

REGULAR MEETING, JULY 5, 2022

The Regular Session of the Deadwood City Commission convened on Tuesday, July 5, 2022 at 5:00 p.m. in the Deadwood City Commission Chambers, 102 Sherman Street, Deadwood, South Dakota. Acting Commission President Sharon Martinisko called the meeting to order with the following members present: Department Heads, City Attorney Quentin L. Riggins, and Commissioners Michael Johnson and Charlie Struble. Mayor David Ruth Jr. and Commissioner Gary Todd were absent. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Johnson moved, Struble seconded to approve the minutes of June 20, 2022. Roll Call: Aye-All. Motion carried.

JUNE, 2022 PAYROLL: COMMISSION, \$4,096.14; FINANCE, \$32,043.61; PUBLIC BUILDINGS, \$24,407.83; POLICE, \$143,935.04; FIRE, \$24,420.13; BUILDING INSPECTION, \$6,775.88; STREETS, \$47,822.84; PARKS, \$52,845.04; PLANNING & ZONING, \$8,776.17; LIBRARY, \$9,225.05; RECREATION CENTER, \$36,921.52; HISTORIC PRESERVATION, \$29,920.86; WATER, \$24,670.81; MT. MORIAH, \$8,010.11; PARKING METER, \$16,306.13; TROLLEY, \$33,160.93; PARKING RAMP, \$2,687.18. **PAYROLL TOTAL: \$506,025.27.**

JUNE, 2022 PAYROLL PAYMENTS:

Internal Revenue Service, \$127,430.39; S.D. Retirement System, \$51,517.56; Delta Dental, \$4,280.24.

APPROVAL OF DISBURSEMENTS

Struble moved, Johnson seconded to approve the July 5, 2022 disbursements plus additional bill as amended. Roll Call: Aye-All. Motion carried.

A & B BUSINESS SOLUTIONS	CONTRACT	545.54
A & I DISTRIBUTORS	SUPPLIES	697.00
A - Z SHREDDING	SERVICE	21.65
ACE HARDWARE	SUPPLIES	246.71
AFFORDABLE SEATING	SUPPLIES	3,575.00
ALSCO	SUPPLIES	878.89
ALTEC CAPITAL	LEASE	30,615.24
AMAZON CAPITAL	SUPPLIES	1,940.76
AMERICAN LEGION EMBLEM	SUPPLIES	171.65
ANFINSON, BONNY	REIMBURSEMENT	39.02
ASSOCIATION FOR RURAL	MEMBERSHIP	50.00
BH ASPHALT	PROJECT	30,845.51
BH CHEMICAL	SUPPLIES	3,851.92
BH SECURITY	SERVICE	3,231.06
BH STOCK SHOW	REFUND	100.00
BLUEPEAK	SERVICE	3,753.76
BOMGAARS	SUPPLIES	246.22
BUTLER MACHINERY	SERVICE	770.29
CAPFIRST EQUIPMENT FINANCE	LEASE	13,365.43
CARROT-TOP INDUSTRIES	SUPPLIES	393.00
CARTER FMX	REFUND	1,100.00
CENTURY BUSINESS PRODUCTS	CONTRACT	255.58
CHAINSAW CENTER	SUPPLIES	306.55
CHRIS SUPPLY COMPANY	SUPPLIES	427.99
CPS DISTRIBUTORS	SUPPLIES	645.14
DAKOTA BARRICADE	SERVICE	1,625.00
DAKOTA TITLE	SERVICE	120.00
DAYS OF '76	BID #8	10,000.00
DEADWOOD ALIVE	SERVICE	40,000.00
DEADWOOD CHAMBER	BID #8	90,166.80
DEADWOOD ELECTRIC	SERVICE	1,084.51
DEADWOOD GAMING	BID #8	10,000.00
DEER MOUNTAIN GUTTER	SERVICE	1,224.00
DEPOT MUSIC PRODUCTIONS	SERVICE	500.00
DRINGMAN, PAT	REIMBURSEMENT	346.54
FIRST GOLD HOTEL	BID #8	30,000.00
FIRST INTERSTATE BANK	TIF #8	18,408.51
FIRST NET	SERVICE	160.16
GALLS	UNIFORMS	40.96
HI-VIZ SAFETY WEAR	SUPPLIES	776.19
J.P. COOKE COMPANY	SUPPLIES	137.45
KUBOTA LEASING	LEASE	1,504.00
L&L INSULATION	PROJECT	7,860.00
LAWRENCE CO. AUDITOR	SERVICE	411.57
LAWRENCE CO. REGISTER	SERVICE	30.00
LEONE, JOSEPH	PROGRAM	800.00
LIBERTY NATIONAL BANK	TIF #9	111.04
LYNN'S	SUPPLIES	80.66
MEGUIRE CHEMICAL SOLUTIONS	SUPPLIES	1,100.00
MENARD'S	SUPPLIES	101.94
MERCHANT, ERICA	PROJECT	16,371.00
METERING & TECHNOLOGY	SUPPLIES	2,147.20
MID-AMERICAN RESEARCH	SUPPLIES	361.87
MIDWEST TAPE	SUPPLIES	119.94

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MILE UP MARKETING SOLUTION	BID #8	115.02
MDU	SERVICE	8,043.86
NORTHERN HILLS SOD FARM	SUPPLIES	420.00
NORTHERN HILLS TECHNOLOGY	SERVICE	32.50
NORTHWEST PIPE FITTINGS	SUPPLIES	680.13
NOVA FITNESS EQUIPMENT	SUPPLIES	1,683.00
ONSITE FIRST AID	SUPPLIES	324.90
OTIS ELEVATOR	SERVICE	151.95
PAHA SAPA HOLDINGS	PROJECT	3,442.00
POMP'S TIRE SERVICE	REPAIR	80.00
QUADIENT FINANCE USA	POSTAGE	500.00
QUIK SIGNS	SERVICE	339.63
RAPID CITY JOURNAL	RENEWAL	124.39
S AND C CLEANERS	CLEANING	11,933.00
SANITATION PRODUCTS	SUPPLIES	561.31
SCHMIDT, WILLIAM	PROJECT	10,250.00
SD MAGAZINE	RENEWAL	118.00
SD PUBLIC HEALTH LAB	TESTING	30.00
SIMON MATERIALS	SUPPLIES	136.13
SPEARFISH PAINT	PROJECT	571.46
SUMMIT SIGNS	SERVICE	53.00
TEMPERATURE TECHNOLOGY	PROJECT	25,572.00
THE LORD'S CUPBOARD	RECYCLING	80.55
TOWEY DESIGN GROUP	PROJECT	864.00
TRUGREEN CHEM-LAWN	SERVICE	3,513.62
TWIN CITY HARDWARE	SUPPLIES	5,405.97
TWIN CITY HARDWARE	GRANT	9,190.92
TWIN CITY HARDWARE	GRANT	25.47
ULINE	SUPPLIES	503.93
USA BLUEBOOK	SUPPLIES	1,164.51
VERBA, DIANNE	REIMBURSEMENT	128.51
VERIZON WIRELESS	SERVICE	748.42
VIEHAUSER ENTERPRISES	SERVICE	1,001.64
VISIONARY LANDSCAPING	PROJECT	6,697.00
WARNE CHEMICAL	SUPPLIES	1,900.00
WELLMARK	INSURANCE	55,610.66
WEM	REFUND	500.00
WEST PLAINS ENGINEERING	PROJECT	6,500.00
WHEELER LUMBER OPERATIONS	PROJECT	768.00
		Total \$ 493,428.73

ITEMS FORM CITIZENS ON AGENDA

Deposit

Johnson moved, Struble seconded to approve recommendation from Event Committee to deny event center deposit for Back When They Bucked due to issues during the event. Roll Call: Aye-All. Motion carried.

CONSENT

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

- A. Permission for the Mayor to sign contract for the Mt. Moriah Cemetery 2022 Improvements with Complete Concrete, Inc. for the base bid as well as all the alternates for a total project cost of \$329,040.00 as approved on June 20, 2022.
- B. Permission for the Mayor to sign contract with R.C.S. Construction for retaining wall project at 23 Centennial Avenue in the amount of \$129,000.00 as approved on June 20, 2022.
- C. Permission for the Mayor to sign contract with R.C.S. Construction for retaining wall project at 9 Shine Street in the amount of \$164,000.00 as approved on June 20, 2022.
- D. Permission to continue project with Stone Land Services, LLC and acknowledge payment of invoice in the amount of \$3,200.00 for Title Research MC86 - Main Street Deadwood Project (Boots to Bricks) for services rendered 2/1/2022 through 4/30/22 to be paid from HP Public Education line item. Total amount of project not to exceed \$10,000.00 at this time.
- E. Approve Loan Agreement 2022-003 with Deadwood History, Inc. for items relating to exhibits for the 100 Years of the Days of 76 Celebration.
- F. Outside of Deadwood Grant request for additional funding in the amount \$2,500.00 for project of the Mystic Preservation Alliance for a total of \$10,000.00.
- G. Request from Outlaw Square in the amount of \$1,800.00 to support Native American dancing for a Thursday night event to be paid from HP Public Education line item.
- H. Permission for Mayor to sign Oakridge Cemetery Certificate of Purchase and Warranty Deed for Robert and Deborah Thorp.
- I. Renew Wellmark health insurance for employees from August 1, 2022 through July 31, 2023. Allow Finance officer to sign all associated documents.
- J. Approve revised 2022 part-time wage scale, effective July 10, 2022.

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- K. Employee Handbook 5.12, effective for June 26 payroll.
- L. Accept the resignation Mount Moriah Cemetery Ticket Booth Attendant Pat Humphrey effective July 2, 2022.
- M. Permission to remove Archives Intern Shyne Addison from payroll effective June 7, 2022.
- N. Accept retirement of Transportation Superintendent Kenneth Rehberg effective July 15, 2022.
- O. Approved revised job description for Transportation Superintendent.
- P. Permission to advertise in-house for 5 days and then in official newspaper for Transportation Superintendent at \$23.00 per hour.
- Q. Accept resignation of Public Works Director Robert Nelson, Jr. effective July 27, 2022.
- R. Permission to advertise in-house for 5 days and then in official newspaper for Public Works Director, wage depending on experience.
- S. Permission to promote Erik Jandt to Sergeant II position at \$27.00 per hour effective July 10, 2022.
- T. Accept retirement of Streets Equipment Operator Daniel Bridenstine effective July 7, 2022.
- U. Permission to advertise in house for 5 days and then in official newspaper for Streets Operator/Laborer at \$23.00 per hour.
- V. Accept resignation of Public Buildings/IT Superintendent Lance Sandidge effective July 14, 2022.
- W. Approve revised job description for Public Building Superintendent.
- X. Permission to advertise in-house for 5 days and then in official newspaper for Public Building Superintendent at \$23.00 per hour.
- Y. Permission to advertise in house for 5 days and then in official newspaper for Public Buildings Maintenance Technician at \$19.00 per hour.
- Z. Accept retirement of Water Superintendent Randy Pfarr effective December 30, 2022.
- AA. Permission to advertise in house in 5 days for Water Superintendent at \$25.00 per hour.
- BB. Permission to hire Joseph Royall-McKeown as part-time seasonal trolley driver at \$14.50 effective July 6, 2022, pending pre-employment screening.
- CC. Permission for Mayor to sign parking lease with Black Hills Central Reservations for two (2) parking spots located on Seiver Street for a total of \$150.00 per month plus tax and applicant shall incur the cost of the signs and installation. Recommended approval by the Parking and Transportation Committee on June 30, 2022.
- DD. Permission for Mayor to sign parking lease with Conrad Companies for two (2) parking spots located on Seiver Street for a total of \$150.00 per month plus tax and applicant shall incur the cost of the signs and installation. Recommended approval by the Parking and Transportation Committee on June 30, 2022.
- EE. Approve recommendation from Parking and Transportation Committee to issue a five-year ban to A.J. Bradshaw on use of the Broadway Parking Garage due to inappropriate actions.
- FF. Permission to pay invoice from Black Hills Asphalt in amount of \$11,876.94 for clean, prep and seal coat the parking lot by the baseball field. To be paid from P&T professional services budget.
- GG. Permission to pay invoice from Jacobs Precision Welding in amount of \$2,737.88 to fabricate and install tree grate at Outlaw Square. (To be paid by Public Buildings repairs and reimbursed by Outlaw Square.)
- HH. Permission to pay Plastic Works for asphalt tail stiffening kit in the amount of \$3,570.00. (To be paid from the Streets repairs budget.)
- II. Permission to make 2022 budget allocation to Twin City Clothing in the amount of \$2,500.00.
- JJ. Permission to hire Jim Doolittle for 2023 union negotiations at \$400.00 per session.

PUBLIC HEARINGS

What Women Want

Public hearing was opened at 5:03 p.m. by Acting Commission President Martinisko. Bobby Rock, Outlaw Square, explained the event. Hearing closed. Struble moved, Johnson seconded to approve street closure on Deadwood Street from Main Street to Pioneer Way from 10:00 a.m. on Friday, July 15 to 9:00 p.m. on Saturday, July 16, 2022. Roll Call: Aye-All. Motion carried.

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Open Container Zone 2

Public hearing was opened at 5:05 p.m. by Acting Commission President Martinisko. Police Chief Mertens stated no issues, hearing closed. Johnson moved, Struble seconded to extend open container in Zone 2 to permanently include 93 Sherman Street. Roll Call: Aye-All. Motion carried.

Set

Struble moved, Johnson seconded to waive 45-day requirement and set public hearing on July 18 for Outlaw Shootout AAU Wrestling. Roll Call: Aye-All. Motion carried.

Struble moved, Johnson seconded to waive 45-day requirement and set public hearing on July 18 for Brule'. Roll Call: Aye-All. Motion carried.

Johnson moved, Struble seconded to set public hearing on July 18 for Deadwood Live on August 4, 2022. Roll Call: Aye-All. Motion carried.

Struble moved, Johnson seconded to set public hearing on July 18 for Deadwood Live on September 2, 2022. Roll Call: Aye-All. Motion carried.

Struble moved, Johnson seconded to set public hearing on July 18 for Back When They Bucked Event on May 28, 2023. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Second Reading

Historic Preservation Officer Kuchenbecker stated no changes between first and second reading. Jan Van Tassel, resident, is concerned about the route. Blake Joseph, Boot Hill Tours, stated he was present to observe and ensure his company follows the safety procedure. Kuchenbecker stated the ordinance stated Commission can establish the route, does not state which route. Police Chief Mertens stated there have been numerous incidents with property damage, buses breaking down and numerous complaints from residents on Jackson Street. Johnson moved, Struble seconded to approve Second Reading of Ordinance #1356 Amending 5.40 Tourist Conveyances. Roll Call: Aye-All. Motion carried.

First Reading

Kuchenbecker spoke about the Ordinance. Struble moved, Johnson seconded to approve first reading of Ordinance #1357 creating Chapter 1.20 under Title 1 – General Provisions and amending Title, 3, 12 15 and 17. Roll Call: Aye-All. Motion carried.

Contract

Kuchenbecker spoke about the contracts. Johnson moved, Struble seconded to enter into contracts with Macrovision for the purchase and digitization of 1,000 plus hours of raw footage of Deadwood and preservation projects over the past four decades. Acquisition cost of \$30,000 over three-year period and contract for services at \$30.00 per hour not to exceed 1,000 hours. To be paid for and budgeted for under HP Public Education line item. Roll Call: Aye-All. Motion carried.

Hire

Kuchenbecker spoke about the install. Struble moved, Johnson seconded to hire Norton Mobile Welding LLC to install stainless steel aircraft cable at History & Information Center along railing on Siever Street at cost of \$10,403.76 to be paid from HP Capital Assets line item. Roll Call: Aye-All. Motion carried.

Petition

Kuchenbecker spoke about the property. Struble moved, Johnson seconded to accept petition of Annexation for property contiguous to Deadwood on Highway 85. Legally described as follows: Lot A of Lot H2 of HES 613 11-005-03 Lawrence County, South Dakota according to plat 2019-05698. Roll Call: Aye-All. Motion carried.

Struble moved, Johnson seconded to set public hearing on July 18, 2022 for petition of Annexation. Roll Call: Aye-All. Motion carried.

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Purchase

Kuchenbecker spoke about the purchase. Struble moved, Johnson seconded to purchase 2022 Ford F150 Supercab pickup from Scott Peterson for \$34,299.00 (SD State Bid pricing) to be paid from Parks equipment budget. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Barry Decker, resident, addressed concern about individual at Outlaw Square who was open carrying a firearm. He inquired if the Square was considered a school zone. Staff indicated it is not a school zone and due to 2nd amendment rights, he has every right to carry. However, with any concerns, citizens are encouraged to contact law enforcement right away.

Attorney Riggins requested 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.

ADJOURNMENT

Johnson moved, Struble 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, July 18, 2022 at 5:00 p.m.

After coming out of executive session at 5:54:

Struble moved, Johnson seconded to authorize the Historic Preservation Commission to contract and pay for the purchase of Tract 1 McGovern Hill, Deadwood SD 57732 (legal Tract 1 of the Crawford Addition II, located in the NE ¼ of Section 27 and in the NE¼ of Section 26, T5N, R3E, City of Deadwood, Lawrence county, South Dakota according to Plat Document No. 96-4010, as corrected by Affidavit of Correction filed as Document No. 96-4952) in the amount of \$30,000.00 plus closing costs and allow Historic Preservation Officer to sign all pertinent documents.

Johnson moved, Struble seconded to authorize Kevin Kuchenbecker to shadow Public Works director, Bob Nelson Jr., prior to his departure from the city and appoint Kuchenbecker to be interim Public Works Director until the position is filled.

Struble moved, Johnson seconded to adjourn at 5:55 pm.

ATTEST:

DATE: _____

Jessicca McKeown, Finance Officer

BY: _____
David Ruth Jr., Mayor

Published once at the total approximate cost of _____