

**REGULAR MEETING, APRIL 18, 2022**

**Canvass Election**

Acting as Board of Canvass, Martinisko moved, Struble seconded to approve the election results and sign Official Canvass Sheet for April 12, 2022 municipal election. Mayor Ruth Jr. abstained. Roll Call: Aye-Johnson, Martinisko, Struble, Todd. Motion carried.

**One (1) Three-Year Term for City Commission**

Todd Weber	126
David R. Ruth Jr.	190

The Regular Session of the Deadwood City Commission convened on Monday, April 18, 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**

Struble moved, Todd seconded to approve the minutes of April 4, 2022. Roll Call: Aye-All. Motion carried.

**APPROVAL OF DISBURSEMENTS**

Martinisko moved, Johnson seconded to approve the April 18, 2022 disbursements as amended. Roll Call: Aye-All. Motion carried.

A & B WELDING	SUPPLIES	71.12
A - Z SHREDDING	SERVICE	22.45
AASLH MEMBERSHIP	RENEWAL	118.00
ACE HARDWARE	SUPPLIES	366.15
ACE SERVICES	SERVICE	450.00
ACTION MECHANICAL	SERVICE	121.00
ADAMS SALVAGE	SERVICE	4.78
AINSWORTH-BENNING	PROJECT	7,526.00
ALBERTSON ENGINEERING	PROJECT	6,148.02
ALPINE IMPRESSIONS	SUPPLIES	71.00
AMAZON CAPITAL	SUPPLIES	3,820.90
AMAZON	SERVICE	199.61
AMERICAN ENGINEERING TESTING	PROJECT	686.25
AMERICAN SEAMLESS GUTTER	PROJECT	2,958.80
AMERICAN TREE AND FORESTRY	SERVICE	200.00
API SYSTEMS INTEGRATORS	SERVICE	1,541.19
ASSOCIATED BAG	SUPPLIES	524.97
BADGER METER	SERVICE	153.00
BIERSCHBACH EQUIPMENT	SUPPLIES	823.08
BH CHEMICAL	SUPPLIES	758.09
BH ENERGY	SERVICE	34,006.37
BH PIONEER	SERVICE	1,882.33
BH SPECIAL SERVICES	CLEANING	6,150.00
BH TENT & AWNING	SUPPLIES	7,941.90
BH URGENT CARE	TESTING	205.00
BUILDERS FIRSTSOURCE	SUPPLIES	2,650.97
BUTLER MACHINERY	SUPPLIES	639.81
CARA MIA	PROJECT	35,000.00
CENTURY BUSINESS PRODUCTS	SERVICE	10,310.36
CHAMBERLIN ARCHITECTS	PROJECT	30,858.75
COCA COLA	SUPPLIES	200.00
COMPUTER SUPPORT SERVICES	SERVICE	636.97
CULLIGAN	SUPPLIES	190.50
CURTIS BLUE LINE	SUPPLIES	282.80
CVD CONSTRUCTION	PROJECT	100,680.75
DAKOTA KUSTOM COATINGS	PROJECT	646.00
DEADWOOD ALIVE	SPRING	34,125.00
DEADWOOD CHAMBER	BILL LIST	177,892.20
DEADWOOD ELECTRIC	SERVICE	5,070.85
DEBORAH MAYNARD	ELECTION	200.00
EAGLE ENTERPRISES	SUPPLIES	5,040.84
FASTENAL	SUPPLIES	311.64
FERBER ENGINEERING	PROJECT	15,000.00
FIB CREDIT CARDS	SUPPLIES	2,794.51
GARDNER CONSTRUCTION	PROJECT	3,015.00
GAYLORD BROS	SUPPLIES	1,135.57
GEFFRE CONSTRUCTION	PROJECT	1,370.88
GOLDEN WEST	SERVICE	2,486.00
GUNDERSON, PALMER, NELSON	SERVICE	2,245.50
HILLYARD	SUPPLIES	2,667.37
HOTEL ALEX JOHNSON	CONFERENCE	661.00
HUNTINGTON	TROLLEYS	6,267.24
IPS GROUP	KIOSKS	90,194.82
IWORQ	SERVICE	2,500.00
JACOBS WELDING	SERVICE	2,214.58
JANKE AND SONS TRUCKING	PROJECT	3,456.76
KIESLER POLICE	SUPPLIES	147.00

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KNECHT	SUPPLIES	1,046.96
KONE CHICAGO	MAINTENANCE	519.25
KUCHENBECKER, KEVIN	REIMBURSEMENT	150.30
LAWRENCE CO. REGISTER	SERVICE	180.00
LAWSON PRODUCTS	SUPPLIES	467.88
LEAD-DEADWOOD SANITARY	SERVICE	28,266.50
LEAD-DEADWOOD SCHOOL	ELECTION	11.60
LEASE SERVICING CENTER	CONTRACT	32,207.32
LYNN'S	SUPPLIES	47.88
M & T FIRE AND SAFETY	SUPPLIES	2,310.00
M&M SANITATION	RENTAL	140.00
MACQUEEN EMERGENCY	TESTING	1,823.00
MARCO	CONTRACT	158.18
MARKERTEK VIDEO	SUPPLIES	2,475.00
MCKEOWN, JESSICCA	REIMBURSEMENT	122.62
MENARD'S	SUPPLIES	3,740.23
MIDWEST TAPE	SUPPLIES	59.97
MONUMENT HEALTH	TESTING	35.00
MS MAIL	SERVICE	1,546.18
NATIONAL BUSINESS FURNITURE	SUPPLIES	9,430.50
NATIONAL MAIN STREET CENTER	RENEWAL	295.00
NHS OF THE BLACK HILLS	CONTRACT	4,087.72
OFFICE DEPOT	SUPPLIES	55.90
OLD HOUSE JOURNAL	SUBSCRIPTION	62.00
PLATINUM CHEMICALS	SUPPLIES	1,688.00
QUILL	SUPPLIES	22.79
RAPID DELIVERY	SERVICE	47.45
SANDER SANITATION	SERVICE	12,019.18
SD COMMISSION ON GAMING	CITY SLOTS	29,829.55
SD DEPT. OF CORRECTIONS	FIREWISE	3,861.07
SD DEPT. OF MOTOR VEHICLES	SERVICE	30.00
SD DEPT. OF REVENUE	TAX	3,381.23
SD DEPT. OF TRANSPORTATION	COST SHARE	3,549.40
SD FIRE CHIEF'S ASSOCIATION	MEMBERSHIP	125.00
SD HISTORICAL SOCIETY FOUN	CONFERENCE	110.00
SD SECRETARY OF STATE	NOTARY	30.00
SECO CONSTRUCTION	PROJECT	80,316.80
SILVERNAIL, GEORGEANN	ELECTION	224.00
SOUTHSIDE SERVICE	SERVICE	250.10
STARTZ & STARTZ LANDSCAPING	SERVICE	100.00
STURDEVANT'S	SUPPLIES	3,001.32
SUMMIT SIGNS	SERVICE	340.00
TALLGRASS	PROJECT	2,150.00
TEAM LABORATORY CHEMICAL	SUPPLIES	1,084.00
THE LORD'S CUPBOARD	RECYCLING	91.30
TODD, MARLENE	ELECTION	200.00
TOMS, DON	PROJECT	1,200.00
TRANSOURCE TRUCK	SUPPLIES	248.15
TREWHELLA, HAILEY	REIMBURSEMENT	107.20
TRIPLE K	SERVICE	140.17
TRUE CLEAN CARPETS	SERVICE	1,854.00
TWIN CITY HARDWARE	SUPPLIES	20.98
VERIZON CONNECT	SERVICE	171.60
VIGILANT BUSINESS SOLUTION	SERVICE	1,119.50
WELLMARK	INSURANCE	54,278.39
WERLINGER AUTO BODY REPAIR	SERVICE	2,429.00
WEST RIVER TRAILER SALES	SUPPLIES	839.99
WESTERN COMMUNICATIONS	SERVICE	194.00
WHEELER LUMBER OPERATIONS	SUPPLIES	1,536.00
ZOGICS	SUPPLIES	599.80
		Total \$914,168.59

**ITEMS FROM CITIZENS ON AGENDA**

**Officer of the Year**

Police Chief Mertens presented Sally Sprigler a plaque for being named 2021 Officer of the Year. Mertens stated Sprigler is willing to assist, train and help out where needed. Sprigler thanked the Commission, former Police Chief Fuller, Police Chief Mertens and fellow officers of the Police Department. Commission congratulated her and thanked her for her service.

**Proclamations**

The Mayor read a proclamation declaring Friday, April 29, 2022 as Arbor Day in Deadwood.

**CONSENT**

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

- A. Deadwood History Inc. request approval to serve beer and wine for Jazz Concert Event at Adams Museum from 5:00 p.m. to 9:00 p.m. Thursday, July 21, 2022. If it rains the concert will be held at the HARCC.
- B. Permission for the Mayor to sign Amendment Number 1 to SDDOT Bridge Improvement Grant Agreement # 716810 which extends the completion to December 31st, 2025.

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- C. Permission to hire Greg Nelson as Public Works Seasonal Tech to start work on May 16, 2022, at an hourly wage of \$15.39 for the 2022 summer season.
- D. Permission to hire John Isaak and Owen Wisser as Public Works Parks Seasonal Employees at \$13.27 per hour, effective May 2, and May 16, 2022, respectively.
- E. Permission to hire Ainsworth Benning to remodel the Mr. Moriah Ticket Booth in the amount not to exceed \$10,000.00. (To be paid by the Historic Cemeteries enterprise fund.)
- F. Acknowledge Historic Preservation Commission's Not-For-Profit Grant to the Black Hills Post 5969 VFW in the amount of \$20,842.47 for exterior repairs.
- G. Permission to hire part-time lifeguards at \$13.27 per hour effective April 26, 2022, pending pre-employment screening: Jocelyn Dirksen, Ethan Hess, Ethan Van Tassel, Baylee Oliver and Samuel Kooima.
- H. Permission to hire Ruth Durst, Georgeann Silvernail, and Gertrude Anderson as Mt. Moriah Ticket Booth Attendants effective May 9, 2022 at \$13.27 per hour, pending pre-employment screening.
- I. Permission to pay Ainsworth Benning invoice for the Days of 76 VIP Grandstand project in the amount of \$2,907.00 to install steel around serving window enclosure and prep and wrap building for brick installation. (Expenditure part of approved budget for HP Capital Assets.)
- J. Permission to pay Gardner Construction in the amount of \$3,006.25 for excavation and demo/removal of boardwalk of the Timm Lane Bridge (To be paid out of the Timm Lane Bridge Grant.)
- K. Permission for the mayor to sign Archaeology Camp agreement between Deadwood History, City of Deadwood and Bill Pearson for the 2022 youth camp program.
- L. Request for Trolley Service for Deadwood Historic Preservation Office and Deadwood History's Archaeology Camp for Lead-Deadwood students the weeks of June 6-9, 2022 and June 13-16, 2022.
- M. Deadwood Library requests approval to consume beer and wine for Chamber Mixer on May 12, 2022 from 3:30 p.m. to 6:30 p.m. (Jacobs Brewhouse will be providing the alcohol.)
- N. Permission to hire Randi Coddington as a part-time trolley driver at \$13.50 per hour effective May 9, 2022 pending pre-employment screening.

## **BID ITEMS**

### **Permission**

Historic Preservation Officer Kuchenbecker explained the project. Johnson moved, Martinisko seconded to advertiser and accept bid for the Mount Moriah Cemetery Improvements Project for 2022 with bids due June 1, 2022 at 2:00 p.m. with results to the City Commission June 6, 2022. Roll Call: Aye-All. Motion carried.

## **PUBLIC HEARINGS**

### **Siever Street**

Public hearing was opened at 5:10 p.m. by Mayor Ruth Jr. Bobby Rock, Outlaw Square, was available to answer questions. Discussion was held concerning the times of closing the street. Hearing closed. Martinisko moved, Johnson seconded to continue public hearing to May 2, 2022. Roll Call: Aye-All. Motion carried.

### **Deadwood Live**

Public hearing was opened at 5:14p.m. by Mayor Ruth Jr. Bobby Rock, Outlaw Square, was available to answer questions. Discussion was held concerning open container and boundaries of Zone 1 and 3. Hearing closed. Martinisko moved, Johnson seconded to continue public hearing to May 2, 2022. Roll Call: Aye-All. Motion carried.

### **NAJA Shriners Ceremonial Parade**

Public hearing was opened at 5:22 p.m. by Mayor Ruth Jr. No one spoke in favor or against hearing closed.

Struble moved, Todd seconded to approve street closure: Main Street from Lower Main at Pioneer Way to Pine from 11:00 a.m. till parade ends Saturday, June 4, 2022. Roll Call: Aye-All. Motion carried.

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### **Bev's Poker Run**

Public hearing was opened at 5:23 p.m. by Mayor Ruth Jr. No one spoke in favor or against hearing closed.

Martinisko moved, Johnson seconded to approve Main Street Parking from Wall to Lee Street (southwest side only) from 5:00 p.m. to 10:00 p.m. on Sunday, June 26, 2022. Roll Call: Aye-All. Motion carried.

### **July 4<sup>th</sup> Parade**

Public hearing was opened at 5:24 p.m. by Mayor Ruth Jr. Sarah Kryger, Deadwood Chamber, was available to answer questions, hearing closed.

Martinisko moved, Todd seconded to approve street closure: Main Street from Lower Main at Pioneer Way to Pine from 3:00 p.m. till parade ends Monday, July 4, 2022. Roll Call: Aye-All. Motion carried.

### **Legends Ride and Motorcycle Parking**

Public hearing was opened at 5:26 p.m. by Mayor Ruth Jr. Sarah Kryger, Deadwood Chamber, was available to answer questions, hearing closed.

Johnson moved, Struble seconded to approve parking on Main Street Sunday, July 31 through Sunday, August 14, 2022, parking in Interpretive Lot Thursday, August 4 through Sunday, August 14, street closure on Main Street from Pine to Deadwood from 8:00 a.m. to 3:30 p.m., and waiver of banner fees on Monday, August 8, 2022. Roll Call: Aye-All. Motion carried.

### **Kool Deadwood Nites**

Public hearing was opened at 5:28 p.m. by Mayor Ruth Jr. Sarah Kryger, Deadwood Chamber, was available to answer questions, hearing closed.

Struble moved, Todd seconded to approve street closure on Main Street from Wall to Deadwood from 2:15 p.m. on Wednesday, August 24 to 2:00 a.m. on Sunday, August 28; street closure on Siever Street from 5:00 p.m. to 10:00 p.m. on Thursday, August 25; street closure on Main Street from Deadwood to Pine street from 3:00 p.m. to 10:00 p.m. on Thursday, August 25; street closure on Main Street from Deadwood to Pine Street from 3:00 p.m. to 10:00 p.m. daily on Friday, August 26 and Saturday, August 27; street closure on Main Street from Lower Main Street at Pioneer Way to Pine Street from 8:00 to 3:00 p.m. on Sunday August 28; open container in Zones 1 and 2 on Wednesday, August 24 from 5:00 p.m. to 10:00 p.m. and Thursday, August 25, Friday, August 26, Saturday, August 27 and Sunday, August 28 daily from noon to 10:00 p.m.; waiver of banner fees Thursday August 25 through Sunday, August 28, waiver of vending for the following non-profits: Deadwood Chamber and American Legion Thursday, August 25 through Sunday, August 28; waiver of vending fee for Napa at Lower Main Street on Thursday, August 25 through Saturday, August 27; use of Interpretive Lot on Thursday, August 25 at 2:00 a.m. through 2:00 p.m. on Sunday, August 28; use of Lower Main Lot on Wednesday, August 24 at 6:00 a.m. though 10:00 p.m. on Saturday, August 27; use of Event Complex on Friday, August 26 through Sunday August 28; Main Street parking on Thursday, August 25 through Saturday, August 27 daily from 10:00 a.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

### **Mustang Rally**

Public hearing was opened at 5:31 p.m. by Mayor Ruth Jr. Sarah Kryger, Deadwood Chamber, was available to answer questions, hearing closed.

Todd moved, Struble seconded to approve street closure, Main Street from Wall to Deadwood Street, and parking on Main Street from Wild Bill Bar to Nugget Saloon, northwest side only 10:00 a.m. to 2:00 p.m. on Thursday, September 1, 2022. Roll Call: Aye-All. Motion carried.

### **Set**

Todd moved, Struble seconded to set public hearing on May 2 for Retail (on-sale) Liquor License transfer from Nugget Saloon, LLC to Broken Arrow Trading Company. Roll Call: Aye-All. Motion carried.

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**NEW BUSINESS**

**First Reading**

Zoning Administrator Russell spoke about the permit. He stated the South Gateway Lot would be used for mobile food and vending for use of 1 to 3 days within a 30-day period per permit. Resident Bill Decker asked about Mr. Wu’s food truck. Russell said that is on private property, which is different guidelines. Struble moved, Todd seconded to approve first reading of Ordinance #1353 Chapter 5.06, Mobile Food and Beverage Vending permit. Roll Call: Aye-All. Motion carried.

**Contract**

Kuchenbecker spoke about the annual contract. Struble moved, Johnson seconded to enter into contract Albertson Engineering for structural engineering for City and Historic Preservation projects in the amount not to exceed \$70,000.00. To be paid from the budgeted HP Professional Services line item. Roll Call: Aye-All. Motion carried.

**Resolution 2022-08**

Russell spoke about the violation. Discussion was held concerning enforcement. Martinisko moved, Johnson seconded to approve the recommendation from Parking and Transportation to approve Resolution 2022-08 Parking Violation for Mickelson Trail Use Only. Roll Call: Aye-All. Motion carried.

**CITY OF DEADWOOD  
RESOLUTION 2022-08  
A RESOLUTION SETTING FORTH A SCHEDULE OF RATES FOR USE BY THE  
CITY OF DEADWOOD**

WHEREAS, 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 fees and other designations effective April 18, 2022;

**PARKING:**

	Within	After	After	After
<b>Parking Violations*</b>	7 Days	7 Days	30 Days	45 Days
Mickelson Trail Use Only	\$100.00	\$140.00	\$180.00	\$200.00

Dated this 18th day of April, 2022

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

**Resolution 2022-09**

Finance Officer McKeown spoke about the transfers. Martinisko moved, Struble seconded to approve Resolution 2022-09 Interfund Cash Transfers for 2022. Roll Call: Aye-All. Motion carried.

**RESOLUTION 2022-09  
A RESOLUTION TO MAKE THE FOLLOWING INTERFUND CASH  
TRANSFERS FOR THE YEAR 2022**

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 2022.

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 18th day of April, 2022

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

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**Hire**

Russell spoke about the project. Struble moved, Todd seconded to hire Schmidt concrete to replace the south driveway approach to the Railroad parking lot in the amount of \$5,460.00. Public Works will perform the removal of old concrete. To be paid from the parking and Transportation repair budget. Roll Call: Aye-All. Motion carried.

**Hire**

Kuchenbecker spoke about the project. Martinisko moved, Johnson seconded to hire One-Way Service Pros to install a Mitsubishi three zone mini-split for the Mount Moriah Ticket Booth along with the men's and women's restrooms in the amount of \$11,484.36. To be paid from the Historic Cemeteries enterprise fund. Roll Call: Aye-All. Motion carried.

**Fuel Surcharge**

McKeown stated per contract with Adams Salvage any rate request has to come before commission for approval with all three communities. Adams Salvage Foreman, Preston Morrison stated fuel is almost \$1,200.00 more a month than last year and asking for a temporary fuel surcharge of \$5.00 to residential customers and \$7.00 to commercial customers in addition to the annual fee schedule. Commissioner Martinisko asked what is temporary. Morrison replied when the price of fuel goes down and holds steady. Commissioner Todd asked to see the financials before we start charging the residents. Discussion was held concerning rate schedule. Mayor Ruth Jr. is concerned if price is too high, customers will leave on side of road or fail to clean up areas around town and we need to ensure customers are utilizing the service. Amanda Morrison, Adams Salvage, stated this would only impact customers with brush and metal not the regular customers with variables. Mayor Ruth recommended Adams Salvage meet with a representative from each municipality and then come back to the Commission.

**Purchase**

Police Chief Mertens spoke about the purchase. Struble moved, Martinisko seconded to purchase twenty body cameras with docking station from Body Cams by Retired Cops in an amount not to exceed \$9,000.00. To be paid from Police Equipment line item. Discussion was held concerning police vehicle. 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.

Commissioner Todd received call from concerned residents concerning parking.

Mayor Ruth Jr. thanked everyone for voting on election day.

**ADJOURNMENT**

Martinisko moved, Struble seconded to adjourn the regular session at 6:13 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 2, 2022 at 5:00 p.m.

After coming out of executive session at 6:24 p.m., Martinisko moved, Johnson seconded to adjourn.

ATTEST:

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

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

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

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