

## REGULAR MEETING, JUNE 17, 2024

The Regular Session of the Deadwood City Commission convened on Monday, June 17, 2024 at 5:00 p.m. in the Deadwood City Commission Chambers, 102 Sherman Street, Deadwood, South Dakota. Commission President Charlie Struble called the meeting to order with the following members present: Department Heads, City Attorney Quentin Riggins, and Commissioners Michael Johnson, Blake Joseph, Sharon Martinisko. Mayor David Ruth Jr. was absent. All motions passed unanimously unless otherwise stated.

### APPROVAL OF MINUTES

Martinisko moved, Joseph seconded to approve the minutes of June 3, 2024. Roll Call: Aye-All. Motion carried.

### APPROVAL OF DISBURSEMENTS

Commissioner Martinisko questioned the request for payment of October 2023 to May 2024 meetings to Alex Hamann. Finance Officer McKeown stated city cannot back date invoices into previous year.

Martinisko moved, Johnson seconded to adjust payment to \$350.00 for Alex Hamann. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to approve the June 17, 2024 disbursements plus additional bill as amended. Roll Call: Aye-All. Motion carried.

ACE HARDWARE	SUPPLIES	581.90
ADAMS SALVAGE RECYCLING	SERVICE	92.14
ADAMS. ISAAC	REFUND	437.54
ALBERTSON ENGINEERING	PROJECT	20,483.52
ALEX AIR APPARATUS 2	SUPPLIES	10,041.00
ALPINE IMPRESSIONS	SERVICE	136.00
AMAZON CAPITAL	SUPPLIES	1,281.15
AMERICAN ENGINEERING TESTING	SERVICE	2,676.90
AVID4 ENGINEERING	SERVICE	1,562.50
BADGER METER	SERVICE	178.50
BICKLE'S TRUCK	SUPPLIES	626.10
BH CHEMICAL	SUPPLIES	2,082.16
BH ENERGY	SERVICE	25,503.92
BH LIBRARY	SUBSCRIPTION	7.75
BH PIONEER	SERVICE	21,156.50
BH SANITATION	SERVICE	140.00
BH SPECIAL SERVICES	CLEANING	2,650.00
BH STATE UNIVERSITY	SCHOLARSHIP	1,000.00
BLUE-JONES, LEAH	REIMBURSEMENT	173.58
BOND, MELANIE	REIMBURSEMENT	86.70
BORDER STATES INDUSTRIES	SUPPLIES	156.04
BRANDON INDUSTRIES	SERVICE	2,862.90
BUTLER MACHINERY	SERVICE	780.00
CARSTICKERS	SUPPLIES	131.00
CENTURY BUSINESS PRODUCTS	SERVICE	767.64
CHAINSAW CENTER	SUPPLIES	360.01
CITY OF DEADWOOD	REC CENTER	50.00
CITY OF HOT SPRINGS	GRANT	7,500.00
CRESCENT ELECTRIC SUPPLY	SUPPLIES	453.70
CULLIGAN	SUPPLIES	101.40
CURTIS BLUE LINE	UNIFORMS	15.93
DAKOTA SUPPLY GROUP	SUPPLIES	366.35
DAR, VICKI	REIMBURSEMENT	527.41
DEADWOOD CHAMBER	BILL LIST	148,072.34
DEADWOOD CHAMBER - OUTLAW	BID #9	50,000.00
DOG WASTE DEPOT	SUPPLIES	709.95
EAGLESON, CHARLES	REIMBURSEMENT	94.00
ECOLAB	SERVICE	238.38
FASTENAL	SUPPLIES	152.14
FEUILLERAT WELDING	SERVICE	9,306.25
FIB CREDIT CARDS	SUPPLIES	2,144.41
FIRST INTERSTATE BANK	TIF #12	145,948.53
FLAT EARTH SIGN	PROJECT	8,685.00
GAGE'S GARDENS	SERVICE	114.21
GENESEE VALLEY DAOIST HERM	TRANSLATION	300.00
GOLDEN WEST	SERVICE	5,779.48
GRACE LUTHERAN CHURCH	GRANT	21,933.15
HAMANN, ALEX	MEETINGS	350.00
HOLIDAY INN CITY CENTRE	CONFERENCE	321.00
IPS GROUP	SERVICE	11,231.30
JACOBS WELDING	SERVICE	43.56
JIM'S AUTO SALVAGE	SERVICE	65.00
KELTEK	PRINTERS	4,377.12
KETEL THORSTENSON	SERVICE	15,304.97
KNECHT	GRANTS	3,779.49
KONE CHICAGO	SERVICE	564.03
LAWRENCE CO. AUDITOR	TIF #6	38,104.35
LAWRENCE CO. REGISTER	SERVICE	90.00
LEAD-DEADWOOD SANITARY	TIF #6	31,916.13
LEAD-DEADWOOD SCHOOL	TIF #6	101,311.22
LIBERTY NATIONAL BANK	TIF #9	379.18
LOOKOUT PLAN + CODE CONSUL	SERVICE	516.16
LYNN'S	SUPPLIES	171.60

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MCCORMICK CUSTOM BUILDERS	PROJECT	3,320.00
MICROSOFT	SERVICE	866.24
MID-AMERICAN RESEARCH CHEM	SUPPLIES	264.36
MIDWEST TAPE	SUPPLIES	244.49
MORRISON, RONDA	SERVICE	1,400.00
MS MAIL	SERVICE	30.00
NHS OF THE BLACK HILLS	CONTRACT	3,000.00
NICKLES, KACIE	PROJECT	7,000.00
NORTHWEST PIPE FITTINGS	SUPPLIES	1,379.39
ONSITE FIRST AID	SUPPLIES	198.74
PACTOLA	TIF #11	66,962.21
PETE LIEN & SONS	SUPPLIES	552.50
QUADIANT FINANCE	POSTAGE	500.00
QUIK SIGNS	SERVICE	348.00
QUILL	SUPPLIES	145.92
RASMUSSEN	PROJECT	9,676.72
RCS CONSTRUCTION	PROJECT	32,692.50
SANDER SANITATION	SERVICE	12,834.16
SD COMMISSION ON GAMING	CITY SLOTS	29,829.55
SD MUNICIPAL LEAGUE	WORKSHOP	50.00
SD STATE UNIVERSITY	SCHOLARSHIP	1,000.00
SERVALL	SUPPLIES	1,687.98
SGMSD	BID #7	550,000.00
SIMON MATERIALS	PROJECT	754.47
SOUTHSIDE SERVICE	SERVICE	280.00
STURGIS RESPONDER SUPPLY	UNIFORMS	336.90
TECHNOLOGY	SERVICE	355.94
THE LIBRARY STORE	SUPPLIES	397.78
TRUGREEN	SERVICE	3,627.99
TWIN CITY HARDWARE	SUPPLIES	111.41
TWIN CITY HARDWARE	GRANTS	803.25
UNITED LABORATORIES	SUPPLIES	1,270.10
USA BLUEBOOK	SUPPLIES	146.83
UTILITY SERVICES ASSOCIATE	SERVICE	3,621.00
VANWAY TROPHY	SERVICE	185.94
VERIZON CONNECT	SERVICE	171.60
VIEHAUSER ENTERPRISES	SERVICE	20.00
VIGILANT BUSINESS SOLUTION	SERVICE	131.50
WELLS PLUMBING	SUPPLIES	94.15
WELLMARK	INSURANCE	48,509.40
WESTERN COMMUNICATIONS	SUPPLIES	23.45
WESTERN DAKOTA TECH	SCHOLARSHIP	1,000.00
WESTERN LEGACY FOUNDATION	REFUND	2,350.00
WESTERN STATES FIRE	SERVICE	675.00
WHEELER LUMBER OPERATIONS	SUPPLIES	4,626.78

Total \$1,500,399.44

## CONSENT

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

- A. Permission to accept resignation from seasonal Parks Technician Priscilla Mund effective June 21, 2024.
- B. Permission to advertise for seasonal Parks Technician position at \$17.60 per hour.
- C. Permission to rescind previous motion (June 3, 2024) and increase pay for Police Officer John Reiser from \$24.61 to \$27.18 per hour effective June 2, 2024 after graduating and becoming certified from the Police Academy.
- D. Permission to rescind previous motion (April 15, 2024) and correct record of pay for Parks Technician Paxton Witt to \$22.23 per hour effective March 31, 2024, due to completing the CDL certification.
- E. Permission to hire Aiden Russell as part-time lifeguard at \$16.00 per hour effective June 17, 2024 pending pre-employment screening.
- F. Permission to hire Robert McGavran as full-time (non-certified) police officer at \$24.22 per hour effective June, 24 2024 pending pre-employment screening.
- G. Permission to hire Danielle Lemonis as full-time (non-certified) police officer at \$24.22 per hour effective June, 24 2024 pending pre-employment screening.
- H. Permission to accept resignation for Emily Kutil from the Library Board effective May 15, 2024.
- I. Permission to renew Wellmark health insurance with current plan for city employees from August 1, 2024 through July 31, 2025. Allow Finance officer to sign all associated documents.
- J. Acknowledge annual check from BID #7 Fund to SGMSD, LLC (Deadwood Mountain Grand) per contract in the amount of \$550,000.00.
- K. Permission to make 2024 Budget Allocation to Deadwood-Lead Economic Development in the amount of \$38,000.00. (To be paid by Bed and Booze budget.)

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- L. Permission to appoint Mike Percivich, Leo Diede and Mary Ann Oberlander as three real property owners within the City of Deadwood to appraise the value of Plat of Lots MK8 and Lot MK 9 of the Mickelson Trail; being portions of School Lots 23 and 24, M.S. 207 and Lots 1 and 2, Block 79, O.T. Deadwood; All located in the City of Deadwood, Lawrence County, South Dakota, in preparation of surplus of property conveyed by a railroad to the City under SDCL 6-13-5.1
- M. Permission to waive fee and allow MSI Promotions Committee and Celebrity to sell and host wine tastings at Gordon Park during the Farmers Market on Fridays between 3:00 p.m. to 7:00 p.m. from June 21 through September 20, 2024. All proceeds go to charity. No public hearing necessary since on public property. (was approved May 20 for Saloon #10, Celebrity will sell when Saloon #10 is unable to.)
- N. Removed for separate consideration.
- O. Permission for Mayor to sign annual agreement with South Dakota School of the Deaf for office space at History and Info Center at cost of \$400.00 per month.
- P. Permission to purchase 5,500 gallons of non-ethanol fuel at a price of \$2.74 per gallon from Southside Service. (To be paid out of the Streets supplies budget.)
- Q. Permission to approve Alkali Ike's (tour conveyance license) location from Historic Main Street to a designated location on the creek side of the trolley turn-around at the Deadwood Welcome Center. (Recommendation from the Parking & Transportation Committee's June 13, 2024 meeting.)

## BID ITEMS

### Results

Finance Officer McKeown spoke about the auction which was held on June 5 as advertised. First Gold – 10 Devices - \$13,500.00.

Martinisko moved, Joseph seconded to remove the three-year city slot machine lease (with one option to renew) with First Gold – 10 devices - \$135,000.00 and bring lease forward July 1, 2024. Roll Call: Aye-All. Motion carried.

## PUBLIC HEARINGS

### Shriners Beer-A-Thon

Public hearing was opened at 5:08 p.m. by Commission President Struble. No one spoke in favor or against, hearing closed.

Martinisko moved, Johnsons seconded to approve open container in zone 1 and 2 from noon until 10:00 p.m. on Saturday, July 13, 2024. Roll Call: Aye-All. Motion carried.

### Neighborhood Block Picnic

Public hearing was opened at 5:09 p.m. by Commission President Struble. No one spoke in favor or against, hearing closed.

Johnson moved, Martinisko seconded to approve open container in Gordon Park on Sunday, July 14, 2024 from 4:00 p.m. to 6:00 p.m. Roll Call: Aye-All. Motion carried.

### Harley Davidson Rally Activation

Public hearing was opened at 5:10 p.m. by Commission President Struble. Bobby Rock, Outlaw Square, was available to answer questions. Hearing closed.

Martinisko moved, Johnsons seconded to open container in Zone 4, Outlaw Square only from 10:00 a.m. to 10:00 p.m. on Monday, August 5. Previously approved on April 15 for 3:00 p.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

### Harley Davidson Demo Rides

Public hearing was opened at 5:11 p.m. by Commission President Struble. Bobby Rock, Outlaw Square, was available to answer questions. Discussion was held concerning parking in residential areas and banner fee.

Martinisko moved, Johnson seconded to approve Use of Welcome Center Lot on Thursday, August 1 at 8:00 a.m. through 10:00 p.m. on Saturday, August 10, will be set up on Pioneer Way side of lot; waiver of banner fees on Thursday, August 1 through Saturday, August 10, 2024. Roll Call: Aye – Johnson, Struble. Nay – Martinisko, Joseph. Motion failed.

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### Set

Martinisko moved, Johnson seconded to reset public hearing on July 1 for Harley Davidson Demo Rides. Roll Call: Aye-All. Motion carried.

### Labor Day Kickoff Concert

Public hearing was opened at 5:20 p.m. by Commission President Struble. Bobby Rock, Outlaw Square, was available to answer questions. Hearing closed.

Martinisko moved, Joseph seconded to approve open container in zone 1 and 2 from 5:00 p.m. until 10:00 p.m. on Friday, August 30; street closure on Deadwood Street from Main Street to Pioneer Way from 8:00 a.m. on Friday, August 30 to 1:00 a.m. on Saturday, August 31 and closure of Siever Street (if needed) from 6:00 a.m. on Friday, August 30 to 1:00 a.m. on Saturday, August 31, 2024. Roll Call: Aye-All. Motion carried.

### High School Homecoming Parade

Public hearing was opened at 5:21 p.m. by Commission President Struble. No one spoke in favor or against, hearing closed.

Joseph moved, Martinisko seconded to approve street closure; Main Street from Lower Main at Pioneer Way to Pine Street for parade on Friday, September 20, 2024 from 2:00 p.m. until parade ends. Roll Call: Aye-All. Motion carried.

## **NEW BUSINESS**

### Contract (Item 6N)

Commissioner Martinisko asked for clarification on contract concerning registration.

Martinisko moved, Johnson seconded to allow Finance Officer to sign contract with Fitter and Faster for swim camps to be held on Sept 7-8, 2024 and April 5-6, 2025 when clarification is addressed. Registration fees and lifeguard wages will be collected in lieu of rental fee for the pool which is being waived. Roll Call: Aye-All. Motion carried.

### Permit

Planning, Zoning and Historic Preservation Officer Kuchenbecker spoke about the permit application. Martinisko moved, Johnson seconded to Act as Board of Adjustment and approve Conditional Use Permit Application for Vacation Home Establishment - 596 Main Street - JVK-SD, LLC (Jack Kucera) with the following conditions: The conditional use permit runs with the applicant and not the land, proof of state sales tax number, proof that the Building Inspector has inspected the building, city water and sewer rates to be changed from residential to commercial rates, proper paperwork is filed with finance office for BID taxes, proof of City of Deadwood Business License, obtain lodging license after inspection from the South Dakota Department of Health, all parking shall be off street, with the exception of one (1) reserved space located on Main Street. Legally described as Lot 34 in Block 15, being a part of Mineral Lot 38, and also known as Lot 4, in Block 7 of the City of Deadwood, also known as 596 Main Street, Deadwood, South Dakota (Approved with conditions by the Planning and Zoning Commission on June 5, 2024). Roll Call: Aye-All. Motion carried.

### Variance

Planning, Zoning and Historic Preservation Officer Kuchenbecker spoke about the request.

Martinisko moved, Johnson seconded to approve Act as Board of Adjustment and approve the Request for Variance for 288 Williams Street (Brian Kinkler) with the following conditions: project approval from the Historic Preservation Commission is required prior to the start of the project, proof that the Fire Department has inspected the building, and it meets all fire codes, proof that the Building Inspector has inspected the building, and it meets all the building codes. Legally described as Lot 1 of Probate Lots 354 and 508; formerly Probate Lot 508 and the west 11' of Probate Lot 354; City of Deadwood, Lawrence County, South Dakota (Approved with conditions by Planning and Zoning Commission on June 5, 2024.) Roll Call: Aye-All. Motion carried.

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### Findings of Fact

Planning, Zoning and Historic Preservation Officer Kuchenbecker spoke about the Findings of Fact and Conclusion. Martinisko moved, Johnson seconded to Act as Board of Adjustment and approve Findings of Fact and Conclusion for Vacation Home Establishment - 81 Charles Street - BNS Properties, LLC (Lorann Berg) with the following conditions: The conditional use permit runs with the applicant and not the land, proof of state sales tax number, the Building Inspector will inspect the building to ensure all building codes are met, city water and sewer rates to be changed from residential to commercial rates, proper paperwork is filed with finance office for BID taxes, proof of City of Deadwood Business License, obtain lodging license after inspection from the South Dakota Department of Health, designated off-street parking spaces are to be painted on the driveway, signs are to be hung designating parking spaces, compliance with all city ordinances shall be met. Legally described as Lot 7 in Block 74 of the Original Town of Deadwood, Lawrence County, South Dakota, as shown on the P.L. Rogers Map of the Town of Deadwood. Roll Call: Aye-All. Motion carried.

### Second Reading

Parking and Transportation Director Lux stated no changes between first and second reading. Martinisko moved, Johnson seconded to approved second reading of Ordinance #1400 Amending Title 10 Vehicles and Traffic. Roll Call: Aye-All. Motion carried.

### Hire

Lux spoke about the project. Joseph moved, Martinisko seconded to hire Patriot Painting & Drywall to paint/install the new sign package and repair the elevator entrances at the Broadway Parking Ramp at a cost not to exceed \$27,430.00. (To be paid by Broadway Improvements line item.) Roll Call: Aye-All. Motion carried.

### Lease

Lux spoke about the lease. Johnson moved, Joseph seconded to allow Mayor to sign lease agreement with Deadwood Gulch Lodge, LLC for overflow parking from June 18, 2024 to September 9, 2024 on the Slag Pile. (Lease of \$27,500.00 to be paid by BID 8.) Roll Call: Aye-All. Motion carried.

### Hire

Public Works Director spoke about the project. Martinisko moved, Joseph seconded to hire Western States Fire Protection to replace sprinkler heads at the Adams Museum at a cost not to exceed \$8,785.00 (To be paid by Public Buildings Improvements budget.) Roll Call: Aye-All. Motion carried.

### Easement

Kuchenbecker spoke about the easement. Martinisko moved, Joseph seconded to allow Mayor to sign utility easement with SDN Communications in association with the reconstruction of the Welcome Center Trail project. Roll Call: Aye-All. Motion carried.

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

- A. The Library Board is looking for a board member. For additional information, please reach out to Patty at the Library at 578-2821.
- B. Raffle permit received from Black Hills Redemption. Drawing will be held June 23, 2024.

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.

Resident, Bill Decker, thanked Bobby Rock for all the events he brings to Outlaw Square. He thanked the Police Department as well. He asked about getting a bigger sign for the public restrooms at Outlaw Square.

Kuchenbecker gave updates on projects throughout the town.

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**ADJOURNMENT**

Martinisko moved, Johnson seconded to adjourn the regular session at 5:44 p.m. and convene into Executive Session for personnel matters per SDCL 1-25-2(1) with possible action. The next regular meeting will be on Monday, July 1, 2024 at 5:00 p.m.

After coming out of executive session at 6:01 p.m.,

Martinisko moved, Joseph seconded to accept, with regret, the resignation of Police Officer Jacob Rubright effective June 14, 2024. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to advertise in-house for 5 days and with outside sources for one full-time police officer position. (\$26.79 per hour for Certified and \$24.22 for Non-Certified.) Roll Call: Aye-All. Motion carried.

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 \_\_\_\_\_