. for Whitewood Creek Project Phase 1A, bringing new contract total to \$1,808,656.00 Roll Call: Aye-All. Motion carried.

Purchase

Kuchenbecker spoke about the purchase. Johnson moved, Martinisko seconded to purchase the John S. McClintock Collection from Betty Mitchell in the amount of \$22,000.00. (To be paid by HP Collections and Acquisition line item.) Roll Call: Aye-All. Motion carried.

Purchase

Fire Chief Hamann spoke about the purchase. Martinisko moved, Struble seconded to purchase 20-inch battery powered fan from M & T Fire in the amount not to exceed \$5,325.00. (To be paid by Fire equipment line item.) Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Ren Startes and Richard St. Peter, First Gold, asked the commission who to contact about the 3-Wheeler Rally. Commissioner Martinisko told her to contact the Chamber and visit with Sarah.

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

ADJOURNMENT

Martinisko moved, Johnson seconded to adjourn the regular session at 5:47 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3), personnel matters per SDCL 1-25(1) and Union negotiations per SDCL 1-25-2(4) w/ possible action. The next regular meeting will be on Monday, October 21, 2024 at 5:00 p.m.

After coming out of executive session at 6:49 p.m.,

Martinisko moved, Joseph seconded to advertise in-house for 5 days for new full-time Rec Center Lifeguard II position at \$18.00 (D8 rank) per hour.

Martinisko moved, Joseph seconded to adjourn.

ATTEST:

DATE: _____

Jessica McKeown, Finance Officer

BY: _____

David Ruth Jr., Mayor

Published once at the total approximate cost of _____