

**REGULAR MEETING, NOVEMBER 1, 2021**

The Regular Session of the Deadwood City Commission convened on Monday, November 1, 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, Charlie Struble and Gary Todd. All motions passed unanimously unless otherwise stated.

**APPROVAL OF MINUTES**

Struble moved, Todd seconded to approve the minutes of October 18, 2021. Roll Call: Aye-All. Motion carried.

**OCTOBER 2021 PAYROLL:** COMMISSION, \$2,730.76; FINANCE, \$20,061.53; PUBLIC BUILDINGS, \$13,598.90; POLICE, \$73,385.05; FIRE, \$5,850.88; BUILDING INSPECTION, \$4,369.20; STREETS, \$32,308.88; PARKS, \$27,769.89; PLANNING & ZONING, \$4,548.18; LIBRARY, \$6,411.96; RECREATION CENTER, \$14,418.87; HISTORIC PRESERVATION, \$18,384.46; WATER, \$17,794.54; MT. MORIAH, \$2,662.94; PARKING METER, \$9,816.22; TROLLEY, \$20,414.86; PARKING RAMP, \$1,307.32. **PAYROLL TOTAL: \$275,834.44.**

**OCTOBER 2021 PAYROLL PAYMENTS:**

Internal Revenue Service, \$66,412.30; S.D. Retirement System, \$31,398.34; Delta Dental, \$4,487.50.

**APPROVAL OF DISBURSEMENTS**

Commissioner Martinisko read corrections to the bill list with additional bill. Martinisko moved, Johnson seconded to approve the November 1, 2021 disbursements as corrected. Roll Call: Aye-All. Motion carried.

A & B BUSINESS SOLUTIONS	CONTRACT	419.89
A & B WELDING	SERVICE	5,048.03
A & I DISTRIBUTORS	SUPPLIES	80.20
ACE HARDWARE	SUPPLIES	253.49
AFFORDABLY CREATIVE	SERVICE	1,910.00
ALSCO	SUPPLIES	807.23
AMAZON CAPITAL	SUPPLIES	540.17
ATCO INTERNATIONAL	QUICKIES	320.00
AUCA WESTERN FIRST AID	SUPPLIES	787.67
BALCO UNIFORM	UNIFORMS	96.43
BH CHEMICAL	SUPPLIES	1,235.85
BRANDON INDUSTRIES	SUPPLIES	3,856.00
BUTLER MACHINERY	SUPPLIES	2,295.40
CAI CONSTRUCTION	PROJECT	169,650.00
CHAINSAW CENTER	SNOWBLOWER	3,649.90
CHAPTER Y – PEO	POINSETTIAS	125.00
CONRAD'S SIGNS	SERVICE	195.00
DAKOTA TITLE	SERVICE	480.00
DEADWOOD ALIVE	SEPTEMBER	30,000.00
DEADWOOD CHAMBER	PROMO	5,000.00
DEADWOOD GAMING	BID #8	10,000.00
DEADWOOD HISTORY	OPERATING SUPPORT	113,000.00
DEADWOOD LEAD 76ERS	BID #8 DONATION	10,000.00
DRINGMAN, PAT	REIMBURSEMENT	105.26
FERBER ENGINEERING	SERVICE	260.00
FIB CREDIT CARDS	SUPPLIES	1,076.47
FIRST INTERSTATE BANK	TIF #10	185.68
FIRST NET	SERVICE	160.16
GOLDEN WEST	SERVICE	1,815.00
GUNDERSON, PALMER, NELSON	SERVICE	6,491.83
HAWKI, KEN	REIMBURSEMENT	53.25
HAWKINS	SUPPLIES	825.82
HI-VIZ SAFETY WEAR	SUPPLIES	55.60
HILTI	SUPPLIES	972.29
HOMETOWN MANUFACTURING	SUPPLIES	1,273.13
HUNTINGTON	TROLLEYS	9,400.86
JACOBS WELDING	SERVICE	520.24
JEEP JAMBOREE	REFUND	500.00
KETEL THORSTENSON	SERVICE	207.70
KNECHT	SUPPLIES	622.52
LARIVE, ANDREW	REIMBURSEMENT	257.64
LAWRENCE CO. REGISTER	SERVICE	60.00
LYNN'S	SUPPLIES	91.39
MACQUEEN EMERGENCY	TESTING	878.20
MARCO	CONTRACT	158.18
MENARD'S	SUPPLIES	4,214.36
MERCHANT, ERICA	PROJECT	894.35
MILE UP MARKETING SOLUTION	BID #8	3,979.75
MDU	SERVICE	6,927.69
MONUMENT HEALTH	TESTING	70.00
MS MAIL	SERVICE	959.55
MUTUAL OF OMAHA	INSURANCE	253.18
NHS OF THE BLACK HILLS	SERVICE	60.00
NHS OF THE BLACK HILLS	KIDWEIRD	500.00

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NORTHERN HILLS TECHNOLOGY	SERVICE	32.50
PEARSON, JACI	PROJECT	2,025.00
PETTY CASH	FINANCE	161.51
PETTY CASH	HP/ZONING	117.27
PLATINUM CHEMICALS	SUPPLIES	1,704.00
RASMUSSEN MECHANICAL	SERVICE	822.27
RCS CONSTRUCTION	PROJECT	7,250.01
ROCHELLE CONSTRUCTION	PROJECT	11,500.00
S AND C CLEANERS	CLEANING	10,116.50
SACRISON PAVING	PROJECT	10,458.92
SAFETY BENEFITS	REGISTRATION	390.00
SD DEPT. OF CORRECTIONS	FIREWISE	1,474.36
SD PUBLIC HEALTH LAB	TESTING	60.00
SD STATE POETRY SOCIETY	MEMBERSHIP	35.00
SDML WORKERS' COMP FUND	PREMIUM	58,542.00
SJOMELING, DAN & SHAUNNA	PROJECT	7,605.35
SOUTH DAKOTA 811	SERVICE	30.24
SPRIGLER, SALLY	REIMBURSEMENT	45.34
STAN HOUSTON EQUIP.	SUPPLIES	169.97
THE LORD'S CUPBOARD	RECYCLING	81.31
THE UPS STORE #5137	SERVICE	13.57
TOP RUNG TOWER CHIME	INSPECTION	2,491.00
TRINITY UNITED METHODIST	WREATHS	1,720.00
TWIN CITY HARDWARE	SUPPLIES	3,360.46
TWIN CITY HARDWARE	GRANT	690.55
TWIN CITY HARDWARE	GRANT	1,882.45
VAST	SERVICE	3,569.67
VERIZON CONNECT	SERVICE	95.95
VERIZON	SERVICE	689.86
WELLMARK	INSURANCE	58,783.95
WESTERN COMMUNICATIONS	SUPPLIES	56.00
WINTER & COMPANY	PROJECT	27,626.25
WINTER CONSTRUCTION	PROJECT	983.00
		Total \$618,164.62

**ITEMS FROM CITIZENS ON AGENDA**

**Proclamation**

Mayor Ruth Jr. read a proclamation declaring Sunday, November 7, 2021 as Change Your Clock, Change Your Battery Day in the City of Deadwood.

**CONSENT**

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

- A. Permission for the Mayor to sign AIA Contract for Design Services of the Days of '76 grandstand remodel with Chamberlain Architects in the amount of \$48,250.00. (Approved to enter into contract on 10/4/2021.)
- B. Permission to make 2021 funding request for KidWeird, to be paid to NeighborWorks in the amount of \$500.00. (Funding split 50/50 from Bed & Booze and HP Public Advocacy line items.)
- C. Permission to purchase 5,500 gallons of diesel from Southside Oil, at a price of \$3.34 per gallon.
- D. Permission to pay William Schmidt in the amount of \$4,930.00 for repairs to two street panels at 35 Denver Street (pour and finish with rebar and concrete). To be paid out of Streets Repair Budget
- E. Permission to hire Russell Seidel for Trolley Driver position at a rate of \$13.11 effective November 8th 2021. Pending pre-employment screening.
- F. Acknowledge the Stewardship Agreement between the Fassbender Photographic Collection committee and Deadwood History, Inc. for the collection owned by the Cities of Deadwood, Lead and Spearfish.
- G. Approve first Baptist Church of the Northern Hills request for a Not-for-Profit Grant in the amount of \$13,890.00 for repairs to the elevator.
- H. Approve Loan 2021.05 and allow Mayor to sign the High Plains Western Heritage Center for the HPC Deadwood Termesphere.
- I. Permission to purchase repair/replacement parts from eCanopy for the 20' by 40' special event tents in the amount of \$4,029.78. (To be paid from Parks Budget.) Components to replace damaged components and to stock replacement components.

## **REGULAR MEETING, NOVEMBER 1, 2021**

### **PUBLIC HEARINGS**

#### **Set**

Martinisko moved, Struble seconded to set public hearing on November 15 for Kris Kringle's Market. Roll Call: Aye-All. Motion carried.

#### **Set**

Todd moved, Struble seconded to set public hearing on November 15 for K-9 Keg Pull. Roll Call: Aye-All. Motion carried.

### **OLD BUSINESS**

#### **Resolution**

Due to no updated information for Resolution and Project Plan, Martinisko moved, Johnson seconded to continue Resolution 2021-23 to create TIF #14. Roll Call: Aye-All. Motion carried.

#### **Project Plan**

Martinisko moved, Johnson seconded to continue Project Plan for TIF #14. Roll Call: Aye-All. Motion carried.

### **NEW BUSINESS**

#### **Addendum #2**

Public Works Director Nelson Jr. spoke about the new grizzly structure. Martinisko moved, Johnson seconded to approve Addendum #2 with Albertson Engineering agreement, dated May 7, 2020 for Whitewood Creek Restoration (AEI project #2020-096) in the amount of \$20,000.00 for design of Project #4 – New Grizzly Structure. (Reimbursable expense from FEMA.) Roll Call: Aye-All. Motion carried.

#### **Second Reading**

Nelson Jr. stated no changes between first and second reading. Martinisko moved, Struble seconded to approve Second Reading of Ordinance #1334 Amending Chapter 15.24.010 Utility Construction Standards Code. Roll Call: Aye-All. Motion carried.

#### **Second Reading**

Nelson Jr. stated no changes between first and second reading. Martinisko moved, Johnson seconded to approve second Reading of Ordinance #1335 Creating Chapter 15.26 Plumbing Code. Roll Call: Aye-All. Motion carried.

#### **First Reading**

City Attorney Riggins stated the changes were made to remove language providing for auction of the license as well as the number of licenses and fee structure. The number of licenses will be based on zoning ordinance which provides the areas in which an establishment could be located. Martinisko spoke on changes which are: Section 5.56.07, the expiration of licenses and renewals should be issued for January to December; "First annual renewal fee" should read "first annual fee" and be \$30,000.00 instead of \$20,000.00; the remaining fee of \$10,000.00 should be \$20,000.00; then "in the event the license holder is deemed ineligible for renewal, the first annual renewal fee is considered non-refundable" should say "application fee" is considered non-refundable. Martinisko moved, Johnson seconded to approve first reading of Ordinance #1333 Adding Chapter 5.56, creating licensing provisions for medical cannabis establishments. Roll Call: Aye-All. Motion carried.

Ruth Jr. thanked commission and dept. heads for their work.

#### **First Reading**

Riggins stated ordinances regarding testing or growing licenses were not in place, so this ordinance extends moratorium in place. Martinisko moved, Johnson seconded to approve first reading of Ordinance #1336, extending Ordinance #1327 a temporary ordinance regarding the issuance of local medical cannabis establishment permits and/or licenses and delaying implementation of Ordinance #1329 creating zoning regulations for cannabis establishments. Roll Call: Aye-All. Motion carried.

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### **First Reading**

Riggins stated this is an amendment to the change of distance requirements between cannabis establishments, which is 100 feet from the nearest property line. Struble moved, Martinisko seconded to approve first reading of Ordinance #1337 Amending Ordinance #1328 creating zoning regulations for cannabis establishments. Martinisko questioned the recreational and medical cannabis dispensaries in Agricultural District. Roll Call: Aye-All. Motion carried.

### **Application**

Riggins stated the city modified the state application. Martinisko moved, Struble seconded to approve licensing application for medical cannabis establishments. Roll Call: Aye-All. Motion carried.

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

- A. Fassbender Photographic Collection – Quarterly Newsletter
- B. Joint Commissions (City, P&Z, and HP) Work Session on November 3, 2021 at 4:00 p.m. to discuss Main Street Master Plan.

Bill Pearson, Deadwood Jam treasurer, thanked City Commission and staff for their assistance with the Jam. He introduced Kevin Wagner, new member of the Jam board. Commission thanked Pearson for his time.

Todd Weber, resident, questioned cannabis ordinance on public consumption in facilities. Mayor Ruth Jr. stated public consumption is prohibited on Main Street, public buildings, or private property intended for public use, which was passed earlier this year.

Attorney Riggins requested Executive Session for personnel matters per SDCL 1-25-2 (1), legal matters per SDCL 1-25-2(3) and union negotiations per SDCL 1-25-2 (4) with possible action.

### **ADJOURNMENT**

Struble moved, Martinisko seconded to adjourn the regular session at 5:33 p.m. and convene into Executive Session for personnel matters per SDCL 1-25-2 (1), legal matters per SDCL 1-25-2(3) and union negotiations per SDCL 1-25-2 (4) with possible action. The next regular meeting will be on Monday, November 15, 2021.

After coming out of executive session at 5:39 p.m., Martinisko moved, Struble seconded to allow Marie Vansickel to draw up to 240 hours from the sick bank.

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 \_\_\_\_\_