

REGULAR MEETING, MAY 20, 2024

The Regular Session of the Deadwood City Commission convened on Monday, May 20, 2024 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 Riggins, and Commissioners Michael Johnson, Blake Joseph, Sharon Martinisko, Charlie Struble. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Struble moved, Martinisko seconded to approve the minutes of May 6, 2024. Roll Call: Aye-All. Motion carried.

APROVAL OF DISBURSEMENTS

Martinisko moved, Johnson seconded to approve the May 20, 2024 disbursements as corrected. Roll Call: Aye-All. Motion carried.

A & J SUPPLY	SUPPLIES	24.00
ACE HARDWARE	SUPPLIES	177.05
ADAMS SALVAGE	SERVICE	107.49
ALBERTSON ENGINEERING	PROJECT	13,604.92
AMAZON	SUPPLIES	3,306.46
AMERICAN ENGINEERING TESTING	PROJECT	3,132.25
AMERICAN LEGION EMBLEM	SUPPLIES	528.83
AVID4 ENGINEERING	SERVICE	3,193.50
BADGER METER	SERVICE	178.50
BH CHEMICAL	SUPPLIES	2,129.56
BH ENERGY	SERVICE	27,684.85
BH PIONEER	SERVICE	1,469.91
BH WINDOW CLEANING	SERVICE	2,649.00
BLUE, ELIZA	PROJECT	335.15
CARTER, JAMES	BID #8	25,000.00
CENTURY BUSINESS PRODUCTS	CONTRACT	740.76
CERTIFIED LABORATORIES	SUPPLIES	443.62
CORR CONSTRUCTION	PAY APP #6	232,783.72
CULLIGAN	SUPPLIES	123.00
DAKOTA LUMBER	SUPPLIES	162.50
DEADWOOD CHAMBER	BILL LIST	177,761.23
DEADWOOD HISTORY	SERVICE	1,226.33
DIAMOND VOGEL PAINT CENTER	LINE DRIVER	8,310.09
ECOLAB	SERVICE	171.93
ENTERPRISE RENT-A-CAR	REFUND	60.00
FIB CREDIT CARDS	SUPPLIES	4,022.45
FULL CURL CONSTRUCTION	PROJECT	4,399.64
GENERAL TRAFFIC CONTROLS	SUPPLIES	225.00
GOKCE, FATIH	REIMBURSEMENT	54.00
GOLDEN WEST	SERVICE	3,896.48
GOVERNMENT FINANCE OFFICER	MEMBERSHIP	160.00
GREAT WESTERN TIRE	SUPPLIES	1,439.75
GUNDERSON, PALMER, NELSON	SERVICE	2,925.92
HI-VIZ SAFETY WEAR	SUPPLIES	646.15
HILGENDORF, STEVEN	PROJECT	1,041.15
HOMETOWN MANUFACTURING	SUPPLIES	1,649.48
IPS GROUP	SERVICE	7,614.43
JACOBS WELDING	SERVICE	2,601.31
KETEL THORSTENSON	SERVICE	15,156.38
KNECHT	SUPPLIES	493.24
KONE CHICAGO	MAINTENANCE	564.03
KRAMME, SHANE	REFUND	30.00
L&L INSULATION	PROJECT	41,140.00
LAWRENCE CO. REGISTER	SERVICE	60.00
LEAD-DEADWOOD SANITARY	SERVICE	20,466.90
LEGENDARY ELECTRIC	SUPPLIES	1,027.44
LIGHTING MAINTENANCE COMPANY	SERVICE	644.20
LITTLE-GEVING, TARA	REFUND	100.00
MID-AMERICAN RESEARCH CHEM	SUPPLIES	570.76
MIDWEST TAPE	SUPPLIES	131.72
MOHR, TRENT	REIMBURSEMENT	81.56
MDU	SERVICE	5,999.85
MORGAN, RICHARD	REIMBURSEMENT	47.51
MORRISON, RONDA	SERVICE	1,720.00
NASH, PAM	REIMBURSEMENT	158.72
NHS OF THE BLACK HILLS	CONTRACT	3,000.00
NORTH CENTRAL INT'L	SUPPLIES	132.60
NORTHWEST PIPE FITTINGS	SUPPLIES	333.80
ODP BUSINESS SOLUTIONS	SUPPLIES	192.00
ONSITE FIRST AID	SUPPLIES	154.73
POWERPLAN OIB	SUPPLIES	262.11
QUADIANT FINANCE USA	POSTAGE	500.00
QUIK SIGNS	SERVICE	297.53
RADENSLEBEN, COLTAN	REIMBURSEMENT	18.30
RAPID DELIVERY	SERVICE	16.90
RASMUSSEN	SERVICE	445.02
RUNGE, MIKE	REIMBURSEMENT	233.93
RUSHMORE OFFICE	SUPPLIES	248.75
SANDER SANITATION	SERVICE	12,834.16
SCHMIDT, WILLIAM	PROJECT	4,860.00
SCOTT PETERSON MOTORS	SERVICE	648.68
SD COMMISSION ON GAMING	CITY SLOTS	29,829.55

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SD DEPT. OF REVENUE	TAX	3,506.21
SD MUNICIPAL LEAGUE	SERVICE	90.00
SD PUBLIC ASSURANCE ALLIANCE	SERVICE	126.80
SD STATE HISTORICAL SOCIETY	MEMBERSHIP	125.00
SERVALL	SUPPLIES	1,088.13
SOUTHSIDE SERVICE	SERVICE	197.20
STRETCH'S	SERVICE	29.99
STURGIS RESPONDER SUPPLY	UNIFORMS	1,710.50
TESKE, LAVERNE	REFUND	35.00
THE CENTER FOR WESTERN	CONFERENCE	60.00
TRUGREEN	SERVICE	3,122.67
TWIN CITY HARDWARE	GRANTS	733.71
USA BLUEBOOK	SUPPLIES	278.48
VANWAY TROPHY	SERVICE	106.20
VERIZON CONNECT	SERVICE	171.60
VIGILANT BUSINESS SOLUTION	SERVICE	164.50
WALNO, WYLIE	SUPPLIES	65.00
WASTEQUIP	SUPPLIES	1,770.00
WESTERN COMMUNICATIONS	SERVICE	669.90
WINZER	SUPPLIES	194.64

Total \$692,626.31

ITEMS FROM CITIZENS ON AGENDA

Update

Commissioner Martinisko gave an update on the Lead-Deadwood Youth Group Task Force. She thanked Deadwood employees Amy and Leah as well as Robin with the City of Lead for all their work. She said the launch of a Lead-Deadwood Community Programming website is a culmination of the collaborative efforts from the youth work group formed in partnership between Lead, Deadwood and the Lead-Deadwood School District aimed at enhancing youth programming in the community. She thanked everyone involved and encouraged everyone to explore the new website which the programs are categorized into sports, arts/education, youth organizations and adult organizations. Mayor Ruth Jr. stated city recognized this as one of the first steps to help centralize the information for everyone.

Service Awards

Mayor Ruth Jr. presented certificates to the following employees: Kasey Campbell for 10 years of service; Sally Sprigler and Randy Adler for 5 years of service. Commission thanked each of them for their time.

CONSENT

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

- A. Permission to accept resignation of Police Officer Andrew Nelson effective May 10, 2024.
- B. Permission to advertise in-house for 5 days and then in official newspaper for one full-time police officer position. (\$26.79 per hour for Certified and \$24.22 for Non-Certified)
- C. Permission to hire Landen Mattson for seasonal Parks position at \$16.00 per hour effective May 28, 2024 pending pre-employment screening.
- D. Permission to hire Gage Mau as full-time (non-certified) police officer at \$24.22 per hour effective May 26, 2024 pending pre-employment screening.
- E. Permission for Finance Officer to complete Project Work Experience Agreement with SDDRS and allow program to fund JT Gifford as a summer intern at the Deadwood Fire Department.
- F. Renew 2024-2025 Malt Beverage Licenses to PonyHills LLC, The Venue at Deadwood at 250 US Hwy 14A pending payment of property tax.
- G. Permission to renew Form E to Deadwood Growhouse dba Trails Head Cannabis Co for medical cannabis dispensary license at 32 Charles Street.
- H. Permission for Mayor to sign Temporary Construction and Permanent Easement with Jobman Living Trust for work associated with the FEMA Whitewood Creek Restoration project.
- I. Permission for Mayor to sign 60 month Order for Services with SDN Communications for internet fiber services for the following City owned buildings: City Hall, Recreation & Aquatic Center, Library, Fire Hall, Trolley Barn and Street shop.
- J. Permission to correct date of termination of lease for on-street parking with Iron Horse Inn to be take effect May 31, 2024.
- K. Acknowledge the de-accession of four track index books from the City of Deadwood Archives to the Meade County Register of Deeds. (Approved by HPC 05-08-2024)

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- L. Permission to purchase of two (2) HP Pro Books laptops for HP Coordinator and Zoning Coordinator from Golden West in the amount of \$3,738.00. (Budgeted in HP and P&Z Equipment line item)
- M. Removed for separate consideration in New Business.
- N. Proclamation declaring May 13th through May 18th as Law Enforcement Torch Run for Special Olympics South Dakota week in the City of Deadwood.
- O. Permission to waive fee and allow MSI Promotions Committee and Saloon #10 to sell and host wine tasting at Gordon Park during the Farmers Market on Fridays between 3:00 p.m. to 7:00 p.m. from June 21 through September 20, 2024. All proceeds go to charity. No public hearing necessary since on public property.
- P. Permission for Mayor to sign Recreational Non-Motorized Easement Agreement with TNF Properties, LLP (Natasha Fuller) for creek access across from Twin City Hardware.
- Q. Permission to purchase conduit for Timm Lane Bridge from Border States in amount not to exceed \$3,390.52. (To be paid by Streets Improvements with possible reimbursement from State grant funding.)
- R. Resolution No. 2024-14 Declare Surplus of Property

**RESOLUTION NO. 2024-14
TO DECLARE THE FOLLOWING SURPLUS PROPERTY**

BE IT RESOLVED by the Deadwood City Commission that the City of Deadwood approve the declared surplus and be sold at public online auction conducted by a licensed auctioneering service.

The Following Bicycles

Make	Model	Color	Serial Number
Schwinn	S1750WM	Black	FSD0515NA
Mongoose	R1921WMA	Black	FSD0615AG
Kent	Tempest	Blue/Black	GS7271
Kent	Genesis	Black	GS52606
Piranha	Mindtrick	White/Black	Unlocatable
Polygon	Siskiu	Red/Black	L21003935
Free Spirit	N/A	Red	D3790124
Kent	Shogun Belmar	Purple	GS101026106
Tour De France	Stage One Polka Dot	White/Red	GW11F00598
Road Master	Granite Peak Paramount Series	Purple	Unlocatable
Schwinn	70 Boomerang	Red/Black	Unlocatable
Piranha	(Youth)	Red	JK32720977
Mongoose	Ledge 21	White	R2460WMA
Next	Power Climber	Black	LWCNG10238
Huffy	Wrath	Silver	Unlocatable

Dated this 20th day of May, 2024

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

- S. Permission to allow Charles Fetter and Mike Klamm to travel in city vehicle on June 13-15, 2024 to Watertown for SD Fire School. Expenditures not to exceed \$620.00 and paid by Fire Dept travel line item.

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BID ITEMS

Results

Mayor Ruth Jr. stated 5 bids were received for the Welcome Center Trail (aka Boardwalk) on May 14, 2024 at 2:00 as advertised.

Ainsworth Benning - \$794,604.00
Complete Concrete - \$751,857.00
RCI Construction - \$698,500.00
RCS Construction - \$920,000.00
Seco Construction - \$1,140,000.00

Zoning Coordinator Blue-Jones recommends approval to low bidder RCI Construction. Martinisko moved, Struble seconded to award low bid to RCI Construction in the amount of \$698,500.00 for the Welcome Center Trail (aka Boardwalk.) Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS

Bev's Poker Run

Public hearing was opened at 5:10 p.m. by Mayor Ruth Jr. No one spoke in favor or against, hearing closed.

Martinisko moved, Joesph seconded to approve Main Street Parking from Wall to Lee Street (southwest side only) from 5:00 p.m. to 10:00 p.m. on Sunday, June 23, 2024. Roll Call: Aye-All. Motion carried.

Set

Martinisko moved, Struble seconded to set public hearing on June 3 for Retail (on-off sale) Wine and Cider License for Deadwood Outfitters & Tipsy Buffalo Bar at 653 Main Street. Roll Call: Aye-All. Motion carried.

Struble moved, Martinisko seconded to set public hearing on June 3, 2024 for street closure on Gold Street between Main Street and Broadway Alley, from June 4 to October 12, 2024. Broadway Alley will be one way from Wall Street to Shine Street. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Pay (Item 6M)

Martinisko moved, Johnson seconded to pay Axon Enterprise for 6 in-car cameras and 17 body worn cameras in the amount of \$35,174.91. Roll Call: Aye-All. Motion carried.

Application

Blue-Jones spoke about the application. Martinisko moved, Johnson seconded to Act as Board of Adjustment and approve the Conditional Use Permit Application for Vacation Home Establishment – 140 Timm Lane – Glen Morovits 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 be changed from residential to commercial rates, proper paperwork is filed with finance office for BID taxes, proof of City of Deadwood Business License, obtain lodging license after inspection from the South Dakota Department of Health, all parking shall be off street and any new construction or substantial improvements to this property must meet Chapter 15.36 – Flood Hazard Protection Regulations. Legally described as Lot 6 of the Arnio Subdivision of M.S. 107, according to the S.C. Berry Plat recorded in Plat Book 2 Page 88D, City of Deadwood, Lawrence County, South Dakota. (Approved with conditions by Planning and Zoning Commission on May 1, 2024.) Roll Call: Aye-All. Motion carried.

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Application

Blue-Jones spoke about the application. Johnson moved, Struble seconded to Act as Board of Adjustments and approve the Conditional Use Permit Application for Vacation Home Establishment – 29 Lee Street – Budi Kusser 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 be changed from residential to commercial rates, proper paperwork is filed with finance office for BID taxes, proof of City of Deadwood Business License, obtain lodging license after inspection from the South Dakota Department of Health, all parking shall be off street and the Vacation Home Establishment shall be limited to only the second floor and the ground level used as retail space. Legally described as Lot B in Block 18 of the City of Deadwood, Lawrence County, South Dakota, also known as 29 Lee Street, according to P.L. Rogers Map. (Approved with conditions by Planning and Zoning Commission on May 1, 2024.) Roll Call: Aye-All. Motion carried.

Application

Blue-Jones spoke about the application. Martinisko moved, Struble seconded to Act as Board of Adjustments and approve the Conditional Use Permit Application for Specialty Resort – 21 Lincoln Ave – Aaron Sternhagen 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 be changed from residential to commercial rates, proper paperwork is filed with finance office for BID taxes, proof of City of Deadwood Business License, obtain lodging license after inspection from the South Dakota Department of Health, all parking shall be off street, the Conditional Use Permits will take effect only upon the successful closing of the property by the applicant and the Bed and Breakfast establishment must be owner occupied and the owner or owner's representative must be on-site when guests are present. Legally described as Lots 1, 2, 3, and adjoining vacated alley and the southeasterly 10 feet of Lots 12, 13 and 14, In Block 42, according to P.L. Rogers Map of the City of Deadwood, Lawrence County, South Dakota. (Approved with conditions by Planning and Zoning Commission on May 1, 2024.) Roll Call: Aye-All. Motion carried.

Application

Blue-Jones spoke about the application. Struble moved, Martinisko seconded to Act as Board of Adjustments and approve the Conditional Use Permit Application for Bed and Breakfast Establishment – 25 Lincoln Ave – Aaron Sternhagen 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 be changed from residential to commercial rates, proper paperwork is filed with finance office for BID taxes, proof of City of Deadwood Business License, obtain lodging license after inspection from the South Dakota Department of Health, all parking shall be off street, the Conditional Use Permits will take effect only upon the successful closing of the property by the applicant and the Bed and Breakfast establishment must be owner occupied and the owner or owner's representative must be on-site when guests are present. Legally described as Lots 12, 13 and 14, Block 42 in the City of Deadwood, Lawrence County, South Dakota, except the southeasterly 10 feet of Lots 12, 13 and 14 and one-half of the vacated alley, Block 42, previously conveyed to Dennis L. McKay and Linda M. McKay. Also so that portion of Lots E, F, AND G, Block 35 of Probate Lot 226 and sometimes referred to as Child's Addition to the City of Deadwood, Quit Claimed by Francis Caneva to Lawrence C. McKay, all according to the P.L. Rogers Map of the City of Deadwood, Lawrence County, South Dakota. (Approved with conditions by Planning & Zoning Commission on May 1, 2024). Roll Call: Aye-All. Motion carried.

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Review

Blue-Jones spoke about the application. Martinisko moved, Johnson seconded to Act as the Board of Adjustment and accept the Planning and Zoning Commission annual C.U.P. review conducted on May 15, 2024 for 29 Van Buren - Victorian on Van Buren - Bed and Breakfast establishment; 768 Main Street - The Jordans - Bed and Breakfast Establishment with the following conditions: The conditional use permit runs with the applicant and not the land, proof of state sales tax number, Building Inspector has inspected the building, city water and sewer rates to be changed from residential to commercial rates, proper paperwork is filed with finance office for BID taxes, proof of City of Deadwood Business License, maintain lodging license after inspection from the South Dakota Department of Health, all parking shall be off street, the Conditional Use Permits will take effect only upon the successful closing of the property by the applicant and the Bed and Breakfast establishment must be owner occupied and the owner or owner's representative must be on-site when guests are present.

Second Reading

Blue Jones stated no changes between first and second reading. Martinisko moved, Struble seconded to approve second reading of Ordinance #1397 to Amend Chapter 17.53 Transient Commercial Use of Property. Discussion was held concerning establishments. Roll Call: Aye-All. Motion carried.

Second Reading

Finance Officer McKeown stated no changes between first and second reading. Joseph moved, Struble seconded to approve second reading of Ordinance #1398 Budget Supplement #3 for 2024. Discussion was held concerning the supplement. Roll Call: Aye-All. Motion carried.

First Reading

McKeown spoke about the Ordinance. Martinisko moved, Joseph seconded to approve first reading of Ordinance #1399 Amending Chapter 5.04 Alcohol Beverages. Discussion was held concerning fee resolution. Roll Call: Aye-All. Motion carried.

Purchase

Public Works Director Stalder spoke about the purchase. Martinisko moved, Struble seconded to purchase and install 8 Verkada cameras from Technologies, Inc. for Recreation Center at a cost no to exceed \$12,619.85. (To be paid by Rec Center Improvements (\$4,000.00) and Public Buildings Improvements (\$8,619.95) budgets.) Discussion was held concerning warranty and history of retention. Roll Call: Aye-All. Motion carried.

Annual Report

McKeown spoke about the 2023 annual report for the City.

Hire

Parks, Recreation & Events Director Adler spoke about the project. Struble moved, Martinisko seconded to hire Tree Wise Men for cleanup of Whitewood Creek from Walnut Street to Cemetery Street in an amount not to exceed \$18,500.00. (To be paid by Whitewood Creek cleanup line item.) Roll Call: Aye-All. Motion carried.

Purchase

Fire Chief Hamann spoke about the purchase. Martinisko moved, Struble seconded to allow Fire Department to purchase new skid unit for Brush 6 truck from Heiman Fire in an amount not to exceed \$19,000.00. (To be paid by Fire equipment line item with offset of \$7,000.00 from Wildland Fire Grant.) Roll Call: Aye-All. Motion carried.

Pay

Parking and Transportation Director Lux spoke about the payment. Martinisko moved, Johnson seconded to pay Huntington Bank for two trolley annual leases: trolley 4 \$39,227.97 and trolley 5 - \$33,681.45. Roll Call: Aye-All. Motion carried.

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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

Struble moved, Martinisko seconded to adjourn the regular session at 5:35 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, June 3, 2024 at 5:00 p.m.

After coming out of executive session at 6:24 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 _____