

REGULAR MEETING, AUGUST 1, 2022

The Regular Session of the Deadwood City Commission convened on Monday, August 1, 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.

APPROVAL OF MINUTES

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

JULY, 2022 PAYROLL: COMMISSION, \$2,730.76; FINANCE, \$21,670.02; PUBLIC BUILDINGS, \$20,198.74; POLICE, \$85,216.60; FIRE, \$981.98; BUILDING INSPECTION, \$4,498.80; STREETS, \$42,057.78; PARKS, \$34,107.41; PLANNING & ZONING, \$5,850.78; LIBRARY, \$6,908.67; RECREATION CENTER, \$28,570.89; HISTORIC PRESERVATION, \$20,506.47; WATER, \$16,985.50; MT. MORIAH, \$6,210.36; PARKING METER, \$10,857.23; TROLLEY, \$28,946.49; PARKING RAMP, \$1,725.10. **PAYROLL TOTAL: \$338,023.58.**

JULY, 2022 PAYROLL PAYMENTS:

Internal Revenue Service, \$84,618.69; S.D. Retirement System, \$33,108.48; Delta Dental, \$4,190.76.

APPROVAL OF DISBURSEMENTS

Martinisko moved, Johnson seconded to approve the August 1, 2022 disbursements plus additional bill as amended. Roll Call: Aye-All. Motion carried.

A & B BUSINESS SOLUTIONS	SERVICE	572.51
A & B WELDING	SUPPLIES	160.41
ACE HARDWARE	SUPPLIES	28.42
ADOBE	LICENSES	1,631.04
ALSCO	SUPPLIES	1,297.22
AMAZON CAPITAL	SUPPLIES	638.32
ANCESTOR CONCRETE	PROJECT	13,346.00
ARROWHEAD FORENSICS	SUPPLIES	55.63
BIERSCHBACH EQUIPMENT	SUPPLIES	411.00
BH ASPHALT	PROJECT	3,061.23
BH CHEMICAL	SUPPLIES	2,403.74
BH TENT & AWNING	SUPPLIES	10,568.38
BLUEPEAK	SERVICE	3,747.11
CARTER FMX	BID #8	15,000.00
CRESCENT ELECTRIC SUPPLY	SUPPLIES	96.20
DAKOTA TITLE	SERVICE	240.00
DEADWOOD ALIVE	BID #8	10,000.00
DEADWOOD CHAMBER	BILL LIST	43,714.18
DEADWOOD CHAMBER OUTLAW SQUARE	BID #9	80,000.00
DVFD	REIMBURSEMENT	305.78
DEADWOOD GAMING	BID #8	10,000.00
DEADWOOD HISTORY	SERVICE	950.00
EAGLE ENTERPRISES	SUPPLIES	984.83
EB COMMUNICATIONS	SERVICE	154.00
EVERTEL TECHNOLOGIES	SUBSCRIPTION	300.00
FIRST NET	SERVICE	160.16
G&G GARBAGE	RENTAL	250.00
GAYLORD BROS	SUPPLIES	693.76
GLOVER, SANDY	REIMBURSEMENT	70.02
GOLDEN WEST	SERVICE	5,922.00
GUNDERSON, PALMER, NELSON	SERVICE	3,075.00
HAMANN, ALEX	REIMBURSEMENT	25.55
HEIMAN	SUPPLIES	343.20
IAFC	MEMBERSHIP	215.00
ISC COMPANIES	SERVICE	190.40
KLJ ENGINEERING	PROJECT	16,895.39
KUBOTA LEASING	PAYMENT	1,504.00
LAWRENCE CO. REGISTER	SERVICE	120.00
LAWSON PRODUCTS	SUPPLIES	470.48
LYNN'S	SUPPLIES	127.85
M & T FIRE AND SAFETY	SUPPLIES	292.15
MARTINISKO, SHARON	REIMBURSEMENT	177.08
MENARD'S	SUPPLIES	764.37
MID-AMERICAN RESEARCH	SUPPLIES	134.74
MIDCONTINENT TESTING LABOR	TESTING	17.50
MDU	SERVICE	3,814.10
MS MAIL	SERVICE	250.00
NORTHERN HILLS TECHNOLOGY	SERVICE	100.00
NORTHWEST PIPE FITTINGS	SUPPLIES	1,173.74
OBAN, DEBRA	REIMBURSEMENT	67.08
ONE WAY SERVICE PROS	SERVICE	309.42
ONSITE FIRST AID	SUPPLIES	445.25
PETTY CASH	HP/ZONING	145.23
POCKETFUL OF POSIES	SERVICE	75.00
QUIK SIGNS	SERVICE	1,181.13

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RAMKOTA HOTEL	TRAINING	80.00
RCS CONSTRUCTION	PROJECT	46,629.68
S AND C CLEANERS	CLEANING	11,218.00
SACRISON ASPHALT	SUPPLIES	366.96
SD DEPT. OF CORRECTIONS	FIREWISE	2,494.93
SD DEPT. OF MOTOR VEHICLES	SERVICE	24.20
SD LIBRARY ASSOCIATION	MEMBERSHIP	81.00
SD PUBLIC HEALTH LAB	TESTING	30.00
SOUTH DAKOTA 811	SERVICE	135.52
STREET IMAGE TRUCK	SERVOCE	559.00
TEAM LABORATORY CHEMICAL	SUPPLIES	746.00
THE LORD'S CUPBOARD	RECYCLING	2,551.90
THE PLUMBER	SERVICE	289.00
THE UPS STORE #5137	SERVICE	13.58
TRANSOURCE TRUCK	SERVICE	690.58
TREE WISE MEN	PROJECT	6,341.00
TWIN CITY HARDWARE	SUPPLIES	1,533.53
TWIN CITY HARDWARE	GRANT	1,747.26
ULINE	SUPPLIES	130.15
UTILITY SERVICE	SERVICE	53,723.00
VERIZON WIRELESS	SERVICE	898.82
VIEHAUSER ENTERPRISES	SERVICE	3,524.92
VISIONARY LANDSCAPING	PROJECT	160.00
WELLMARK	INSURANCE	70,646.69
WEST PLAINS ENGINEERING	PROJECT	2,050.00
WESTERN COMMUNICATIONS	SERVICE	26.00
WHEELER LUMBER OPERATIONS	SUPPLIES	3,146.58
		Total \$448,513.90

CONSENT

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

- A. Permission to increase the rate of pay for the following trolley drivers effective July 10, 2022: Herb Cowart, Rodney Fischer, Mike Kitzmiller, Frank Lawton, Don Luckie, Doug Magnuson, Dale Marlow, Debra Oban, Randall Oldfield, Dave Semingson, and Jim Sternhagen to \$16.01 hr.; Reece Beck to \$15.26 hr.; Randi Coddington and Kyle Kooima to \$14.50 hr.
- B. Accept resignation from trolley driver Don Doyen effective July 16, 2022.
- C. Permission to remove Cameron Roth, para-transit driver, from payroll.
- D. Accept resignation from para-transit driver Donald Luckie effective July 22, 2022.
- E. Permission to adopt revised by-laws for the Deadwood Volunteer Fire Department. (Committee approved June 20, 2022.)
- F. Permission to hire Ancestry Concrete to complete building repairs at the rear of Mustang Sally's at a cost of \$4,800.00 due to damage from hit and run on projecting sign. (Insurance claim submitted but denied.)
- G. Acknowledge 36-month contract with Bluepeak for upgraded internet at City Hall. (Budgeted item within IT budget.)
- H. Permission to hire Black Hills Asphalt to patch Jackson Street and Jefferson Street in the amount not to exceed \$5,000. (To be paid out of Streets repair budget.)
- I. Permission to advertise in house for 5 days (re-post) for Water Superintendent at revised wage of \$27.02 per hour.
- J. Permission to pay Van Diest Supply Company for Biomist mosquito spray in the amount of \$4,419.25. (To be paid from Parks supply budget.)
- K. Permission to pay All Aspects Inc. in the amount of \$3,077.50 for survey work related to the potential dog park location near McKinley Street and Railroad Avenue. (To be paid from Planning and Zoning professional services.)
- L. Permission to hire Tree Wise Men to remove Boxelder and other trees off Williams Street behind parking structure at a cost of \$5,800.00. (To be paid from Streets professional services budget.)
- M. Permission to deny return of event center deposit for "Road Grub Throwdown" due to cancellation of August 5-9, 2022 event with no advance notice. (Recommended from event committee due to revenue loss of venue.)
- N. Permission to reimburse Deadwood Hospitality Resort LLC for second phase of asphalt maintenance performed on Timm Lane bridge in the amount of \$6,000.00. (To be paid from 2022 Streets repair budget.)

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PUBLIC HEARINGS

Resolution 2022-16

Public hearing was opened at 5:03 p.m. by Mayor David Ruth Jr. Leah Berg, Affordably Creative Engineering Services, was available to answer questions, hearing closed. Martinisko moved, Johnson seconded to approve Resolution 2022-16 of Intent to Annex Property Contiguous to Deadwood on Highway 85. Legally described as follows: Lot A, a portion of Government Lot 13 and a portion of Government Lot 19. The unplatted portion of the 66-foot right-of-way to US HWY 85 Section 11, -AND- Lot B, a portion of Government Lot 19 in Section 11 and a portion of Government Lot 12 of Section 14 -AND—the unplatted portion of the 66-foot right-of-way to US HWY 85. All located in Section 11 &14, T5N, R3E, B.H.M, City of Deadwood, Lawrence County, South Dakota. Roll Call: Aye-All. Motion carried.

RESOLUTION 2022-16
RESOLUTION OF INTENT TO ANNEX REAL PROPERTY

WHEREAS, a petition has been filed with the City of Deadwood, Lawrence County, South Dakota, in the manner and form required by law, requesting the voluntary annexation of certain real property pursuant to SDCL 9-4-1 and legally described as follows:

Lot A, a portion of Government Lot 13 and a portion of Government Lot 19. The unplatted portion of the 66-foot right-of-way to US HWY 85 Section 11, -AND- Lot B, a portion of Government Lot 19 in Section 11 and a portion of Government Lot 12 of Section 14, -AND- The unplatted portion of the 66-foot right-of-way to US HWY 85. All located in Sections 11 & 14, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

all as shown on Exhibit A attached hereto and by such reference incorporated herein.

WHEREAS, it has been determined that it would be in the public interest for the City of Deadwood to annex the above-described real property consisting of approximately 6.14 acres for use in the future as residential and commercial development of the City of Deadwood; and

WHEREAS, it appears that the Petitioner of the property, which is contiguous to the City of Deadwood, own one hundred percent (100%) of the above-described real property and that said Petitioner have voluntarily signed the Petition before the City of Deadwood and that said property should be annexed into the City of Deadwood, South Dakota; now therefore,

BE IT RESOLVED, pursuant to SDCL 9-4-1, by the City of Deadwood, South Dakota, that the above-described real estate, which is contiguous to the boundaries of the City of Deadwood, and the same is hereby annexed into the City of Deadwood.

Dated this 1st day of August, 2022

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

Harley Davidson Event

Public hearing was opened at 5:04 p.m. by Mayor David Ruth Jr. Bobby Rock, Outlaw Square, was available for questions. Discussion was held concerning street closure, hearing closed. Martinisko moved, Johnson seconded to approve open container in zone 4, Outlaw Square only on Saturday, August 6 through Saturday, August 13 from noon to 10:00 p.m. daily with exemption of Monday, August 8 from 3:00 p.m. to 10:00 p.m.; street closure on Deadwood Street from Main Street to Pioneer Way Saturday, August 6 though Saturday, August 13 from noon to 10:00 p.m. daily if deemed necessary due to safety. Roll Call: Aye-All. Motion carried.

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Set

Martinisko moved, Johnson seconded to waive 45-day requirement and set public hearing on August 15 for Danny Gokey Concert. Roll Call: Aye-All. Motion carried.

Struble moved, Todd seconded to waive 45-day requirement and set public hearing on August 15 for Steer Roping Event. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to set public hearing on August 15 for Ride for the Hills – Sacred Mt. Poker Run. Roll Call: Aye-All. Motion carried.

Todd moved, Struble seconded to set public hearing on August 15 for Lead Deadwood High School Homecoming Parade. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Second Reading

Russell stated no changes between first and second reading. Martinisko moved, Johnson seconded to approve second reading of Ordinance #1358 Amending Title 17 – Zoning. Roll Call: Aye-All. Motion carried.

Pay

Historic Preservation Officer Kuchenbecker spoke about the project. Martinisko moved, Struble seconded to pay Black Hills Asphalt in the amount of \$18,357.89 for crack seal to all concrete street panels on Burnham Ave, Pearl Street, Dakota Street, Highlands Avenue and Pleasant Street. (To be paid from the Street repair budget.) Roll Call: Aye-All. Motion carried.

Purchase

Police Chief Mertens spoke about the purchase. Discussion was held concerning the surplus of the other machines. Struble moved, Johnson seconded allow Rec Center to purchase two Matrix Endurance LED Treadmills from Nova Fitness Equipment in an amount not to exceed \$10,380.60. (To be paid from Rec Center equipment budget.) Roll Call: Aye-All. Motion carried.

Hire

Kuchenbecker spoke about the replacement. Discussion was held concerning the salvage of the stone steps. Martinisko moved, Johnson seconded to hire W.D. Masonry & Concrete, Inc. to replace the stone steps at the History & Information Center with matching stone at a cost of \$48,604.17. (To be paid by HP Capital Assets.) Roll Call: Aye-All. Motion carried.

Order

Kuchenbecker spoke about the purchase. Struble moved, Todd seconded to order forty replacement slats, three 4-foot benches, three 6-foot benches and four trash receptacles from Victor Stanley at a cost of \$24,585.62 including shipping. (To be paid from HP Capital Assets as budgeted.) Roll Call: Aye-All. Motion carried.

Pay

Kuchenbecker spoke about the maintenance. Discussion was held concerning maintenance. Martinisko moved, Struble seconded to pay Otis Elevator Company in the amount of \$17,500.00 for oiling and maintenance of the elevator at the Adams Museum. (To be paid out of Public Buildings repairs budget.) Roll Call: Aye-All. Motion carried.

Request

Kuchenbecker spoke about the loan. Discussion was held concerning the agreement and delivery date. Martinisko moved, Struble seconded for Deadwood Historic Preservation Commission to loan one-half (\$45,000.00) of the purchase price required to begin the creation of the Calamity Jane sculpture from Deadwood Public Art Committee. Committee to raise total of \$110,000.00 and repay HPC the loan. 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), personnel matters per SDCL 1-25(1) with possible action.

Commission thanked Parks, Police and Public Works Departments for their work during the 100th Anniversary of Days of '76.

ADJOURNMENT

Struble moved, Todd seconded to adjourn the regular session at 5:32 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3), personnel matters per SDCL 1-25(1) and contractual matters per SDCL 1-25-2(4) with possible action. The next regular meeting will be on Monday, August 15, 2022 at 5:00 p.m.

After coming out of executive session at 5:47 p.m.

Martinisko moved, Struble seconded to temporarily increase the monthly salaries for Jessica McKeown, Kenneth Mertens, and Jeramy Russell by an additional \$1,612.48 and to temporarily increase the monthly salary for Kevin Kuchenbecker by an additional \$3,178.62, all effective July 24, 2022, due to additional duties as assigned. This will continue until open positions for Public Works Director, Transportation Superintendent and Public Buildings Superintendent have been filled and training has been completed. In addition, Bill Burlson, Randy Pfarr and Randy Adler will receive an additional \$1.50 per hour until extra duties and responsibilities have been removed. This will be funded by unused salaries of the Public Works Director and Transportation and Facilities Director. Roll Call: Aye-All. Motion carried.

Struble moved, Johnson seconded to adjourn at 5:50 pm.

ATTEST:

DATE: _____

Jessica McKeown, Finance Officer

BY: _____
David Ruth Jr., Mayor

Published once at the total approximate cost of _____