

REGULAR MEETING, JULY 19, 2021

The Regular Session of the Deadwood City Commission convened on Monday, July 19, 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 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 6 and special meeting July 12, 2021. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Commissioner Martinisko read corrections to the bill list. Martinisko moved, Johnson seconded to approve the July 19, 2021 disbursements as corrected. Roll Call: Aye-All. Motion carried.

A & B BUSINESS SOLUTIONS	CONTRACT	57.36
A & I DISTRIBUTORS	SUPPLIES	652.07
A & J SUPPLY	SUPPLIES	331.98
ACE HARDWARE	SUPPLIES	180.86
ACE INDUSTRIAL SUPPLY	SUPPLIES	2,542.40
ADAMS SALVAGE	SERVICE	35.40
AMAZON CAPITAL	SUPPLIES	1,140.80
AMAZON	SERVICE	205.45
ATCO INTERNATIONAL	SUPPLIES	264.00
BADGER METER	LICENSE	1,353.00
BDAID	SIGNS	6,902.50
BERG, DALE	MEETINGS	385.00
BH ASPHALT	PROJECT	1,800.00
BH CHEMICAL	SUPPLIES	1,611.67
BH ENERGY	SERVICE	28,575.37
BH PIONEER	SERVICE	521.44
BH SPECIAL SERVICES	CLEANING	6,050.00
BOMGAARS	SUPPLIES	349.98
BRUCE, DAVID	MEETINGS	245.00
BUTLER MACHINERY	SUPPLIES	893.20
BUTTE COUNTY EQUIPMENT	SUPPLIES	456.94
CAPFIRST EQUIPMENT FINANCE	PAYMENT	13,365.43
CARMODY, ROBIN	MEETINGS	385.00
CDW GOVERNMENT	SUPPLIES	316.14
CENTURY BUSINESS PRODUCTS,	CONTRACT	352.94
CHAINSAW CENTER	SUPPLIES	1,419.01
CULLIGAN	SUPPLIES	251.25
CUTTING EGDE TIMBER	SUPPLIES	217.60
DANR	FEE	650.00
DEADWOOD ALIVE	JUNE	20,000.00
DEADWOOD CHAMBER	BILL LIST	83,143.73
DEADWOOD HISTORY	SERVICE	425.00
DIEDE, LEO	MEETINGS	490.00
DONARSKI LAWNCARE	SERVICE	3,420.00
DRINGMAN, PAT	REIMBURSEMENT	263.19
ECOLAB	SERVICE	160.68
EXTREME FOUNDATION REPAIR	SERVICE	2,448.00
FIB CREDIT CARDS	SUPPLIES	1,218.54
FRONTIER GLASS OF BELLE	SERVICE	381.24
GOLDEN WEST	SERVICE	6,622.50
HAWKINS	SUPPLIES	1,222.69
HOMETOWN MANUFACTURING	SUPPLIES	1,399.71
IPS GROUP	SERVICE	11,769.06
KEEHN, JOSH	MEETINGS	315.00
KNECHT	SUPPLIES	1,473.92
KONE	MAINTENANCE	502.76
LAWRENCE CO. REGISTER	SERVICE	300.00
LAWSON PRODUCTS	SUPPLIES	574.52
LEAD-DEADWOOD SANITARY	SERVICE	34,913.34
M & T FIRE AND SAFETY	SUPPLIES	86.32
M&M SANITATION	RENTAL	240.00
MAC CONSTRUCTION	PROJECT	765.00
MANUFACTURING SYSTEMS	SUPPLIES	494.49
MARTINISKO, JOHN	MEETINGS	315.00
MICHAEL TODD & COMPANY	SUPPLIES	798.94
MIDWEST TAPE	SUPPLIES	54.97
MIKITA, TIM	PHOTO	250.00
MONUMENT HEALTH	TESTING	70.00
MS MAIL	SERVICE	24,749.39
MUTH ELECTRIC	SERVICE	1,469.96
NHS OF THE BLACK HILLS	SERVICE	3,041.56
NORTHERN HILLS TECHNOLOGY	SERVICE	32.50
NORTHWEST PIPE FITTINGS	SUPPLIES	179.50
NORTON MOBILE WELDING	SERVICE	5,860.00
PANNIER	SERVICE	2,868.13
PASSPORT LABS	METERS	157.75
PETTY CASH	HP/ZONING	113.85
PINE GIRL ARTS	SERVICE	497.34
POSEY, BEVERLY	MEETINGS	490.00
QUIK SIGNS	SIGNS	1,964.01
RASMUSSEN MECHANICAL	SERVICE	15,115.16
RICH, BILL	MEETINGS	280.00
SACRISON PAVING	PROJECT	25,723.64

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SANDER SANITATION	SERVICE	13,609.61
SANTOCHI, TREVOR	MEETINGS	455.00
SCHMIDT, WILLIAM	PROJECT	2,340.00
SCOTT PETERSON MOTORS	SUPPLIES	382.18
SD COMMISSION ON GAMING	CITY SLOTS	109,375.00
SD DEPT. OF LABOR	SERVICE	228.50
SD DEPT. OF REVENUE	LICENSE	75.00
SD MAGAZINE	SUBSCRIPTION	45.00
SD SECRETARY OF STATE	FEE	30.00
SD STATE HISTORICAL SOCIETY	SERVICE	60,404.10
SOUTHSIDE SERVICE	SERVICE	970.99
SPEARFISH AUTO SUPPLY	SUPPLIES	600.26
STRETCH'S	SUPPLIES	1,781.56
STURDEVANT'S	SUPPLIES	1,335.41
SUMMIT SIGNS	SIGNS	226.00
TALLGRASS LANDSCAPE	PROJECT	2,470.00
TDG COMMUNICATIONS	SERVICE	450.00
TENNANT SALES	SUPPLIES	387.00
THE LORD'S CUPBOARD	RECYCLING	59.66
TRIPLE K	SERVICE	969.35
TRUGREEN	SERVICE	4,006.30
TWIN CITY HARDWARE	SUPPLIES	2,548.04
UNIVERSAL ATHLETIC	SUPPLIES	647.00
VIGILANT BUSINESS SOLUTION	SCREENING	589.00
WAGNER, KEVIN	MEETINGS	315.00
WEBER, JILL	MEETINGS	455.00
WHEELER LUMBER	SUPPLIES	7,875.00
WILLIAMS, ANTHONY	MEETINGS	420.00
Total		\$541,223.14

CONSENT

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

- A. Permission to purchase 5,500 gallons of fuel from Southside Oil, at a price of \$2.86 per gallon.
- B. Acknowledge letter of support from the Cities of Deadwood, Lead and Spearfish for grant application to the National Endowment for Humanities by Deadwood History for the Fassbender Photographic Collection.
- C. Permission to pay EBSCO in the amount of \$2,673.25 for annual library subscriptions renewal. (To be paid from Library for Collection Development Budget.)
- D. Approve digitization project of Lawrence County Tax Records Phase IV in the amount not to exceed \$2,300.00 from the budgeted 2021 HP Archives line item.
- E. Permission to pay Twin City Hardware in the amount of \$7,366.48 for approved (04/05/2021) rodeo grandstand project. (To be paid from HP Capital Assets.)
- F. Permission to pay Knecht Home Center in the amount of \$6,163.08 for approved (04/05/2021) rodeo grand stand project. (To be paid from HP Capital Assets.)
- G. Permission for Mayor to sign Oakridge Cemetery Certificates of Purchase and Warranty Deeds for Trent G. Mohr and Jerry and Marge Witcraft.
- H. Permission to increase wage for Cynthia Schneringer from \$19.87 per hour to \$20.92 per hour effective July 15, 2021 after completing two years of service.
- I. Permission for the Mayor sign Loan Agreement 2021.03 with Rob Bozell for conducting of Faunal Analysis for the 2001-2004 Deadwood Chinatown archaeological collection.
- J. Accept Quit Claim Deed from Michael Andrew Johnson and Riley Rae Johnson, Lawrence County Register of Deeds Document # 2021-05611. Identified as School Lot 67 and a tract of near 227 Williams.
- K. Permission to purchase Orion ME External Mobile Receiver Kit from Metering and Technology Solutions in the amount of \$3,960.00. (To be paid from Water Dept. Equipment Budget.)
- L. Resolution 2021-18 Surplus Breathing Apparatus and donate.

RESOLUTION NO. 2021 - 18 TO DECLARE THE FOLLOWING SURPLUS PROPERTY

BE IT RESOLVED by the Deadwood City Commission that the City of Deadwood approved the following be declared surplus and donate to Shorty's Pit Bull Rescue, Mexico. Items surplus will be shipped out of the United States.

23 SCBA'S (SELF CONTAINED BREATHING APPARATUS)

Dated this 19th day of July, 2021

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

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PUBLIC HEARINGS

License

Public hearing was opened at 5:04 p.m. by Mayor Ruth Jr., no one spoke in favor or against, hearing closed. Todd moved, Martinisko seconded to approve Retail (on-off sale) Malt Beverage and Retail (on-off sale) Wine License Transfers from Fairmont Hotel Corporation to Door4, LLC dba The Fairmont Hotel & Oyster Bay Bar. Roll Call: Aye-All. Motion carried.

Battle/Thon

Public hearing was opened at 5:05 p.m. by Mayor Ruth Jr. Kevin Wagner and Bobby Rock spoke about the event, hearing closed.

Todd moved, Johnson seconded to approve open container in Zone 1 and 2 on Main Street from Tin Lizzie Gaming Resort to Masonic Temple, Broadway St from Wall to Shine. Sherman Street from Pioneer Way to the south side of Pine Street, Deadwood Street from Pioneer Way to Sherman Street, Siever Street, Pine Street from Main Street to Sherman Street, and Lee Street from Pioneer Way to 83 Sherman Street from 3:00 p.m. to 10:00 p.m. on Friday, August 20 and noon to 10:00 p.m. on Saturday, August 21, 2021. Roll Call: Aye-All. Motion carried.

Poker Run

Public hearing was opened at 5:09 p.m. by Mayor Ruth Jr., no one spoke in favor or against, hearing closed. Johnson moved, Martinisko seconded to approve parking on Main Street from Wall to Lee Street (Southwest side only) from 5:00 p.m. to 8:00 p.m. on Sunday, August 22, 2021. Roll Call: Aye-All. Motion carried.

Circus

Public hearing was opened at 5:11 p.m. by Mayor Ruth Jr., no one spoke in favor or against, hearing closed. Martinisko moved, Johnson seconded to waive user fees for Event Complex for the NAJA Shrine Circus event on Saturday, June 25, 2022. Roll Call: Aye-All. Motion carried.

Set

Martinisko moved, Johnson seconded to set public hearing for August 2, 2021 after publication of notice 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.

Todd moved, Martinisko seconded to set public hearing for August 2, 2021 for street closure on Deadwood Street. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to waive 45 day requirement and set special meeting on Friday, July 30 at 8:30 a.m. to hold public hearing for Deadwood Live Event. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Ordinance

Planning and Zoning Administrator Russell stated due to substantial changes, staff recommends canceling second reading and coming back with an updated first reading of ordinance.

Martinisko moved, Johnson seconded to reject seconded reading of Ordinance #1328 Creating Zoning Regulations for Cannabis Establishments. Commissioner Todd believes Commission should approve second reading then amend as needed. Russell stated that the current proposed ordinance states the city has an Agricultural Zoning District which is the only area according to the proposed ordinance that would allow for cultivation, testing and manufacturing. Russell continued, the city does not many areas or properties which could be classified as such due to the 5 acre minimum lot size required in an Agricultural Zoned District Discussion was held concerning time frame, manufacturing, dispensaries, and zoning. Roll Call: Aye-All. Motion carried.

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Petition

Russell spoke about the petition. Martinisko moved, Johnson seconded to accept Petition 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.

Request

Historic Preservation Officer Kuchenbecker spoke about the request. Commissioner Martinisko commended all committees and city staff for assisting in all that has taken place with The Main Street program. She is however frustrated and questions why funds were not requested when discussion was held concerning Roger Brooks months ago for budget purposes. Bill Pearson, MSI Committee member, spoke about the date being changed. Discussion was held concerning funds, budget and HP contribution. Commissioner Todd thanked Pearson for his work with Main Street Initiative. Martinisko moved, Todd seconded to approve Historic Preservation Commission's support of the Main Street Initiative request for funding to share in costs for Roger Brooks International consultation in the amount of \$5,000.00 to be paid from the 2021 HP Public Education budget. Mayor asked Pearson to convey to MSI with a request from the City to be better with communication and timeliness. Roll Call: Aye-All. Motion carried.

Hire

Public Works Director, Nelson Jr. spoke about the project. Martinisko moved, Johnson seconded to hire Black Hills Asphalt LLC to perform asphalt repairs in the Event Complex Parking Lots in the amount of \$6,840.00. To be paid from Streets Asphalt Repair budget. Roll Call: Aye-All. Motion carried.

Contract

Nelson Jr. spoke about the project. Martinisko moved, Johnson seconded to enter into contract with Black Hills Asphalt LLC in the amount of \$12,235.27 for asphalt sealant and repairs at Oakridge Cemetery. To be paid from the Oakridge Perpetual Care Fund. Roll Call: Aye-All. Motion carried.

Agreement

Nelson Jr. spoke about the rebate, which is a grant through the state. Martinisko moved, Johnson seconded to allow Mayor to sign South Dakota VW Program Rebate Agreement and accept the terms of the VW Program Rebate Agreement. Rebate value of \$70,202.00 of dump truck bid in 2020. Roll Call: Aye-All. Motion carried.

Pay

Nelson Jr. spoke about the service. Martinisko moved, Johnson seconded to pay Utility Service Co, Inc (Suez) in the amount of \$53,723.00 annual payment for service contract entered into July, 2019 to be paid out of Water Dept - Professional Services. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Bobby Rock thanked Commission and City staff for the support of the square.

Bill Pearson asked if any public meetings have been scheduled on moratoriums on TIF's. Mayor Ruth Jr. stated not at this time but staff is gathering information.

Commissioner Todd thanked the Police Dept., Lawrence County Dispatch and Monument Health for their service and is proud to part of this community.

Commissioner Martinisko thanked Mrs. Anfinson for her work with the community picnic and agrees with Commission Todd on being part of this community and being associated with city staff.

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.

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ADJOURNMENT

Martinisko moved, Johnson seconded to adjourn the regular session at 5:55 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 2, 2021.

After coming out of executive session at 6:19 p.m., Martinisko moved, Todd seconded to immediately suspend all non-city use and pass-thru billing of the City-owned fueling system. Roll Call: Aye-All. Motion carried.

ATTEST: _____ DATE: _____

Jessica McKeown, Finance Officer

BY: _____
David Ruth Jr., Mayor

Published once at the total approximate cost of _____