

REGULAR MEETING, SEPTEMBER 3, 2024

The Regular Session of the Deadwood City Commission convened on Monday, September 3, 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

Struble moved, Joseph seconded to approve the minutes of September 3, 2024. Roll Call: Aye-All. Motion carried.

APROVAL OF DISBURSEMENTS

Finance Officer McKeown spoke about correction to vendor name. Johnson moved, Martinisko seconded to approve the September 16, 2024 disbursements as amended. Roll Call: Aye-All. Motion carried.

A & B BUSINESS SOLUTIONS	CONTRACT	98.22
A-Z SHREDDING	SERVICE	18.24
ACE HARDWARE	SUPPLIES	364.92
ALBERTSON ENGINEERING	PROJECT	15,808.91
ALPINE IMPRESSIONS	SERVICE	202.00
AMAZON CAPITAL	SUPPLIES	1,667.80
AMERICAN ENGINEERING TESTING	PROJECT	2,963.50
ASSOCIATION OF SD MUSEUMS	MEMBERSHIP	100.00
AVID4 ENGINEERING	SERVICE	687.50
BH CHEMICAL	SUPPLIES	792.54
BH ENERGY	SERVICE	32,347.01
BH PIONEER	SERVICE	1,561.23
BH SANITATION	SERVICE	140.00
BH SPECIAL SERVICES	CLEANING	2,950.00
BOEN, RENEE	SERVICE	1,600.00
BORDER STATES INDUSTRIES	SUPPLIES	2,966.90
BRIMAR INDUSTRIES	SUPPLIES	1,018.50
CASEY PETERSON	SERVICE	32,269.39
CHAINSAW CENTER	SERVICE	115.00
CULLIGAN	SUPPLIES	151.80
DAKOTA DRAIN DOCTOR	SERVICE	280.00
DARK CANYON COFFEE	SUPPLIES	59.75
DAYS OF '76	REFUND	4,700.00
DEADWOOD ALIVE	SEPT	20,000.00
DEADWOOD CHAMBER	BILL LIST	169,121.78
DEADWOOD CHAMBER - OUTLAW	BID #9	90,000.00
DEADWOOD ELECTRIC	SERVICE	213.73
DOG WASTE DEPOT	SUPPLIES	359.92
ECOLAB	SERVICE	182.25
ENVIRONMENTAL EQUIPMENT	SUPPLIES	581.83
FELD FIRE	SERVICE	1,097.00
FIB CREDIT CARDS	SUPPLIES	1,948.51
FIRST NET	SERVICE	240.24
FMG ENGINEERING	PROJECT	9,825.00
GALLS	UNIFORMS	357.08
GOLDEN WEST INDUSTRIAL	SUPPLIES	500.29
GOLDEN WEST	SERVICE	5,396.48
GOODE, BONITA	REFUND	25.00
GUNDERSON, PALMER, NELSON	SERVICE	3,690.00
HAMANN, ALEX	MEETINGS	140.00
INTERSTATE BATTERY	SUPPLIES	106.70
IPS GROUP	SERVICE	10,926.58
JOHANNEMANN, JOHN	REFUND	125.00
K4 TRAILS	PROJECT	45,237.50
KETEL THORSTENSON	SERVICE	35,848.81
KIMBALL MIDWEST	SUPPLIES	396.00
KNECHT HOME CENTER	SUPPLIES	103.92
KONE CHICAGO	MAINTENANCE	564.03
LAWRENCE CO. REGISTER	SERVICE	30.00
LAWRENCE CO. TEEN COURT	ALLOCATION	8,500.00
LEAD-DEADWOOD SANITARY	SERVICE	33,618.33
LYNN'S	SUPPLIES	24.79
MACQUEEN EMERGENCY	SUPPLIES	8,758.26
METERING & TECHNOLOGY	SUPPLIES	3,370.58
MICROSOFT	SERVICE	867.35
MID-AMERICAN RESEARCH	SUPPLIES	264.30
MIDWEST TAPE	SUPPLIES	200.03
MORRISON, RONDA	SERVICE	1,680.00
MUTUAL OF OMAHA	INSURANCE	362.14
NFPA	MEMBERSHIP	225.00
NHS OF THE BLACK HILLS	CONTRACT	3,459.25
NORTHWEST PIPE FITTINGS	SUPPLIES	1,006.40
ONSITE FIRST AID	SUPPLIES	380.76
OWENS, KEN	GRANT	4,000.00
PATRIOT PAINTING	PROJECT	9,143.33
RASMUSSEN MECHANICAL	SERVICE	203.00
RCS CONSTRUCTION	PROJECT	23,490.00
ROGERS CONSTRUCTION	PROJECT	84,106.56
SAFE LIFE DEFENSE	UNIFORMS	494.10
SANDER SANITATION	SERVICE	14,334.16
SD COMMISSION ON GAMING	CITY SLOTS	32,386.36

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SD DEPT OF REVENUE	TAX	9,367.63
SD PUBLIC ASSURANCE ALLIANCE	RENEWAL	210,798.55
SERVALL	SUPPLIES	1,746.00
SNAP-ON TOOLS	SUPPLIES	140.00
SODAK TITLE	SERVICE	120.00
SOUTHSIDE OIL	FUEL	16,881.93
SOUTHSIDE SERVICE	SERVICE	80.00
STRETCH'S	SERVICE	656.92
STURDEVANT'S	SUPPLIES	2,537.52
SUMMIT SIGNS AND SUPPLY	SERVICE	240.00
TALLGRASS	PROJECT	2,520.00
THE HANDY MAN	PROJECT	12,677.61
TOMS, DON	PROJECT	600.00
TRUGREEN CHEM-LAWN	SERVICE	4,682.38
TWIN CITY HARDWARE	SUPPLIES	1,485.92
TWIN CITY HARDWARE	GRANTS	4,069.99
TWIN CITY HARDWARE	GRANTS	2,448.68
TWISTED PINES DESIGN	SERVICE	67.50
VERIZON CONNECT	SERVICE	92.95
VICTOR STANLEY	BENCHES	18,101.00
VIGILANT BUSINESS	TESTING	501.25
WARNE CHEMICAL	SUPPLIES	1,900.00
WELLMARK	INSURANCE	47,787.14
WESTERN COMMUNICATIONS	SUPPLIES	115.45

Total \$1,070,373.98

ITEMS FROM CITIZENS ON AGENDA

Proclamations

The Mayor read a proclamation declaring Friday, November 1, 2024 as Mike Rodman Day in the City of Deadwood. George Milos, Deadwood Gaming Association Director, thanked the Commission.

CONSENT

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

- A. Permission to hire seasonal archives intern Holden Owens at \$16.00 per hour effective September 17, 2024 pending pre-employment screening.
- B. Permission to accept resignation from seasonal Mt. Moriah ticket booth attendant Sandra Parson effective September 16, 2024.
- C. Permission to advertise in-house for 5 days for part-time (25 hours per week) Library Assistant II position at \$16.65 per hour.
- D. Permission to advertise in-house, until filled, for weekend assistant trolley manager per guidelines set forth in City of Deadwood policy 5.12.
- E. Permission for Jessica Tolar to attend the SD Library Association Annual Conference in Aberdeen, September 24-27, 2024 at a cost not to exceed \$560.
- F. Add Austin Lang effective August 8, 2024 to the Volunteer Fire Department Roster for worker's compensation purposes.
- G. Permission for Mayor to sign Oakridge Cemetery Certificate of Purchase and Warranty Deeds for Jon and Barb Mattson.
- H. Permission to approve Construction Change Order #1 for the Welcome Center Trail Reconstruction project with RCI Construction, Inc. in the amount of \$12,857.06 for additional work added to the project bringing total project cost to \$711,357.06. (To be paid from HP Capital Assets Budget)
- I. Permission to pay Brandon Industries, Inc. an amount of \$10,821.95 for the necessary traffic control sign package associated with the Whitewood Creek Restoration project along Water Street and Sherman Parking Lot. (To be paid from FEMA project budget).
- J. Permission to repair the 2018 Chevrolet Colorado hail damage at a cost of \$7,506.00 with Pin Point PDR. (To be paid from Building Inspector repair line item.)
- K. Permission to purchase up to 5,600 gallons of non-ethanol fuel from Southside Service at a cost of \$3.07 per gallon.
- L. Permission to purchase water meter backstock from Metering and Technology in the amount not to exceed \$6,597.10. (To be paid by Water supply budget)
- M. Approve Reserved Residential Parking on Adams Street for 18 Jefferson Street. (Recommendation from the Parking & Transportation Committee).
- N. Permission to pay Station Automation, Inc. for PSTrax software in the amount of \$2,700.00. (To be paid by Fire Dept. Professional Services.)

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- O. Permission for Mayor to sign annual parking lease with Shelly Bennett C/O United States Postal Service for one (1) parking spot located on Siever Street for a total of \$150.00 per month plus tax.
- P. Allow use of public property at the Rec Center for Deadwood Lead 76ers Swim Team Practice, Monday, September 23, 2024 through April, 2025. Use of 2-3 lanes. 3 lanes will be used when available.
- Q. Allow use of public property at the Rec Center for Deadwood Lead 76ers Swim Team meet on Friday, January 3 through Sunday, January 5, 2025.
- R. Allow use of public property at the Event Complex for Lead Deadwood Girls Softball Friday, June 13 through Sunday, June 15, 2025.
- S. Permission to pay Canyon Creek Concrete for City portion of drainage improvement between Fire Dept and KDSJ lot in the amount not to exceed \$8,962.26. (To be paid by Public Buildings improvements line item.)

BID ITEMS

Results

Mayor Ruth Jr. stated 2 bids were received for the repair of City retaining wall located at 48 and 52 Taylor Avenue on September 12, 2024 at 2:00 as advertised.

Hoskinson Contracting - \$67,346.40
RCS Construction - \$124,000.00

Planning, Zoning and Historic Preservation Officer Kuchenbecker recommends approval to low bidder Hoskinson Contracting. Martinisko moved, Johnson seconded to award City retaining wall located at 48 and 52 Taylor Avenue to Hoskinson Contracting in the amount of \$67,346.40
Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Second Reading

McKeown stated no changes between first and second reading. Struble moved, Martinisko seconded to approve Second Reading of Ordinance #1404 Amending Chapter 2.04.060 Agenda.
Roll Call: Aye-All. Motion carried.

Second Reading

McKeown stated no changes between first and second reading. Joseph moved, Struble seconded to approve Second Reading of Ordinance #1405 Creating Chapter 2.04.05 Code of Conduct for Elected Officials as amended. Roll Call: Aye-All. Motion carried.

First Reading

Kuchenbecker spoke about the ordinance.
Martinisko moved, Johnson seconded to approve First Reading of Ordinance #1406 Amending Chapter 12.08 Sidewalk Construction and Repair. Roll Call: Aye-All. Motion carried.

Resolution

McKeown spoke about the vehicle. Martinisko moved, Johnson seconded to approve Resolution 2024-21 Surplus Property. Roll Call: Aye-All. Motion carried.

**RESOLUTION NO. 2024-21
TO DECLARE THE FOLLOWING SURPLUS PROPERTY**

BE IT RESOLVED by the Deadwood City Commission that the City of Deadwood approve the following property be declared surplus and disposed of according to state statutes, including disposal, sale or trade-in on new equipment:

2020 Ram Promaster 1500 - VIN#3C6TRVNG5LE146211

Dated this 16th day of September, 2024

ATTEST:
/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD
/s/ David Ruth Jr., Mayor

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Resolution

McKeown spoke about the Resolution. Struble moved, Martinisko seconded to approve Resolution 2024-22 Initiated Measure 28. Commissioner Martinisko encourages voters to become educated. Roll Call: Aye-All. Motion carried.

**RESOLUTION NO. 2024-22
CITY OF DEADWOOD, SOUTH DAKOTA**

WHEREAS Initiated Measure 28 was certified for the November 2024 General Election Ballot by the South Dakota Secretary of State;
WHEREAS Initiated Measure 28, if passed, would remove state, municipal and tribal taxes on all items sold for human consumption except alcohol and prepared food;
WHEREAS “human consumption” is undefined in South Dakota Codified Law or the South Dakota Constitution. Black’s Law Dictionary defines “consumption” as “the act of destroying a thing by using it; the use of a thing in a way that exhausts it.”;
WHEREAS South Dakota Codified Law 34-45-1(7) defines tobacco products as “any item made of tobacco intended for human consumption, including cigarettes, cigars, pipe tobacco, and smokeless tobacco, and vapor products as defined in § 34-46-20.”;
WHEREAS South Dakota Codified Law 10-52-2 allows incorporated municipalities to impose a tax on the sale, use, storage and consumption of items that conform in all respects to the state tax on such items up to two percent;
WHEREAS the Attorney General’s explanation of the measure states legislative or judicial clarification would be needed if the measure passes;
WHEREAS The City of Deadwood levies a two-percent sales tax and collected \$4,715,145 in the 2023 fiscal year and \$2,952,68 year-to-date in the 2024 fiscal year;
WHEREAS The City of Deadwood estimates annual lost revenue of \$380,000.00. To \$460,000.00 unless Initiated Measure 28 is rejected by voters in South Dakota.
NOW, THEREFORE, BE IT RESOLVED, by the City Commission of Deadwood, that Initiated Measure 28 would negatively impact the municipal budget in our community.

Dated this 16th day of September, 2024

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

Certification

McKeown spoke about the budget and tax levy. Joseph moved, Struble seconded to allow Mayor and Finance Officer to sign Certification of Municipal Tax Levy for Fiscal Year 2025. Roll Call: Aye-All. Motion carried.

Plat

Kuchenbecker spoke about the plat. Martinisko moved, Struble seconded to Act as Board of Adjustment and approve application for Plat to adjust lot lines and subdivide parcel at 15 Forest Avenue owned by Adrian Newkirk. Legally described as Plat of Lots 5A, 9A, and 9B Block P, Original Townsite, formerly Lots 5, 6, 7, 8 and a portion of Lot 9, Block P City of Deadwood, Lawrence County, South Dakota. (Approved by the Planning and Zoning Commission on September 4, 2024.) Roll Call: Aye-All. Motion carried.

Permit

Kuchenbecker spoke about the permit. Struble moved, Joseph seconded to approve Findings of Face and Conclusion for Conditional Use Permit – Vacation Home Establishment at 29 Lee Street (B.Kusser) with the following conditions: the conditional use permit runs with the applicant and not the land, proof of sales tax license number, building inspector has inspected the building, commercial city water and sewer rates apply, proper paperwork is filed with the finance office for BID taxes, a city business license has been issued, a lodging license from SD Dept. of Health has been obtained, all parking shall be off street, the vacation home establishment shall be limited to the second floor and the ground level used as retail space. Legally described as Lot B in Block 8 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 and Board of Adjustment on May 20, 2024.) Roll Call: Aye-All. Motion carried.

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Quotes

Kuchenbecker spoke about the project. Martinisko moved, Struble seconded to allow City staff to obtain quotes on retaining wall project for 5 Harrison after two unsuccessful attempts to get competitive bids within engineer’s estimate.

Roll Call: Aye-All. Motion carried.

Contract

McKeown spoke about the contract and a supplement will be forthcoming. Martinisko moved, Johnson seconded to allow Mayor to sign contract with Arapahoe Roofing & Sheet Metal, Inc. in the amount of \$393,748.00 for damages to Adams House from 2019 hail storm. Roll Call: Aye-All. Motion carried.

Contract

Kuchenbecker spoke about the project. Johnson moved, Martinisko seconded to enter into contract with Tallgrass Landscape Architecture in the amount of \$17,356.00 for 2025 Mt. Moriah Cemetery project. (To be paid by Historic Cemetery Professional Services line item.)

Roll Call: Aye-All. Motion carried.

Hire

Kuchenbecker spoke about the project. Martinisko moved, Johnson seconded to hire Tree Wise Men for Whitewood Creek clean up, from Railroad parking lot (box culvert) to Day of ’76 campground in an amount not to exceed \$54,000.00. (To b paid by Parks-CIP Whitewood Creek line item.) Roll Call: Aye-All. Motion carried.

Quote

Public Works Director Stalder spoke about the purchase. Joseph moved, Martinisko seconded to allow Recreation Manager to sign quote with Life Fitness for the purchase of new exercise equipment in an amount not to exceed \$62,611.77. (To be paid by Rec Center equipment line item which includes offset of donation received.) Commission thanked Business Improvement Districts for their donation. Roll Call: Aye-All. Motion carried.

Purchase

Police Chief Shafer spoke about the purchase. Martinisko moved, Struble seconded to purchase 2022 Dodge Charger from Wareing Belle Fourche in the amount of \$39,249.00. (To be paid by Police equipment line item.) Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

- A. Raffle permit received from Lead Deadwood Youth Football & Cheer Association. Date of raffle drawing not yet scheduled.

Wyatt Lesmeister, Legislator at Large for South Dakota 4H Legislator, asked the Commission to consider a proclamation proclaiming a 4H week for 2024. Mayor Ruth stated the proclamation will be on the next agenda.

Attorney Riggins requested Executive Session for legal matters per SDCL 1-25-2(3), personnel matters per SDCL 1-25(1) and Union negotiations per SDCL 1-25-2(4) w/ possible action.

ADJOURNMENT

Joseph moved, Johnson seconded to adjourn the regular session at 5:31 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3), personnel matters per SDCL 1-25(1) and Union negotiations per SDCL 1-25-2(4) w/ possible action. The next regular meeting will be on Monday, October 7, 2024 at 5:00 p.m.

After coming out of executive session at 6:04 p.m., Martinisko moved, Joseph seconded to adjourn.

ATTEST: _____ DATE: _____

Jessica McKeown, Finance Officer
Published once at the total approximate cost of _____

BY: David Ruth Jr., Mayor