

REGULAR MEETING, AUGUST 5, 2024

The Regular Session of the Deadwood City Commission convened on Monday, August 5, 2024 at 5:00 p.m. in the Deadwood City Commission Chambers, 102 Sherman Street, Deadwood, South Dakota. 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. 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 15, 2024. Roll Call: Aye-All. Motion carried.

JULY 2024 PAYROLL: COMMISSION, \$3,692.28; FINANCE, \$23,783.44; PUBLIC BUILDINGS, \$7,724.24; POLICE, \$79,818.03; FIRE, \$5,865.20; BUILDING INSPECTION, \$5,138.80; STREETS, \$35,505.98; PARKS, \$41,399.03; PLANNING & ZONING, \$3,860.70; LIBRARY, \$8,975.13; RECREATION CENTER, \$24,442.70; HISTORIC PRESERVATION, \$24,899.11; WATER, \$18,960.45; PARKING METER, \$16,695.47; TROLLEY, \$24,261.86; PARKING RAMP, \$3,388.56 **PAYROLL TOTAL: \$335,882.98.**

JULY 2024 PAYROLL PAYMENTS:

Internal Revenue Service, \$77,994.78; S.D. Retirement System, \$36,046.68; Delta Dental, \$3,753.50.

APPROVAL OF DISBURSEMENTS

Martinisko moved, Joseph seconded to approve the August 5, 2024 disbursements as amended. Roll Call: Aye-All. Motion carried.

A & B BUSINESS SOLUTIONS	CONTRACT	679.56
A & B WELDING	SUPPLIES	81.07
ACE HARDWARE	SUPPLIES	68.30
ADOBE	RENEWAL	1,811.40
ALLEN, JESSE	MEETINGS	70.00
AMAZON CAPITAL	SUPPLIES	1,689.68
AMERICAN ENGINEERING TESTING	SERVICE	1,303.80
AMERICAN RED CROSS TRAINING	SUPPLIES	46.00
ASERMELY, MISTY	PROJECT	11,200.00
AXON ENTERPRISE	SUPPLIES	20.60
BERBERICH DESIGN	SERVICE	1,703.64
BH CHEMICAL	SUPPLIES	3,841.79
BLUEPEAK	SERVICE	4,447.37
BOMGAARS	SUPPLIES	799.99
BORDER STATES INDUSTRIES	SUPPLIES	250.28
BRANCH CONSTRUCTION	PROJECT	19,665.00
BROWN, MOLLY	MEETINGS	315.00
BROWN, PATRICIA	REIMBURSEMENT	90.84
BRUNSON, RONDA	REIMBURSEMENT	102.48
BUTLER MACHINERY	SERVICE	517.00
CARMODY, ROBIN	MEETINGS	280.00
CITY OF BROOKINGS	GRANT	10,000.00
CNA SURETY	NOTARY	50.00
COCA COLA	SUPPLIES	470.00
COMPLETE CONCRETE	PAY APP#3	139,826.61
COUNTS, HALLIE	REFUND	28.20
COUSIGN	SUPPLIES	529.10
CULLIGAN	SUPPLIES	65.40
DAR, VICKI	MEETINGS	385.00
DARK CANYON COFFEE	SUPPLIES	59.75
DEADWOOD ALIVE	JULY	20,000.00
DEADWOOD CHAMBER	BILL LIST	90,044.00
DWD CHAMBER - OUTLAW	SPONSORSHIP	5,000.00
DEADWOOD GAMING	BID # 8	10,000.00
DIEDE, LEO	MEETINGS	385.00
DOLLAR CAR RENTAL	REFUND	100.00
EB COMMUNICATIONS	SERVICE	120.00
ECOLAB	SERVICE	106.67
ENTERPRISE RENT-A-CAR	REFUND	100.00
FIRST INTERSTATE BANK	TIF #8	6,282.13
FOUNDANT TECHNOLOGIES	SERVICE	5,400.00
GOLDEN WEST	SERVICE	1,309.00
HAIGHT, ERICA	REFUND	10.00
HAWKINS	SUPPLIES	1,541.74
HIGHPOINT SIGHTWORKS	PROJECT	19,160.00
HILLS SEPTIC SERVICE	SERVICE	530.00
HOMETOWN MANUFACTURING	SUPPLIES	808.18
IPS GROUP	SERVICE	1,928.54
JACOBS WELDING	SERVICE	622.82
JS CONSTRUCTION	PROJECT	5,416.20
KERR, ROBERT	REFUND	20.00
KLJ ENGINEERING	PROJECT	2,820.90
KNECHT	SUPPLIES	62.84
KNIPPER, ANITA	REIMBURSEMENT	95.00
LAWRENCE CO. REGISTER	SERVICE	30.00

REGULAR MEETING, AUGUST 5, 2024

LEGENDARY ELECTRIC	SERVICE	412.14
LEWIS, LYNN	REFUND	53.10
LOOKOUT PLAN + CODE CONSUL	SERVICE	302.60
LYNN'S	SUPPLIES	10.13
MARCO	CONTRACT	168.90
MICROSOFT	SERVICE	851.86
MID-AMERICAN RESEARCH CHEM	SUPPLIES	574.60
MIDWEST TAPE	SUPPLIES	172.76
MDU	SERVICE	3,032.19
MONUMENT HEALTH	SERVICE	282.00
MS MAIL	SERVICE	1,614.77
NORTHWEST PIPE FITTINGS	SUPPLIES	543.30
OMG NATIONAL	SUPPLIES	420.22
POSEY, BEVERLY	REIMBURSEMENT	409.38
QUADIENT FINANCE USA	POSTAGE	500.00
QUIK SIGNS	SERVICE	481.98
RASMUSSEN MECHANICAL	SERVICE	513.75
RCS CONSTRUCTION	PAY APP #10	570,235.60
RECHKEMMER, JOHN	REFUND	60.00
ROGERS CONSTRUCTION	PROJECT	132,877.02
SANTOCHI, TREVOR	MEETINGS	385.00
SCHMIDT, CHRIS	PROJECT	4,450.00
SCHMIDT, WILLIAM	PROJECT	3,545.00
SD DEPT OF REVENUE	TAX	8,585.65
SD PUBLIC HEALTH LAB	TESTING	30.00
SD WATER & WASTEWATER	CONFERENCE	300.00
SODAK TITLE	SERVICE	120.00
SOUTH DAKOTA 811	SERVICE	128.80
SOUTH DAKOTA REAL ESTATE	SERVICE	75.00
SPEARFISH BUILDING	SUPPLIES	367.35
STAR CAR RENTAL	REFUND	80.00
STEPP, BRAD	PROJECT	1,700.00
STRAIGHT LINE STRIPING	SERVICE	13,856.78
STURGIS RESPONDER SUPPLY	UNIFORMS	310.85
SUMMIT SIGNS	SERVICE	294.00
THE LORD'S CUPBOARD	ALLOCATION	2,500.00
TREE WISE MEN	PROJECT	18,500.00
TWIN CITY HARDWARE	SUPPLIES	1,855.36
TWIN CITY HARDWARE	GRANT	3,346.58
TWIN CITY HARDWARE	GRANT	37.99
ULINE	SUPPLIES	48.00
UTILITY SERVICE	SERVICE	53,723.00
VERIZON WIRELESS	SERVICE	713.72
VIEHAUSER ENTERPRISES	SERVICE	474.96
VIGILANT BUSINESS SOLUTION	SERVICE	576.50
WILD WEST HISTORY	MEMBERSHIP	85.00
WILLIAMS, ANTHONY	MEETINGS	385.00
WO MOTORSPORTS	BID #8	25,000.00
WOLFF'S PLUMBING	PROJECT	2,150.00

Total \$1,229,431.72

ITEMS FROM CITIZENS ON AGENDA

Update

Emma Garvin, Deadwood Lead Economic Development, gave an update with Deadwood Lead Economic Development. She stated sales tax is up 5%, average of 11 homes on the market monthly ranging in price from \$300,000.00 to \$500,000.00, new businesses have opened in Deadwood and there is currently office space lease in Deadwood but lack retail space. There are 12 current loan clients with a current investment of 1.5 million, a total investment of \$11,850.250.00 since 2003 in Deadwood. Commission thanked her for her time.

CONSENT

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

- A. Permission to hire Jackson Bong as part-time (certified) police officer at a rate of \$25.80 per hour effective August 11, 2024.
- B. Permission to hire Nicholas Browning as part-time Trolley Driver at \$16.65 per hour effective August 9, 2024 pending pre-employment screening.
- C. Permission to accept resignation from Library Assistant I Jenna Fowls effective July 20, 2024.
- D. Permission to accept resignation from lifeguard Rachel Janssen effective August 10, 2024.
- E. Permission to terminate Parks Technician Kashton Dillman effective July 25, 2024.
- F. Permission to approve updated job description for police detective. (Lateral transfer with no promotion/pay change.)
- G. Permission to allow Mayor to sign management representation letter for City of Deadwood 2021 Audit.
- H. Permission to make 2024 budget allocation to Days of '76 in the amount of \$10,000.00 from Bed and Booze Fund.

REGULAR MEETING, AUGUST 5, 2024

- I. Acknowledge Agreement between the City of Deadwood and Boot Hill Estates, LLC relating to performance bond on grading permit.
- J. Acknowledge Historic Preservation Commission acceptance of a Daughter's of the American Revolution (DAR) Foundation grant in the amount of \$4,115.50 for the Digitization of Black Hills Trust & Savings Bank Records.
- K. Permission to pay Foundant for 2024 software subscription to track grants at a cost of \$5,400.00 (To be paid from HP Revolving Loan Fund budget).
- L. Permission for Mayor to sign associated documents for the transfer of surplus property 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. Final steps to complete transfer approved by City Commission on July 1, 2024.
- M. Permission for the mayor to sign an agreement with SDN to provide 100 Mbps internet fiber for Event Complex at a cost of \$375.00 monthly. There is no cost for installation. (To be paid by Public Buildings budget.)

PUBLIC HEARINGS

License

Public hearing was opened at 5:06 p.m. by Mayor Ruth Jr., Lisa Jorgenson, Mr. Goodstores, was available to answer questions, hearing closed. Martinisko moved, Johnson seconded to approve the Retail (on-off sale) Malt Beverage and SD Farm Wine License for Boondocks, LLC dba Mr. Goodstores at 622 Main Street until August 5, 2024. Roll Call: Aye-All. Motion carried.

Set

Martinisko moved, Johnson seconded to set public hearing on August 19 for Retail (on-off sale) Malt Beverage and SD Farm Wine License for Angels Uncorked at 732 Main Street. Roll Call: Aye-All. Motion carried.

Johnson moved, Martinisko seconded to set public hearing on August 19 for Retail (on-off sale) Malt Beverage and SD Farm Wine License for Nugget Saloon, LLC at 604-610 Main Street. Roll Call: Aye-All. Motion carried.

Martinisko moved, Joseph seconded to set public hearing on August 19 for Pupp Poker Run. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to set public hearing on August 19 for WO Motorsports Arenacross Race Series. Roll Call: Aye-All. Motion carried.

Johnson moved, Martinisko seconded to set public hearing on August 19 for addendum to Oktoberfest. Roll Call: Aye-All. Motion carried.

Joseph moved, Martinisko seconded to set public hearing on August 19 for addendum to Deadweird. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Second Reading

McKeown stated no changes between first and second reading. Martinisko moved, Johnson seconded to approve second reading of Ordinance #1401 Budget Supplement #4 for 2024. Roll Call: Aye-All. Motion carried.

Second Reading

Planning, Zoning and Historic Preservation Officer Kuchenbecker stated no changes between first and second reading. Martinisko moved, Joseph seconded to approve second reading of Ordinance #1402 Amending Chapter 15.32 Signs. Roll Call: Aye-All. Motion carried.

Second Reading

Kuchenbecker stated no changes between first and second reading. Martinisko moved, Johnson seconded to approve second reading of Ordinance #1403 to amend definition of Short-term Rentals specifically Bed and Breakfast Establishments. Roll Call: Aye-All. Motion carried.

REGULAR MEETING, AUGUST 5, 2024

Review

Kuchenbecker spoke about the review. Jay and Pam Smith were present to answer questions. Johnson moved, Joseph seconded to Act as Board of Adjustments and approve the Annual Review for a Conditional Sue Permit as a Bed & Breakfast Establishment at 7 Burlington Street (Jay & Pam Smith) with the following conditions: The conditional use permit runs with the applicant and not the land, proof of state sales tax number, proof that the Building Inspector has inspected the building, city water and sewer rates to remain changed from residential to commercial rates, proper paperwork is filed with finance office for BID taxes, maintain a City of Deadwood Business License, maintain lodging license from South Dakota Department of Health, all parking shall be off street. Legally described as Lot 4 of Peck's Garden Subdivision of part of Probate Lots 138 and 327, Deadwood City, Lawrence County, SD, according to the recorded plat thereof. (Approved by Planning & Zoning Commission on Wednesday, July 17, 2024.) Roll Call: Aye-All. Motion carried.

Acknowledge

Kuchenbecker spoke about the easement. Joseph moved, Martinisko seconded to acknowledge Assignment of Easement - Mattson to City of Deadwood legally described as Buena Vista Tract, being a portion of M.S. 343, M.S. 681, M.S. 685, M.S. 686, M.S. 788, M.S. 840, M.S. 920, M.S. 1208, and Lot R7 of M.S. 840, located in Sections 23 and 24, TSN, R3E, B.H.M., containing portion within and outside the City of Deadwood, Lawrence County, South Dakota, containing 160.53 acres more or less, as shown on the plat of the Buena Vista Tract recorded in the office of the Lawrence County Register of Deeds as Document No. 93-5668, and all rights of ways and easements for ingress and egress owned by Sellers through Tract 1 owned by Deadwood Gulch Lodge, Inc., and M.S. 571 and any subdivisions thereof owned by Lead Deadwood Sanitary District No. 1, excepting and reserving prior reservations of minerals, easements, and rights of way of record, and reservations and patents from the United States. Roll Call: Aye-All. Motion carried.

Contract

Kuchenbecker spoke about the project. Martinisko moved, Johnsons seconded to enter into contract with Temple Construction for foundation work at 85 Charles Street at a cost of \$81,651.00. (To be paid by HP Capital Assets line item.) Roll Call: Aye-All. Motion carried.

Change Order

Public Works Director Stalder spoke about the project. Johnson moved, Martinisko seconded to approve Change Order #2 from Corr Construction Services, Inc. for Timm Lane Bridge Project at a decrease cost of \$2,800.04 due to field quantities being lower than plans quantity for a total contract amount of \$670,921.62. Roll Call: Aye-All. Motion carried.

Purchase

Parks, Recreation & Events Director Adler spoke about the purchase. Martinisko moved, Joseph seconded to approve purchase of 2020 Ford F350 XLT from Auto Choice in Spearfish in the amount not to exceed \$39,189.00. (To be paid from Parks Department Machinery/Equipment budget.) Roll Call: Aye-All. Motion carried.

Purchase

Adler spoke about the service agreement. Martinisko moved, Johnson seconded to approve purchase of 125,000 mile, 84 months service agreement for the 2020 Ford F350 XLT truck in the amount not to exceed \$4,436.00. (To be paid from Parks Department Machinery/Equipment budget.) Roll Call: Aye-All. Motion carried.

Hire

Stalder spoke about the project. Martinisko moved, Johnson seconded to hire Rasmussen Mechanical to replace the reheat assemblies at City Hall's Crac unit 1 and Crac Unit 2 in an amount not to exceed \$6,139.00. (To be paid from HP Capital Assets.) Roll Call: Aye-All. Motion carried.

REGULAR MEETING, AUGUST 5, 2024

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

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, Joseph seconded to adjourn the regular session at 5:28 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, August 19, 2024 at 5:00 p.m.

After coming out of executive session at 5:59 p.m., Martinisko moved, Johnson seconded to adjourn.

ATTEST:

DATE: _____

Jessica McKeown, Finance Officer

BY: _____
David Ruth Jr., Mayor

Published once at the total approximate cost of _____