

**REGULAR MEETING, May 2, 2022**

**SWEAR IN COMMISSIONERS**

City Attorney Riggins administered the Oath of Office to newly elected Mayor David Ruth Jr.

Mayor Ruth Jr. administered the Oath of Office to City Attorney Quentin L. Riggins.

The Regular Session of the Deadwood City Commission convened on Monday, May 2, 2022 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.

**COMMISSION DEPARTMENTAL APPOINTMENTS**

Mayor Ruth Jr. announced the following Commission appointments:  
David Ruth Jr. – Finance & Revenue Commissioner, Chamber of Commerce Representative;  
Sharon Martinisko – Public Works Utilities, Public Buildings and Council of Local Governments Representative;  
Gary Todd – Public Safety (Police and Fire) Commissioner and Commission President;  
Charlie Struble – Planning and Zoning, Historic Preservation Commissioner, Deadwood History Inc. Board Member, and Event Committee Chair;  
Michael Johnson – Recreation & Aquatics, Trolley Commissioner and Library Representative

**APPROVAL OF MINUTES**

Struble moved, Todd seconded to approve the minutes of April 18, 2022. Roll Call: Aye-All. Motion carried.

**APRIL, 2022 PAYROLL:** COMMISSION, \$2,730.76; FINANCE, \$20,764.20; PUBLIC BUILDINGS, \$15,176.41; POLICE, \$75,358.69; FIRE, \$5,919.96; BUILDING INSPECTION, \$4,512.80; STREETS, \$32,070.69; PARKS, \$22,789.29; PLANNING & ZONING, \$5,850.78; LIBRARY, \$6,609.95; RECREATION CENTER, \$19,173.22; HISTORIC PRESERVATION, \$20,612.84; WATER, \$16,478.60; PARKING METER, \$10,463.99; TROLLEY, \$13,612.38; PARKING RAMP, \$1,260.65. **PAYROLL TOTAL: \$273,385.21.**

**APRIL, 2022 PAYROLL PAYMENTS:**

Internal Revenue Service, \$64,995.15; S.D. Retirement System, \$32,301.00; Delta Dental, \$4,659.50.

**APPROVAL OF DISBURSEMENTS**

Martinisko moved, Struble seconded to approve the May 2, 2022 disbursements as amended. Roll Call: Aye-All. Motion carried.

A & B BUSINESS SOLUTIONS	CONTRACT	597.86
A & B WELDING	SERVICE	88.65
A & I DISTRIBUTORS	SUPPLIES	242.70
A - Z SHREDDING	SERVICE	15.40
ACE HARDWARE	SUPPLIES	21.73
ACE INDUSTRIAL SUPPLY	SUPPLIES	2,027.35
AINSWORTH-BENNING	PAY APP	10,568.28
ALSCO	SUPPLIES	1,894.48
AMAZON CAPITAL	SUPPLIES	1,319.29
AMERICAN LEGION EMBLEM	SUPPLIES	577.95
BALCO UNIFORM	UNIFORMS	111.00
BH CHEMICAL	SUPPLIES	578.87
BH TENT & AWNING	SUPPLIES	2,142.16
BH WINDOW CLEANING	SERVICE	2,287.00
BOMGAAR	SUPPLIES	653.99
CARTER FMX	BID 8	15,000.00
CIVICPLUS	RENEWAL	1,800.00
COCA COLA	SERVICE	841.00
COMPUTER SUPPORT SERVICES	SERVICE	231.00
CURTIS BLUE LINE	SUPPLIES	38.44
DEADWOOD ALIVE	BID 8	10,000.00
DEADWOOD GAMING	BID 8	10,000.00
DEER MOUNTAIN GUTTER	PROJECT	810.90
FASTENAL	SUPPLIES	299.36
FIRST INTERSTATE BANK	TIF	14,369.30
FIRST NET	SERVICE	213.40
FISHER BEVERAGE	SUPPLIES	45.00
GALLS	UNIFORMS	685.93
GARDNER CONSTRUCTION	PROJECT	5,568.75
GOLDEN WEST	SERVICE	517.78
GREEN, DAN	PROJECT	500.00
HAWKINS	SUPPLIES	1,341.89
HI-VIZ SAFETY WEAR	SUPPLIES	1,103.76

**REGULAR MEETING, May 2, 2022**

INTOXIMETERS	TESTING	880.50
JACOBS WELDING	SERVICE	590.43
KIESLER POLICE SUPPLY	AMMUNITION	1,130.46
KNECHT	SUPPLIES	354.82
LAKOTA CONTRACTING	UNIFORMS	413.45
LAWRENCE CO. REGISTER	SERVICE	60.00
LAWSON PRODUCTS	SUPPLIES	255.02
M & T FIRE AND SAFETY	EQUIPMENT	947.00
MARKERTEK VIDEO SUPPLY	SUPPLIES	652.90
MENARD'S	SUPPLIES	1,001.91
MIDWEST TAPE	SUPPLIES	116.69
MILE UP MARKETING SOLUTION	BID 8	1,698.69
MDU	SERVICE	11,671.06
MUNICODE	SUBSCRIPTION	295.00
MUTUAL OF OMAHA	INSURANCE	276.32
NHS OF THE BLACK HILLS	SERVICE	30.00
PETTY CASH	MT. MORIAH	1,000.00
PETTY CASH	HP/ZONING	104.20
QUADIENT FINANCE USA	POSTAGE	500.00
QUADIENT LEASING USA	SERVICE	245.46
QUILL	SUPPLIES	62.96
RAMKOTA HOTEL	CONFERENCE	77.00
RASMUSSEN MECHANICAL	SERVICE	3,319.00
RECREATION SUPPLY	SUPPLIES	233.90
S AND C CLEANERS	CLEANING	11,098.00
SCHMIDT, WILLIAM	PROJECT	1,835.00
SCOTT PETERSON MOTORS	SERVICE	1,037.12
SD DEPT. OF MOTOR VEHICLES	SERVICE	54.00
SD PUBLIC ASSURANCE ALLIANCE	SERVICE	1,569.16
SD PUBLIC HEALTH LAB	TESTING	30.00
SIMON MATERIALS	SUPPLIES	580.96
SMITHSONIAN	MEMBERSHIP	29.00
SOUTH DAKOTA 811	SERVICE	60.48
ST. JOSEPH CATHOLIC CHURCH	GRANT	10,000.00
SUMMIT SIGNS	SERVICE	246.00
THE FHT COMPANY	PROJECT	16,400.00
THE LORD'S CUPBOARD	RECYCLING	139.10
TWIN CITY HARDWARE	SUPPLIES	3,621.40
UMENTHUM, KEITH	PROJECT	737.46
VAST	SERVICE	3,637.52
VERIZON WIRELESS	SERVICE	748.41
VISIONARY LANDSCAPING	PROJECT	4,212.00
WELLMARK	INSURANCE	58,549.36
WESTERN LEGACY FOUNDATION	BID 8	20,000.00
WESTERN STATES FIRE	SERVICE	991.08

Total \$247,986.04

**ITEMS FROM CITIZENS ON AGENDA**

**Proclamations**

The Mayor read a proclamation declaring May 15 through May 21, 2022 as Police Week in Deadwood.

**CONSENT**

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

- A. Approve addendum to the Deadwood Recreation and Aquatics Center lifeguard training manual to include guidelines for 15-year-old lifeguards.
- B. Permission to hire Herbert Cowart as a Seasonal Trolley Driver at \$15.01 per hour pending pre-employment screening, effective May 18, 2022.
- C. Update previous request/approval Trolley Service for Deadwood Historic Preservation Office and Deadwood History's Archaeology Camp for Lead-Deadwood students to allow include June 10, 2022 making complete request of June 6-10, 2022 and June 13-16, 2022.
- D. Permission to pay Chamberlin Architects invoice for Days of '76 Grandstand Restroom project in the amount of \$4,384.60. (Expenditure part of approved budget for HP Capital Assets)
- E. Permission to pay Wheeler Lumber LLC invoice for lumber for repairs to the lower seating in the Days of '76 main grandstand in the amount of \$3,072.00 to be paid from the HP Capital Assets Rodeo Grounds line item.
- F. Permission to hire Wes Thompson and John D. Egemo as Mt. Moriah Ticket Booth Attendants at \$13.27 per hour effective May 9, 2022, pending pre-employment screening.
- G. Permission for the Mayor to sign loan agreement with USD Department of Anthropology & Sociology for Suds Row Archaeological Investigation for Historic Preservation Office archaeological equipment.

## **REGULAR MEETING, May 2, 2022**

- H. Permission to hire Dakota Barricade for traffic control devices to be used during the approach repair to the Railroad Parking Lot on Highway 14A in the amount of \$3,250.00. (To be paid from Streets repairs budget.)
- I. Permission to increase wage of Community Service Officer Tom Riley from \$19.39 per hour to \$20.47 per hour effective May 5, 2022 after one year of service.
- J. Approve application, fire safety checklist and safety guide for City of Deadwood Mobile Food and Beverage Vending Permit.
- K. Permission to hire Alison Ball as part-time Library Assistant II at \$13.27 per hour effective May 9, 2022 pending pre-employment screening.
- L. Permission to pay BlackStrap in the amount of \$3,949.40 for deicer. (To be paid for from Street supplies.)
- M. Permission to advertise in-house for 5 days (and then in official newspaper) for an additional Public Works Seasonal Tech position at \$15.39 per hour. (Two less parks seasonal positions will be filled.)
- N. Permission to pay Heiman Fire Equipment in the amount of \$5,204.96 for personal protection equipment for the fire department. (To be paid from Fire Dept. Equipment line item. Purchase was originally approved on June 15, 2020 but equipment was delayed due to COVID and not received until 2022.)
- O. Permission to hire Verla Little as a part-time patrol officer at \$23.22 per hour effective May 9, 2022, pending pre-employment screening.

## **BID ITEMS**

### **Results**

Mayor Ruth stated one bid was opened for Sampson Avenue Area Mill and Overlay Project as advertised. Bid bonds were included in the following bid submittals:

Simon Construction: \$282,218.00

Public Works Director Nelson Jr. spoke about the project. Martinisko moved, Johnson seconded to award Sampson Mill and Overlay Project to Simon Construction in the amount of \$282,218.00. Roll Call: Aye-All. Motion carried.

### **Acknowledge**

Commission acknowledged receipt of the following design teams for the Request for Proposals for the Miller Street Parking Garage: JLG Architects, TSP and Chamberlin Architects. Parking and Transportation Committee will review and make recommendation at a future City Commission meeting.

### **Advertise**

Struble moved, Martinisko seconded to advertise and accept bids for the 23 Centennial Avenue Retaining Wall with bids due on June 2 at 2:00 p.m. with results to City Commission on June 6, 2022. Roll Call: Aye-All. Motion carried.

Johnson moved, Martinisko seconded to advertise and accept bids for the 9 Shine Street Retaining Wall with bids due on June 2 at 2:00 p.m. with results to City Commission on June 6, 2022. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to deny to advertisement for 57 Forest Avenue Retaining Wall. Roll Call: Aye-All. Motion carried.

Struble moved, Todd seconded to advertise and accept bids for the 8 Jefferson Street Retaining Wall with bids due June 2 at 2:00 p.m. with results to City Commission on June 6, 2022. Roll Call: Aye-All. Motion carried.

## **REGULAR MEETING, May 2, 2022**

### **PUBLIC HEARINGS**

#### **Siever Street**

Public hearing was opened at 5:17 p.m. by Mayor Ruth Jr. Bobby Rock, Outlaw Square, was available to answer questions, hearing closed. Martinisko moved, Struble seconded to approve street closure on Siever Street during the Deadwood Live Series at Outlaw Square on the following dates and times: Thursday, May 26 at midnight through midnight on Sunday, May 29; Saturday, July 2 at midnight through midnight on Sunday, July 3; Thursday, July 7 at midnight through midnight on Saturday, July 9; Wednesday, August 3 at midnight through midnight on Thursday, August 4; Thursday, September 1 at midnight through midnight on Friday, September 2, 2022. Roll Call: Aye-All. Motion carried.

#### **Deadwood Live**

Public hearing was opened at 5:19p.m. by Mayor Ruth Jr. Bobby Rock, Outlaw Square, and Randy Brown, Deadwood Live, was available to answer questions. Commissioner Martinisko asked about the traffic plan which Chief Mertens addressed. Martinisko questioned why city should close a public street for a private event. Bobby Rock stated street is closed for safety reasons. Commissioner Todd received calls from concerned residents addressing safety issues up in the residential area of Williams Steet. Todd also is concerned about open container in zone 1 and 2. Commissioner Struble respects Martinisko and Todd's concerns. Planning and Zoning Administrator Russell spoke about a modified zone 1 option between Pine Street and Shine Street. Mayor Ruth Jr. asked Police Chief Mertens to address public safety issue. Chief Mertens addressed pedestrian safety and security issues. Mayor Ruth Jr. stated if locals do not want to pay for the tickets, they can still stand on the sidewalk in front of The Franklin and see the concert. He also stated Oswald Entertainment Group will pay the cost to have the Fire Hall staffed during the event. Commissioner Todd asked Police Chief Mertens about open container. Mertens stated that open container in zone 1 and 2 is easier to enforce with the resources on hand instead of every exit point. Mayor Ruth Jr. stated city is adapting to the needs of safety and the success of the event. Todd asked Fire Chief Hamann for his opinion from the Fire Department concerning public safety. Hamann stated a fire truck is tight but can get around the corner up Shrine with Main Street from Pine to Shrine Street closed. Commissioner Johnson commended Police Chief for addressing safety. Bill Decker, resident, asked about locals listening on the sidewalk at the Franklin and a public park being closed for a paid event. Bobby Rock, Director of Outlaw Square, understands all the concerns, appreciates, and respects them. He said there are 39 shows scheduled through September, 8 of them are ticketed and 5 requests a larger footprint. He said without those 8 shows, the Square is dependent of raising money. With the rental of the square, these shows are helping provide the free entertainment for citizens. Hearing closed. Struble moved, Ruth Jr. seconded to approve open container in zone 1 and 2 from 4:30 p.m. until 10:00 p.m. on Friday, May 27, Saturday May 28, and Sunday May 29; street closure on Deadwood Street from 7:00 a.m. on Friday, May 27 to 1:00 a.m. on Monday, May 30; street closure on Main Street from Pine to Shine Street after the 4:00 p.m. Deadwood Alive Street Performance on Friday, May 27 to 10:00 p.m. on Saturday, May 28, 2022.

Martinisko said she cannot approve the extension of the ticketed area on Main Street. Ruth Jr. stated the motion is just for street closure and open container, not approving the footprint. Struble asked when discussion of the perimeter will be addressed. Ruth Jr. stated in his opinion, the perimeter will be discussed between the Chief of Police and organizers. Martinisko takes exception to that because then the chief would be responsible to allow for the portion of the street being enclosed for paid customers. She said the commission authorized and agreed to the original footprint and now we are going to allow the chief to decide to use a public street for a paid event. Ruth Jr. stated he is looking at it from a safety point. Commissioner Todd stated his made his decision was listening to the residents, but after the discussion concerning safety reasons, he will respect the decision. Commission Johnson called the question. Roll Call: Aye-All. Motion carried.

#### **Liquor License**

Public hearing was opened at 5:54 p.m. by Mayor Ruth Jr. No one spoke in favor or against hearing closed. Johnson moved, Struble seconded to approve Retail (on sale) Liquor License transfer from Nugget Saloon, LLC to Broken Arrow Trading Company. Roll Call: Aye-All. Motion carried.

## **REGULAR MEETING, May 2, 2022**

### **Set**

Struble moved, Martinisko seconded to set public hearing on May 16 for Neighborhood Block Club's Community Picnic. Roll Call: Aye-All. Motion carried.

Johnson moved, Martinisko seconded to set public hearing on May 16 for Retail (on-off sale) Malt Beverage and Retail (on-off sale) Wine for Miriam Quiroz Diaz dba Michelle's Taco Deadwood at 622 Main Street. Roll Call: Aye-All. Motion carried.

Martinisko moved, Struble seconded to set public hearing on May 16 for Deadwood Live Event on July 3, 2022. Roll Call: Aye-All. Motion carried.

Johnson moved, Martinisko seconded to set public hearing on May 16 for Deadwood Live Event on July 8 and 9, 2022. Roll Call: Aye-All. Motion carried.

Martinisko moved, Struble seconded to set public hearing on May 16 for NAJA Shriners Beer-A-Thon and Craft Beer Festival. Roll Call: Aye-All. Motion carried.

Struble moved, Johnson seconded to set public hearing on May 16 for Days of '76 Events. Roll Call: Aye-All. Motion carried.

Martinisko moved, Todd seconded to set public hearing on May 16 for Deadwood Jam. Roll Call: Aye-All. Motion carried.

## **OLD BUSINESS**

### **Fuel Surcharge**

Mayor Ruth Jr. stated this was continued from April 18 and while we were discussing, the City of Lead was also discussing but both were addressing two different options. Amanda Morrison, Adams Salvage, stated Lead and Central City both approved the surcharge of \$5.00 residential and \$7.00 commercial, in addition to what was approved previous. Commission Martinisko questioned if there were conditions or exceptions. Morrison said no. Martinisko asked why the meeting that was recommended did not take place. Finance Officer McKeown stated the newspaper said there were stipulations. Morrison said the article provided was not very accurate. Martinisko moved, Todd seconded to deny the request of a temporary fuel surcharge. Commissioner Todd wants Adams Salvage to succeed but would like a meeting with all entities involved first and then discuss more. Roll Call: Aye-All. Motion carried.

## **NEW BUSINESS**

### **Second Reading**

Zoning Administrator Russell stated no changes between first and second reading. Martinisko moved, Struble seconded to approve second reading of Ordinance #1353 Chapter 5.06, Mobile Food and Beverage Vending permit. Roll Call: Aye-All. Motion carried.

### **Resolution 2022-10**

Finance Officer McKeown spoke about the permit and application. Martinisko moved, Johnson seconded to approve Resolution 2022-10 Mobile Food & Beverage Vending Permit and Application Fee. Roll Call: Aye-All. Motion carried.

### **Resolution 2022-10**

#### **A RESOLUTION SETTING FORTH RATES FOR USE BY THE CITY OF DEADWOOD.**

WHEREAS, the City Ordinances require certain use fees, charges for services and other designations to be established by resolution.

NOW THEREFORE BE IT RESOLVED THAT the City of Deadwood hereby establishes the following fee(s) and other designations associated with City Ordinance #1353: Mobile Food and Beverage Vending Permit effective May 23, 2022.

#### **Mobile Food & Beverage Vending Permit:**

Application Fee .....	\$20.00
Mobile Food and Beverage Vending Permit .....	\$160.00

## **REGULAR MEETING, May 2, 2022**

Dated this 2nd day of May, 2022

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

### **Final Plat**

Russell spoke about the plat. Johnson moved, Struble seconded to act as Board of Adjustment and approve the final plat for applicant WJP Holdings, LLC. Property is legally described as: Lots 12A, 12B, 13A, and 13B, Block 4A of Palisades Tract of Deadwood Stage Run Addition to the city of Deadwood, Located in the SW1/4 of Section 14, the SE ¼ of Section 15, the NE1/4NE1/4 of Section 22 and the N1/2NW1/4 of Section 23. T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota formerly a Portion of Lot 1, Block 4A. Approved by Planning and Zoning Commission on April 20, 2022. Roll Call: Aye-All. Motion carried.

### **Final Plat**

Russell spoke about the plat. Struble moved, Martinisko seconded to act as Board of Adjustment and approve the final plat for applicants Louis and Linda Stojack. The property is located at 62 Denver Avenue and is legal described as: Lots 1 and 2 of Tract 1 of Block N, O.T. Deadwood; Formerly the E. Part of Low 13 and Part of Lot 12, Block N, O.T. Deadwood, City of Deadwood, Lawrence County, South Dakota. Approved by Planning and Zoning Commission on April 20, 2022. Roll Call: Aye-All. Motion carried.

### **Cannabis License**

McKeown stated applicants have meet all city criteria of the cannabis ordinances. She stated these licenses are for Medical Dispensary only, if the applicants want to have additional licenses, they will have to start the process again. City Attorney Riggins stated there has been a delay with the state issuing licenses. Discussion was held concerning inspection. Martinisko moved, Struble seconded to issue Medical Dispensary cannabis License to the following establishments, subject to State approval: From the Hills, LLC at 470 Main Street; GGG Dispensary at 424 Main Street; Deadwood Growhouse at 32 Charles Street; and GLP SD, LLC at 250 Main Street #101. Roll Call: Aye-All. Motion carried.

### **Trolley Lease**

Martinisko moved, Johnson seconded to allow Finance Officer to sign leases for two trolleys (2022 Villager VL190G) with Huntington National bank in the amount of \$161,221.00 each per bid opening on August 2, 2021. Lease terms are as follows: Trolley 4: four-year term, \$39,227.97 annually. Trolley 5: five-year term, \$33,611.45 annually. Roll Call: Aye-All. Motion carried.

### **Contract**

Public Works Director Nelson Jr. spoke about the project. Struble moved, Johnson seconded to enter into contract with KLJ Engineering LLC for preliminary design services, construction plans, bidding, and construction administration of a new roadway access Stage Run Development in the amount of \$152,500.00 (To be paid from offset of federal grant funding.) Roll Call: Aye-All. Motion carried.

### **Contract**

Nelson Jr. spoke about the project. Struble moved, Todd seconded to enter into contracts with Towey Design Group in the amount of \$22,250.00 and West Plains Engineering in the amount of \$32,500.00 for design services, construction plans, and construction administration of Upper Main Street (908 Main to 735 Main) which includes relocating overhead utilities to underground, curb and sidewalk repairs, and roadway resurfacing. (To be paid from offset of federal grant funding.) Roll Call: Aye-All. Motion carried.

## **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.

**REGULAR MEETING, May 2, 2022**

Mayor Ruth Jr. thanked everyone for attending and looks forward to the next three years. He was encouraged by tonight's meeting. He enjoyed the actual conversations and recognized that we do not always agree or see things from the same perspective. He believes its important for the community to see that the commission takes many items into consideration and do not just automatically stamp something that comes forward. He thanked his fellow commissioners.

**ADJOURNMENT**

Martinisko moved, Johnson seconded to adjourn the regular session at 6:30 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3) with possible action. The next regular meeting will be on Monday, May 16, 2022 at 5:00 p.m.

After coming out of executive session at 7:00 p.m., Todd moved, Struble seconded to adjourn.

ATTEST:

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

\_\_\_\_\_  
Jessica McKeown, Finance Officer

BY: \_\_\_\_\_  
David Ruth Jr., Mayor

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