

**REGULAR MEETING, JULY 18, 2022**

The Regular Session of the Deadwood City Commission convened on Monday, July 18, 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 July 5, 2022. Roll Call: Aye-All. Motion carried.

**APPROVAL OF DISBURSEMENTS**

Todd moved, Johnson seconded to approve the July 18, 2022 disbursements plus additional bill as amended. Roll Call: Aye-All. Motion carried.

ABSOLUTE LOG HOMES	SUPPLIES	89.33
ACE HARDWARE	SUPPLIES	308.77
ALBERTSON ENGINEERING	PROJECT	10,359.38
AMAZON CAPITAL	SUPPLIES	2,232.67
AMAZON	SERVICE	200.14
AMERICAN RED CROSS	SUPPLIES	82.00
AMERICINN	CONFERENCE	427.96
ANCESTOR CONCRETE	PROJECT	9,956.00
ATCO INTERNATIONAL	SUPPLIES	180.30
BADGER METER	SERVICE	153.00
BEACON ATHLETICS	SUPPLIES	2,509.00
BERG, DALE	MEETINGS	280.00
BH ASPHALT	PROJECT	11,876.94
BH CHEMICAL	SUPPLIES	1,887.57
BH ENERGY	SERVICE	28,631.73
BH LIBRARY	SERVICE	565.81
BH PIONEER	SERVICE	1,066.89
BH SECURITY	SERVICE	526.53
BH TITLE	SERVICE	29,990.36
BH WINDOW CLEANING	SERVICE	539.00
BLAIR, LINDA	REIMBURSEMENT	310.34
BOMGAARS	SUPPLIES	16.98
BROKEN BOOT GOLD MINE	GRANT	8,160.00
BRUCE, DAVID	MEETINGS	245.00
BUTLER MACHINERY	SUPPLIES	35.12
CARA MIA	PROJECT	5,437.90
CARMODY, ROBIN	MEETINGS	350.00
CENTURY BUSINESS PRODUCTS	SERVICE	144.64
CERAMIC DESIGNS MIDWEST	SUPPLIES	878.97
CHAINSAW CENTER	RENTAL	1,473.75
COCA COLA	SUPPLIES	346.88
CONRAD'S ELECTRIC	SERVICE	1,478.65
CPS DISTRIBUTORS	SUPPLIES	918.98
DAR, VICKI	MEETINGS	315.00
DEADWOOD CHAMBER	BILL LIST	123,069.22
DEADWOOD CHAMBER	PERFORMANCE	1,800.00
DVFD	STAFFING	1,134.86
DEADWOOD GRANITE	SERVICE	1,800.00
DEADWOOD HISTORY	SERVICE	403.33
DIEDE, LEO	MEETINGS	420.00
DIRECT SUPPLY	SUPPLIES	5,273.19
ECOLAB	SERVICE	352.88
EXTREME FOUNDATION REPAIR	PROJECT	2,279.50
FASTENAL	SUPPLIES	1,021.12
FIB CREDIT CARDS	SUPPLIES	2,161.77
GOLDEN WEST	SERVICE	3,539.50
GRIMM'S PUMP	SUPPLIES	198.90
HAWKINS	SUPPLIES	1,526.70
HI-VIZ SAFETY WEAR	SUPPLIES	576.26
INTERSTATE BATTERY	SUPPLIES	73.80
IPS GROUP	SERVICE	9,152.15
JACOBS WELDING	SERVICE	2,822.43
KEEHN, JOSH	MEETINGS	280.00
KNECHT	SUPPLIES	299.70
KNECHT	GRANTS	21,048.70
KONE CHICAGO	SERVICE	519.25
LAWRENCE CO. REGISTER	SERVICE	30.00
LAWSON PRODUCTS	RENTAL	400.00
LEAD-DEADWOOD SANITARY	SERVICE	32,971.60
LESKCA	REFUND	100.00
LYNN'S	SUPPLIES	40.46
LYNN, JACKSON, SCHULTZ	SERVICE	245.00
MARCO	SERVICE	161.42
MARTINISKO, JOHN	MEETINGS	245.00
MCDIRT EXCAVATION	PROJECT	3,600.00
MENARD'S	SUPPLIES	135.92
METERING & TECHNOLOGY	SERVICE	2,313.44
MIDWEST TAPE	SUPPLIES	138.69
MONUMENT HEALTH	TESTING	720.00
MS MAIL	SERVICE	1,961.07
MUTUAL OF OMAHA	INSURANCE	163.27
MYSTIC PRESERVATION	GRANT	10,000.00

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NHS OF THE BLACK HILLS	SERVICE	3,086.00
NORTHWEST PIPE FITTINGS	SUPPLIES	864.81
NOVA FITNESS EQUIPMENT	SUPPLIES	248.37
ODD JOB CONSTRUCTION	PROJECT	2,054.86
ODP BUSINESS SOLUTIONS	SUPPLIES	77.61
PAHA SAPA HOLDINGS	PROJECT	2,400.35
PIONEER RESEARCH	SUPPLIES	1,151.63
PLASTIC WORKS	SUPPLIES	3,570.00
PLATINUM CHEMICALS	SUPPLIES	1,690.00
POSEY, BEVERLY	MEETINGS	420.00
QUICKTROPHY	SUPPLIES	26.67
QUIK SIGNS	SERVICE	5,859.92
QUILL	SUPPLIES	74.89
RAPID DELIVERY	SERVICE	14.95
RASMUSSEN MECHANICAL	SERVICE	372.25
RECREATION SUPPLY	SUPPLIES	159.26
RUNGE, MIKE	REIMBURSEMENT	34.61
SACRISON ASPHALT	SUPPLIES	881.76
SANDER SANITATION	SERVICE	13,519.18
SANTOCHI, TREVOR	MEETINGS	385.00
SCULL CONSTRUCTION	PROJECT	22,852.00
SD COMMISSION ON GAMING	CITY SLOTS	29,829.55
SD DEPT. OF REVENUE	TAXES	8,392.12
SMITH, DEANNA	PROJECT	515.97
SOUTHSIDE OIL	FUEL	24,809.51
SOUTHSIDE SERVICE	SERVICE	732.08
SPEARFISH AUTO SUPPLY	SUPPLIES	129.59
STONE LAND SERVICES	PROJECT	3,200.00
STRAIGHT LINE STRIPING	PROJECT	12,128.42
STREICHER'S	SUPPLIES	835.52
STURDEVANT'S	SUPPLIES	1,567.42
TEAM LABORATORY CHEMICAL	SUPPLIES	747.00
TEMPERATURE TECHNOLOGY	SERVICE	1,382.56
THE LORD'S CUPBOARD	RECYCLING	83.25
THE PLUMBER	SERVICE	487.00
THOMSON REUTERS	SUBSCRIPTION	255.95
TOMS, DON	PROJECT	1,800.00
TREE WISE MEN	PROJECT	17,750.00
TRUGREEN	SERVICE	48.84
TWIN CITY CLOTHING CENTER	ALLOCATION	2,500.00
TWIN CITY HARDWARE	SUPPLIES	181.68
TWIN CITY HARDWARE	GRANT	1,919.68
U.S. BANK	SERVICE	1,250.00
UMENTHUM, KEITH	PROJECT	6,878.35
UNITED LABORATORIES	SUPPLIES	655.02
UTILITY SERVICES ASSOCIATE	SERVICE	3,089.00
VERIZON CONNECT	SERVICE	171.60
VERIZON CONNECT NWF	SERVICE	95.95
VIEHAUSER ENTERPRISES	SERVICE	9.00
VIGILANT BUSINESS SOLUTION	TESTING	680.00
VISIONARY LANDSCAPING	SERVICE	10,013.00
WAGNER, KEVIN	MEETINGS	245.00
WEBER, JILL	MEETINGS	385.00
WEST RIVER HISTORY	CONFERENCE	500.00
WILLIAMS, ANTHONY	MEETINGS	350.00

Total \$548,316.90

**CONSENT**

Johnson moved, Martinisko seconded remove Item E and approve the following consent items.  
Roll Call: Aye-All. Motion carried.

- A. Add the following for workers compensation purposes: Joel Ellis and Cassidy LeMons effective July 7 and Michelle and Steve Peil to Volunteer Fire Department Roster effective June 13; Planning and Zoning Commissioner Charles Eagleson effective June 21 and Historic Preservation Volunteer David Trentz effective July 1, 2022. Remove the following for workers compensation purposes: Joshua Thurmes from Volunteer Fire Department Roster effective June 13th and Historic Preservation Commissioner Dale Berg effective June 1, 2022.
- B. Permission to pay Black Hills Tent and Awning \$10,568.38 for stadium seat covers and four shade structures behind and under grandstands at Days of 76 Rodeo Grounds.
- C. Permission for Mayor to sign Assignment and Assumption Agreement between Northern Hills Transport (NHT) and South Dakota Network (SDN) for lease space in City Hall.
- D. Permission to hire up to six rally officers for 2022 motorcycle rally at rate of \$23.22 per hour.
- E. Removed from consent.
- F. Permission to hire Trevor Houska as patrol officer at \$23.22 per hour effective July 25, 2022 pending pre-employment screening.’
- G. Permission to make 2022 budget allocation to Lord's Cupboard in the amount of \$2,500.00. (To be paid from Bed & Booze line item.)

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- H. Permission to pay Wheeler Lumber LLC invoice for lumber for the Days of '76 crowd's nest chute deck in the amount of \$3,146.58 to be paid from the HP Capital Assets Rodeo Grounds line item.
- I. Outlaw Square request for financial support of Brule' for the July 26, 2022 performance in the amount of \$2,800.00 for 2022 HP Public Education line item.
- J. Permission to hire Charles Fetter as Fire Service Technician at \$25.00 per hour effective July 29, 2022 pending pre-employment screening.
- K. Approve consulting services from Kenneth Hawki at \$25.00 hr. (To be paid from Fire Dept Professional Services.)

## **BID ITEMS**

### **Results**

Mayor Ruth stated one bid was opened for 2017 Trolley as advertised. Hometown Sales and Leasing - \$8,000.00. Finance Officer McKeown spoke about the trolley. Martinisko moved, Todd seconded to reject bid from Hometown Sales and Leasing due to minimum bid not met. Roll Call: Aye-All. Motion carried.

Martinisko moved, Todd seconded to allow staff to sign agreement with Purple Wave for trolley to go to auction. Roll Call: Aye-All. Motion carried.

### **Advertise**

Martinisko moved, Johnson seconded to advertise and accept bids for the 5 Harrison Retaining Wall Project with bids due August 11 at 2:00 p.m. with results to City Commission August 15, 2022. Roll Call: Aye-All. Motion carried.

### **Advertise**

Todd moved, Johnson seconded to advertise and accept bids for the 458 Williams Street Retaining Wall Project with bids due August 11 at 2:00 p.m. with results to City Commission August 15, 2022. Roll Call: Aye-All. Motion carried.

## **PUBLIC HEARINGS**

### **Resolution 2022-14**

Public hearing was opened at 5:06 p.m. by Mayor David Ruth Jr. Zoning Administrator spoke about the Annexation, hearing closed. Martinisko moved, Johnson seconded to approve Resolution 2022-14 of Intent to Annex Property Contiguous to Deadwood on Highway 85. Legally described as follows: Lot A of Lot H2 of HES 613 11-005-03 Lawrence County, South Dakota according to plat 2019-05698. Roll Call: Aye-All. Motion carried.

### **Outlaw Shootout AAU Wrestling**

Public hearing was opened at 5:09 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 Deadwood Street from Main Street to Pioneer Way from 6:00 a.m. to 6:00 p.m. on Sunday, July 24, 2022. Roll Call: Aye-All. Motion carried.

### **Brule'**

Public hearing was opened at 5:10 p.m. by Mayor David Ruth Jr. Commissioner Martinisko spoke in favor, hearing closed. Martinisko moved, Johnson seconded to approve street closure on Deadwood Street from Main Street to Pioneer Way from 6:00 p.m. to 11:00 p.m. on Tuesday, July 26, 2022. Roll Call: Aye-All. Motion carried.

### **Deadwood Live**

Public hearing was opened at 5:12 p.m. by Mayor David Ruth Jr. No one spoke in favor or against, hearing closed. Johnson moved, Martinisko seconded to approve open container in zone 3 from 4:30 p.m. to 10:00 p.m. on Thursday, August 4; street closure on Deadwood Street from Main Street to Pioneer Way from 7:00 a.m. on Thursday, August 4 to 1:00 a.m. on Friday, August 5, 2022. Roll Call: Aye-All. Motion carried.

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### **Deadwood Live**

Public hearing was opened at 5:13 p.m. by Mayor David Ruth Jr. No one spoke in favor or against, hearing closed. Johnson moved, Todd seconded to approve open container in zone 3 from 4:30 p.m. to 10:00 p.m. on Friday, September 2; street closure on Deadwood Street from Main Street to Pioneer Way from 7:00 a.m. on Friday, September 2 to 1:00 a.m. on Saturday, September 3, 2022. Roll Call: Aye-All. Motion carried.

### **Back When They Bucked**

Public hearing was opened at 5:14 p.m. by Mayor David Ruth Jr. Clay Cross, Back When They Bucked, spoke in favor. Sarah Kryger, Deadwood Chamber, was available for questions. Discussion was held concerning fees and issues that took place this year during the event. Hearing closed. Johnson moved, Martinisko seconded to approve open container from 9:00 a.m. to 9:00 p.m. on Sunday, May 28, 2023 at Event Complex. Roll Call: Aye-All. Motion carried.

### **Set**

Todd moved, Johnson seconded to waive 45-day requirement and set public hearing on August 1 for Outlaw Square Harley Davidson Event. Roll Call: Aye-All. Motion carried.

## **NEW BUSINESS**

### **Second Reading**

Historic Preservation Officer Kuchenbecker stated no changes between first and second reading. Johnson moved, Todd seconded to approve second reading of Ordinance #1357 creating Chapter 1.20 under Title 1 – General Provisions and amending Titles 3, 12, 15 and 17. Roll Call: Aye-All. Motion carried.

### **First Reading**

Russell spoke about the Ordinance. Martinisko moved, Johnson seconded to approve first reading of Ordinance #1358 Amending Title 17 – Zoning. Roll Call: Aye-All. Motion carried.

### **Outside Deadwood Grants**

Kuchenbecker spoke about the contracts. Martinisko moved, Johnson seconded to accept the Historic Preservation Commission recommendation for the “Outside of Deadwood” grant allocations for a total of \$40,240.00 for the second half of 2022, which are the following: Little Spearfish Conservation - \$9,250.00; Historic Rapid City - \$5251.00; Christ Church Episcopal - \$5,739.00; Masonic Temple - \$10,000.00 and Dakota Land Museum - \$10,000.00. Roll Call: Aye-All. Motion carried.

### **Petition**

Russell spoke about Petition. Martinisko moved, Johnson seconded to accept petition of Annexation for property contiguous to Deadwood on Highway 85. Legally described as follows: Lot A, a portion of Government Lot 13 and a portion of Government Lot 19. The unplatted portion of the 66-foot right-of-way to US HWY 85 Section 11, -AND- Lot B, a portion of Government Lot 19 in Section 11 and a portion of Government Lot 12 of Section 14 -AND—the unplatted portion of the 66-foot right-of-way to US HWY 85. All located in Section 11 & 14, T5N, R3E, B.H.M, City of Deadwood, Lawrence County, South Dakota. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to set public hearing on August 1, 2022 for petition of Annexation. Roll Call: Aye-All. Motion carried.

### **Memorandum of Understanding**

Russell clarified the LLC should be Summit LLC instead of WJP Holdings, LLC. Toby Morris, Senior VP Colliers Securities, spoke about the TIF and housing. Bill Pearson, Summit LLC, spoke about restricting a number of units to South Dakota Housing Standards. Commissioner Martinisko questioned the grant process. Morris said he would be doing the process and would be minimal impact to the city. Commissioner Todd questioned what the grant money would be used for. Pearson stated the grant funds would be used for sewer and storm drainage. Discussion was held concerning total amount of TIF. Attorney Riggins explained the document is non-legal binding. Martinisko moved, Todd seconded to approve Memorandum of Understanding with Summit LLC for continued development of Stage Run Phase 2 in regard to

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proposed Annual Appropriation Tax Increment Financing 15. Roll Call: Aye-All. Motion carried.

**Contract**

Russell spoke about the contract. Martinisko moved, Johnson seconded to allow Mayor to sign contract with Walker Consultants to conduct a parking study in an amount not to exceed \$22,500.00. Study will be utilized for future planning. Recommended approval by Parking & Transportation Committee on July 14, 2022. Roll Call: Aye-All. Motion carried.

**INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS**

Emma Garvin, Deadwood Lead Economic Development, invited everyone to the groundbreaking of the Ridge Apartments on Thursday, July 28 at 3:00 p.m.

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

Department Heads and Commission thanked Public Works Director Bob Nelson Jr. for his service to the City.

**ADJOURNMENT**

Martinisko moved, Todd seconded to adjourn the regular session at 5:49 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3), personnel matters per SDCL 1-25(1) and contractual matters per SDCL 1-25-2(4) with possible action. The next regular meeting will be on Monday, August 1, 2022 at 5:00 p.m.

After coming out of executive session at 6:42 p.m.:

Martinisko moved, Johnson seconded to approve \$5,000.00 to be contributed for use of the slag pile for overflow parking during Days of 76. (To be paid from Parking and Transportation.) Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to approve Resolution 2022-15 to allow Finance Officer to sign on behalf of the City of Deadwood. Roll Call: Aye-All. Motion carried.

**RESOLUTION 2022-15**  
**RESOLUTION TO ALLOW JESSICCA MCKEOWN TO ACT ON BEHALF OF THE CITY**  
**OF DEADWOOD**

**WHEREAS,** The City of Deadwood Commissioners have allowed Jessica McKeown to act on behalf of the City of Deadwood for all matters

Dated this 18th day of July, 2022

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

Martinisko moved, Johnson seconded to approve revised Section 10 Drug and Alcohol Policy to the adopted Employee Handbook.

Martinisko moved, Johnson seconded to adjourn at 6:43 pm.

ATTEST:

DATE: \_\_\_\_\_

\_\_\_\_\_  
Jessica McKeown, Finance Officer

BY: \_\_\_\_\_  
David Ruth Jr., Mayor

Published once at the total approximate cost of \_\_\_\_\_