

## REGULAR MEETING, April 19, 2021

The Regular Session of the Deadwood City Commission convened on Monday, April 19, 2021 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 and Gary Todd. Charlie Struble was absent. All motions passed unanimously unless otherwise stated.

### APPROVAL OF MINUTES

Martinisko moved, Johnson seconded to approve the minutes of April 5, 2021. Roll Call: Aye-All. Motion carried.

### APPROVAL OF DISBURSEMENTS

Johnson moved, Todd seconded to approve the April 19, 2021 disbursements. Roll Call: Aye-All. Motion carried.

A & B WELDING	SERVICE	295.90
A & I DISTRIBUTORS	SUPPLIES	37.01
ACE HARDWARE	SUPPLIES	49.04
ALBERTSON ENGINEERING	PROJECT	20,886.25
ALTEC CAPITAL	PAYMENT	30,615.24
AMAZON CAPITAL	SUPPLIES	156.62
AUCA WESTERN FIRST AID	SUPPLIES	323.02
BADGER METER	SERVICE	48.42
BDTAAID	SIGNAGE	4,406.90
BELL, DYLAN	REIMBURSEMENT	220.00
BH CHEMICAL	SUPPLIES	2,245.91
BH ENERGY	SERVICE	27,664.77
BH PIONEER	SERVICE	676.48
BH SECURITY	SERVICE	169.64
BH TITLE	PURCHASE	25,378.55
BH WINDOW CLEANING	SERVICE	1,957.00
BLACKSTRAP	SUPPLIES	3,991.25
BUTLER MACHINERY	SUPPLIES	155.74
CENTURY BUSINESS PRODUCTS	CONTRACT	265.32
CHAINSAW CENTER	RENTAL	296.79
CULLIGAN	SUPPLIES	82.50
CURTIS BLUE LINE	SUPPLIES	424.98
DAKOTA LUMBER	PROJECT	932.94
DAKOTA TITLE	SERVICE	120.00
DEADWOOD CHAMBER	BILL LIST	42,810.13
DEADWOOD ELECTRIC	SERVICE	622.20
DVFD	REIMBURSEMENT	148.04
DESTINATION DEVELOPMENT	MEMBERSHIP	180.00
EAGLE ENTERPRISES	SUPPLIES	2,837.76
EB COMMUNICATIONS	SERVICE	114.00
FED EX	SHIPPING	46.08
FERBER ENGINEERING	SERVICE	2,100.00
FIB CREDIT CARDS	SUPPLIES	4,060.87
FLOYD'S TRUCK CENTER	SERVICE	6,732.66
GAILS	UNIFORMS	143.39
GENPRO ENERGY SOLUTIONS	SUPPLIES	1,892.76
GOLDEN WEST	SERVICE	1,787.00
GUNDERSON, PALMER, NELSON	SERVICE	3,390.00
HAWKINS	SUPPLIES	553.50
IDENTISYS	SUPPLIES	600.00
INTERSTATE BATTERY	SUPPLIES	85.60
IWORQ	SERVICE	2,500.00
JACOBS WELDING	SERVICE	41.60
KNECHT	SUPPLIES	4,845.09
KONE	MAINTENANCE	502.76
LAWRENCE CO. REGISTER	SERVICE	30.00
LAWRENCE CO. TREASURER	TAXES	636.12
LEAD-DEADWOOD SANITARY	SERVICE	30,515.51
LIGHTING PLASTICS OF MN	SUPPLIES	641.05
LODGE AT DEADWOOD	POLE REPAIR	2,092.17
LYNN'S	SUPPLIES	49.92
M&M SANITATION	RENTAL	130.00
MARCO	CONTRACT	471.59
MENARD'S	SUPPLIES	1,133.76
MIDWEST TAPE	SUPPLIES	98.70
MONUMENT HEALTH	TESTING	70.00
MORSE, MARCIA E.	MORTGAGE EXPENSE	372.02
MS MAIL	SERVICE	174.00
NHS OF THE BLACK HILLS	SERVICE	3,124.68
NORTHWEST PIPE FITTINGS	SUPPLIES	1,814.90
OFFICE DEPOT	SUPPLIES	104.03
PASSPORT LABS	METERS	77.25
PETTY CASH	HP/ZONING	49.12
PRO PET DISTRIBUTORS	SUPPLIES	1,212.70
QUIK SIGNS	SERVICE	361.74
QUILL	SUPPLIES	157.66
RASMUSSEN MECHANICAL	SERVICE	45.62
RUNNING SUPPLY	SUPPLIES	119.99
RUSHMORE COMMUNICATIONS	SUPPLIES	440.00
SANDER SANITATION	SERVICE	11,612.73
SCHRAMM, STEVE	PROJECT	7,910.00

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SCOTT PETERSON MOTORS	SUPPLIES	43.54
SD ASSN. OF CODE ENFORCEMENT	CONFERENCE	100.00
SD COMMISSION ON GAMING	CITY SLOTS	29,829.55
SD DEPT. OF CORRECTIONS	FIREWISE	2,022.69
SD DEPT. OF REVENUE	LICENSE	150.00
SD DEPT. OF REVENUE	TAX	4,016.60
SD GOV. FINANCE OFFICERS	REGISTRATION	75.00
SD GOV. HUMAN RESOURCE	REGISTRATION	50.00
SD PUBLIC ASSURANCE ALLIANCE	SERVICE	573.00
SD STATE ARCHAEOLOGICAL	REPORT	1,800.00
SJOMELING, DAN & SHAUNNA	PROJECT	5,389.20
SMITHSONIAN	MEMBERSHIP	15.00
SOUTH DAKOTA 811	SERVICE	23.52
SOUTHSIDE SERVICE	SERVICE	440.10
STRETCH'S	SERVICE	391.30
STURDEVANT'S	SUPPLIES	3,932.08
SUMMIT SIGNS	SIGNAGE	220.00
TALLGRASS LANDSCAPE	PROJECT	2,600.00
TEMPERATURE TECHNOLOGY	SERVICE	285.00
THE LORD'S CUPBOARD	RECYCLING	59.94
TOMS, DON	PROJECT	600.00
TRIPLE K	SERVICE	93.00
TYLER TECHNOLOGIES	SERVICE	455.00
UMBENTHUM, KEITH	MORTGAGE EXPENSE	887.40
UNITED LABORATORIES	SUPPLIES	350.35
US GEOLOGICAL SURVEY	SERVICE	8,000.00
VERIZON CONNECT	SERVICE	95.95
VIGILANT BUSINESS SOLUTION	SERVICE	117.00

Total \$323,454.19

### CONSENT

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

- a. Allow use of public property at the Event Complex on Saturday, May 29 through Monday, May 31, 2021 for Back When They Bucked Event. Deposit has been received.
- b. Approve Special Alcohol License for Cadillac Jacks to serve liquor at Event Complex from 9:00 a.m. to 9:00 p.m. Sunday, May 30, 2021 for Back When They Bucked Event. No public hearing necessary since license is on publicly owned property.
- c. Allow use of public property at the Event Complex on Wednesday, June 9 through Sunday, June 13, 2021 for PBR Event. Deposit has been received.
- d. Approve Special Alcohol License for Saloon #10 to serve liquor at Event Complex from noon to 10:00 p.m. Friday, July 11 and Saturday, July 12, 2021 for PBR.
- e. Allow use of public property at the Event Complex on Saturday, July 10 through Friday, July 16, 2021 for 3 Wheeler Rally Event. Deposit has been received.
- f. Approve Special Alcohol License for First Gold to serve Liquor at the Event Complex Sunday, July 11 through Thursday, July 15, 2021 from noon to 10:00 p.m. for 3 Wheeler Rally Event. No public hearing necessary since license is only publicly owned property.
- g. Allow use of public property at the Event Complex on Monday, September 6 through Tuesday, September 14, 2021 for Freestyle Motocross Event. Deposit has been received.
- h. Approve Special Alcohol License for Cadillac Jacks to serve liquor at the Event Complex on Saturday, September 11, 2021 from 4:00 p.m. to 10:00 p.m. for Motocross Event. No public hearing necessary since license is on publicly owned property.
- i. Permission to hire Ruth Durst, Tanner Ruth and Georgeann Silvernail for Mt. Moriah Cemetery Ticket Booth Attendants for the 2021 season at \$12.88 per hour, effective May 3, 2021, pending pre-employment screening.
- j. Permission to correct the hiring of Greg Nelson for Public Works Seasonal Technician at a rate of pay of \$14.94 per hour, effective May 3, 2021. Job title and hourly rate were incorrectly stated on April 5, 2021 agenda.
- k. Permission to pay RCS Construction in the amount of \$3,163.27 for Concrete Curb and Gutter Repair caused by water main break on February 28, 2021. (To be paid by Street repairs.)
- l. Permission to promote Justin Lux to Police Sergeant at \$27.02 per hour, effective May 5, 2021.
- m. Permission to hire Cade Lyon for Recreation Center front desk position at a rate of \$12.88 per hour effective April 26, 2021, pending pre-employment screening.

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- n. Permission to hire Casey Elliott and John Isaak for Seasonal Parks position at a rate of \$12.88 per hour effective May 3, 2021, pending pre-employment screening.
- o. Approve recommendation from Parking and Transportation to transfer Boot Hill Tours Conveyance License from Ron Pray to Ride Deadwood LLC, Blake and Rebecca Joseph dba Boot Hill Tours.
- p. Approve updated times for Bike Parking on Main Street from Wild Bill Bar to Nugget Saloon, and in front of Mineral Palace during Wild Bill Days: Friday, June 18 and Saturday, June 19, 2021 from 10:00 a.m. to 10:00 p.m. Public hearing was held March 15, 2021 and times approved were 10:00 a.m. to 5:00 p.m. and noon to 10:00 p.m. on Saturday.
- q. Request to purchase large scale printer from Century Business Products in an amount of \$4,328.67 as budgeted under HP Office Equipment.
- r. Permission to hire Rasmussen Mechanical in an amount not to exceed \$3,500.00 to replace burner/inducer assembly in hot water heater at Days of 76 Museum. (To be paid from Public Buildings repair budget.)
- s. Permission for Mayor to sign Deadwood Public Library 2020 annual report.
- t. Permission to purchase 43" ELO Monitor and compatible computer along with wall mount from PCNation in the amount of \$3,316.35 from the 2021 HP Public Education line item.

## **BID ITEMS**

### **Results**

Mayor Ruth stated one bid was opened for Mount Moriah Cemetery Improvements as advertised. Bid bond was included in the following bid submittal:

Mac Construction: \$69,800.00 plus Bid Alternate #1 \$6,150.00

Historic Preservation Officer Kuchenbecker spoke about the project. After discussion concerning budget and safety, Martinisko moved, Johnson seconded to approve recommendation and award Mt. Moriah Cemetery Improvements to Mac Construction in the amount of \$75,950.00. Roll Call: Aye-All. Motion carried.

## **PUBLIC HEARINGS**

### **License**

Public hearing was opened at 5:06 p.m. by Mayor Ruth Jr. No one spoke in favor or against, hearing closed. Johnson moved, Todd seconded to approve Retail (on-off sale) Malt Beverage & SD Farm Wine License for Deadwood Miners at 137 Charles Street. Roll Call: Aye-All. Motion carried.

### **Back When They Bucked**

Public hearing was opened at 5:07 p.m. by Mayor Ruth Jr. Sarah Kryger, Deadwood Chamber, was available to answer questions, hearing closed.

Todd moved, Johnson seconded to allow the relaxation of the open container ordinance at the Event Complex 9:00 a.m. to 9:00 p.m. on Sunday, May 30, 2021. Roll Call: Aye-All. Motion carried.

### **PBR**

Public hearing was opened at 5:08 p.m. by Mayor Ruth Jr. Sarah Kryger, Deadwood Chamber, was available to answer questions, hearing closed.

Martinisko moved, Todd seconded to reset public hearing on May 3, 2021. Roll Call: Aye-All. Motion carried.

### **Bev's Poker Run**

Public hearing was opened at 5:10 p.m. by Mayor Ruth Jr. Sarah Kryger, Deadwood Chamber, was available to answer questions, hearing closed. Johnson moved, Todd seconded to approve parking on Main Street from Wall to Lee Street (Southwest side only) from 5:00 p.m. to 9:00 p.m. on Sunday, June 13, 2021. Roll Call: Aye-All. Motion carried.

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### **Deadwood Live**

Public hearing was opened at 5:11 p.m. by Mayor Ruth Jr. Bobby Rock, Outlaw Square, was available to answer questions, hearing closed.

Martinisko moved, Johnson seconded to approve open container in Zone 3 from 6:00 p.m. to 10:00 p.m. Sunday, June 13, Friday, July 2 and Saturday, July 3; street closure on Deadwood Street from Main Street to Pioneer Way from 8:00 a.m. to 11:00 p.m. on Sunday, June 13 and 8:00 a.m. Friday, July 2 to 11:00 p.m. Saturday, July 3, 2021. Roll Call: Aye-All. Motion carried.

### **Dia Del Taco**

Public hearing was opened at 5:13 p.m. by Mayor Ruth Jr. Bobby Rock, Outlaw Square, was available to answer questions, hearing closed.

Martinisko moved, Johnson seconded to approve open container in Zone 3 from noon to 7:00 p.m. and street closure on Deadwood Street from Main Street to Pioneer Way from 8:00 a.m. to 11:00 p.m. on Saturday, July 10, 2021. Roll Call: Aye-All. Motion carried.

### **Legends Ride/Bike Parking**

Public hearing was opened at 5:14 p.m. by Mayor Ruth Jr. Sarah Kryger, Deadwood Chamber, was available to answer questions, hearing closed.

Martinisko moved, Johnson seconded to approve parking on Main Street Sunday, August 1 through Sunday, August 15, 2021, parking in Interpretive Lot Thursday, August 5 through Sunday, August 15, street closure on Main Street from Pine to Deadwood Street from 8:00 a.m. to 3:30 p.m. and waiver of banner fees on Monday, August 9, 2021. Roll Call: Aye-All. Motion carried.

### **All In One Motocross**

Public hearing was opened at 5:16 p.m. by Mayor Ruth Jr. Sarah Kryger, Deadwood Chamber, was available to answer questions, hearing closed.

Todd moved, Johnson seconded to allow the relaxation of the open container ordinance at the Event Complex from 4:00 p.m. to 10:00 p.m. on Saturday, September 11, 2021. Roll Call: Aye-All. Motion carried.

### **3 Wheeler Rally**

Public hearing was opened at 5:17 p.m. by Mayor Ruth Jr. Sarah Kryger, Deadwood Chamber, was available to answer questions, hearing closed.

Todd moved, Johnson seconded to approve street closure on Main Street on Main Street from Wall Street to Deadwood Street from 11:00 a.m. to 2:00 p.m. on Wednesday, July 14, street closure from Tin Lizzies to Masonic Temple from 1:00 p.m. until parade ends, and relaxation of open container ordinance at the Event Complex Sunday, July 11 through Thursday, July 15, 2021 from noon to 10:00 p.m. Roll Call: Aye-All. Motion carried.

### **Public Property**

Public hearing was opened at 5:19 p.m. by Mayor Ruth Jr. Planning and Zoning Administrator Russell spoke about the lease to Hickok's, hearing closed.

Martinisko moved, Johnson seconded to lease a portion of public sidewalk, 1149 square feet, along Deadwood Street and adjacent to the structure located at 685 Main Street. Roll Call: Aye-All. Motion carried.

### **Set**

Martinisko moved, Todd seconded to set public hearing on May 3 for Kool Deadwood Nites Events. Roll Call: Aye-All. Motion carried.

Todd moved, Martinisko seconded to set public hearing on May 3 for Days of '76 Events. Roll Call: Aye-All. Motion carried.

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Johnson moved, Martinisko seconded to set public hearing on May 3 for Steer Roping Events. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to set public hearing on May 3 for the closure of Siever Street during the concert events for the Deadwood Live series at Outlaw Square. Dates are: Saturday, May 29, Sunday, May 30, Sunday, June 13, Friday, July 2, Saturday, July 3, Sunday, July 11, Sunday, July 25, Sunday, August 1, and Saturday, September 4, 2021. Roll Call: Aye-All. Motion carried.

Johnson moved, Martinisko seconded to set public hearing on May 3 for street closure on Gold Street between Main Street and Broadway Alley, Monday, May 17 to Monday, September 20, 2021. Broadway Alley will be one way from Wall Street to Shine Street. Roll Call: Aye-All. Motion carried.

Mayor Ruth Jr. stated advice was received from legal counsel that motions can be made for open containers collectively instead of each day.

### **NEW BUSINESS**

#### **Second Reading**

Martinisko moved, Johnson seconded to approve second reading of Ordinance #1323 Amending Deadwood Sign Ordinance Chapter 15.32.200 illumination. Roll Call: Aye-All. Motion carried.

#### **Agreement**

Russell spoke about the agreement. Discussion was held concerning events at Outlaw Square. Martinisko moved, Todd seconded to allow Mayor to sign lease agreement with DHIH, LLC dba as Hickok's for use of 1149 square feet of common area located at the southwest corner of Main and Deadwood Streets. Roll Call: Aye-All. Motion carried.

#### **Contract**

Martinisko moved, Johnson seconded to allow Mayor to sign contract with MAC Construction Company, Inc. in the amount of \$75,950.00 for the 2021 Mount Moriah Cemetery Improvement Project and allow staff to issue a Notice to Proceed. (Funding through the budgeted Historic Cemeteries Enterprise Fund.) Roll Call: Aye-All. Motion carried.

#### **Contract**

Kuchenbecker spoke about the contract. Martinisko moved, Johnson seconded to allow Mayor to sign contract with Seaton Publishing for maintaining kiosks at the Deadwood Welcome Center, History and Information Center, South Gateway and the Deadwood portion of the Explore Black Hills mobile app at a cost of \$20,250.00 from the 2021 HP Public Education line item. Roll Call: Aye-All. Motion carried.

#### **Final Plat**

Russell spoke about the plat. Martinisko moved, Johnson seconded to act as Board of Adjustments and approve final plat for Darleen Hicks. Legal Description is: Plat of Lots K1 and K2 being a portion of Tract H of the subdivision of Probate lot 327 and Lot 5 of Peck's Garden Subdivision Located in the NW1/4 of Section 27, T5N, R3E, B.H.M., Lawrence County, South Dakota. Roll Call: Aye-All. Motion carried.

#### **Contract**

Public Works Director Nelson Jr. spoke about the contract. Martinisko moved, Johnson seconded to enter into contract with Black Hills Asphalt to perform crack sealing on Centennial Avenue and the Event Complex Parking Lot in the amount of \$11,221.65. (To be paid from Public Works and P&T budgets.) Roll Call: Aye-All. Motion carried.

#### **Pay**

Nelson Jr. spoke about the invoice. Discussion was held concerning audit. Martinisko moved, Todd seconded to pay South Dakota Department of Transportation Invoice Number S00117994 in the amount of \$26,488.00. Work related to Joint Powers agreement 614780 between SDDOT and City dated July 3, 2018 for project NH014A(15)4104FA. Work: Design and construct ADA complaint ramps on lower Main Street near Gateway Sign and video detection system for traffic signals. Roll Call: Aye-All. Motion carried.

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### Pay

Martinisko moved, Johnson seconded to pay Government Capital \$32,207.32 for annual lease payment on 2021 Mack Dump Truck. (To be paid from Streets Equipment budget.) Roll Call: Aye-All. Motion carried.

### Purchase

Facilities and Transportation Director Kruzel spoke about the purchase. Martinisko moved, Johnson seconded to purchase Microsoft 365 upgrade (47 work stations) from Golden West Technologies in an amount not to exceed \$5,070.00. (To be paid from HP and General Fund Technology budgets.) Roll Call: Aye-All. Motion carried.

### Install

Kruzel spoke about the upgrade. Discussion was held concerning budget, cost and storage. Martinisko moved, Johnson seconded install a mezzanine in the Days of '76 Museum shop at a cost not to exceed \$81,033.89 from G & H Distributing of Rapid City including materials and installation. (To be paid from the 2021 HP Capital Assets.) Roll Call: Aye - Johnson, Martinisko, Ruth. Nay - Todd. Motion carried.

### Purchase

Russell spoke about the purchase. Discussion was held concerning current meters, location of kiosks and signage. Johnson moved, Martinisko seconded to purchase and pay IPS Solutions \$56,566.87 for nine additional MS1 pay stations for the purpose of replacing the existing parking meters. (To be paid from Parking & Transportation budget.) Roll Call: Aye-All. Motion carried.

### Purchase

Nelson Jr. spoke about the purchase. Johnson moved, Todd seconded to purchase 234 tons of screened and delivered sand for \$7,000.00 to be utilized in the Days of '76 arena at the Deadwood Event Complex as a partnership with the Days of '76 Rodeo and James Carter of Deadwood All In. (To be paid from Street supplies budget.) Roll Call: Aye-All. Motion carried.

### Permission

Kruzel and Kuchenbecker spoke about the project. Johnson moved, Martinisko seconded to expend up to \$25,000.00 for the construction of a 16'-0" x 32'-0" lean-to addition on the rear of the Days of '76 Museum workshop for storage needs. (To be paid from HP Capital Assets line item.) Roll Call: Aye-All. Motion carried.

## **INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS**

- a. Raffle permit received from 173D Airborne Brigade National Memorial Foundation. Drawing will be held November 8, 2021. No action approves.
- b. Raffle permit received from St. John's Episcopal Church. Drawing will be held September 6, 2021. No action approves.

### ADJOURNMENT

Martinisko moved, Johnson seconded to adjourn the regular session at 6:10 p.m. The next regular meeting will be on Monday, May 3, 2021.

ATTEST:

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

BY: \_\_\_\_\_

Jessica McKeown, Finance Officer

David Ruth Jr., Mayor

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