

REGULAR MEETING, JULY 15, 2024

The Regular Session of the Deadwood City Commission convened on Monday, July 15, 2024 at 5:00 p.m. in the Deadwood City Commission Chambers, 102 Sherman Street, Deadwood, South Dakota. Dakota. Mayor David Ruth Jr. called the meeting to order with the following members present: Department Heads, City Attorney Quentin Riggins, and Commissioners Michael Johnson, Sharon Martinisko and Charlie Struble. Commissioner Blake Joseph was absent. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Martinisko moved, Struble seconded to approve the minutes of July 1, 2024. Roll Call: Aye-All. Motion carried.

APROVAL OF DISBURSEMENTS

Martinisko moved, Johnson seconded to approve the July 15, 2024 disbursements as amended. Roll Call: Aye-All. Motion carried.

A & B WELDING	SUPPLIES	99.22
ACE HARDWARE	SUPPLIES	84.54
ALBERTSON ENGINEERING	PROJECT	28,840.89
ALEX AIR APPARATUS 2	SUPPLIES	14,650.42
AMAZON	SUPPLIES	904.49
AMERICAN ENGINEERING TESTING	PROJECT	829.00
ASSOCIATION FOR RURAL & SM	MEMBERSHIP	50.00
AVID4 ENGINEERING	SERVICE	2,287.50
BH CHEMICAL	SUPPLIES	2,083.20
BH ENERGY	SERVICE	26,361.92
BH LIBRARY	SERVICE	566.71
BH PIONEER	SERVICE	845.80
BH SANITATION	SERVICE	140.00
BH SPECIAL SERVICES	CLEANING	3,100.00
BOEN, RENEE	SERVICE	960.00
BORDER STATES INDUSTRIES	SUPPLIES	167.35
BOSWORTH, JON	REFUND	262.53
CAPFIRST EQUIPMENT FINANCE	PAYMENT	13,365.43
CENTURY BUSINESS PRODUCTS	CONTRACT	222.21
CHAINSAW CENTER	SERVICE	564.80
COVEL, SEAN	REFUND	10.00
CULLIGAN	SUPPLIES	86.40
DAKOTA BATTERY	SUPPLIES	425.58
DAN'S DUMPSTER SERVICE	SERVICE	400.00
DEADWOOD ALIVE	JUNE	20,000.00
DEADWOOD CHAMBER	BILL LIST	124,129.95
DEADWOOD CHAMBER - OUTLAW	BID #9	25,000.00
DVFD	STAFFING	1,000.00
DIAMOND VOGEL PAINT CENTER	SUPPLIES	185.00
ECOLAB	SERVICE	301.44
ENTERPRISE RENT A CAR	REFUND	100.00
ENTERPRISE RENT-A-CAR	REFUND	100.00
FASTENAL	SUPPLIES	240.72
FIB CREDIT CARDS	SUPPLIES	4,929.71
FIRST INTERSTATE BANK	TIF #8	9,642.37
FIRST NET	SERVICE	240.24
FMG ENGINEERING	PROJECT	2,025.00
GOLDEN WEST	SERVICE	10,598.48
GUNDERSON, PALMER, NELSON	SERVICE	3,990.68
HAWKINS	SUPPLIES	650.60
IPS GROUP	SERVICE	11,608.19
JACOBS WELDING	SERVICE	86.63
KONE CHICAGO	MAINTENANCE	564.03
KRAMME, SHANE	REFUND	34.00
LEAD-DEADWOOD ARTS CENTER	SERVICE	90.00
LEAD-DEADWOOD SANITARY	SERVICE	30,121.74
LEGENDARY ELECTRIC	PROJECT	2,142.86
LIBBY PRODUCTIONS	DEPOSIT	2,350.00
LIBERTY NATIONAL BANK	TIF #9	682.28
LOOKOUT PLAN + CODE	PROJECT	1,581.04
LYNN'S	SUPPLIES	37.90
MCD SEALCOATING & ASPHALT	PROJECT	33,848.73
MICROMARKETING	SERVICE	395.84
MIDWEST ART CONSERVATION	MEMBERSHIP	50.00
MIDWEST TAPE	SUPPLIES	182.41
MS MAIL	SERVICE	45.00
MUTUAL OF OMAHA	INSURANCE	362.14
NAJA SHRINERS	DEPOSIT	1,000.00
NHS OF THE BLACK HILLS	CONTRACT	3,000.00
ONSITE FIRST AID	SUPPLIES	170.45
PACIFIC METAL SOLUTIONS	SUPPLIES	5,200.05
PATRIOT PAINTING AND DRYWA	PROJECT	9,143.33
PETTY CASH	LIBRARY	48.90
PROTEX CENTRAL	SUPPLIES	64.00
QUIK SIGNS	SERVICE	1,103.60
RAPID CITY JOURNAL	SUBSCRIPTION	126.39
RAPID DELIVERY	SERVICE	20.48
RASMUSSEN	SERVICE	737.50
ROGERS CONSTRUCTION	PROJECT	66,289.16
ROXOR UTV RENTALS	REFUND	50.00
SANDER SANITATION	SERVICE	14,334.16
SCHLOSSER CONSTRUCTION	PROJECT	9,690.00

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SCHWAN, WILLIAM	REFUND	25.00
SCOTT PETERSON MOTORS	SERVICE	198.00
SD COMMISSION ON GAMING	CITY SLOTS	118,750.00
SD DEPT. OF REVENUE	LICENSES	300.00
SD PUBLIC HEALTH LAB	TESTING	30.00
SD STATE HISTORICAL SOCIETY	FUNDING	70,000.00
SERVALL	SUPPLIES	1,746.00
SODAK TITLE	SERVICE	120.00
SOUTHSIDE SERVICE	SERVICE	145.00
SPEARFISH BUILDING	SUPPLIES	1,127.82
STURGIS RESPONDER SUPPLY	SUPPLIES	228.54
SUMMIT SIGNS AND SUPPLY	SUPPLIES	582.00
TALLGRASS LANDSCAPE	PROJECT	5,313.80
TDG COMMUNICATIONS	SERVICE	1,250.00
TEMPERATURE TECHNOLOGY	SERVICE	240.00
TIMECLOCK PLUS	SERVICE	12,978.55
TOMS, DON	PROJECT	600.00
TRUGREEN	SERVICE	3,058.21
TWIN CITY HARDWARE	SUPPLIES	130.23
ULINE	SUPPLIES	284.23
VERIZON CONNECT	SERVICE	116.35
VIGILANT BUSINESS SOLUTION	SERVICE	1,080.75
WELLMARK	INSURANCE	48,509.40
WEM	REFUND	1,000.00

Total \$763,416.87

CONSENT

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

A. Resolution 2024-16 Declare Surplus Property

RESOLUTION NO. 2024-16

TO DECLARE THE FOLLOWING SURPLUS PROPERTY

BE IT RESOLVED by the Deadwood City Commission that the City of Deadwood approve the following property be declared surplus and disposed of according to state statutes, including disposal, sale or trade-in on new equipment:

HP ProDesk 600 G1 TWR	Serial #2UA41218TB
HP Z200 Workstation	Serial #2UA1091G78
Samsung Galaxy S5	Serial #R5CT52N4FYH
Samsung Galaxy S5	Serial #R6CT52GD6BE
Samsung Galaxy S5	Serial #R5CT52CQCTY

4-5 Gallon Metal Water Coolers	3- Gallon Metal Water Coolers
3- Pass Base Stations	1-Drager PA 80 test kit
1-Hose tester (bad pump)	1-Metal Gate Y 5X2”X2”X2
1-Slide Projector missing parts	8- Plastic Tubes – with burn gel

4 – Yellow Pay Boxes	Large Box of Coin Cans for Meters
One Box Duncan Meter Domes	One Bucket of Nuts and Bolts
Large Tote of Duncan Meter Bases	182 – Duncan Double Housing Meters
437 – Duncan Meter Mechanisms	68 - Meter Bases
68 - Single Housing Duncan Meters	127 - Double Housing Meters with Mechanisms
Large Box of Duncan Dome Straps and Front Doors	
Large Box of Duncan Coin Receptacles for Double Meters	
White Industries AXT3100	Serial #31005077
38 - Treasury Main Fare Box	

Dated this 1st day of July, 2024

ATTEST:
/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD
/s/ David Ruth Jr., Mayor

B. Resolution 2024-17 Support the City's application to South Dakota Department of Transportation's Community Access Grant program for the reconstruction of Crescent Street.

RESOLUTION 2024-17

A RESOLUTION IN SUPPORT OF THE COMMUNITY ACCESS GRANT REQUEST

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WHEREAS, The City of Deadwood is applying for a Community Access Grant from the South Dakota Department of Transportation; and

WHEREAS, this grant will be used to improve the safety and accessibility of Crescent Drive,

NOW, THEREFORE, BE IT RESOLVED, that the City of Deadwood hereby supports the submission of the Community Access Grant application;

AND BE IT FURTHER RESOLVED, that the City of Deadwood will comply with all local zoning and planning regulations, will support and encourage the submission of the grant application, will maintain the finished project and will pay the required match for the grant.

Dated this 1st day of July, 2024

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

- C. Add Faith Erickson and remove Karla Dower effective July 5, 2024 from the Volunteer Fire Department Roster for worker's compensation purposes.
- D. Permission to make 2024 budget allocation to The Lord's Cupboard in the amount of \$2,500.00 from Bed and Booze fund.
- E. Permission to hire Jim Doolittle for 2025 union negotiations at \$400.00 per session.
- F. Permission to hire up to three rally officers for 2024 motorcycle rally at rate of \$25.80 per hour.
- G. Permission to approve revised job descriptions for Police Lieutenant and Sergeant positions.
- H. Permission to adopt new Safety Manual per recommendation of City of Deadwood Safety Committee.
- I. Permission for the Mayor to appoint Anita Knipper and Jason Rakow to the Board of Appeals with the term expiring May 31, 2027.
- J. Permission to approve request from Outlaw Square for financial support of Brule' for the July 23, 2024, performance in the amount of \$5,000.00. (To be paid by HP Public Education line item.)
- K. Permission for Mayor to sign annual parking lease with Conrad Companies for two (2) parking spots located on Siever Street for a total of \$150.00 per month plus tax.
- L. Permission to purchase new laptop workstation from Golden West Technologies in the amount not to exceed \$3,600.00 for City Archives. (To be paid by 2024 Archives equipment line item.)
- M. Approve Motorcycle Parking (approximately 30) July 20, 2024, in front of 624 Main Street for the Jayden's Giving Heart Motorcycle Ride/Scavenger Hunt from 12:00-1:30 pm with the conditions they prevent other motorcycles from parking (Recommendation from the Parking & Transportation Committee).
- N. Permission to pay Chris Schmidt to replace the concrete panels on Burnham Avenue due to water line repair at a cost of \$4,450.00. (To be paid by Water repairs line item.)
- O. Permission to pay William Schmidt for repair to curb/gutter on Van Buren Avenue in the amount of \$3,364.00. (To be paid by Streets repairs line item.)
- P. Permission to pay William Schmidt to replace basement sidewalk at Days of '76 Museum in the amount of \$7,152.00. (To be paid by Public Buildings repair line item.)
- Q. Permission to purchase a heavy duty adjustable load chute for the Days of '76 Arena from Tobin Livestock Equipment in an amount not to exceed \$7,329.75. (To be paid from HP Capital Assets.)
- R. Permission to enter into a professional services contract with Chamberlain Architects in the amount of \$3,500.00 for conceptual design services for a possible Deadwood Senior Center. (To be paid by HP Professional Services).
- S. Permission for the Mayor to sign Conservation Easements to prevent future development and/or alterations that would encroach upon, damage, or destroy the Deadwood National Historic Landmark District on eleven (11) undeveloped properties owned by the City of Deadwood and Deadwood Historic Preservation Commission being known as Lot 2 Part of School Lot 1; Part of School Lot 2; Part of School Lots 3, 5 through 7, and all of Lot 4; School Lot 9; School Lot 10; School Lots 11 and 14; School Lot 12; School Lot 13; School Lot 33; School Lot 37; School Lots 42 through 49. (Planning and Zoning and Historic Preservation Commissions recommend approval.)
- T. Permission to purchase two tasers from Axon Enterprise in an amount not to exceed \$3,892.62. (To be paid by Police equipment line item.)

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PUBLIC HEARINGS

License

Public hearing was opened at 5:03 p.m. by Mayor Ruth Jr. Dave Schneider, BY Development, was available to answer questions. Louie LaLonde, Saloon #10, spoke against the license application. She believes adding additional off sale package liquor licenses will add more alcohol abuse, litter around town and teen drinking. Schneider stated Cadillac Jacks will be selling to customers so they can take to their room if wanted. Finance Officer McKeown stated the state has the final approval for all alcohol applications. Martinisko moved, Johnson seconded to for Convention Center Package (off sale) Liquor License for B.Y. Development, Cadillac Jack's at 360 Main Street. Roll Call: Aye-All. Motion carried.

License

Public hearing was opened at 5:15 p.m. by Mayor Ruth Jr. David Brueckner, Dave's Deli Delights, was present to answer questions, hearing closed. McKeown stated the state has the final approval for all alcohol applications. Johnson moved, Martinisko seconded to for Retail (on-off sale) Malt Beverage and SD Farm Wine and Retail (on-off sale) Wine and Cider Licenses for The Crossings at Spearfish Canyon LLC dba Dave's Deli Delights at 61 Sherman Street. Roll Call: Aye-All. Motion carried.

License

Public hearing was opened at 5:17 p.m. by Mayor Ruth Jr. No one spoke in favor or against, hearing closed. Martinisko moved, Struble seconded to continue the approval of Retail (on-off sale) Malt Beverage and SD Farm Wine License for Boondocks, LLC dba Mr. Goodstores at 622 Main Street until August 5, 2024. Roll Call: Aye-All. Motion carried.

AAU Wrestling

Public hearing was opened at 5:19 p.m. by Mayor Ruth Jr. Bobby Rock, Outlaw Square, was present to answer questions, hearing closed. Struble moved, Martinisko seconded to approve street closure on Deadwood Street from Main Street to Pioneer Way from 6:00 a.m. on July 20 to 1:00 a.m. on Sunday, July 21, 2024. Roll Call: Aye-All. Motion carried.

Steer Roping

Public hearing was opened at 5:20 p.m. by Mayor Ruth Jr. Sarah Kryger, Deadwood Chamber, was present to answer questions, hearing closed. Johnson moved, Struble seconded to approve waiver of user fees Friday, August 16 through Sunday, August 18, open container Friday, August 16 through Monday, August 19 from 10:00 a.m. to 2:00 a.m. daily, and special liquor license for Days of '76 Committee from Friday, August 16 through Sunday, August 18, 2024 from 10:00 a.m. to 6:00 p.m. at the Event Complex. Roll Call: Aye-All. Motion carried.

Redemption Day

Public hearing was opened at 5:21 p.m. by Mayor Ruth Jr. Bobby Rock, Outlaw Square, was present to answer questions, hearing closed. Martinisko moved, Struble seconded to approve street closure on Deadwood Street from Main Street to Pioneer Way from 8:00 a.m. on Saturday, August 17 to 1:00 a.m. on Sunday, August 18, 2024. Deadwood Street will reopen for the Deadwood Alive performance at 2:00 p.m. and close at 2:30 p.m. Roll Call: Aye-All. Motion carried.

Fair in the Square

Public hearing was opened at 5:22 p.m. by Mayor Ruth Jr. Bobby Rock, Outlaw Square, was present to answer questions, hearing closed. Struble moved, Martinisko seconded to approve street closure on Deadwood Street from Main Street to Pioneer Way from 11:00 a.m. on Friday, September 6 to 10:00 p.m. on Saturday, September 7, 2024. Roll Call: Aye-All. Motion carried.

Black Hills Veterans March

Public hearing was opened at 5:12 p.m. by Mayor Ruth Jr. Sarah Kryger, Deadwood Chamber, was present to answer questions, hearing closed. Johnson moved, Martinisko seconded to approve waiver of user fees Friday, September 20 and Saturday, September 21 and open container Saturday, September 21, 2024 from noon to 9:00 p.m. at the Event Complex. Roll Call: Aye-All. Motion carried.

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NEW BUSINESS

First Reading

McKeown spoke about the supplement. Martinisko Struble seconded to approve first reading of Ordinance #1401 Budget Supplement #4 for 2024. Roll Call: Aye-All. Motion carried.

First Reading

Planning, Zoning and Historic Preservation Officer Kuchenbecker spoke about the amendment. Martinisko moved, Struble seconded to approve first reading of Ordinance #1402 Amending Chapter 15.32 Signs. Roll Call: Aye-All. Motion carried.

First Reading

Kuchenbecker spoke about the amendment. Martinisko moved, Johnson seconded to approve first reading of Ordinance #1403 to amend definition of Short-term Rentals specifically Bed and Breakfast Establishments. Roll Call: Aye-All. Motion carried.

Permit

Kuchenbecker spoke about the permit. Martinisko moved, Struble seconded to Act as Board of Adjustments and approve application for Conditional Use Permit - Construction of Dwelling Unit, Single Family - 307 Cliff Street (Terry and Dawn Bahr) with the following conditions: The Conditional Use Permit allows for usage as an owner-occupied residence. Utilization of the property for any commercial or business activity, including that of providing housing for transient person, is not permitted, lot or legal subdivision shall be allowed only one (1) Conditional Use Permit per ordinance 17.76.010 and City of Deadwood Building Inspector must inspect building to ensure it meets all applicable building codes. Legally described as Lot 1 revised of the subdivision of Tract E-1 formerly Lot 1 of the subdivision of Tract E-1 being a portion of Hillside Placer M.S. 749 located in the SE 1/4 of Section 27, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. (Approved by the Planning and Zoning Commission on July 3, 2024.) Roll Call: Aye-All. Motion carried.

Permit

Kuchenbecker spoke about the permit. Martinisko moved, Johnson seconded to approve Findings of Fact and Conclusion – Conditional Use Permit – Vacation Home Establishment – 140 Timm Lane – Glen Morovits. Legally described as Lot 6 of the Arnio Subdivision of M.S. 107, according to the S.C. Berry Plat recorded in Plat Book 2 Page 88D, City of Deadwood, Lawrence County, South Dakota. (Approved with conditions by Planning and Zoning Commission on May 20, 2024.) Roll Call: Aye-All. Motion carried.

License

Kuchenbecker spoke about the license. Struble moved, Martinisko seconded to approve application for Temporary Vendors License – Ray Drea Studios, LLC. Applicant requests license to sell fine art and paintings during the Sturgis Rally from August 1 through August 11, 2024. (Approved by Planning and Zoning Commission on July 3, 2024.) Roll Call: Aye-All. Motion carried.

Hire

Public Works Director Stalder spoke about the hire. Martinisko moved, Struble seconded to hire Jacob's Welding to fabricate snow box for the Red Baron dump truck at a cost not to exceed \$13,446.45. (To be paid by Streets equipment line item.) Roll Call: Aye-All. Motion carried.

Pay

Stalder spoke about the service. Johnson moved, Martinisko seconded to pay Utility Service Company \$53,723.00 for the McGovern Hill water tanks annual maintenance agreement. (To be paid by Water Professional Services line item.) Roll Call: Aye-All. Motion carried.

Change Order

Kuchenbecker spoke about the change order. Martinisko moved, Struble seconded to approve Construction Change Order #1 to increase contract by \$5,900.00 for a total cost of \$60,900.00 for the 74 Van Buren Retaining Wall. Roll Call: Aye-All. Motion carried.

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Change Order

Kuchenbecker spoke about the change order. Johnson moved, Martinisko seconded to approve Construction Change Order #6 at a of \$41,638.00 with RCS Construction for additional paving associated with Whitewood Creek FEMA Project. (A portion reimbursable from FEMA.) Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Attorney Tim Johns stated he met with City Attorney Riggins to discuss City Ordinance Chapter 10.20.030. He stated state statue allows for operation of multi-passenger quadracycles within municipalities. Mayor Ruth Jr. stated Commission is looking more of a business plan that explains what the routes look like, picking up and dropping off from, hours of operation. Tera Little-Geving, Crusin Cycle Company, spoke about the business and routes. Mayor Ruth Jr. stated concern from the commission is if and how the business can exist and how we can make it fit within the existing constraints. Commissioner Martinisko questioned the planning concerning events, stagecoach, Deadwood Alive. Mayor Ruth Jr. stated this is a unique operation and apologized on behalf of the staff, but conversations still need to be had in order to make a decision. He asked Attorney Johns to contact Kuchenbecker to set up a meeting with staff.

Joshua Wytaske spoke about a possible food vendor during late night hours. Mayor Ruth Jr. stated vending is prohibited and recommended Wytaske find a private business that would allow him to contract the kitchen. Discussion was held concerning appealing ordinance.

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

Martinisko moved, Struble seconded to adjourn the regular session at 5:58 p.m. and convene into Executive Session for personnel matters per SDCL 1-25-2(1) with possible action. The next regular meeting will be on Monday, August 5, 2024 at 5:00 p.m.

After coming out of executive session at 6:15 p.m., Struble moved, Johnson seconded to adjourn.

ATTEST:

DATE: _____

Jessica McKeown, Finance Officer

BY: _____
David Ruth Jr., Mayor

Published once at the total approximate cost of _____