

**REGULAR MEETING, SEPTEMBER 19, 2022**

The Regular Session of the Deadwood City Commission convened on Monday, September 19, 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 September 6, 2022. Roll Call: Aye-All. Motion carried.

**APROVAL OF DISBURSEMENTS**

Struble moved, Martinisko seconded to approve the September 19, 2022 disbursements. Roll Call: Aye-All. Motion carried.

A & B WELDING	SUPPLIES	282.80
A & I DISTRIBUTORS	SUPPLIES	82.90
ACE HARDWARE	SUPPLIES	405.19
ADAMS SALVAGE	SERVICE	192.34
ALBERTSON ENGINEERING	PROJECT	3,903.54
ALEX AIR APPARATUS	SUPPLIES	200.82
AMAZON	SUPPLIES	914.04
ANCESTOR CONCRETE	PROJECT	11,500.00
ARCHAEO-PHYSICS	SERVICE	11,665.00
BH CHEMICAL	SUPPLIES	1,045.48
BH ENERGY	SERVICE	30,708.79
BH PIONEER	SERVICE	1,030.44
BH SECURITY	SERVICE	581.64
BUTLER MACHINERY	PAYMENT	39,079.62
CENTURY BUSINESS PRODUCTS	CONTRACT	155.58
CHAINSAW CENTER	RENTAL	956.00
COCA COLA	SUPPLIES	340.00
COMPETITIVE MASONRY	PROJECT	12,870.00
CULLIGAN	SUPPLIES	212.75
DEADWOOD ELECTRIC	SERVICE	3,483.71
DEADWOOD GRANITE	SERVICE	850.00
DEADWOOD HISTORY	PROJECT	403.33
DRUMMOND, NICHOLAS	PRJECT	2,000.00
EAGLE ENTERPRISES	SUPPLIES	8,321.52
ECOLAB	SERVICE	554.73
FIB CREDIT CARDS	SUPPLIES	1,781.69
G&G GARBAGE	RENTAL	275.00
GLANZER, MIKE	SERVICE	238.50
GOLDEN WEST	SERVICE	5,144.50
GREENTREE AUDIO VIDEO	SUPPLIES	205.00
GUNDERSON, PALMER, NELSON	SERVICE	1,983.78
HOHN, JAMIE	PROJECT	6,000.00
HOMETOWN MANUFACTURING	SUPPLIES	1,537.99
IPS GROUP	SERVICE	8,672.02
KIMBALL MIDWEST	SUPPLIES	683.20
KNECHT	SUPPLIES	98.97
KNECHT	GRANTS	315.01
KONE CHICAGO	MAINTENANCE	519.25
LAWSON PRODUCTS	RENTAL	400.00
LEAD-DEADWOOD SANITARY	SERVICE	38,774.14
MACK'S AUTO BODY	SERVICE	975.40
MACROVISION	PROJECT	1,965.00
MICROMARKETING	SUPPLIES	197.07
MIDCONTINENT TESTING	TESTING	21.00
MIDWEST TAPE	SUPPLIES	138.69
MONUMENT HEALTH	TESTING	940.00
MORSE, MARCIA E.	PROJECT	151.85
MS MAIL	SERVICE	1,113.69
NAJA SHRINERS	ALLOCATION	3,500.00
NFPA	MEMBERSHIP	175.00
NHS OF THE BLACK HILLS	SERVICE	3,062.50
NORTHERN HILLS TECHNOLOGY	SERVICE	100.00
NORTHWEST PIPE FITTINGS	SUPPLIES	3,289.98
ONSITE FIRST AID	SUPPLIES	239.18
PCNATION	SUPPLIES	178.59
QUIK SIGNS	SERVICE	32.29
RAMKOTA HOTEL	SERVICE	154.00
RAPID CITY JOURNAL	SERVICE	707.00
RAPID SPA	SERVICE	1,598.06
RCS CONSTRUCTION	PROJECT	39,843.90
RUSHMORE OFFICE	SUPPLIES	25.99
SALOON #10	SUPPLIES	68.00
SANDER SANITATION	SERVICE	13,604.18
SD COMMISSION ON GAMING	CITY SLOTS	29,829.55
SD DEPT OF REVENUE	TAXES	9,585.25
SD MUNICIPAL LEAGUE	CONFERENCE	100.00
SD PUBLIC ASSURANCE ALLIANCE	SERVICE	185,316.82
SONCO PERIMETER SECURITY	SUPPLIES	1,660.00
SOUTHSIDE OIL	FUEL	15,887.70
SOUTHSIDE SERVICE	SERVICE	601.04
STATION AUTOMATION	RENEWAL	1,615.00
STRETCH'S	SERVICE	272.28

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STURDEVANT'S	SUPPLIES	1,214.22
SYMBOLARTS	SUPPLIES	130.00
THE LORD'S CUPBOARD	RECYCLING	46.20
THE UPS STORE	SERVICE	145.39
THIS OLD HOUSE	RENEWAL	25.00
TOMS, DON	PROJECT	600.00
TRIPLE K	SERVICE	18.50
TRUGREEN	SERVICE	445.67
TWIN CITY HARDWARE	GRANT	2,804.65
TYLER TECHNOLOGIES	CONTRACT	16,137.08
USA BLUEBOOK	SUPPLIES	1,170.26
VERIZON CONNECT NWF	SERVICE	95.95
VIEHAUSER ENTERPRISES	SERVICE	191.76
VIGILANT BUSINESS SOLUTION	TESTING	490.00
		Total \$538,832.96

**ITEMS FROM CITIZENS ON AGENDA**

**Proclamations**

The Mayor read a proclamation declaring Saturday, September 17 as Bill Pearson Day in the City of Deadwood.

**CONSENT**

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

- A. Permission to remove Victor Leveque (police), Samantha Hamann (archives), Joe Royall-McKeown (trolley), Aaron Olinger (rec center) and Christin Sjomeling (finance assistant) from payroll effective September 1, 2022.
- B. Remove Cristian Fierro (library) from payroll effective October 1, 2022.
- C. Permission to advertise for part-time (up to 19 hours per week) Library Assistant I at \$13.27 per hour.
- D. Permission to waive banner fees and allow free parking for participants in Interpretive Lot 6:00 a.m. to 3:00 p.m. on Saturday, October 22, 2022 for Polar Plunge Event.
- E. Allow use of public property at the Event Complex on Saturday, October 29, 2022 for Trunk or Treat.
- F. Permission to expend up to \$2,626.85 to MacQueen Equipment for pump repair on Tender 9 fire truck. (To be paid from Fire Dept Repair budget.)
- G. Approve temporary parking for Lead-Deadwood Elementary teachers in all pay to park city parking lots (excludes the ramp) Monday through Friday from 7:30 a.m. to 5:00 p.m. for the 2022-2023 school year. School pass must be displayed in vehicle. (Approved by Parking and Transportation on September 8, 2022.)
- H. Permission to pay Juneks in the amount of \$3,568.40 for repairs made to 2002 Dodge Ram 2500 - Parks Dept vehicle. (To be paid from Parks repair budget.)
- I. Permission to make second-half of 2022 Budget Allocation to Deadwood-Lead Economic Development in the amount of \$24,000.00. (To be paid from Bed and Booze budget.)
- J. Hire McDirt Excavation, Inc. to demo concrete, excavate and repair Main Street valves at cost of \$12,500.00. (To be paid from Water Department repair budget.)
- K. Permission to purchase 20 replacement trash receptacle lids from Victor Stanley in the amount of \$3,181.00 including shipping. (To be paid from the Parks Department repair budget.)
- L. Permission to pay Schmidt Construction in the amount of \$3,084.00 for extra concrete required to complete the Whitewood Creek access points. (To be paid from 2022 BID #8 funding.)
- M. Permission to hire and pay Schmidt Construction in the amount of \$3,440.00 for emergency work to replace concrete street panels at intersection of Burnham Avenue and Park Street. (To be paid from Streets Department repairs budget.)
- N. Permission to pay Schmidt Construction in the amount of \$3,280.00 for replacement of concrete street panels at the intersection of Burnham Avenue and Pearl Street. (To be paid from Streets Department repairs budget.)
- O. Permission for the Mayor to sign Satisfaction of Mortgage for HP loan with Marsha E. Morse at 20 Washington Street, Deadwood, SD.

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### **PUBLIC HEARINGS**

#### **Hops and Hogs**

Public hearing was opened at 5:07 p.m. by Mayor David Ruth Jr. Sarah Kryger, Deadwood Chamber, was available to answer questions, hearing closed.

Struble moved, Todd seconded to approve open container in zones 1 and 2 Friday, September 23 from 4:00 p.m. to 10:00 p.m. and Saturday, September 24, 2022 from noon to 10:00 p.m. Roll Call: Aye-All. Motion carried.

#### **Oktoberfest**

Public hearing was opened at 5:08 p.m. by Mayor David Ruth Jr. Sarah Kryger, Deadwood Chamber, was available to answer questions, hearing closed.

Martinisko moved, Johnson seconded to approve open container in zones 1 and 2 Friday, September 30 from 5:00 to 10:00 p.m. and Saturday, October 1 from noon to 10:00 p.m.; street closure on Main Street from Wall to Deadwood Street from 9:00 a.m. to 6:00 p.m. and waiver of banner fees on Saturday, October 1, 2022. Roll Call: Aye-All. Motion carried.

#### **Wild West Songwriters**

Public hearing was opened at 5:09 p.m. by Mayor David Ruth Jr. Sarah Kryger, Deadwood Chamber, was available to answer questions, hearing closed.

Johnson moved, Martinisko seconded to approve open container in zones 1 and 2 on Thursday, October 6 from 5:00 to 10:00 p.m., Friday, October 7 from 5:00 p.m. to 10:00 p.m. and Saturday, October 8, 2022 from noon to 10:00 p.m. Roll Call: Aye-All. Motion carried.

#### **Deadweird**

Public hearing was opened at 5:10 p.m. by Mayor David Ruth Jr. Sarah Kryger, Deadwood Chamber, was available to answer questions. Discussion was held concerning street closure, hearing closed.

Struble moved, Martinisko seconded to approve open container in zones 1 and 2 Friday, October 28 from 5:00 p.m. to 10:00 p.m. and Saturday, October 30 from noon to 10:00 p.m.; street closure on Main Street from Wall to Pine from 5:00 p.m. Saturday, October 29 to 3:00 a.m. Sunday, October 30, 2022. Roll Call: Aye-All. Motion carried.

### **OLD BUSINESS**

#### **Addendum**

Kuchenbecker spoke about the addendum. Johnson moved, Martinisko seconded to approve Addendum Number 3 from Albertson Engineering for up to \$50,000.00 for additional professional design services associated with Whitewood Creek Restoration project due to additional items requested from FEMA. Roll Call: Aye-All. Motion carried.

### **NEW BUSINESS**

#### **Second Reading**

Finance Officer McKeown stated no changes between first and second reading except tax levy amount is \$1,234,157.00 for general purposes. Martinisko moved, Johnson seconded to approve second reading of 2023 Budget Appropriation Ordinance #1359. Roll Call: Aye-All. Motion carried.

#### **Second Reading**

Police Chief Mertens stated the changes made between first and second reading were: fees were set by resolution, removed section dealing with state highway and penalty is the same as other ordinances within the City. Martinisko moved, Struble seconded to approve second reading of Ordinance #1360 Creating Chapter 10.28 Golf Carts. Roll Call: Aye-All. Motion carried.

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Resolution

McKeown spoke about the fee. Martinisko moved, Struble seconded to approve Resolution 2022-20 Golf Cart Fees. Roll Call: Aye-All. Motion carried.

**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 and other designations associated with City Ordinance #1360 Creating Chapter 10.28 Golf Carts.

**Golf Cart Permit:**

Golf Cart Permit ..... \$50.00

Dated this 19th day of September, 2022

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

First Reading

Planning and Zoning Administrator Russell spoke about the ordinance. Struble moved, Martinisko seconded to approve first reading of Ordinance #1361. Roll Call: Aye-All. Motion carried.

Purchase

Kuchenbecker spoke about the purchase. Martinisko moved, Johnson seconded to approve the purchase of wireless color changeable bulbs for streetlights from Eagle Enterprises, LLC in the amount of \$19,800.00. (To be paid equally by Streets supply budget and HP Capital Assets with the Chamber support provided through the BID district for \$6,000.00 plus services for the Wi-Fi System.) Roll Call: Aye-All. Motion carried.

Heater

Mertens and Rec Center Director Tridle spoke about the purchase. Discussion was held concerning the heater, warranty and installation. Martinisko moved, Struble seconded to approve the emergency purchase of a pool heater from Associated Pool Company in the amount of \$13,908.94 plus installation. (To be paid from Rec Center repair budget.) Roll Call: Aye-All. Motion carried.

**INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS**

The Ridge/short-term rentals

Russell stated The Ridge will be applying for a Planned Unit Development Zoning District with possible short-term rentals, which will consist of a change, modification or implementation of a new zoning district. Commissioner Todd asked Russell his advice on the moratorium. Russell spoke about the task force being put together. He likes the idea of identifying each neighborhood from a density aspect and believes it's important to review the recent housing study Deadwood-Lead Economic Development put together. Mayor Ruth stated viewing each future development individually, allows the city to work with developers to establish the PUD and visit the densities from each development. Mayor spoke about the task force and moratorium. Leah Berg, Affordably Creative Engineering Services for The Ridge, spoke about the different phases, boundary of the PUD and the request of a setback for topography. Russell stated parking requirements being reduced by 20% may be difficult. Commissioner Martinisko is concerned with the TIF being part of short-term rentals and would like to see more R2. Mayor understands the R1/R2 modified but would like legal clarification. Discussion was held concerning R1/R2 modified. Historic Preservation Officer Kuchenbecker spoke about the water capacity for future developments. Barry Decker, resident, asked how this is going to impact city services. Mayor stated the city has addressed the impact for city services and there will be a fire substation in the development. Lonnie Burger, Pat Dringman, Lois Schretenthaler addressed concerns about short-term rentals.

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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 6:18 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3) and personnel matters per SDCL 1-25(1) with possible action. The next regular meeting will be on Monday, October 3, 2022 at 5:00 p.m.

After coming out of executive session at 6:51 p.m., Struble moved, Todd seconded to adjourn.

ATTEST:

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

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

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

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