

**REGULAR MEETING, AUGUST 2, 2021**

The Regular Session of the Deadwood City Commission convened on Monday, August 2, 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 Matthew Naasz, 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 July 19 and special meeting July 30, 2021. Roll Call: Aye-All. Motion carried.

**APPROVAL OF DISBURSEMENTS**

Todd moved, Johnson seconded to approve the August 2, 2021 disbursements as corrected. Roll Call: Aye-All. Motion carried.

A & B BUSINESS SOLUTIONS A	CONTRACT	583.19
ACE HARDWARE	SUPPLIES	20.12
ADOBE	LICENSES	1,631.04
ALSCO	SUPPLIES	1,491.91
AMAZON CAPITAL	SUPPLIES	1,062.12
ATCO INTERNATIONAL	SUPPLIES	160.00
BOMGAARS	SUPPLIES	349.98
BRANDON INDUSTRIES	SUPPLIES	3,999.00
CARTER FMX	BID 8	10,000.00
CURTIS BLUE LINE	UNIFORMS	225.00
DAKOTA LUMBER	PROJECT	4,271.76
DAYS OF '76	RODEO	65,000.00
DEADWOOD CHAMBER	BID 8	50,000.00
DEADWOOD CHAMBER SQUARE	BID 9	50,000.00
DEADWOOD ELECTRIC	SERVICE	1,032.74
DEADWOOD GAMING	BID 8	10,000.00
EAGLE ENTERPRISES	SUPPLIES	1,490.00
EBSCO	RENEWAL	2,673.25
ECOLAB	SERVICE	346.38
EXTREME FOUNDATION REPAIR	PROJECT	7,038.00
FASNACHT, GLENN	PROJECT	751.01
FIRST GOLD HOTEL	REFUND	1,100.00
FIRST NET	SERVICE	20.32
GARDNER CONSTRUCTION	PROJECT	3,258.59
GUNDERSON, PALMER, NELSON	SERVICE	5,667.36
HEIMAN	SUPPLIES	239.70
HILLYARD	SUPPLIES	938.64
HOMETOWN MANUFACTURING	SUPPLIES	1,137.99
HUNTINGTON	TROLLEYS	9,400.86
IAFC	MEMBERSHIP	215.00
KNECHT	SUPPLIES	6,163.08
KUCHENBECKER, KEVIN	REIMBURSEMENT	85.19
LAWRENCE CO. REGISTER	SERVICE	120.00
LYNN'S	SUPPLIES	35.88
MAC CONSTRUCTION	PROJECT	27,140.50
MARCO	CONTRACT	168.47
MENARD'S	SUPPLIES	119.80
MERCHANT, ERICA	PROJECT	16,233.47
METERING & TECHNOLOGY	SUPPLIES	1,598.86
MDU	SERVICE	2,817.99
MS MAIL	SERVICE	575.00
MUTUAL OF OMAHA	INSURANCE	293.15
NORTHWEST PIPE FITTINGS	SUPPLIES	2,303.94
ONSOLVE	SERVICE	1,500.00
QUALITY FIRST ROOFING	PROJECT	9,500.00
QUIK SIGNS	SERVICE	360.00
QUILL	SUPPLIES	96.45
RAMKOTA HOTEL	CONFERENCE	77.00
RICH, BILL	MEETINGS	35.00
SCHMIDT, CHRIS	PROJECT	1,876.00
SD DEPT. OF CORRECTIONS	FIREWISE	898.42
SD DEPT. OF REVENUE	TAXES	11,986.92
SD LIBRARY ASSOCIATION	MEMBERSHIP	81.00
SD PUBLIC HEALTH LAB	TESTING	30.00
SOUTH DAKOTA 811	SERVICE	133.28
SOUTHSIDE OIL	FUEL	15,730.00
SPEARFISH AUTO SUPPLY	SUPPLIES	71.78
STRETCH'S	SUPPLIES	9.34
TALLGRASS LANDSCAPE	PROJECT	520.00
TASK FORCE TIPS	SERVICE	138.04
THE LORD'S CUPBOARD	RECYCLING	68.54
THE UPS STORE	SHIPPIING	39.59
TOMS, DON	PROJECT	600.00
TRIPLE K	SERVICE	181.00
TRUGREEN	SERVICE	1,374.70
TWIN CITY CONSTRUCTION	PROJECT	12,975.00
TWIN CITY HARDWARE	SUPPLIES	10,562.56
UTILITY SERVICE	PROJECT	53,723.00
VAST	SERVICE	2,188.28
VERIZON CONNECT	SERVICE	95.95
VERIZON	SERVICE	690.23
VIEHAUSER ENTERPRISES	SERVICE	12.00
WELLMARK	INSURANCE	54,239.61

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WESTERN STATES FIRE  
WINTER & COMPANY

SERVICE  
PROJECT

440.00  
32,134.30

Total \$504,127.28

### **ITEMS FROM CITIZENS ON AGENDA**

#### **Proclamation**

Mayor Ruth Jr. read a proclamation to recognize August 2, 2021 as Dale Morris Day in recognition of ZCN, LLC's donation of conservation easement for McGovern Hill property.

#### **Recognition**

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

#### **Request**

Jason Mook, Deadwood Custom Cycle, requested an inflatable tiger to be on roof during motorcycle rally to help celebrate 20th Anniversary Tiger Law. After discussion concerning height, anchoring and safety Martinisko moved, Johnson seconded to approve inflatable tiger to be on Deadwood Custom Cycle's roof Friday, August 6 through Sunday, August 15, 2021. Roll Call: Aye-Johnson, Martinisko, Todd, Ruth. Abstain -Struble. Motion carried.

### **CONSENT**

Struble moved, Martinisko seconded to remove item H for separate consideration and approve the following consent items. Roll Call: Aye-All. Motion carried.

- A. Permission to remove Roger Holm (Trolley Dept.) from payroll effective July 9, 2021.
- B. Deadwood History Inc. request approval to serve beer and wine at Adams Museum on Thursday, September 2, 2021 from 5:00 p.m. to 7:00 p.m. for Dr. David Wolff's new book on James K.P. Miller. Book was published by the South Dakota Historical Society Press.
- C. Permission for the Mayor to sign Utility Certificate for the Timm Lane Reconstruction Project.
- D. Make 2021 budgeted allocation to Days of '76 Committee in the amount of \$10,000 from Bed and Booze Fund.
- E. Permission to accept letter of resignation from Bill Rich from the Planning & Zoning Commission & begin accepting applications to fill the position.
- F. Permission to pay invoice from South Dakota Department of Game, Fish and Parks in the amount of \$16,105.00 for funding splits for bridge #120, 121 and 124 out of the Mickelson Trail bridge projects budget. (To be paid from Parks budget.)
- G. Approval of withdraw of application for transfer of parcel of land on Yellow Creek Road from Bureau of Land Management to the City of Deadwood for use of controlled public shooting range.
- H. Removed for separate consideration.
- I. Allow use of public property for Lead Deadwood Youth Soccer at the Event Complex August 15 through October 31, 2021 pending proof of insurance.
- J. Approve HPC's recommendation for \$95,000.00 to qualifying entities for the 2021 Outside of Deadwood Grant program.
- K. Approve Special Alcohol License for VFW to serve alcohol at History and Interpretive Lot for Kool Deadwood Nites on Friday, August 27 and Saturday, August 28, 2021 from noon to 10:00 p.m. No public hearing necessary since license is on publicly owned property. Payment and application have been received.
- L. Permission to pay William Schmidt in the amount of \$4,800.00 for concrete work at top of Burnham and a couple panels on Dakota Street. (To be paid from Street repair budget.)
- M. Rescind Petition for the Vacation of Street Right-of-Way for James and D'Lynn VanValkenburgh for portion of Emery Street consisting of approximately 3006.13 square feet located between Lots 5A of Block 12 and Lots 9-12 of Block C in Highland Park Addition, further described as depicted in Exhibit A, a copy attached.

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- N. Permission to purchase and pay Recreation Supply for 6 new pool lane lines in the amount of \$2,686.86. (To be paid from Rec Center equipment budget.)

### **BID ITEMS**

#### **Hire**

Historic Preservation Officer Kuchenbecker explained the project. Johnson moved, Struble seconded to allow staff to hire contractor to address emergency work on retaining wall located at 8 Jefferson Avenue for relieving pressure off wall to reduce damage to historic structure located at 51 Van Buren per engineer's memo. Roll Call: Aye-All. Motion carried.

#### **Advertise**

Struble moved, Martinisko seconded to set bid opening on September 2, 2021 at 2:00 p.m. for retaining wall project at 8 Jefferson Avenue with results to City Commission on September 7, 2021.

#### **Results**

Mayor Ruth Jr. stated bids were opened for Lease up to 5 Trolleys as advertised. Transportation and Facilities Director Kruzel stated one bid was received and recommends awarding bid with number of units to be determined in budget.

Double K, Inc dba Hometown Trolley: \$161,221.00.00

Johnson moved, Struble seconded to accept bid from Hometown Trolley in the amount \$161,221.00, which is the adjusted bid amount. Roll Call: Aye-All. Motion carried.

### **PUBLIC HEARINGS**

#### **Vacation of Street**

Due to rescinding petition (consent 6M), public hearing not needed. Martinisko moved, Johnson seconded to table public hearing for vacation of street Right-of-Way for James and D'Lynn VanValkenburgh for portion of Emery Street consisting of approximately 3006.13 square feet located between Lots 5A of Block 12 and Lots 9-12 of Block C in Highland Park Addition. Roll Call: Aye-All. Motion carried.

#### **Street Closure**

Public hearing was opened at 5:20 p.m. by Mayor Ruth Jr. Kruzel spoke about the safety issues. Discussion was held concerning safety issues, hearing closed.

Martinisko moved, Struble seconded to approve street closure: Deadwood Street from Main Street to Pioneer Way Friday, August 6-14, with exemption of Monday, August 9, 2021 from 8:00 a.m. to 4:00 p.m. Roll Call: Aye-All. Motion carried.

#### **Set**

Struble moved, Todd seconded to public hearing on August 16 for Hops and Hogs Event. Roll Call: Aye-All. Motion carried.

Todd moved, Struble seconded to public hearing on August 16 for Oktoberfest events. Roll Call: Aye-All. Motion carried.

Todd moved, Struble seconded to public hearing on August 16 for Wild West Songwriters Festival events. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to public hearing on August 16 for Deadweird Event. Roll Call: Aye-All. Motion carried.

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### **NEW BUSINESS**

#### **Application**

Kuchenbecker spoke about the history of the Yellow Creek Shooting Range. He stated instead of transfer of federal government land to local government, the city would lease the property for purposes of recreation with a term lease of 25 years. Discussion was held concerning transfer of land, partnership, management, improvements and improvements. Martinisko moved, Johnson seconded to allow Mayor to sign proposed application for the City of Deadwood for Lease of Bureau of Land Management land known as Yellow Creek Shooting range for controlled public shooting range.

#### **Ordinance**

Attorney Naasz spoke about the Ordinance. He stated the varieties of cannabis establishments, including the cannabis cultivation, testing and product manufacturing facilities were added to commercial highway district. He also said updates were made to regulations regarding cannabis establishments, place of worship instead of church. Todd moved, Johnson seconded to approve First Reading of Ordinance #1329 Creating Zoning Regulations for Cannabis Establishments. Roll Call: Aye-All. Motion carried.

#### **Request**

McKeown spoke about the withdrawal. Martinisko moved, Struble seconded to withdrawal historic convention center liquor license application from KR Deadwood Sherman Street 2020, LLC and refund deposit less 20% Admin/Legal fees bringing total refund to \$40,000.00. Roll Call: Aye-All. Motion carried.

#### **Contract**

Public Works Direct Nelson Jr. spoke about the project. Martinisko moved, Struble seconded to enter into contract with Sacrison Paving to repair Burlington Street due to a water leak in the amount of \$7,313.72. (To be paid from the Water repair budget.) Roll Call: Aye-All. Motion carried.

#### **Contract**

Nelson Jr. spoke about the project. Martinisko moved, Johnson seconded to enter into contract with Sacrison Paving in the amount of \$4,375.00 to repair the asphalt at the 76 Drive/Crescent Drive intersection. (To be paid from Streets repair budget.) Roll Call: Aye-All. Motion carried.

#### **Permission**

Nelson spoke about the project. Struble moved, Martinisko seconded to allow Public Works employee, Mathew Johnson, to attend Rain Bird Boot Camp (Irrigation School) in Denver, Colorado and use city vehicle from November 1-5, 2021 at a cost not to exceed \$3,700.00. (To be paid from training budget in Parks and Water Divisions.) Roll Call: Aye-All. Motion carried.

#### **Funding**

Kuchenbecker spoke about the funding. Martinisko moved, Struble seconded to approve Historic Preservations Commission's funding to share costs for Promotion of the 100th anniversary of the Days of '76 at the National Finals Rodeo in Las Vegas, NV in the amount of \$5,000.00 to be paid from HP Public Education & Advocacy. Roll Call: Aye-All. Motion carried.

#### **Permission**

Kuchenbecker spoke about the travel. Martinisko moved, Struble seconded to allow Commissioner Mike Johnson and Historic Preservation Officer Kevin Kuchenbecker to travel to Las Vegas, Nevada for staffing the promotional booth of the 100th Anniversary of the Days of 76 Rodeo during National Finals Rodeo December 6 - 12, 2021 with expenses to be paid from the Chamber's collaborative funding sources. Roll Call: Aye-All. Motion carried.

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

Bobby Rock thanked Police Department, Public Works and the Commission for their support with Deadwood Live.

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

**ADJOURNMENT**

Martinisko moved, Struble seconded to adjourn the regular session at 5:57 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3) and personnel matters per SDCL 1-25-2 (1) with possible action. The next regular meeting will be on Monday, August 16, 2021.

After coming out of executive session at 6:23 p.m., Martinisko moved, Struble seconded to adjourn.

ATTEST:

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

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

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

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