

REGULAR MEETING, FEBRUARY 21, 2023

The Regular Session of the Deadwood City Commission convened on Tuesday, February 21, 2023 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

Martinisko moved, Struble seconded to approve the minutes February 6, 2023. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Martinisko moved, Johnson seconded to approve the February 21, 2023 disbursements as amended. Roll Call: Aye-All. Motion carried.

ACE HARDWARE	SUPPLIES	37.36
ADAMS SALVAGE RECYCLING	SERVICE	24.88
ALBERTSON ENGINEERING	PROJECT	22,494.72
ALEX AIR APPARATUS	SUPPLIES	8,832.55
ALSCO	SUPPLIES	1,885.00
AMAZON CAPITAL	SUPPLIES	1,577.93
AMAZON	SERVICE	248.95
ANDERSON, GERTRUDE	REIMBURSEMENT	266.00
ANTIQUES & ART	APPRAISAL	400.00
AVID4 ENGINEERING	PROJECT	8,940.00
BH CHEMICAL	SUPPLIES	228.66
BH COUNCIL	SERVICE	2,740.00
BH ENERGY	SERVICE	32,629.40
BH PIONEER	SERVICE	974.78
BH SPECIAL SERVICES	CLEANING	2,150.00
BLACKSTRAP	SUPPLIES	5,529.68
BOYS & GIRLS CLUB	FUNDING	5,000.00
BRANDING IRON BISTRO	CONFERENCE	3,675.00
BUNNEY'S BODY AND COLLISION	SERVICE	36.41
BUTLER MACHINERY	SUPPLIES	879.94
CENTURY BUSINESS PRODUCTS	CONTRACT	185.49
CITY OF LEAD	ANIMAL SHELTER	4,618.69
COCA COLA	SUPPLIES	400.00
CULLIGAN	SUPPLIES	85.00
DEADWOOD CHAMBER	BILL LIST	44,235.33
DEADWOOD-LEAD ECONOMIC	ALLOCATION	24,000.00
DEMCO	SUPPLIES	158.45
DESTINATION DEVELOPMENT	MEMBERSHIP	120.00
DMC WEAR PARTS	SUPPLIES	1,828.97
DRIVERS LICENSE GUIDE COMP	SUPPLIES	108.50
ESO SOLUTIONS	SERVICE	737.59
FALL RIVER COUNTY HISTORIC	GRANT	10,000.00
FASTENAL	SUPPLIES	106.56
FELD FIRE	SUPPLIES	395.00
FIB CREDIT CARDS	SUPPLIES	5,956.85
GALLS	SUPPLIES	577.67
GOLDEN WEST	SERVICE	9,483.01
GUNDERSON, PALMER, NELSON	SERVICE	1,905.00
HAMANN, ALEX	MEETINGS	490.00
HAWKI, KEN	REIMBURSEMENT	24.48
HAWKINS	SUPPLIES	170.40
HIGH TINES BUILDING	PROJECT	2,965.31
HOLIDAY INN EXPRESS	SERVICE	298.00
HUNTINGTON	TROLLEYS	122,624.97
IPS GROUP	SERVICE	12,565.14
J. PATTERSON PARK	PROJECT	1,200.00
JLG ARCHITECTS	PROJECT	15,371.47
LAWSON PRODUCTS	SUPPLIES	42.25
LEAD-DEADWOOD SANITARY	SERVICE	32,008.40
LIVERMORE, RUSS	SERVICE	255.00
LOOKOUT PLAN + CODE	SERVICE	122.20
MACROVISION	SERVICE	1,836.00
MCGRATH, RHONDA	REIMBRUSEMENT	100.00
MENARD'S	SUPPLIES	44.08
METERING & TECHNOLOGY	SUPPLIES	3,304.27
MICROSOFT	SERVICE	251.08
MIDWEST TAPE	SUPPLIES	22.49
NHS OF THE BLACK HILLS	SERVICE	3,964.25
ONSITE FIRST AID	SUPPLIES	171.60
PACK HORSE LIQUOR	SUPPLIES	38.90
PLAINS ANTHROPOLOGICAL	CONFERENCE	1,500.00
QUADIENT LEASING	LEASE	245.46
QUICKTROPHY	SUPPLIES	124.13
QUILL	SUPPLIES	94.09
RAMKOTA HOTEL	CONFERENCE	2,025.00
RAPID DELIVERY	SERVICE	16.25
RASMUSSEN MECHANICAL	SERVICE	24,858.71
RIVERFRONT BROADCASTING	SERVICE	255.00
RUNNING SUPPLY	SUPPLIES	41.90
SANDER SANITATION	SERVICE	12,825.48
SD COMMISSION ON GAMING	CITY SLOTS	29,829.55
SD DEPT. OF REVENUE	LICENSE	150.00

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SOUTHSIDE OIL	DIESEL	19,752.18
SOUTHSIDE SERVICE	SERVICE	1,441.25
STURGIS RESPONDER SUPPLY	UNIFORMS	1,474.98
TALLGRASS LANDSCAPE	PROJECT	2,134.00
THE LORD'S CUPBOARD	RECYCLING	54.30
TOMS, DON	PROJECT	1,200.00
TRAFFIC CONTROL CORP	SUPPLIES	715.00
TRIPLE K	SERVICE	1,099.95
TRITECH SOFTWARE SYSTEMS	SERVICE	882.00
VERIZON CONNECT	SERVICE	92.95
WATER GEAR	SUPPLIES	285.89
WERLINGER AUTO BODY	SERVICE	5,831.08
WEST RIVER WHISKEY	REFUND	300.00

Total \$511,319.04

ITEMS FROM CITIZENS ON AGENDA

Report

Mayor Ruth Jr. stated Emma Garvin, Deadwood Lead Economic Development Director was unable to attend but please feel free to reach out to her directly for any questions.

CONSENT

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

- A. Approve Historic Preservation Commission recommendation for 2023 Round 1 Outside of Deadwood Grant requests in the amount of \$36,671.00 for the following: Bear Butte Creek Historical Preservation – \$10,000.00; City of Lennox Harney Hospital - \$10,000.00; Booth Society - \$5,000.00; University of South Dakota - \$1,671.00; Vale Township - \$10,000.00.
- B. Approve loan agreement 2023-001 with Satsuma Public Library in Satsuma, Alabama from March 1, 2023 to April 26, 2023, pending proof of insurance listing City of Deadwood as additional insured.
- C. Approve funding request for the continuation of the Carriage Maintenance Project in the amount of \$4,000.00 to be paid from 2023 Public Education line item.
- D. Permission to hire John Reiser as Community Service Officer at \$19.00 per hour (D9 Rank) effective March 6, 2023 pending pre-employment screening.
- E. Permission to accept letter of resignation from School Resource/Patrol Officer Andrew Larive effective March 2, 2023.
- F. Permission to advertise in-house for 5 days and then in official newspaper for one full-time patrol officer position. (\$25.79 per hour for Certified and \$23.22 for Non-Certified)
- G. Permission to expend \$2,581.00 to GearGrid Corporation for lockers to be installed at the Fire Dept. (To be paid from Fire Dept. Equipment line item.)
- H. Permission for Mayor to sign Oakridge Cemetery Certificate of Purchase and Warranty Deed for Marilyn Berger Jordan.
- I. Permission to purchase street salt from Blackstrap, Inc. at \$169 per ton, amount not to exceed \$12,000.00. (To be paid from Streets Supply budget.)
- J. Acknowledge grant extension request to the SD Office of Emergency Management for FEMA Project # 123108 for Whitewood Creek Repairs until April 7, 2024.
- K. Permission to make 2023 budget allocation to Boys & Girls Club of the Black Hills in the amount of \$3,500.00 from Bed & Booze fund.
- L. Permission to pay American Engineering Testing in the amount of \$5,250.00 for Geotechnical Exploration and Review for Whitewood Creek Boardwalk Trail Reconstruction. (To be paid by Parks Professional Services.)
- M. Permission for Rec Center to purchase two Matrix Endurance LED Treadmills from Johnson Fitness & Wellness in an amount not to exceed \$10,755.00. (To be paid from Rec. Center equipment budget.)
- N. Acknowledge updated agreement with CommNet Cellular, Inc., dba Verizon Wireless for installation of small cell at Outlaw Square. (Approved and signed on February 6, 2023)
- O. Promote Lieutenant Cory Shafer to Police Chief at \$83,750.00 per year effective March 17, 2023 and appoint him as a member to the Event Committee and Parking & Transportation Committee.

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PUBLIC HEARINGS

Alcohol Licenses

Public hearing was opened at 5:03 p.m. by Mayor Ruth Jr. No one spoke in favor or against, hearing closed.

Struble moved, Martinisko seconded to approve Retail (on-off sale) (July 2023-2024) Malt Beverage and Retail (on-off sale) Wine (2023) Licenses for Sportsbook Deadwood LLC dba The Landmark Casino at 51 Sherman Street. Roll Call: Aye-All. Motion carried.

Alcohol License

Public hearing was opened at 5:04 p.m. by Mayor Ruth Jr. No one spoke in favor or against, hearing closed.

Johnson moved, Todd seconded to approve Retail (on-off sale) Wine License for Clark & Apex LLC at 612-614 Main Street. Roll Call: Aye-All. Motion carried.

Commissioner Martinisko would like to see the businesses applying for an alcohol license be present for the hearings.

Wednesday Night Concert Series

Public hearing was opened at 5:05 p.m. by Mayor Ruth Jr. Bobby Rock, Outlaw Square, was present to answer questions.

Martinisko moved, Johnson seconded to allow the relaxation of the open container ordinance on Main Street in Zones 1 and 2 from 5:00 p.m. to 10:00 p.m. on the following Wednesdays: May 31, June 7, June 14, June 21, June 28, July 5, July 12, July 19, July 26, August 2, August 16, August 23 and August 30, 2023 and street closure from 6:15 p.m. to 11:00 p.m. on the following Wednesdays: May 31, June 7, June 14, June 21, June 28, July 5, July 12, July 19, July 26, August 2, August 16, August 23 and August 30, 2023. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Parking Donations

Finance Officer McKeown spoke about the parking donations collected from November 23 through December 26 which totaled \$17,884.00 and allocation of disbursement of funds. Martinisko moved, Struble seconded to approve allocations for funds collected from Holiday Parking donations in the amount of \$17,884.00. Commissioner Johnson stated it is nice to support the non-profits with this funding. Mayor Ruth Jr. thanked everyone that applied with the understanding that all who applied were not awarded. Roll Call: Aye-All. Motion carried.

American Legion - \$1,000.00	Black Hills Auxiliary Post 5969 - \$1,500.00
DARE 5 th Grade - \$500.00	DARE 7 th Grade - \$500.00
Deadwood History - \$500.00	Digger Track and Field Team - \$500.00
DL Swim Team \$ 1,000.00	Girl Scouts 71007 - \$500.00
Golden Gang Easter Egg Hunt - \$700.00	Knowledge Bowl - \$850.00
Lead-Dwd Area Lions Club - \$1,000.00	Lead-Dwd AAU Wrestling Club - \$500.00
Lead Dwd Baseball Association - \$500.00	Lead Dwd Clothe-A-Kid - \$600.00
Lead-Dwd Post Prom Committee - \$100.00	Lead Dwd Youth Soccer - \$500.00
Lord's Cupboard - \$500.00	Northern Hills CASA Program - \$500.00
Northern Hills Railway Society - \$250.00	Sacred Mountain Retreat Center - \$2,000.00
Shop with a Cop - \$784.00	Twin City Animal Shelter - \$1,000.00
Twin City Clothing Center - \$1,100.00	Twin City Senior Center - \$1,000.00

Purchase

Historic Preservation Officer Kuchenbecker spoke about the collection. Martinisko moved, Johnson seconded to purchase the Shane Pollreisz Archival collection in the amount of \$21,950.00 to be paid from the 2023 Collections and Acquisitions line item. Roll Call: Aye-All. Motion carried.

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Agreement

Kuchenbecker spoke about the purchase. Natasha Fuller, Fuller Brothers LLP, was present to answer questions. Martinisko moved, Johnson seconded to sign purchase agreement for School Lots 33, 34, 35, 36, 42, 43, 44, 45, 46, 47, 48 and 49 and the Waller Equator patented lode mining claims, M.S. 1562, located in the SW¼, Section 22 and 27, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota, in the amount of \$675,000 to protect the viewshed within the National Historic Landmark and to create non-motorized recreational trails. Fuller Brothers LLP will donate \$120,000 back to the City of Deadwood for the trails project. (To be paid from HP Capital Expense with a transfer from Reserves) Commissioner Martinisko thanked the Fullers for helping preserve the city. Mayor Ruth Jr. thanked the Fullers and stated, this gives the City of Deadwood the opportunity to protect the viewshed and a legacy for Thad Fuller. Roll Call: Aye-All. Motion carried.

Authorize

Kuchenbecker stated the documents will close out the lease purchase. Discussion was held concerning closing on March 1. Martinisko moved, Struble seconded to authorize the Historic Preservation Officer to sign closing documents for the sale of property pursuant to the lease - purchase agreement with Blake Haverberg and Melanie Haverberg; Martin Mason Restoration LLC; Haverberg Family Limited Partnership; Gallows LLC and Deadwood Development Co. Inc; for Martin-Mason/Wooden Nickel structures located at Deadwood, Sherman and Lee Streets currently under the ownership of Deadwood Historic Preservation Commission. Roll Call: Aye-All. Motion carried.

Final Plat

Kuchenbecker spoke about the plat. Martinisko moved, Johnson seconded to Act as Board of Adjustment and approve final plat for Terry J. and Dawn L. Bahr, legally described as: Lot 1 and 2 of the Subdivision of Tract E-1 being a portion of Hillside Placer M.S. 749 located in the SE¼ of section 27, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Approved by the Planning and Zoning Commission on February 15, 2023. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Jaci Pearson thanked the Commissioner for the parking donation to Knowledge Bowl.

Public Works Director Stalder gave an update on the water study.

Kuchenbecker thanked Fuller Brothers and Commission for saving the viewshed of Deadwood.

McKeown thanked Larive for his time as the School Resource Officer.

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

Martinisko moved, Struble seconded to adjourn the regular session at 5:25 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 Tuesday, February 21, 2023 at 5:00 p.m.

After coming out of executive session at 5:28 p.m.

Martinisko moved, Struble seconded to hire Paxton Witt as Parks Technician at \$19.00 per hour (D9 Rank) effective February 27, 2023 pending pre-employment screening. Roll Call: Aye-All. Motion carried.

Martinisko moved, Todd seconded to adjourn.

ATTEST:

DATE: _____

Jessica McKeown, Finance Officer

BY: _____
David Ruth Jr., Mayor

Published once at the total approximate cost of _____