

REGULAR MEETING, MARCH 18, 2024

The Regular Session of the Deadwood City Commission convened on Monday, March 18, 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, Charlie Struble and Gary Todd. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Struble moved, Todd seconded to approve the minutes of March 4, 2024. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Martinisko moved, Johnson seconded to approve the March 18, 2024 disbursements. Roll Call: Aye-All. Motion carried.

A & B WELDING	SERVICE	221.96
A-Z SHREDDING	SERVICE	40.80
ACE HARDWARE	SUPPLIES	248.29
ADAMS SALVAGE RECYCLING	TIRES	4.80
ALBERTSON ENGINEERING	PROJECT	19,819.93
ALL ASPECTS	SERVICE	3,000.00
AMAZON	SUPPLIES	1,995.79
BH CHEMICAL	SUPPLIES	911.29
BH ENERGY	SERVICE	31,943.22
BH PIONEER	SERVICE	741.01
BLACKSTRAP	SUPPLIES	10,598.64
BOYS & GIRLS CLUB	ALLOCATION	3,500.00
BUTLER MACHINERY	SUPPLIES	73.59
CENTURY BUSINESS PRODUCTS	SERVICE	230.05
CHRIS SUPPLY	SUPPLIES	8.86
CONTRACTOR'S SUPPLY	SUPPLIES	147.00
CULLIGAN	SUPPLIES	109.20
DAKOTA SUPPLY GROUP	SUPPLIES	209.49
DEADWOOD CHAMBER	BILL LIST	82,796.38
DOG WASTE DEPOT	SUPPLIES	329.95
DOWER, KARLA	REIMBURSEMENT	127.29
ECOLAB	SERVICE	272.56
ESRI	RENEWAL	19,180.00
FASSBENDER COLLECTION	SERVICE	20,000.00
FIB CREDIT CARDS	SUPPLIES	2,607.98
FIRST INTERSTATE BANK	TIF #8	2,896.80
FIRST NET	SERVICE	240.24
FREY INDUSTRIES	SUPPLIES	476.65
FURNISH, RICHARD	REFUND	35.00
GOLDEN WEST	SERVICE	4,090.48
GUNDERSON, PALMER, NELSON	SERVICE	2,567.86
HAWKINS	SUPPLIES	61.20
HOMESTAKE OPERA HOUSE	PARKING DONATION	500.00
IPS GROUP	SERVICE	7,192.46
IT STRAPS ON	SUPPLIES	273.68
JACOBS WELDING	SUPPLIES	34.29
JERRY GREER'S ENGINEERING	REPAIR	75.00
KONE CHICAGO	MAINTENANCE	564.03
LAWRENCE CO. REGISTER	SERVICE	210.00
LDHS TRACK CLUB	PARKING DONATION	500.00
LEAD-DEADWOOD AAU WRESTLING	PARKING DONATION	500.00
LEAD-DEADWOOD SANITARY	SERVICE	19,088.65
LEAD-DEADWOOD YOUTH SOCCER	PARKING DONATION	500.00
LEGENDARY ELECTRIC	SUPPLIES	2,857.14
MED-TECH RESOURCE	SUPPLIES	104.60
METERING & TECHNOLOGY	SUPPLIES	30.90
MICROSOFT	SUPPLIES	690.17
MID-AMERICAN RESEARCH	SUPPLIES	466.68
MIDWEST TAPE	SUPPLIES	73.47
MONUMENT HEALTH	SERVICE	250.00
MORRISON, RONDA	SERVICE	1,760.00
MOVETTE FILM TRANSFER	SERVICE	59.10
NHS OF THE BLACK HILLS	CONTRACT	3,000.00
NORTHERN HILLS CASA	ALLOCATION	3,500.00
PETTY CASH	HP/ZONING	163.92
POMP'S TIRE SERVICE	REPAIR	81.60
QUADIENT FINANCE	POSTAGE	500.00
QUIK SIGNS	SERVICE	134.29
RASMUSSEN MECHANICAL	MAINTENANCE	82,954.77
RUNGE, MIKE	REIMBURSEMENT	14.55
SANDER SANITATION	SERVICE	12,834.16
SCOTT PETERSON MOTORS	SERVICE	357.01
SD COMMISSION ON GAMING	CITY SLOTS	29,829.55
SD DEPT. OF REVENUE	LICENSE	75.00
SD MUNICIPAL LEAGUE	MEETING	220.00
SD STATE HISTORICAL SOCIETY	GRANT	12,200.00
SODAK TITLE	SERVICE	120.00
SPEARFISH BUILDING	SUPPLIES	44.99
STRETCH'S	SERVICE	832.38
STURGIS RESPONDER SUPPLY	UNIFORMS	219.95
TEAM LABORATORY CHEMICAL	SUPPLIES	3,150.00
TELLINGHUISEN, ROGER	BID #8	310.58

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TWIN CITIES & AREA SENIOR	PARKING DONATION	800.00
TYLER TECHNOLOGIES	RENEWAL	18,785.31
UNITED LABORATORIES	SUPPLIES	1,253.88
VERIZON CONNECT	SERVICE	171.60
VERIZON CONNECT NWF	SERVICE	92.95
VTI COMPUTER SALES	SERVICE	300.00
WHITE'S CANYON MOTORS	SUPPLIES	110.17
		Total \$419,370.09

CONSENT

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

- A. Permission to hire Kelley Cranny as part-time Trolley Driver at \$16.65 per hour effective March 24, 2024 pending pre-employment screening.
- B. Permission to move Tracy Owens from 29 hours per week to full-time position (with benefits per employee handbook) Rec Center receptionist at \$16.00 per hour, effective March 18, 2024.
- C. Permission to hire Jacob Rubright as full-time (non-certified) patrol officer at \$24.22 per hour effective April 11, 2024 pending pre-employment screening.
- D. Removed for separate consideration in New Business.
- E. Removed for separate consideration in New Business.
- F. Appoint the following residents to serve on election board for April 9, 2024; Teresa Peterson as superintendent at \$204.00, Joyce Pfarr and Trudy Anderson as clerks at \$180.00, with additional \$20.00 each for attending election school. Marlene Todd as alternate in case of emergency.
- G. Permission to allow the Finance Office to issue a credit of \$314.66 on the utility bill for 358 Williams Street for water usage in January and February 2024. Credit is due to an issue with the water shut-off.
- H. Resolution 2024-07 to Participate in South Dakota Dept. of Transportation Bridge Inspection Program.

**RESOLUTION 2024-07
BRIDGE REINSPECTION PROGRAM RESOLUTION
FOR USE WITH SDDOT RETAINER CONTRACTS**

WHEREAS, 23 CFR 650, Subpart C, requires initial inspection of all bridges and reinspection at intervals not to exceed two years with the exception of reinforced concrete box culverts that meet specific criteria. These culverts are reinspected at intervals not to exceed four years.

THEREFORE, the City of Deadwood is desirous of participating in the Bridge Inspection Program using Bridge Replacement funds.

The City requests SDDOT to hire Interstate Engineering (Consulting Engineers) for the inspection work. SDDOT will secure Federal approvals, make payments to the Consulting Engineer for inspection services rendered, and bill the City for 20% of the cost. The City will be responsible for the required 20% matching funds.

Dated this 18th day of March, 2024

ATTEST:
/s/ Jessica McKeown, Finance Officer

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

- I. Resolution 2024-08 Declare Surplus Property - Fire Truck

**RESOLUTION NO. 2024-08
TO DECLARE THE FOLLOWING SURPLUS PROPERTY**

BE IT RESOLVED by the Deadwood City Commission that the City of Deadwood approve the following be declared surplus and be sold at public online auction conducted by a licensed auctioneering service.

1998 Spartan LT1-MZ100 - VIN# 4S7AW4293WCO26944

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Dated this 18th day of March, 2024

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

- J. Permission to approve one year subscription agreement in the amount of \$3,000.00 with Deckard Technologies for third-party monitoring service of short-term rentals. (To be paid by Planning & Zoning Professional Services.)
- K. Permission for the Mayor to sign contract with RCS Construction for the Retaining Wall project located at 10 Denver Avenue. (Bid awarded by City Commission on March 4, 2024)
- L. Permission for the Mayor to sign contract with Branch Construction for the Retaining Wall project located at 74 Van Buren. (Bid awarded by City Commission on March 4, 2024)
- M. Permission to approve Change Order #1 for 33 1/2 Jackson Retaining Wall Project as a deduct in the amount of \$1,480.00 reducing total contract cost from \$196,000.00 to \$194,520.00.
- N. Permission to purchase twelve water meter bodies from Metering and Technology Solutions at a cost not to exceed \$3,380.26. (To be paid by Water Supply line item.)
- O. Permission to pay Rasmussen Mechanical to remove/replace the Warrick low water system at the Rec Center in the amount of \$4,179.00. (To be paid by Public Buildings repair line item.)
- P. Approve Special Liquor License for Cadillac Jacks to serve liquor at Event Complex on Saturday, June 29 and Sunday, June 30, 2024 from 4:00 p.m. to 10:00 p.m. for Motocross Event. No public hearing necessary since license is on publicly owned property.
- Q. Approve Special Liquor License for Cadillac Jacks to serve liquor at Event Complex on Saturday, July 6, 2024 from 4:00 p.m. to 10:00 p.m. for Motocross Event. No public hearing necessary since license is on publicly owned property.
- R. Permission for Mayor to sign the electrical easement for Phase 1A & 1B of the Whitewood Creek FEMA Project
- S. Permission to approve sponsorship of the 150th Anniversary of Custer Expedition and Black Hills Gold Rush in the amount of \$2,500.00 from HP Public Education/Advocacy line item.

BID ITEMS

Set

Parking and Transportation Director Lux spoke about the replacement. Martinisko moved, Johnson seconded to advertise the Request for Bids for Elevator Modernization/Cab Entrance Replacement and set bid opening on April 10, 2024 at 2:00 p.m. with results to the City Commission on April 15, 2024. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS

Transfer

Public hearing was opened at 5:04 p.m. by Mayor Ruth Jr. Tyler Peterson, Gold Country Inn, was present to answer questions. Hearing closed.

Martinisko moved, Johnson seconded to approve Retail (on-off sale) Malt Beverage & SD Farm Wine License (RB-2521) transfer from WWW LLC to Gold Country LLC dba Gold Country Inn at 801 Main Street. Roll Call: Aye-All. Motion carried.

Farmers Market

Public hearing was opened at 5:05 p.m. by Mayor Ruth Jr. Pat Dringman, resident, spoke in favor, hearing closed.

Johnson moved, Struble seconded to approve waiver of vending fees and allow vending on public property on Fridays beginning June 21 through September 20, 2024 at Gordon Park from 1:00 p.m. to 8:00 p.m. Roll Call: Aye-All. Motion carried.

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Black Hills Redemption

Public hearing was opened at 5:07 p.m. by Mayor Ruth Jr. Bobby Rock, Outlaw Square spoke about the event, hearing closed.

Todd moved, Struble seconded to approve street closure on Deadwood Street from Main Street to Pioneer Way from 10:00 a.m. on Friday, June 21 through 10:00 p.m. on Sunday, June 23, 2024. Roll Call: Aye-All. Motion carried.

Monsters of Destruction

Public hearing was opened at 5:12 p.m. by Mayor Ruth Jr. Sarah Kryger, Deadwood Chamber, was available to answer questions. Discussion was held concerning fees, hearing closed.

Todd moved, Struble seconded to approve open container on Saturday, June 29 and Sunday, June 30 from 5:00 p.m. to 10:00 p.m. and waiver of user fees due to surcharge collection on Friday, June 28 through Monday, July 2, 2024 at the Event Complex. Roll Call: Aye-All. Motion carried.

July 4th Parade

Public hearing was opened at 5:15 p.m. by Mayor Ruth Jr. Sarah Kryger, Deadwood Chamber, was available to answer questions, hearing closed.

Martinisko moved, Johnson seconded to approve street closure: Main Street from Lower Main at Pioneer Way to Pine from 3:00 p.m. till parade ends on Thursday, July 4, 2024. Roll Call: Aye-All. Motion carried.

WO Motorsports Arenacross & Freestyle Motocross Show

Public hearing was opened at 5:17 p.m. by Mayor Ruth Jr. Sarah Kryger, Deadwood Chamber, was available to answer questions. Discussion was held concerning fees and time of open container. Hearing closed.

Martinisko moved, Johnson seconded to approve open container from 4:00 p.m. to 10:00 p.m. on Saturday, July 6; and waiver of user fees due to surcharge collection on Wednesday, July 3 through Sunday, July 7, 2024 at the Event Complex. Roll Call: Aye-All. Motion carried.

Medicine Wheel Riders

Public hearing was opened at 5:19 p.m. by Mayor Ruth Jr. Bobby Rock, Outlaw Square spoke about the event, hearing closed.

Johnson moved, Struble seconded to approve use of Interpretive Lot from 9:00 a.m. to 4:00 p.m. on Sunday, August 4, 2024. Roll Call: Aye-All. Motion carried.

Legends Ride

Public hearing was opened at 5:20 p.m. by Mayor Ruth Jr. Bobby Rock, Outlaw Square spoke about the event, hearing closed.

Martinisko moved, Johnson seconded to approve use of Interpretive Lot from 6:00 a.m. to 3:00 p.m. street closure on Main Street from Pine to Deadwood from 9:00 a.m. to 4:00 p.m., and waiver of banner fees on Monday, August 5, 2024. Roll Call: Aye-All. Motion carried.

Rusty Wallace Ride

Public hearing was opened at 5:21 p.m. by Mayor Ruth Jr. Bobby Rock, Outlaw Square spoke about the event, hearing closed.

Struble moved, Martinisko seconded to approve street closure on Main Street from Pine to Deadwood from noon to 4:00 p.m., street closure on Deadwood Street from Main Street to Pioneer way from 3:15 p.m. to 10:00 p.m. on Friday, August 9, 2024. Roll Call: Aye-All. Motion carried.

Set

Martinisko moved, Todd seconded to set public hearing on April 1 for Retail (on-off sale) Malt Beverage and SD Farm Wine and Retail (on-off sale) Wine and Cider Licenses for Pony Hills LLC dba The Venue at Deadwood at 250 US Hwy 14A. Roll Call: Aye-All. Motion carried.

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NEW BUSINESS

Hire (Item D)

Finance Officer explained the hire. Martinisko moved, Struble seconded to hire Baylee Radensleben for temporary lifeguard positions at \$16.00 per hour effective March 18 through May 3, 2024, pending pre-employment screening. These positions are needed to provide the necessary staffing to accommodate the Lead-Deadwood Schools swim lesson program. Roll Call: Aye-All. Motion carried.

Contract (Item E)

Commissioner Martinisko stated the school must provide adequate supervision of locker rooms as stated in Section 5. Martinisko moved, Todd seconded to allow the Mayor to sign contract with Lead-Deadwood School District for use of Rec Center swimming pool for elementary school at cost of \$1,500.00 beginning in March and ending in May for a period of 6 weeks.

Second Reading

McKeown asked to remove Ordinance #1396 due to changes. Martinisko moved, Johnson seconded to remove Ordinance #1396 Renewing Cable Franchise with Midcontinent. Roll Call: Aye-All. Motion carried.

Agreement

Planning, Zoning and Historic Preservation Officer Kuchenbecker spoke about the service. Johnson moved, Struble seconded to approve agreement with Avid4 Engineering for GIS Professional Services retainer for tasks to be performed on a time and materials basis in an amount not to exceed \$30,000.00. (To be paid by various departments Professional Services line item.) Roll Call: Aye-All. Motion carried.

Agreement

Kuchenbecker spoke about agreement. Struble moved, Martinisko seconded to allow Mayor to sign Agreement for Public Improvements for Phase III of Stage Run between the City of Deadwood and The Summit at Stage Run. Roll Call: Aye-All. Motion carried.

Repair

Public Works Director Stalder spoke about the project. Martinisko moved, Struble seconded to hire Associated Pool Builders to repair Rec Center pool sand filtration system at an amount not to exceed \$7,900.00. (To be paid by Rec Center repair line item.) Roll Call: Aye-All. Motion carried.

Purchase

Stalder spoke about the purchase. Struble moved, Johnson seconded to purchase 9600 pounds of sand for the Rec Center pool filtration system from Hawkins Water Treatment Group in an amount not to exceed \$3,500.00. (To be paid by Public Buildings repair budget.) Roll Call: Aye-All. Motion carried.

Purchase

Stalder spoke about the purchase. Martinisko moved, Johnson seconded to purchase ten gas pressure regulators from Rasmussen Mechanical in an amount not to exceed \$5,160.00 which includes installation at streets shop. (To be paid by Public Buildings improvement line item.) Roll Call: Aye-All. Motion carried.

Final Plat

Kuchenbecker spoke about the plat. Johnson moved, Martinisko seconded to act as Board of Adjustment and approve Final Plat: Combination of two (2) lots - 171 Charles St. - Patrick L. Mollman. Plat of Tract A1 of M.S. 207 formerly Tract A of M.S. 207 Formerly Tract A of M.S. 207 AND Lot MK5 of the Mickelson Trail City of Deadwood, Lawrence County, South Dakota Located in the NE ¼ of Section 27, T5N, R3E, B.H.M. Approved by the Deadwood Planning and Zoning Commission on March 6, 2024. Roll Call: Aye-All. Motion carried.

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INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

- A. Candidate Forum will be held at City Hall on March 19, 2024 at 5:00 p.m.
- B. Raffle permit received from St. John’s Episcopal Church. Drawing will be held September 2, 2024.
- C. Saturday, March 30 at 10:00 a.m. the Annual Easter Egg Hunt will be held at Gordon Park.

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 5:41 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 Monday, April 1, 2024 at 5:00 p.m.

After coming out of executive session at 6:12 p.m., 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 _____