

**REGULAR MEETING, APRIL 3, 2023**

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

Struble moved, Todd seconded to approve the minutes March 20, 2023. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson second to approve the Board of Equalization minutes of March 20, 2023. Roll Call: Aye-All. Motion carried.

**MARCH, 2023 PAYROLL:** COMMISSION, \$3,692.28; FINANCE, \$24,136.18; PUBLIC BUILDINGS, \$6,969.25; POLICE, \$93,789.26; FIRE, \$5,479.08; BUILDING INSPECTION, \$4,852.40; STREETS, \$35,293.16; PARKS, \$27,798.75; LIBRARY, \$8,081.40; RECREATION CENTER, \$20,340.87; HISTORIC PRESERVATION, \$23,225.68; WATER, \$18,069.64; PARKING METER, \$14,682.41; TROLLEY, \$16,740.83; PARKING RAMP, \$3,097.00.  
**PAYROLL TOTAL: \$306,248.19.**

**MARCH, 2023 PAYROLL PAYMENTS:**

Internal Revenue Service, \$74,316.08; S.D. Retirement System, \$34,798.82; Delta Dental, \$4,144.70.

**APROVAL OF DISBURSEMENTS**

Martinisko moved, Struble seconded to approve the April 3, 2023 disbursements as amended. Roll Call: Aye-All. Motion carried.

A & B BUSINESS SOLUTIONS	CONTRACT	608.60
A & B WELDING	SERVICE	211.97
AASLH MEMBERSHIP SERVICES	MEMBERSHIP	118.00
ACE HARDWARE	SUPPLIES	30.93
ALSCO	SUPPLIES	987.38
AMAZON CAPITAL	SUPPLIES	793.93
AMERICAN RED CROSS TRAINING	SUPPLIES	108.00
BIG STATE INDUSTRIAL SUPPL	SUPPLIES	1,210.02
BH CHEMICAL	SUPPLIES	884.96
BH ENERGY	SERVICE	31,727.65
BH MINING MUSEUM	GRANT	3,375.37
BH SECURITY	SERVICE	2,907.00
BLUEPEAK	SERVICE	4,180.58
BOMGAARS	SUPPLIES	43.96
BRANDON INDUSTRIES	SUPPLIES	2,061.00
BUTLER MACHINERY	SUPPLIES	291.52
CARROT-TOP INDUSTRIES	SUPPLIES	595.78
CENGAGE LEARNING	SUPPLIES	172.97
CHAINSAW CENTER	SUPPLIES	169.95
CIVICPLUS	RENEWAL	2,400.00
COMPUTER SUPPORT SERVICES	REPAIR	247.24
DEADWOOD ALIVE	MARCH	10,000.00
DEADWOOD CHAMBER	REFUND	850.00
DEADWOOD ELECTRIC	SERVICE	242.15
DEADWOOD GAMING	BID #8	10,000.00
DRINGMAN, PAT	REIMBURSEMENT	33.62
E.T. SPORTS	SUPPLIES	55.98
EAGLE ENTERPRISES	SUPPLIES	471.52
ESRI	RENEWAL	18,210.00
FIERRO, CRISTIAN	REIMBURSEMENT	43.90
FIRST INTERSTATE BANK	TIF #8	216,428.07
FIRST NET	SERVICE	240.24
GEARGRID CORPORATION	SUPPLIES	2,581.00
GENPRO ENERGY SOLUTIONS	SERVICE	895.88
GRIMM'S PUMP	REPAIR	427.04
HAWKINS	SUPPLIES	1,445.20
HI-VIZ SAFETY WEAR	SUPPLIES	644.61
JLG ARCHITECTS	PROJECT	16,720.03
LAWRENCE CO. REGISTER	SERVICE	60.00
LIBERTY NATIONAL BANK	TIF #9	150,017.60
LOU LOU'S BOMBDIGGITIES	MEETING	32.00
MARCO	CONTRACT	161.48
MASONIC CENTER ASSOCIATION	GRANT	9,639.31
METERING & TECHNOLOGY	SUPPLIES	4,138.31
MICROSOFT	SUPPORT	644.57
MID-AMERICAN RESEARCH CHEM	SUPPLIES	369.19
MILE UP MARKETING SOLUTION	BID #8	5,796.80
MDU	SERVICE	17,313.65
MS MAIL	SERVICE	994.89
NORTHWEST PIPE FITTINGS	SUPPLIES	238.92
OLSON, JAMES RICHARD	REIMBSEMENT	50.00

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OWENS INTERSTATE SALES	SUPPLIES	81.96
QUILL	SUPPLIES	145.32
RASMUSSEN MECHANICAL	SERVICE	2,546.60
S AND C CLEANERS	CLEANING	8,738.00
SD DEPT. OF REVENUE	LICENSE	75.00
SD POLICE CHIEFS' ASSOCIATION	MEMBERSHIP	147.00
SD PUBLIC HEALTH LAB	TESTING	30.00
SMITHSONIAN	MEMBERSHIP	34.00
SOUTHSIDE OIL	FUEL	16,555.00
SOUTHSIDE SERVICE	SERVICE	41.38
STURDEVANT'S	SUPPLIES	2,611.98
STURGIS RESPONDER SUPPLY	UNIFORMS	1,657.75
SYMBOLARTS	UNIFORMS	240.00
TEAM LABORATORY CHEMICAL	SUPPLIES	732.50
TOMS, DON	PROJECT	600.00
TOWEY DESIGN GROUP	PROJECT	13,453.02
TRIPLE K	REPAIRS	59.98
TWIN CITY HARDWARE	SUPPLIES	1,950.97
ULINE	SUPPLIES	2,751.67
USA BLUEBOOK	SUPPLIES	176.99
VERIZON WIRELESS	SERVICE	747.77
VIEHAUSER ENTERPRISES	SERVICE	7,656.94
VIGILANT BUSINESS SOLUTION	SCREENING	1,444.50
WESTERN LEGACY FOUNDATION	BID #8	25,000.00
		Total \$609,351.10

**ITESMS FROM CITIZENS ON AGENDA**

**Proclamations**

The Mayor read a proclamation declaring Saturday, May 13, 2023 as Keone Young Day in the City of Deadwood.

**CONSENT**

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

- A. Approve Resolution 2023-08 Declare Surplus Duty Weapon.

**RESOLUTION NO. 2023-08  
TO DECLARE THE FOLLOWING SURPLUS PROPERTY**

**BE IT RESOLVED** by the Deadwood City Commission that the City of Deadwood approved the following be declared surplus and donated to retiree.

**Sig Sauer P226 Elite Pistol – 47A190676**

Dated this 3rd day of April, 2023

ATTEST: CITY OF DEADWOOD  
/s/ Jessica McKeown, Finance Officer /s/ David Ruth Jr., Mayor

- B. Resolution 2023-09 In Support of Application to Occupy SD Department of Transportation Highway Right of Way for Days of '76 Parade July 28 and 29, 2023.

**RESOLUTION 2023-09  
RESOLUTION IN SUPPORT OF APPLICATION TO OCCUPY  
S.D. DEPARTMENT OF TRANSPORTATION HIGHWAY RIGHT-OF-WAY  
WITHIN DEADWOOD CORPORATE LIMITS**

**WHEREAS**, the City of Deadwood (CITY) will be home to the 101<sup>st</sup> Annual Days of '76 Celebration on July 28th through July 29th, 2023; and,

**WHEREAS**, the Days of '76 Parade is a time honored tradition during the Celebration; and,

**WHEREAS**, the size and popularity of the parade is such that CITY deems it necessary to block traffic along the parade route; and,

**WHEREAS**, State of South Dakota Highways 14A and 85 are located within the corporate limits of CITY and are affected by said closure; and,

**WHEREAS**, CITY herewith is submitting an application to the South Dakota Department of Transportation (SDDOT) for permit to occupy right-of-way for those portions of S.D. Highways 14A and 85 within the corporate limits of CITY on July 28, 2023, beginning at 1:15 p.m. until the end of the parade, and on July 29, 2023, beginning at 9:45 a.m. until the end of the parade; and,

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**WHEREAS**, by submission of the application for permit to occupy right-of-way, CITY agrees to provide protection to highway traffic during occupancy by use of proper signs, barricades, flag persons, and lights as prescribed in the “Manual of Uniform Traffic Control Devices”; and,

**WHEREAS**, CITY further agrees to indemnify, hold and save harmless the State of South Dakota, its Department of Transportation, its Officers and Employees, from any and all suits, actions or claims of any kind or nature brought because of any injuries or damage received or sustained by any person or property on account of the use or occupancy of right-of-way designated in this Resolution;

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Deadwood hereby supports the submission of the South Dakota Department of Transportation Application for Permit to Occupy Right-of-Way for the purpose described herein.

Dated this 3rd day of April, 2023

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

- C. Permission to hire Job Corp student Gavin (Chaske) Rucker as Historic Preservation Archival Intern at \$14.33 per hour effective April 28, 2023 pending pre-employment screening.
- D. Permission to hire Job Corp student Nicholas Melius as Historic Preservation Archival Intern at \$14.33 per hour effective April 6, 2023 pending pre-employment screening.
- E. Permission to accept resignation from Rec. Center receptionist, Bradley Morgan, effective March 27, 2023
- F. Permission to accept resignation of Community Service Officer Forrest Wilson effective April 4, 2023.
- G. Permission to advertise in-house for five days then in the official paper for Community Service Officer (CSO) at \$19.00 per hour. (D9 rank)
- H. Permission to accept resignation from Police Officer Verla Little effective April 15, 2023.
- I. Permission to advertise in-house for 5 days and then in official newspaper for two full-time police officer positions. (\$25.79 per hour for Certified and \$23.22 for Non-Certified.)
- J. Permission to accept resignation from Danny Stacy, Brian Swets and Justin Lux as part-time police officers effective March 30, 2023.
- K. Permission to accept retirement letter from Street Superintendent William Burleson, effective June 2, 2023. (26 years of service to the City of Deadwood)
- L. Permission to advertise in-house for 5 days and then in official newspaper for Streets Superintendent at \$27.00-\$29.00 per hour (D17-D19 rank) depending on education, experience and qualifications.
- M. Approve Special Alcohol License for Saloon #10 to serve liquor at Event Complex from noon to 10:00 p.m. Friday, June 9 and Saturday, June 10, 2023 for PBR Event. No public hearing necessary since license is on publicly owned property.
- N. Approve Special Liquor License for Cadillac Jacks to serve liquor at Event Complex on Friday, June 30 and Saturday, July 1, 2023 from 2:00 to 10:00 p.m. for Monsters of Destruction. No public hearing necessary since license is on publicly owned property.
- O. Allow use of public property for Lead Deadwood Youth Soccer at the Event Complex from March 12 through May 27, 2023 pending proof of insurance.
- P. Allow use of public property at the Event Complex for Lead Deadwood Youth Football and Cheer Tuesday, August 1 through Monday, October 30, 2023 pending proof of insurance
- Q. Permission to pay Days of '76 Museum invoice in the amount of \$2,500.00 for the 2023 Days of '76 Lakota Experience. (To be paid from the HP Public Education line item.)
- R. Permission to pay Rasmussen Mechanical in the amount of \$2,718.27 for HVAC parts at City Hall. (To be paid by Public Buildings Professional Services.)
- S. Permission to hire and pay Mid-American Research Chemical in the amount \$2,929.40 to refinish rec center gym floor. (To be paid from Bed & Booze Professional Services.)
- T. Acknowledge amount of \$120,000.00 given to City by Fuller Brother's to be dedicated to trails.

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- U. Permission for Finance Officer to sign engagement letter with Casey Peterson, LTD for professional services not to exceed \$20,000.00. (To be paid from Finance Professional Services.)

### **PUBLIC HEARINGS**

#### **License Transfer**

Public hearing was opened at 5:06 p.m. by Mayor Ruth Jr. Carolie and Seth Tautkus, Chubby Chipmunk, was available to answer questions. Hearing closed. Martinisko moved, Todd seconded to approve Retail (on-off sale) Malt Beverage & SD Farm Wine License transfer from Chubby Chipmunk Hand Dipped Chocolates to Carolle & Seth Tautkus dba Chubby Chipmunk at 420 Cliff Street. Roll Call: Aye-All. Motion carried.

#### **PBR**

Public hearing was opened at 5:07 p.m. by Mayor Ruth Jr. Sarah Kryger, Deadwood Chamber, was present to answer questions. Commissioner Martinisko questioned the deposit. The correct amount of the deposit was received. Hearing closed. Johnson moved, Struble seconded to approve street closure on Main Street from Lower Main Street at Pioneer Way to Pine Street and a portion of 14A from Lower Main Street to Event Complex from 1:00 p.m. until parade ends on Friday, July 28 and from 9:30 a.m. until parade ends on Saturday, July 29; open container Thursday, July 20 through Sunday July 30 from 7:00 a.m. to 2:00 a.m. daily at Event Complex; special full temporary liquor license on Sunday, July 23 through Saturday, July 29 from 8:00 a.m. to 10:00 p.m. daily at Event Complex; and waiver of user fees Wednesday, July 19 through Monday, July 31, 2023 at the Event Complex. Roll Call: Aye-All. Motion carried.

#### **Days of '76**

Public hearing was opened at 5:08 p.m. by Mayor Ruth Jr. Travis Rogers, Days of '76 Committee and Sarah Kryger, Deadwood Chamber, was present to answer questions. Hearing closed. Martinisko moved, Johnson seconded to approve street closure on Main Street from Lower Main Street at Pioneer Way to Pine Street and a portion of 14A from Lower Main Street to Event Complex from 1:00 p.m. until parade ends on Friday, July 28 and from 9:30 a.m. until parade ends on Saturday, July 29; open container Thursday, July 20 through Sunday July 30 from 7:00 a.m. to 2:00 a.m. daily at Event Complex; special full temporary liquor license on Sunday, July 23 through Saturday, July 29 from 8:00 a.m. to 10:00 p.m. daily at Event Complex; and waiver of user fees Wednesday, July 19 through Monday, July 31, 2023 at the Event Complex. Roll Call: Aye-All. Motion carried.

#### **Monsters of Destruction**

Public hearing was opened at 5:10 p.m. by Mayor Ruth Jr. Sarah Kryger, Deadwood Chamber, was present to answer questions. Hearing closed. Todd moved, Struble seconded to approve open container on Friday, June 30 and Saturday, July 1 from 2:00 p.m. to 10:00 p.m. at Event Complex; and waiver of user fees Thursday, June 29 through Sunday, July 2, 2023 at the Event Complex. Roll Call: Aye-All. Motion carried.

#### **Kool Deadwood Nites**

Public hearing was opened at 5:33 p.m. by Mayor Ruth Jr. Sarah Kryger, Deadwood Chamber, was present to answer questions. Hearing closed. seconded to approve street closure on Main Street from Wall to Deadwood at 2:15 p.m. Wednesday, August 23 to 2:00 a.m. Sunday, August 27; street closure on Siever Street on Thursday, August 24 from 5:00 p.m. to 10:00 p.m.; street closure on Main Street from Deadwood to Pine street on Thursday, August 24 from 3:00 p.m. to 10:00 p.m.; street closure on Main Street from Deadwood to Pine Street on Friday, August 25 and Saturday, August 26 from 3:00 p.m. to 10:00 p.m. daily; street closure on Main Street from Lower Main Street at Pioneer Way to Pine Street from 8:00 a.m. to 3:00 p.m. for parade and Show and Shine on Sunday, August 27; open container in Zones 1 and 2 on Wednesday, August 23 from 5:00 p.m. to 10:00 p.m., Thursday, August 24 from noon to 10:00 p.m., Friday, August 25 from noon to 10:00 p.m., Saturday, August 26 from noon to 10:00 p.m. and Sunday, August 27 from noon to 10:00 p.m.; waiver of banner fees Thursday August 24 through Sunday, August 27; waiver of vending fees for the following non-profits: Deadwood Chamber and American Legion Wednesday, August 23 through Sunday, August 27; waiver of vending fees for Napa at Welcome Center Lot Thursday, August 24 through Saturday, August 26; use of Interpretive Lot 2:00 a.m. Thursday, August 24 to 2:00 p.m. Sunday, August 27; use of Welcome Center Lot 6:00 a.m. Wednesday, August 23 to 10:00 p.m. Saturday, August 26; and use of Event Complex,

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Friday, August 25 through Sunday August 27; Main Street parking on Thursday, August 24 to Saturday, August 26 from 10:00 a.m. to 10:00 p.m. daily. Roll Call: Aye-All. Motion carried.

### **NEW BUSINESS**

#### **Second Reading**

Finance Officer McKeown stated no changes between first and second reading. Martinisko moved, Struble seconded to approve Second Reading of Ordinance #1365 Budget Supplement #1 for 2023. Roll Call: Aye-All. Motion carried.

#### **Resolution**

Historic Preservation Officer Kuchenbecker stated this is necessary that authorizes the city to apply for the grant. Struble moved, Todd seconded to approve Resolution 2023-10 Resolution of support and authorizing submittal of a South Dakota Recreation Trails Program Grant application to aid in financing the Deadwood Hill Trailhead Parking area. Roll Call: Aye-All. Motion carried.

### **RESOLUTION 2023-10**

#### **A RESOLUTION OF SUPPORT AND AUTHORIZING SUBMITTAL OF A SOUTH DAKOTA RECREATIONAL TRAILS PROGRAM GRANT APPLICATION TO AID IN FINANCING THE DEADWOOD HILL TRAILHEAD PARKING AREA**

WHEREAS, the United States of America and the State of South Dakota have authorized the making of grants from the Recreational Trails Program (RTP) to public bodies to aid in financing the acquisition and/or construction of specific public outdoor recreational trails projects;

WHEREAS, the Deadwood Hill Trailhead Parking Area would be a desirable improvement for creating needed parking for the many vehicles and motorized recreational equipment that use Deadwood as a trailhead for the many outdoor recreation opportunities in the vicinity;

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Deadwood:

1. That the Mayor is hereby authorized to execute and file an application on behalf of the City of Deadwood with the State of South Dakota, Department of Game, Fish and Parks, Division of Parks and Recreation, for a RTP grant to aid in financing the Deadwood Hill Trailhead Parking Area for the City of Deadwood, South Dakota, and its Environs.
2. That the Mayor is hereby authorized and directed to furnish such information as the above mentioned federal and/or state agencies may reasonably request in connection with the application which is hereby authorized to be filed.
3. That the City of Deadwood shall provide a minimum of 20% of the total cost of the project; and, will assume all responsibility in the operation and maintenance of the project upon completion of construction, for the reasonable life expectancy of the facility.

Dated this 3rd day of April, 2023

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

#### **First Reading**

McKeown stated this ordinance indicates the amount for the Recreational Trails Program Grant. Martinisko moved, Johnson seconded to approve First Reading of Ordinance #1366 Budget Supplement #2 for 2023. Roll Call: Aye-All. Motion carried.

#### **Resolution**

McKeown spoke about the transfers. Martinisko moved, Johnson seconded to approve Resolution 2023-11 Interfund Cash Transfers for 2023. Roll Call: Aye-All. Motion carried.

### **RESOLUTION 2023-11**

#### **A RESOLUTION TO MAKE THE FOLLOWING INTERFUND CASH TRANSFERS FOR THE YEAR 2023**

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Be it resolved by the Deadwood City Commission that the City of Deadwood approve the following inter-fund cash transfers, as budgeted, for the year 2023.

From Historic Preservation (Fund 0215) to General Fund (Fund 0101) for impact funds \$1,322,356.00. From Historic Preservation (Fund 0215) to Water Fund (Fund 0602) for impact funds \$160,814.00.

From BID 1-6 (0213), BID 7 (0214), BID 8 (0212) and BID 9 (0211) to General Fund (0101) for administration fees for Business Improvement Districts. \$10,000.00 each for a total of \$40,000.00

Dated this 3rd day of April, 2023

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

### **Permission**

Kuchenbecker spoke about the project. Johnson moved, Martinisko seconded to contract and pay Flat Earth Art Company in the amount of \$15,425.00 to repaint the six monument signs coming into Deadwood. Roll Call: Aye-All. Motion carried.

### **Pay**

Kuchenbecker spoke about transition from Amazon Web Services to Azure for maintenance. Martinisko moved, Johnson seconded to pay Golden West Technologies in the amount of \$7,262.50 to build a new Azure Infrastructure of ArcGIS. (To be paid from HP Professional Services.) Roll Call: Aye-All. Motion carried.

### **Purchase**

Kuchenbecker spoke about the purchase, two will be reimbursed. Struble moved, Todd seconded to purchase five interpretive panels from Pannier Graphics in the amount of \$3,900.00. (To be paid from HP Public Education line item.) Roll Call: Aye-All. Motion carried.

### **Grant**

Kuchenbecker spoke about the grant. Struble moved, Martinisko seconded accept Black Hills Post 5969 VFW into the Not-for-Profit Grant Program to replace HVAC System in the amount of \$28,824.00. Roll Call: Aye-All. Motion carried.

## **INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS**

- A. Kuchenbecker gave an update on the findings and directions from Short-Term Rental Task Force. He thanked the members of the taskforce. He stated there are three types of short-term rentals which are: specialty resorts, bed and breakfast and vacation homes establishments. Regulations for bed and breakfast establishments will be updated under Chapter 17.53. Vacation home and specialty resorts establishments will still be prohibited in R1 and R2. Vacation home establishments will be limited to commercial highway. Ordinance will be forthcoming. Mayor Ruth thanked everyone who participated in the task force.

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 5:30 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 Monday, April 17, 2023 at 5:00 p.m.

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

ATTEST:

DATE: \_\_\_\_\_

\_\_\_\_\_

BY: \_\_\_\_\_

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Jessicca McKeown, Finance Officer

David Ruth Jr., Mayor

Published once at the total approximate cost of \_\_\_\_\_