

REGULAR MEETING, AUGUST 15, 2022

The Regular Session of the Deadwood City Commission convened on Monday, August 15, 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 and Gary Todd. Commissioner Charlie Struble was absent. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Martinisko moved, Johnson seconded to approve the minutes of special meeting July 21 and August 1, 2022. Roll Call: Aye-All. Motion carried.

APROVAL OF DISBURSEMENTS

Todd moved, Johnson seconded to approve the August 15, 2022 disbursements. Roll Call: Aye-All. Motion carried.

ACE HARDWARE	SUPPLIES	102.26
ACE INDUSTRIAL SUPPLY	SUPPLIES	926.57
ALBERTSON ENGINEERING	PROJECT	3,732.50
ALL ASPECTS	PROJECT	3,077.50
AMAZON CAPITAL	SUPPLIES	1,413.06
AMAZON	SERVICE	180.34
ARROWHEAD FORENSICS	SUPPLIES	281.00
AUCA WESTERN FIRST AID	SUPPLIES	250.08
AXON ENTERPRISE	SERVICE	2,193.12
BADGER METER	SERVICE	900.00
BALCO UNIFORM	UNIFORMS	74.31
BIERSCHBACH EQUIPMENT	SUPPLIES	607.00
BH CHEMICAL	SUPPLIES	3,861.55
BH ENERGY	SERVICE	28,228.87
BH PIONEER	SERVICE	907.02
BH SECURITY	SERVICE	183.06
BH WINDOW CLEANING	SERVICE	1,386.00
BRANDON INDUSTRIES	SUPPLIES	2,013.00
BUTLER MACHINERY	SUPPLIES	77.17
CARA MIA	PROJECT	1,200.00
CENTURY BUSINESS PRODUCTS	CONTRACT	14.92
CHAINSAW CENTER	SERVICE	1,541.97
CULLIGAN	SUPPLIES	288.75
CURTIS BLUE LINE	SUPPLIES	44.00
DAYS OF '76	ALLOCATION	76,100.00
DEADWOOD CHAMBER	BILL LIST	48,566.65
DVFD	REIMBURSEMENT	1,282.28
DEADWOOD HISTORY	REFUND	220.00
DEMCO	SUPPLIES	576.54
DEPOT MUSIC PRODUCTIONS	SUPPLIES	625.00
EAGLE ENTERPRISES	SUPPLIES	6,600.00
EPCO ENVIRONMENTAL PRODUCT	SUPPLIES	9.82
FELD FIRE	SERVICE	1,100.00
FERBER ENGINEERING	SERVICE	1,700.00
FIB CREDIT CARDS	SUPPLIES	4,058.13
FIRST GOLD HOTEL	REFUND	1,100.00
FIRST INTERSTATE BANK	TIF #8	2,210.76
GALLS	UNIFORMS	257.50
GAYLORD BROS	SUPPLIES	370.68
GLOVER, SANDY	REIMBURSEMENT	33.28
GOLDEN WEST	SERVICE	3,464.50
GOODE, BONITA	REMIBURSEMENT	164.83
GREATMATS.COM	SUPPLIES	492.28
HAWKINS	SUPPLIES	1,105.81
HIGH TINES BUILDING	PROJECT	2,551.03
HOMETOWN MANUFACTURING	SUPPLIES	292.65
IPS GROUP	SERVICE	10,513.39
JACOBS WELDING	SUPPLIES	21.77
JLG ARCHITECTS	PROJECT	34,214.40
KNECHT	SUPPLIES	109.56
KNECHT	GRANT	98.35
KONE CHICAGO	MAINTENANCE	519.25
LAKOTA CONTRACTING	UNIFORMS	343.55
LAWSON PRODUCTS	SUPPLIES	805.00
LEAD DEADWOOD ARTS CENTER	SUPPLIES	1,690.00
LEAD-DEADWOOD SANITARY	SERVICE	37,449.60
LIGHTING MAINTENANCE	REPAIRS	998.24
LYNN'S	SUPPLIES	266.73
M & T FIRE AND SAFETY	SUPPLIES	156.37
MARCO	CONTRACT	161.42
MERCEDES-BENZ FINANCIAL	PAYMENT	27,740.43
MERTENS, NANCY	REIMBURSEMENT	900.16
METERING & TECHNOLOGY	SUPPLIES	2,921.70
MIDCONTINENT TESTING	TESTING	23.00
MIDWEST TAPE	SUPPLIES	123.69
MONSTERS OF DESTRUCTION	REFUND	1,100.00
MONUMENT HEALTH	TESTING	140.00
MORSE, MARCIA E.	MORTGAGE EXPENSE	140.66
MS MAIL	SERVICE	1,062.61
MUTUAL OF OMAHA	INSURANCE	362.53
NHS OF THE BLACK HILLS	SERVICE	3,000.00
NORTHWEST PIPE FITTINGS	SUPPLIES	1,474.36

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NOVA FITNESS EQUIPMENT	SERVICE	372.40
OTIS ELEVATOR	SERVICE	17,500.00
PEARSON, JACI	PROJECT	2,025.00
PETTY CASH	FINANCE	143.50
PLATINUM CHEMICALS	SUPPLIES	1,688.00
RAPID DELIVERY	SERVICE	44.85
RCS CONSTRUCTION	PROJECT	42,954.30
ROAD GRUB SHOWS	REFUND	100.00
SACRISON ASPHALT	SUPPLIES	371.36
SANDER SANITATION	SERVICE	13,604.18
SD COMMISSION ON GAMING	CITY SLOTS	109,375.00
SD DEPT. OF REVENUE	TAXES	9,318.70
SECO CONSTRUCTION	PROJECT	211,390.20
SIMON CONTRACTORS	PROJECT	39,503.75
SIMON MATERIALS	SUPPLIES	139.04
SOUTHSIDE OIL	FUEL	17,435.00
SOUTHSIDE SERVICE	SERVICE	1,136.08
STEPP, BRAD	PROJECT	1,695.00
STRETCH'S	SERVICE	222.00
STURDEVANT'S	SUPLIES	1,901.68
TEMPERATURE TECHNOLOGY	REPAIRS	200.00
THE HOTEL BY GOLD DUST	SERVICE	328.00
THE LORD'S CUPBOARD	RECYCLING	89.76
THE PLUMBER	PROJECT	2,978.75
TOWEY DESIGN GROUP	PROJECT	2,494.00
TRIPLE K	SERVICE	15.00
TRUGREEN	SERVICE	6,258.93
TTG ENTERPRISES	PROJECT	20,000.00
TWIN CITY HARDWARE	GRANTS	35.99
ULINE	SUPPLIES	386.40
UMENTHUM, KEITH	PROJECT	1,101.16
UNITED LABORATORIES	SUPPLIES	671.66
VAN DIEST SUPPLY	SUPPLIES	4,419.25
VERIZON CONNECT	SERVICE	171.60
VERIZON CONNECT NWF	SERVICE	95.95
VIGILANT BUSINESS SOLUTION	SCREENING	655.50
VISIONARY LANDSCAPING	PROJECT	250.00
WARNE CHEMICAL	SUPPLIES	1,900.00
ZOGICS	SUPPLIES	599.80
		Total \$846,274.35

ITEMS FROM CITIZENS ON AGENDA

Recognition

Mayor Ruth Jr. stated Deadwood received SD Dept. of Environment and Natural Resources award for Drinking Water Excellence for twenty-one consecutive years of supplying safe drinking water to the public and thanked the following system operation specialists: Randy Pfarr, Cory Percy, Steven Henderson and Scott Reif.

CONSENT

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

- A. Permission to increase wage for Cory Percy to \$27.09 per hour effective October 1, 2022 and promote to Water Superintendent effective December 31, 2022.
- B. Approve new job description for Sergeant I.
- C. Approve new job description for Sergeant II.
- D. Approve updated job description for Para-Transit Driver.
- E. Accept resignation from Mt. Moriah employee Phyllis Fleming effective August 31, 2022.
- F. Accept resignation from part-time Police Officer Kenneth Batka effective August 15, 2022.
- G. Permission to promote Thomas Riley to Transportation Superintendent at \$23.00 per hour effective September 4, 2022. Permission to advertise for Community Service Officer position, in-house for 5 days and then in official newspaper at \$19.00 per hour.
- H. Permission for Mayor to appoint Trolley Superintendent Thomas Riley to the Parking and Transportation Committee.
- I. Permission to advertise in-house and in the official newspaper for Para-Transit Driver at \$14.50 per hour.
- J. Allow use of public property for Lead Deadwood Youth Soccer at the Event Complex August 27 through October 31, 2022 pending proof of insurance.
- K. Allow use of public property at the Event Complex for Lead Deadwood Girls Softball Friday, June 16 through Sunday, June 18, 2023
- L. Acknowledge payment to Southside Oil for the purchase 5500 gallons of fuel at \$3.17 per gallon at a cost of \$17,435.00 from Streets Supply budget.

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- M. Acknowledge payment to The Plumber in amount of \$2,576.00 for the purchase and installation of three new toilets in the women's restrooms at Mount Moriah Cemetery.
- N. Acknowledge payment to TTG Enterprises, Inc. for final billing of Water SCADA Update Project in the amount of \$20,000.00 from Water Department Professional Services. (Commission approved project on January 19, 2021)
- O. Permission to purchase and install new sound system Unique Sounds for the Ferguson Field football stadium in the amount not to exceed \$11,067.00 to be paid from 2022 Public Buildings budget.
- P. Permission to pay Heiman Fire Equipment in the amount not to exceed \$9,000.00 for personal protection equipment for the fire department. (To be paid from Fire Dept. Equipment line item.)

BID ITEMS

5 Harrison Street Retaining Wall

Mayor Ruth stated two bids were opened for 5 Harrison Retaining Wall as advertised. Bid bonds and acknowledge of Addendums 1 were included in the following bid submittals:

C. Eagle Construction - \$192,165.00
RCS Construction - \$167,000.00

Historic Preservation Officer Kuchenbecker asked to continue for review. Martinisko moved, Johnson seconded to continue results of bid opening on August 11, 2022 at 2:00 p.m. for 5 Harrison Street Retaining Wall. Roll Call: Aye-All. Motion carried.

458 Williams Street Retaining Wall

Mayor Ruth stated two bids were opened for 458 Williams Street Retaining Wall as advertised. Bid bonds and acknowledge of Addendums 1 were included in the following bid submittals:

C. Eagle Construction - \$92,900.00, Alternate #1 \$79,900.00
RCS Construction - \$82,000.00, Alternate #1 \$32,000.00

Kuchenbecker asked to continue for review. Johnson moved, Martinisko seconded to continue results of bid opening on August 11, 2022 at 2:00 p.m. for 458 Williams Street Retaining Wall. Roll Call: Aye-All. Motion carried.

Advertise

Kuchenbecker spoke about the project. Martinisko moved, Johnson seconded to advertise for "Structure and Approach Grading PCN 075J – Project BRO 8041(00) 19-1 Timm Lane Bridge" project with bids due September 29 at 2:00 p.m. with results to City Commission October 3, 2022. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS

Danny Gokey Concert

Public hearing was opened at 5:07 p.m. by Mayor David Ruth Jr. Bobby Rock, Outlaw Square, was available for questions. Hearing closed.

Johnson moved, Todd seconded to approve street closure on Deadwood Street from Main street to Pioneer Way from noon to 11:00 p.m. on Saturday, August 20, 2022. Deadwood Street will reopen for the Deadwood Alive performance at 5:45 p.m. and close again at 6:15 p.m. Roll Call: Aye-All. Motion carried.

Steer Roping Event

Public hearing was opened at 5:10 p.m. by Mayor David Ruth Jr. No one spoke in favor or against, hearing closed.

Martinisko moved, Todd seconded to approve waiver of user fees Friday, August 19 through Tuesday, August 23, open container Friday, August 19 through Tuesday, August 23 from 10:00 a.m. to 2:00 a.m. daily, and special liquor license to Days of '76 Committee from Saturday, August 20 through Monday, August 22, 2022 from 10:00 a.m. to 6:00 p.m. at the Event Complex. Roll Call: Aye-All. Motion carried.

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Ride for the Hills Event

Public hearing was opened at 5:12 p.m. by Mayor David Ruth Jr. No one spoke in favor or against, hearing closed.

Todd moved, Johnson seconded to approve Main Street parking from Wall to Lee Street (southwest side only) from 5:00 p.m. to 8:00 p.m. on Sunday, September 4, 2022. Roll Call: Aye-All. Motion carried.

Homecoming Parade

Public hearing was opened at 5:13 p.m. by Mayor David Ruth Jr. No one spoke in favor or against, hearing closed.

Martinisko moved, Johnson seconded to approve street closure on Main Street from Lower Main at Pioneer Way to Pine Street for parade on Friday, September 23, 2022 from 2:00 p.m. until parade ends. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Contract

Kuchenbecker spoke about the project. Johnson moved, Martinisko seconded to enter into contract with the South Dakota Archaeological Research Center (SARC) at a cost of \$5,975.64 to perform a Level III Archaeological Survey of the enter project area, including staging areas and borrow sites for the FEMA project known as 123107 DR4467SD Whitewood Creek Embankments – EHP. Project reimbursed through FEMA funding. Roll Call: Aye-All. Motion carried.

Quote

Kuchenbecker spoke about the project and funding from BID #8. Martinisko moved, Todd seconded to accept quote from Schmidt Construction for concrete work for the Whitewood Creek access points near the Deadwood Welcome Center in the amount of \$21,100.00. (to be paid from 2022 BID #8 funding.) Roll Call: Aye-All. Motion carried.

Agreement

Kuchenbecker spoke about the lease agreement. Johnson moved, Martinisko seconded to enter into 4-year lease agreement with Connel Equipment Leasing Company for a Model S30 Ride-On Sweeper from Tennant Sales and Service Company for yearly lease payment of \$16,787.65 with first payment due November 1, 2023. (Budgeted in 2023 Parks Budget.) Discussion was held concerning old sweeper. Roll Call: Aye-All. Motion carried.

Final Plat

Martinisko moved, Johnson seconded to act as Board of Adjustment and approve the final plat, creating property lines/transfer of property for Stage Run Phase 2, WJP Holdings. Legally described as follows: Lots 14A and 14B, Block 4A of Palisades Tract of Deadwood Stage Run Addition to the City of Deadwood Formerly Lot 14, Block 4A, Located in the SW1/4 of Section 14, The SE1/4 of 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. (Approved by the Planning and Zoning Commission on August 3, 2022.) Roll Call: Aye-All. Motion carried.

Resolution 2022-17

Bill Pearson, The Summit, LLC, stated the funding available through SD Housing is for sewer and storm drain only. Martinisko moved, Johnson seconded to approve Resolution 2022-17 In Support for The Summit, LLC to apply for South Dakota Housing and Development Authority Funding for further Development of Stage run Phase 2 and Burnham Street Road Extension. Roll Call: Aye-All. Motion carried.

**RESOLUTION IN SUPPORT OF AN APPLICATION FOR FINANCIAL
ASSISTANCE TO THE SOUTH DAKOTA HOUSING AND
DEVELOPMENT AUTHORITY BY THE SUMMIT, LLC AT
DEADWOOD STAGE RUN AND/OR ITS AFFILIATES, AGENTS OR
ASSIGNS, FOR THE BENEFIT OF MULTI AND SINGLE-FAMILY
DEVELOPMENT**

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WHEREAS, the City of Deadwood and The Summit, LLC at Deadwood Stage Run have determined it necessary to proceed with improvements to the City's infrastructure, thus enabling additional single and multifamily units to be constructed in the city limits of Deadwood,

WHEREAS, the City and Developer have determined that financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Housing and Development Authority shall be prepared by The Summit, LLC at Deadwood Stage Run (Developer); for the proposed development, and

WHEREAS, the City will work with the Developer's engineer to ensure that the preliminary Project infrastructure plans meet the City's requirements for adequate drinking water, water treatment capacity and distribution, storm sewer and all other necessary improvements as needed; and

WHEREAS, the City has adequate treatment facilities and water supply to accommodate the proposed development; and

WHEREAS, the City is committed to the ownership and long-term maintenance of said infrastructure upon acceptance and condition set forth in a future memorandum of agreement and understanding that the said infrastructure and system shall meet the specifications, materials and equipment set forth in said agreement; and

WHEREAS, the City acknowledges that there is a tremendous housing shortage in City of Deadwood and this proposed development will help, but not solve, the housing shortage.

NOW THEREFORE BE IT RESOLVED by the City as follows:

1. The City hereby supports the submission of an Application for financial assistance by The Summit, LLC at Deadwood Stage Run, to the South Dakota Housing and Development Authority.
2. City officials are hereby authorized to deliver such other documents as necessary, to assist with the Application for financial assistance.

Dated this 15th day of August, 2022

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

Resolution 2022-18

Martinisko moved, Todd seconded to approve Resolution 2022-18 In Support for the Boot Hill Estates, LLC to apply for South Dakota Housing and Development Authority Funding for further development. Roll Call: Aye-All. Motion carried.

RESOLUTION IN SUPPORT OF AN APPLICATION FOR FINANCIAL ASSISTANCE TO THE SOUTH DAKOTA HOUSING AND DEVELOPMENT AUTHORITY BY BOOT HILL ESTATES, LLC AND/OR ITS AFFILIATES, AGENTS OR ASSIGNS, FOR THE BENEFIT OF MULTI AND SINGLE-FAMILY DEVELOPMENT

WHEREAS, the City of Deadwood and Boot Hill Estates have determined it necessary to proceed with improvements to the City's infrastructure, thus enabling additional single and multifamily units to be constructed in the city limits of Deadwood

WHEREAS, the City and Developer have determined that financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Housing and Development Authority shall be prepared by Boot Hill Estates, LLC (Developer); for the proposed development, and

WHEREAS, the City will work with the Developer's engineer to ensure that the preliminary Project infrastructure plans meet the City's requirements for adequate drinking water, water treatment capacity and distribution, storm sewer and all other necessary improvements as needed; and

WHEREAS, the City has adequate treatment facilities and water supply to accommodate the proposed development; and

WHEREAS, the City is committed to the ownership and long-term maintenance of said infrastructure upon acceptance and condition set forth in a future memorandum of agreement and understanding that the said infrastructure and system shall meet the specifications, materials and equipment set forth in said agreement; and

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WHEREAS, the City acknowledges that there is a tremendous housing shortage in City of Deadwood and this proposed development will help, but not solve, the housing shortage.

NOW THEREFORE BE IT RESOLVED by the City as follows:

1. The City hereby supports the submission of an Application for financial assistance by Boot Hill Estates, LLC to the South Dakota Housing and Development Authority.
2. City officials are hereby authorized to deliver such other documents as necessary, to assist with the Application for financial assistance.

Dated this 15th day of August, 2022

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Commissioner Todd requested Executive Session for personnel matters per SDCL 1-25(1) with possible action.

ADJOURNMENT

Martinisko moved, Todd seconded to adjourn the regular session at 5:29 p.m. and convene into Executive Session for personnel matters per SDCL 1-25(1) with possible action. The next regular meeting will be on Tuesday, September 6, 2022 at 5:00 p.m.

After coming out of executive session at 5:35 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 _____