

REGULAR MEETING, JULY 1, 2024

The Regular Session of the Deadwood City Commission convened on Monday, July 1, 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, Blake Joseph, Sharon Martinisko and Charlie Struble. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Struble moved, Martinisko seconded to approve the minutes of June 17, 2024. Roll Call: Aye-All. Motion carried.

JUNE 2024 PAYROLL: COMMISSION, \$3,692.28; FINANCE, \$24,056.65; PUBLIC BUILDINGS, \$7,659.42; POLICE, \$83,118.02; FIRE, \$6,036.92; BUILDING INSPECTION, \$5,915.08; STREETS, \$34,037.50; PARKS, \$44,283.54; PLANNING & ZONING, \$3,869.70; LIBRARY, \$9,256.85; RECREATION CENTER, \$25,500.19; HISTORIC PRESERVATION, \$25,139.92; WATER, \$18,884.70; PARKING METER, \$16,547.57; TROLLEY, \$24,995.63; PARKING RAMP, \$3,282.82 **PAYROLL TOTAL: \$343,108.79.**

JUNE 2024 PAYROLL PAYMENTS:

Internal Revenue Service, \$76,659.14; S.D. Retirement System, \$36,449.76; Delta Dental, \$3,753.50.

APPROVAL OF DISBURSEMENTS

Martinisko moved, Johnson seconded to approve the July 1, 2024 disbursements as amended. Roll Call: Aye-All. Motion carried.

1000BULBS.COM	SUPPLIES	112.26
A & B BUSINESS SOLUTIONS	CONTRACT	612.00
ACE HARDWARE	SUPPLIES	123.37
AMAZON CAPITAL	SUPPLIES	3,468.99
ATCO INTERNATIONAL	SUPPLIES	401.80
BARCO MUNICIPAL PRODUCTS	SUPPLIES	433.04
BICKLE'S TRUCK	SUPPLIES	700.12
BH CHEMICAL	SUPPLIES	1,478.48
BH MINING MUSEUM	SUPPLIES	1,191.24
BH SECURITY	SERVICE	3,041.85
BLUEPEAK	SERVICE	4,443.48
BOMGAARS	SUPPLIES	654.41
BRANCH CONSTRUCTION	PROJECT	3,705.00
BROKEN BOOT GOLD MINE	SERVICE	1,075.00
CENTURY BUSINESS PRODUCTS	CONTRACT	300.29
CHAINSAW CENTER	SERVICE	1,247.95
COMPLETE CONCRETE	PAY APP	105,650.29
DAYS OF '76	BID #8	20,000.00
DEADWOOD CHAMBER	BILL LIST	1,826.24
DEADWOOD CUSTOM CYCLES	SERVICE	2,382.01
DVFD	REIMBURSEMENT	90.00
DEADWOOD GAMING	BID #8	10,000.00
DEADWOOD GULCH LODGE	RENTAL	27,500.00
DEADWOOD-LEAD ECONOMIC	ALLOCATION	38,000.00
DEMCO	SUPPLIES	346.50
DIAMOND VOGEL PAINT CENTER	SUPPLIES	325.65
EATON CONSTRUCTION	SUPPLIES	1,224.49
EBSCO	SUBSCRIPTION	4.40
FEEDING DEADWOOD	FEEDING DEADWOOD	536.13
FETTER, CHARLES	REIMBURSEMENT	54.00
FIRST GOLD HOTEL	BID #8	30,000.00
GOLDEN WEST	SERVICE	4,638.00
GUNDERSON, PALMER, NELSON	SERVICE	3,620.31
HART, CLIFF	REFUND	20.00
HAWKINS	SUPPLIES	1,171.60
HILLYARD	SUPPLIES	125.09
INTERSTATE ENGINEERING	SERVICE	980.88
JACOBS WELDING	SERVICE	183.28
JANDT, ERIK	REIMBURSEMENT	1,042.45
JOE DIRT SEPTIC & DRAIN	SERVICE	643.00
JOHNER PAVING	PROJECT	47,930.70
K4 TRAILS	PROJECT	13,387.65
KIMBALL MIDWEST	SUPPLIES	245.18
KLAMM, MIKE	REIMBURSEMENT	54.00
KNECHT HOME CENTER	SUPPLIES	359.12
KNIPPER, ANITA	REIMBURSEMENT	107.00
LEAD-DEADWOOD SCHOOL	PARKING DONATION	2,000.00
LEGENDARY ELECTRIC	SERVICE	680.42
LYNN'S	SUPPLIES	7.38
MARCO	CONTRACT	168.90
MCCORMICK CUSTOM BUILDERS	PROJECT	2,433.65
MID-AMERICAN RESEARCH CHEM	SUPPLIES	235.75
MIDWEST TAPE	SUPPLIES	26.24
MDU	SERVICE	14,399.79
MORRISON, RONDA	SERVICE	680.00

REGULAR MEETING, JULY 1, 2024

MS MAIL	SERVICE	1,632.27
NORTHWEST PIPE FITTINGS	SUPPLIES	1,279.59
OTIS ELEVATOR	MAINTENANCE	162.69
PETE LIEN & SONS	SERVICE	670.50
QUIK SIGNS	SUPPLIES	382.76
RASMUSSEN	SERVICE	2,645.69
RCS CONSTRUCTION	PROJECT	681,967.36
ROGERS CONSTRUCTION	PROJECT	69,097.50
S AND C CLEANERS	CLEANING	9,753.30
SCHLOSSER CONSTRUCTION	PROJECT	9,690.00
SCOTT PETERSON MOTORS	SERVICE	2,232.45
SCOTT PETERSON MOTORS	SUPPLIES	230.27
SD DEPT OF REVENUE	SERVICE	6,291.75
SOUTHSIDE OIL	FUEL	16,358.29
SPEARFISH ELECTRIC	SERVICE	301.02
STAN HOUSTON EQUIP	SUPPLIES	947.50
STURDEVANT'S	SUPPLIES	2,823.22
SUMMIT SIGNS	SUPPLIES	132.00
SUNSHINE TOWING	SERVICE	246.90
TECHNOLOGY	CAMERAS	12,543.99
TURBIVILLE INDUSTRIAL	SERVICE	954.16
TWIN CITY HARDWARE	SUPPLIES	1,911.61
TWIN CITY HARDWARE	GRANTS	5,051.50
TWIN CITY HARDWARE	GRANTS	1,276.79
TWO WHEELER DEALER	SUPPLIES	1,477.15
ULINE	SUPPLIES	627.21
VERIZON WIRELESS	SERVICE	708.40
VIEHAUSER ENTERPRISES	SERVICE	393.96
VIGILANT BUSINESS	SERVICE	1,190.60
WELLS PLUMBING	SUPPLIES	124.60
WESTERN STATES FIRE	SERVICE	802.61
WHITE'S CANYON MOTORS	SERVICE	2,936.43
YESCO RAPID CITY	PROJECT	807.15
ZEP SALES	SUPPLIES	92.96

Total \$1,193,813.56

ITEMS FROM CITIZENS ON AGENDA

Operation

Attorney Tim Johns spoke about the multi-passenger quadricycle that Crusin Cycle Company would like to operate within the City of Deadwood, House Bill 1225 and Chapter 5.48 Vehicles for Hire within city ordinances. Tera Little-Geving, Crusin Cycle Company, spoke about the business and the timeline of emails and phone calls leading up to now. She stated the Party Pedaler will offer a fun and interactive way for groups to explore the city which will last approximately 2 hours and will feature 3-4 stops at local businesses. Mayor Ruth Jr. thanked them for attending and explaining the business. He mentioned safety concerns. City Attorney Riggins stated there are two aspects on whether if it is a taxicab; 1st does the vehicle type fall under the definitions of a taxicab and 2nd does it allow people to get on and be dropped off at destinations of chose. He said when it comes to whether it qualifies by definition, that answer is yes, since it says including but not limited to, lists everything from motorized vehicles to non-motorized vehicles that pick up passengers and drop off passengers. Crusin Cycle Company says it is a set route, if that is the case, by definition it may not necessarily be a taxicab but if it starts engaging in services that qualify as a taxicab then it would violate the ordinance. Jerrid Geving, Crusin Cycle Company, stated the pick-up and drop off would be at the same designation location. Commissioner Joseph asked if the customer could stop at their choice of drop offs. Tera spoke about the 3 different packages they would offer. Commissioner Struble asked about reservations or walk up. Tera said reservations would be recommended. Commissioner Martinisko asked if they would be considered a tour convenience license instead of a taxi, and alcohol license. Commissioner Johnsons asked about hours of operation. Mayor Ruth Jr. asked attorney Riggins if the Commission decides that it is a taxi, what are steps going forward if Crusin Cycle Company would challenge the decision. Riggins stated they could obtain a taxi license if one is available, and that they can visit with their attorney to discuss other remedies. Attorney Johns spoke about the definition and examples of taxicabs. Discussion was held concerning whether it is a taxi, tour conveyance, public safety, congestion on Main Street, the stagecoach and Deadwood Alive Reenactments. Martinisko moved, Joseph seconded to continue the operation of multi-passenger quadricycle till July 15, 2024 for further discussion. Roll Call: Aye-All. Motion carried.

REGULAR MEETING, JULY 1, 2024

CONSENT

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

- A. Acknowledge invoice for Johner Paving which is \$958.70 higher than approved amount on May 6, 2024 due to excise tax not included in quote. (To be paid by Streets Improvements line item.)
- B. Permission to pay Johner Paving in the amount of \$2,562.86 for asphalt patchwork on Van Buren and Madison. (To be paid by Streets repairs line item.)
- C. Permission to purchase four outdoor interpretive panels from Pannier Graphics at a cost not to exceed \$3,400.00. (To be paid by HP Public Education line item.)
- D. Permission to approve Round 2 of the 2024 Outside-of-Deadwood Grants as recommended by the Deadwood Historic Preservation Commission.
- E. Permission for Mayor to sign agreement with DGR Engineering for Burnham Avenue extension.
- F. Deadwood History Inc. request approval to serve complimentary beer and wine for Big Thank You Event at Adams Museum from 5:00 p.m. to 7:00 p.m. Thursday, September 12, 2024
- G. Permission to expend up to \$3,325.00 for fire hose from M & T Fire. (To be paid by Fire Department Equipment line item.)
- H. Permission to hire RCI to fill existing mine shaft along White Rocks Trail to mitigate safety concerns at a cost not to exceed \$8,000.00. (To be paid by BID 8 Trails budget allocation.)

PUBLIC HEARINGS

Harley Davidson Demo Rides

Public hearing was opened at 5:42 p.m. by Mayor Ruth Jr. Bobby Rock, Outlaw Square, was available to answer questions. Commissioner Martinisko thanked Events Committee for continued discussion. Commissioner Joseph stated his decision of rejecting at the previous meeting was based on waiving the fees. Jason Mook, Deadwood Custom Cycles, supports Harley Davidson Rides. Bobby Rock, Outlaw Square, stated the banner fee will be paid. Todd Weber questioned the sponsorship and spoke against the event. Martinisko stated the town benefits from this event. Jamie Conrad, resident, questioned the fee for renting the lot. Discussion was held concerning the fee resolution and renting of public property. Mike Klamm, resident, spoke against event and mentioned the parking lot was underutilized during Kool Deadwood Nites due to it being reserved, which led to guests parking in residential areas. Jill Weber, resident, spoke against event and mentioned the parking lot was used for participants only during Days of '76 and there was nowhere for guests to park. Hearing closed. 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. Roll Call: Aye-Johnson, Martinisko, Struble, Ruth. Nay-Joseph. Motion carried.

Set

Struble moved, Martinisko seconded to set public hearing on July 15 for Convention Center Package (off sale) Liquor License for B.Y. Development, Cadillac Jack's at 360 Main Street. Roll Call: Aye-All. Motion carried.

Johnson moved, Martinisko seconded to set public hearing on July 15 for Retail (on-off sale) Malt Beverage and SD Farm Wine and Retail (on-off sale) Wine and Cider Licenses for The Crossings at Spearfish Canyon LLC dba Dave's Deli Delights at 61 Sherman Street. Roll Call: Aye-All. Motion carried.

Martinisko moved, Struble seconded to set public hearing on July 15 for Retail (on-off sale) Malt Beverage and SD Farm Wine License for Boondocks, LLC dba Mr. Goodstores at 622 Main Street. Roll Call: Aye-All. Motion carried.

Martinisko moved, Struble seconded to waive 45-day requirement and set public hearing on July 15 for Outlaw Shootout AAU Wrestling. Roll Call: Aye-All. Motion carried.

Johnson moved, Martinisko seconded to set public hearing on July 15 for Steer Roping Event. Roll Call: Aye-All. Motion carried.

REGULAR MEETING, JULY 1, 2024

Set

Joseph moved, Struble seconded to set public hearing on July 15 for the Preacher Smith Deadwood Redemption Day. Roll Call: Aye-All. Motion carried.

Struble moved, Martinisko seconded to set public hearing on July 15 for Fair in the Square. Roll Call: Aye-All. Motion carried.

Johnson moved, Martinisko seconded to set public hearing on July 15 for Black Hills Veterans March. Roll Call: Aye-All. Motion carried.

OLD BUSINESS

Agreement

Finance Officer McKeown spoke about the agreement. Martinisko moved, Joseph seconded to allow Mayor to sign and enter into three year lease (with one option to renew, per contract) with First Gold - 10 devices - \$135,000.00 annually. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

First Reading

McKeown spoke about the supplement. Struble moved, Martinisko seconded to approve first reading of Ordinance #1401 Budget Supplement #4 for 2024. Roll Call: Aye-All. Motion carried.

Resolution

Parking and Transportation Director Lux spoke about the resolution. Martinisko moved, Johnson seconded to approve Resolution 2024-15 Updating Fee Resolution for Parking Permits. Roll Call: Aye-All. Motion carried.

**CITY OF DEADWOOD
RESOLUTION 2024-15**

**A RESOLUTION SETTING FORTH A SCHEDULE OF RATES FOR USE
BY THE CITY OF DEADWOOD**

WHEREAS, City Ordinances require certain license fees, charges for services, and other designations to be established by resolution;

NOW THEREFORE BE IT RESOLVED THAT the City of Deadwood hereby establishes the following fees and other designations effective July 25, 2024.

PARKING:

Parking Permit Rates:

Overnight Validation Permit Side Streets..... \$5.00 for 24 hours
Employee Parking Permit \$25.00/month

Dated this 1st day of July, 2024

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

Taxi License

Lux spoke about the 2024 fee increase for a taxi licensed and the city agreed to allow all companies to pay their fees by May 31, 2024. He stated Canyon Cab had paid for 3 out of the 5 licenses but due to the outstanding balance as of June 27, Parking and Transportation recommended Chief of Police to suspend the license. Derrick Lehto, Canyon Cab, stated he has only operated 2 taxis throughout town and that he had paid for 3. Mayor Ruth Jr. spoke about the ordinance for taxi companies. Finance Officer McKeown stated the remaining balance was paid Friday, June 28, 2024. Martinisko moved, Joseph seconded to lift suspension with Canyon Cab for operation in Deadwood. Roll Call: Aye-All. Motion carried.

REGULAR MEETING, JULY 1, 2024

Appraisal

Planning, Zoning and Historic Preservation Officer Kuchenbecker spoke about the appraisal. Martinisko moved, Johnson seconded to accept the appraisal report, declare property surplus, and sell to adjacent landowners in the amount of \$4,160.70 plus recording fee. Legally described as the following: Lots MK8 and MK9 legally described as Lots MK8 and MK9 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. Roll Call: Aye-All. Motion carried.

Hire

Public Works Director Stadler spoke about the project. Martinisko moved, Struble seconded to hire Golden West Technology at a cost of \$21,187.13 to network and install updated hardware for Recreation Center and City Hall for fiber connectivity. ((\$17,581.58 paid by Bed & Booze Professional Services and \$3,605.55 paid by HP Capital Assets.) Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

- A. Short term motorcycle parking approved by P & T Committee at 681 Main Street on July 13, 2024 for the HOG Passport Ride.

Resident, Bill Decker, thanked Public Works for all their work.

Resident, Shirlene Joseph, asked if trailers would still be required to be attached to vehicle at the Slag Pile. Mayor Ruth Jr. stated he believes the trailers will be able to unhook to encourage them from utilizing the Sherman Lot to make room for more vehicles.

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

seconded to adjourn the regular session at 5: 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 15, 2024 at 5:00 p.m.

After coming out of executive session at 7:09 p.m.,

Martinisko moved, Johnson seconded to allow staff to process reclamation permit to RCI Construction for Boot Hill Estates and charge ten cents per cubic yard of dirt moved specifically for reclamation purposes, pending staff approval of all permit requirements.

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 _____