

REGULAR MEETING, AUGUST 19, 2024

The Regular Session of the Deadwood City Commission convened on Monday, August 19, 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 and Charlie Struble. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Martinisko moved, Struble seconded to approve the minutes of August 5, 2024. Roll Call: Aye-All. Motion carried.

APROVAL OF DISBURSEMENTS

Martinisko moved, Johnson seconded to approve the August 19, 2024 disbursements plus additional bill. Roll Call: Aye-All. Motion carried.

ACE HARDWARE	SUPPLIES	34.67
ADAMS RECYCLING	SERVICE	5.76
ALBERTSON ENGINEERING	PROJECT	16,570.23
ALEX AIR APPARATUS 2	SUPPLIES	157.70
ALPINE IMPRESSIONS	SERVICE	445.00
AMAZON	SUPPLIES	691.82
ASSOCIATED SUPPLY	SUPPLIES	450.00
ATCO INTERNATIONAL	SUPPLIES	272.80
AUTO CHOICE	VEHICLE	43,625.00
BADGER METER	SERVICE	898.50
BARCO MUNICIPAL PRODUCTS	SUPPLIES	1,908.00
BARCO PRODUCTS	SUPPLIES	1,252.27
BAYLERIAN, ADAM	REFUND	85.00
BH CHEMICAL	SUPPLIES	2,999.70
BH ENERGY	SERVICE	29,185.35
BH PIONEER	SERVICE	669.65
BH SANITATION	SERVICE	140.00
BH WINDOW CLEANING	SERVICE	2,600.00
BRUCE, DAVID	MEETINGS	210.00
CENTURY BUSINESS PRODUCTS	CONTRACT	536.39
CHAINSAW CENTER	SUPPLIES	739.94
CLUBHOUSE HOTEL	LODGING	117.56
COCA COLA	SUPPLIES	100.00
CONVERGINT TECHNOLOGIES	SERVICE	713.64
CORR CONSTRUCTION	PROJECT	110,808.61
CULLIGAN	SUPPLIES	264.60
D.C. BOOTH HISTORIC FISH	PROJECT	3,500.00
DAKOTA DRAIN DOCTOR	SERVICE	85.00
DAKOTA SUPPLY GROUP	SUPPLIES	82.80
DAN'S DUMPSTER SERVICE	SERVICE	400.00
DAYS OF '76	ALLOCATION	70,000.00
DEADWOOD CHAMBER	BILL LIST	82,302.56
DEADWOOD CHAMBER - OUTLAW	BID #9	15,000.00
DVFD	REIMBURSEMENT	333.79
DEADWOOD HISTORY	SERVICE	1,898.34
DGR ENGINEERING	PROJECT	46,791.05
EAGLESON, CHARLES	MEETINGS	315.00
FIB CREDIT CARDS	SUPPLIES	3,728.72
FIRST GOLD HOTEL	REFUND	2,350.00
FIRST NET	SERVICE	240.24
FULL CURL CONSTRUCTION	PROJECT	32,031.72
GENERAL TRAFFIC CONTROLS	SUPPLIES	295.00
GOLDEN WEST	SERVICE	9,907.45
GRIMM'S PUMP	SERVICE	694.31
GUNDERSON, PALMER, NELSON	SERVICE	5,139.44
HAMANN, ALEX	MEETINGS	105.00
HAWKINS	SUPPLIES	237.07
HEIMAN	SERVICE	85.20
INTERSTATE ENGINEERING	PROJECT	1,075.68
IPS GROUP	SERVICE	6,264.33
JOHNER PAVING	PROJECT	358.50
KEEHN, JOSH	MEETINGS	350.00
KONE CHICAGO	MAINTENANCE	564.03
LAWRENCE CO. REGISTER	SERVICE	120.00
LEAD-DEADWOOD SANITARY	SERVICE	34,341.74
LOOKOUT PLAN + CODE	SERVICE	596.24
LYNN'S	SUPPLIES	7.78
MACK'S AUTO BODY	SERVICE	1,478.00
MARTINISKO, JOHN	MEETINGS	315.00
MARTINISKO, SHARON	TRAINING	216.74
MICROSOFT	SERVICE	864.26
MIDWEST TAPE	SUPPLIES	243.56
MILLS, SCOTT	REFUND	55.00
MONSTERS OF DESTRUCTION	REFUND	2,115.00
MOORE, CONNIE	REFUND	23.50
MORRISON, RONDA	SERVICE	980.00
MS MAIL	SERVICE	79.20
MUTUAL OF OMAHA	INSURANCE	342.34
NHS OF THE BLACK HILLS	SERVICE	3,880.25
NORTHWEST PIPE FITTINGS	SUPPLIES	84.50
ONSITE FIRST AID	SUPPLIES	529.06
OTIS ELEVATOR	SERVICE	95.00

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OVERHEAD DOOR	SERVICE	515.31
OWENS, KEN	MEETINGS	350.00
PETTY CASH	FINANCE	221.85
PETTY CASH	HP/ZONEING	184.68
QUIK SIGNS	SERVICE	2,056.54
RAINER MECHANICAL	SERVICE	19,437.33
RAPID ROOTER	SERVICE	3,544.30
RASMUSSEN	SERVICE	18,775.32
RCS CONSTRUCTION	PROJECT	80,190.00
ROGERS CONSTRUCTION	PROJECT	264,178.48
RUNGE, MIKE	REIMBURSEMENT	74.90
S & S REPAIR	SERVICE	262.07
S AND C CLEANERS	CLEANING	10,812.00
SANDER SANITATION	SERVICE	14,334.16
SCOTT PETERSON MOTORS	SERVICE	4,413.16
SD COMMISSION ON GAMING	CITY SLOTS	32,386.36
SD DEPT. OF REVENUE	LICENSE	300.00
SD LIBRARY ASSOCIATION	REGISTRATION	215.00
SD MUNICIPAL LEAGUE	CONFERENCE	595.00
SD WATER & WASTEWATER ASSO	MEMBERSHIP	20.00
SERVALL	SUPPLIES	2,619.00
SHAFFER, CORY	REIMBURSEMENT	457.24
SIMON MATERIALS	SUPPLIES	964.62
SODAK TITLE	SERVICE	240.00
SOUTHSIDE SERVICE	SERVICE	650.85
STRETCH'S	SERVICE	1,318.22
STURDEVANT'S	SUPPLIES	434.17
SUMMIT SIGNS AND SUPPLY	SERVICE	310.00
TALLGRASS LANDSCAPE	PROJECT	5,400.00
TEMPERATURE TECHNOLOGY	SERVICE	755.00
TOMS, DON	PROJECT	600.00
TOTH, ASHLEY	REFUND	10.00
TOWEY DESIGN GROUP	PROJECT	4,352.96
TRITECH SOFTWARE SYSTEMS	SERVICE	24.60
TRUGREEN CHEM-LAWN	SERVICE	3,886.69
TWIN CITY HARDWARE	GRANTS	348.84
TWIN CITY HARDWARE	GRANT	1,057.77
USA BLUEBOOK	SUPPLIES	64.97
VALE TOWNSHIP	GRANT	5,000.00
VIEHAUSER ENTERPRISES	SERVICE	135.98
VIGILANT BUSINESS SOLUTION	TESTING	699.10
WAREING STURGIS	SERVICE	6.00
WARNE CHEMICAL	SERVICE	2,100.00
WELLS PLUMBING	SERVICE	358.18
WELLMARK	INSURANCE	32,386.36
WESTERN COMMUNICATIONS	SUPPLIES	95.72
WHEELER LUMBER OPERATIONS	SUPPLIES	2,393.55
WO MOTORSPORTS	REFUND	2,350.00
ZEP SALES & SERVICE	SUPPLIES	337.78

Total \$1,084,250.59

ITEMS FROM CITIZENS ON AGENDA

Proclamation

The Mayor read a proclamation declaring September as Responsible Gaming Education month in the City of Deadwood. George Milos, Deadwood Gaming Association, thanked the Commission.

CONSENT

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

- A. Permission to accept resignations from seasonal lifeguards: Jocelyn Dirksen effective August 10, 2024; Erica Hansen effective August 16, 2024; Allison Mollman and Ethan Van Tassel both effective August 14, 2024.
- B. Permission to accept resignation from seasonal Parks Landen Mattson effective August 16, 2024.
- C. Permission to accept resignation from Library Education/Program Coordinator Crystal Pawlus effective July 31, 2024.
- D. Permission to advertise in-house for 5 days and then outside sources for part-time (25 hours per week) Library Program/Education Coordinator at \$17.00 per hour.
- E. Permission to hire Austin Newson as part time (19 hours per week) lifeguard at \$16.00 per hour effective August 21, 2024 pending pre-employment screening.
- F. Acknowledge new job description for Fire Chief which was recently adopted by the Deadwood Volunteer Fire Department.
- G. Permission to make 2024 budget allocation to Northern Hills Alliance for Children in the amount of \$3,500.00 from Bed and Booze fund.
- H. Permission to allocate \$5,000.00 from the social programming portion of cannabis licensing to the Lead-Deadwood Ministerial Society.
- I. Permission for Mayor to sign Oakridge Cemetery Certificate of Purchase and Warranty Deed for Charles and Maxine Rappana.

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- J. Permission to purchase 5600 gallons of non-ethanol fuel from Southside Service at a cost of \$3.35 per gallon.
- K. Resolution 2024-18 Surplus Fire Equipment.
- L. Deadwood History Inc. and Saloon #10 requests approval to serve alcohol at Days of '76 Museum on Saturday, November 30, 2024 from 6:00 p.m. to 10:00 p.m. for Deadwood Cowboy Christmas.
- M. Permission to allow Fire Department to purchase six Motorola radio/pagers from Western Communications in an amount not to exceed \$2,700.00. (To be paid by Fire Dept. supply line item.)
- N. Permission to hire Schmidt construction to replace the concrete from the SDN boring at 56 Dunlop (Kopper Keys apartments) sewer repair at a price not to exceed \$2,983.00. (To be paid by Sewer professional services line item.)
- O. Permission to pay Tree Wise Men for emergency tree removal at Gordan Park in the amount of \$3,600.00. (To be paid from Parks professional services line item.)
- P. Permission for the Mayor to sign contract with Temple Construction for the Foundation Repair at 85 Charles Street. (Approved by City Commission on 08/05/2024)
- Q. Permission to create a Board of Appeals for Property Maintenance matters (orders, decisions or determinations) represented by two members of the Historic Preservation Commission, two members of the Planning & Zoning Commission and the City Commissioner of Parking & Transportation all which shall be appointed by the Mayor. (Members shall serve staggered and overlapping terms.)
- R. Permission to allow Fire Department to apply for \$7,500.00 grant from Independent Insurance Agents for the purchase of fire equipment.
- S. Permission to allow Volunteer Melanie Bond to travel to Rapid City on August 28, 2024 to attend Salamander refresher course.

BID ITEMS

Retaining Wall

Planning, Zoning and Historic Preservation Officer Kuchenbecker spoke about the retaining wall. Struble moved, Martinisko seconded to set bid opening on September 12 at 2:00 p.m. for the repair of City retaining wall located at 48 and 52 Taylor Avenue with the bid results to City Commission on September 16, 2024. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS

License

Public hearing was opened at 5:06 p.m. by Mayor Ruth Jr., Kristi Villafuerte, Angels Uncorked, 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 Angels Uncorked at 732 Main Street. Roll Call: Aye-All. Motion carried.

License

Public hearing was opened at 5:07 p.m. by Mayor Ruth Jr., no one spoke in favor or against, hearing closed. Martinisko moved, Struble seconded to continue public hearing until September 3 for Retail (on-off sale) Malt Beverage and SD Farm Wine License for Nugget Saloon, LLC at 604-610 Main Street. Roll Call: Aye-Johnson, Martinisko, Ruth, Struble. Nay-Joseph. Motion carried.

Puppy Poker Run

Public hearing was opened at 5:08 p.m. by Mayor Ruth Jr., no one spoke in favor or against, hearing closed. Martinisko moved, Johnson seconded to approve Main Street parking from Wall to Lee Street (southwest side only) from 5:00 p.m. to 9:00 p.m. on Sunday, September 1, 2024. Roll Call: Aye-All. Motion carried.

WO Motorsports Arenacross

Public hearing was opened at 5:09 p.m. by Mayor Ruth Jr. Sarah Kryger, Deadwood Chamber, was available to answer questions, hearing closed. Joseph moved, Struble seconded to approve open container from 4:00 p.m. to 10:00 p.m. on Saturday, September 7 at the Event Complex; and waiver of user fees in lieu of surcharge on Wednesday, September 4 through Sunday, September 8, 2024 at the Event Complex. Roll Call: Aye-All. Motion carried.

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Oktoberfest Addendum

Public hearing was opened at 5:10 p.m. by Mayor Ruth Jr.

Mayor Ruth Jr. stated Chamber and City were approached by businesses in the Badland District concerning both addendums for Oktoberfest and Deadweird to include that portion of Main Street during city events. Commissioner Martinisko stated she has questions that need to be answered but no one was present to answer. Hearing closed. Martinisko moved, Struble seconded to continue public hearing until September 3 for street closure on Main Street from Wild Bill Bar to Nugget Saloon for pop-up vendors on Saturday, October 5 from 9:00 a.m. to 10:00 p.m., one-way traffic will be allowed down Main Street via Wall Street and the Parking Ramp; and waiver of vending fees on Saturday, October 5, 2024. Roll Call: Aye-All. Motion carried.

Deadweird Addendum

Public hearing was opened at 5:14 p.m. by Mayor Ruth Jr. Commissioner Martinisko stated same as previous hearing, have some questions. Hearing closed. Martinisko moved, Struble seconded to continue public hearing until September 3 for street closure on Main Street from Wall to Deadwood Street from noon on Saturday, October 26 to 6:00 a.m. Sunday, October 27, 2024, previously approved on Saturday, October 26 from 4:00 p.m. to 6:00 a.m. on Sunday, October 27; Main Street closure from Wild Bill Bar to Nugget Saloon for pop-up vendors on Saturday, October 26 from noon to 10:00 p.m., one-way traffic will be allowed down Main Street via Wall Street and the Parking Ramp; and waiver of vending fees on Saturday, October 26, 2024. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Permit

Kuchenbecker spoke about permit. Struble moved, Martinisko seconded to approve Conditional Use Permit – Specialty Resort at 21 Lincoln Avenue – Aaron Sternhagen with the following conditions: The conditional use permit runs with the applicant and not the land, proof of state sales tax number, the Building Inspector has inspected the building, city water and sewer rates have been 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 from SD Dept. of Health, all parking shall be off street, Conditional Use Permit has been in effect since the successful sale of the property occurred in June 2024, Specialty Resort must be owner occupied and the owner or owners 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 the P.L. Rogers Map of the City of Deadwood, Lawrence County, South Dakota. (Approved with conditions by P&Z Commission on May 1, 2024 and Board of Adjustment on May 20, 2024.) Roll Call: Aye-All. Motion carried.

Permit

Kuchenbecker spoke about the permit. Johnson moved, Struble seconded to approve Conditional Use Permit - Bed and Breakfast at 25 Lincoln Avenue (Aaron Sternhagen)with the following conditions: The conditional use permit runs with the applicant and not the land, proof of state sales tax number, the Building Inspector has inspected the building, city water and sewer rates have been 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 from SD Dept. of Health, all parking shall be off street, Conditional Use Permit has been in effect since the successful sale of the property occurred in June 2024, the Bed and Breakfast must be owner occupied and the owner or owners 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, 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 Board of Adjustment on May 20, 2024.) Roll Call: Aye-All. Motion carried.

Easement

Kuchenbecker spoke about the easement. Martinisko moved, Johnson seconded to allow the Mayor to sign Permanent Utility and Access Easement with Kraft Living Trust for the benefit of

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1 Katon Drive legally described as Plat of Lot 3R-1 revised of Katon Subdivision formerly Lot 3R-1 of Katon Subdivision, Lot AB1 of Placer 58, Lot AB1 of Placer Claim 57 and Lot 1 of the subdivision of Tract E-1 being a portion of Placer M.S. 57, Placer M.S. 58 and Hillside Placer M.S. 749 located in the SE 1/4 of Section 27, T5N, R3E, B.H.M. City of Deadwood, Lawrence County, South Dakota. (Reviewed by Planning & Zoning Commission on July 3, 2024.) Roll Call: Aye-All. Motion carried.

Purchase

Public Works Director spoke about the purchase. Struble moved, Martinisko seconded to allow the Mayor to sign purchase order with Sanitation Products in an amount not to exceed \$342,440.00 (Sourcewell pricing) for the purchase of a 2025 Freightliner/Vactor M2106/Impact truck. (To be paid by 2025 Sewer equipment line item.) Roll Call: Aye-All. Motion carried.

Purchase

Fire Chief Hamann spoke about the purchase. Struble moved, Martinisko seconded to allow Fire Department to purchase six tires From Triple K Tire for the Tender 9 truck in an amount not to exceed \$3,772.50 including installation. (To be paid from Fire Dept. supply line item.) Roll Call: Aye-All. Motion carried.

Purchase

Hamann spoke about the purchase and spoke about the shipping cost. Martinisko moved, Johnson seconded to allow Fire Dept. to purchase six MSA SCBA cylinders from Macqueen Equipment in an amount not to exceed \$8,798.56. (To be paid by Fire Dept. equipment line item.) Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

- A. Next City Commission meeting will be held Tuesday, September 3, 2024 due to the observance of Labor Day.

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, Johnsons seconded to adjourn the regular session at 5:37 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 Tuesday, September 3, 2024 at 5:00 p.m.

After coming out of executive session at 5:53 p.m.,

Martinisko moved, Johnson seconded to accept the resignation of Police Officer Danielle Lemonis effective August 12, 2024. Roll Call: Aye-All. Motion carried.

Joesph moved, Martinisko seconded to approve Resolution 2014-19 resolution to establish Ordinance Creating the City of Deadwood Code of Conduct for Elected Officials. Roll Call: Aye-All. Motion carried.

RESOLUTION 2024-19

A RESOLUTION ESTABLISHING AN ORDINANCE CREATING THE CITY OF DEADWOOD CODE OF CONDUCT FOR ELECTED OFFICIALS

WHEREAS, the City of Deadwood (the "City") believes it is in the best interest of the City to establish various policies and procedures pertaining to the conduct expected of its elected officials (the "Code of Conduct"); and

WHEREAS, the adopted policies and procedures address a number of specific requirements pertaining to the City's expectations regarding the conduct of its elected officials; and

WHEREAS, the City desires to establish a Code of Conduct allowing for a due process procedure in the event an allegation is made pursuant to the Code of Conduct; and

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WHEREAS, a due process procedure would provide notice and an opportunity to be heard to any elected official affected by an allegation under the Code of Conduct; and

WHEREAS, the City of Deadwood deems it is in the best interests of the City and its elected officials to incorporate a due process procedure into the Code of Conduct.

NOW, THEREFORE, BE IT RESOLVED by the City of Deadwood that there is hereby established a Code of Conduct for Elected Officials, set forth as Deadwood Municipal Ordinance 2.04.05 which in its entirety will be Ordinance 1405.

Dated this 19th day of August, 2024

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

Martinisko moved/Joseph seconded to advertise in-house for 5 days and with outside sources for one full-time police officer position. (\$26.79 per hour for Certified and \$24.22 for Non-Certified)

Martinisko moved, Struble seconded to adjourn.

ATTEST:

DATE: _____

Jessica McKeown, Finance Officer

BY: _____
David Ruth Jr., Mayor

Published once at the total approximate cost of _____