

**REGULAR MEETING, AUGUST 7, 2023**

The Regular Session of the Deadwood City Commission convened on Monday, August 7, 2023 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 Riggins, and Commissioners Michael Johnson, Sharon Martinisko and Gary Todd. Commissioner Charlie Struble was absent. All motions passed unanimously unless otherwise stated.

**APPROVAL OF MINUTES**

Martinisko moved, Johnson seconded to approve the minutes July 17, 2023. Roll Call: Aye-All. Motion carried.

**JULY, 2023 PAYROLL:** COMMISSION, \$3,692.28; FINANCE, \$23,283.09; PUBLIC BUILDINGS, \$8,453.53; POLICE, \$75,683.43; FIRE, \$5,436.09; BUILDING INSPECTION, \$4,852.41; STREETS, \$28,339.87; PARKS, \$38,345.10; PLANNING & ZONING, \$1,923.77; LIBRARY, \$8,390.64; RECREATION CENTER, \$27572.19; HISTORIC PRESERVATION, \$23,804.23; WATER, \$18,304.05; MT. MORIAH, \$6,763.76; PARKING METER, \$12,585.69; TROLLEY, \$19,828.82; PARKING RAMP, \$3,268.00. **PAYROLL TOTAL: \$310,526.95.**

**JULY, 2023 PAYROLL PAYMENTS:**

Internal Revenue Service, \$74,315.81; S.D. Retirement System, \$32,414.54; Delta Dental, \$3,589.42.

**APROVAL OF DISBURSEMENTS**

Todd moved, Martinisko seconded to approve the August 7, 2023 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS SOLUTIONS	CONTRACT	533.99
A - Z SHREDDING	SERVICE	62.60
ACE HARDWARE	SUPPLIES	78.76
ALBERTSON ENGINEERING	PROJECT	17,152.97
ALPINE IMPRESSIONS	SUPPLIES	1,402.00
AMAZON CAPITAL	SUPPLIES	2,391.46
ASSOCIATION FOR RURAL	MEMBERSHIP	50.00
BARCO PRODUCTS	BENCH	2,328.50
BARRY'S ELECTRIC	SERVICE	4,900.10
BH CHEMICAL	SUPPLIES	4,098.50
BH HARLEY DAVIDSON	REPAIRS	615.10
BH SECURITY	SERVICE	971.94
BLUEPEAK	SERVICE	4,103.50
BOLT ROOFING	PROJECT	4,821.46
BROWN, PATRICIA	REIMBURSEMENT	59.06
CARTER FMX	REFUND	22,250.00
CONNELL EQUIPMENT LEASING	SWEEPER	17,347.24
CORR CONSTRUCTION	PROJECT	14,133.00
CULLIGAN	SUPPLIES	117.00
CURTIS BLUE LINE	SUPPLIES	24.53
DEADWOOD ALIVE	JULY	20,000.00
DEADWOOD CHAMBER	BID #8	75,000.00
DEADWOOD GAMING	BID #8	10,000.00
DEADWOOD GRANITE	SERVICE	1,800.00
DEADWOOD HISTORY	ADVERTISE	298.33
EBSCO	RENEWAL	2,717.26
ECOLAB	SERVICE	385.37
FIRST GOLD HOTEL	REFUND	1,100.00
FIRST INTERSTATE BANK	TIF #8	963.81
FIRST NET	SERVICE	240.24
GALLS	UNIFORMS	170.43
GREGORY COUNTY	GRANT	10,000.00
GUNDERSON, PALMER, NELSON	SERVICE	5,210.00
HAWKINS	SUPPLIES	1,360.13
HI-VIZ SAFETY WEAR	SUPPLIES	772.52
HILLS SEPTIC SERVICE	SERVICE	530.00
HILLYARD	SUPPLIES	337.02
HISTORIC RAPID CITY	GRANT	5,251.00
HOLIDAY INN EXPRESS	LODGING	671.94
INTERSTATE BATTERY	SUPPLIES	2,002.00
INTERSTATE ENGINEERING	PROJECT	1,434.34
IPS GROUP	SERVICE	5,131.21
JACOBS WELDING	SERVICE	10,233.33
JERRY GREER'S ENGINEERING	REPAIR	25.00
KONE CHICAGO	MAINTENANCE	537.17
LAWRENCE CO. REGISTER	SRVICE	90.00
LAWRENCE CO.TEEN COURT	ALLOCATION	8,500.00
LIBBY PRODUCTIONS	REFUND	2,350.00
LOOKOUT PLAN + CODE CONSUL	SERVICE	1,803.20
LYNN'S	SUPPLIES	141.78
MACQUEEN EMERGENCY	SUPPLIES	1,554.19
MARCO	CONTRACT	164.98
MARTINISKO, SHARON	REIMBURSEMENT	210.74
MCGRATH, RHONDA	REIMBURSEMENT	19.35
MID-AMERICAN RESEARCH CHEM	SUPPLIES	117.58

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MIDCONTINENT TESTING LABOR	TESTING	28.50
MODERN OFFICE	SUPPLIES	3,199.00
MONSTERS OF DESTRUCTION	REFUND	2,350.00
MDU	SERVICE	2,509.89
MS MAIL	SERVICE	1,579.31
NAJA SHRINERS	REFUND	1,000.00
NEWELL MUSEUM	GRANT	2,551.03
NORTHERN HILLS TECHNOLOGY	SERVICE	32.50
NORTHWEST PIPE FITTINGS	SUPPLIES	262.27
ONSITE FIRST AID	SUPPLIES	85.40
PAHA SAPA HOLDINGS	PROJECT	7,910.40
PETTY CASH	FINANCE	190.05
POCKETFUL OF POSIES	MEMORIAL	75.00
QUICKTROPHY	SUPPLIES	58.66
QUIK SIGNS	SERVICE	845.97
QUILL	SUPPLIES	1,177.48
RAMKOTA HOTEL	LODGING	77.00
RASMUSSEN MECHANICAL	MAINTENANCE	27,912.49
S AND C CLEANERS	CLEANING	10,583.00
SANITATION PRODUCTS	SUPPLIES	326.51
SCHMIDT, CHRIS	PROJOECT	4,070.00
SCHMIDT, WILLIAM	PROJECT	2,499.00
SCOTT PETERSON MOTORS	SUPPLIES	507.16
SD DEPT OF REVENUE	TAX	7,404.94
SD PUBLIC HEALTH LAB	TESTING	30.00
SNAP-ON TOOLS	SUPPLIES	130.00
SODAK TITLE	SERVICE	120.00
SOUTHSIDE SERVICE	SERVICE	40.00
STRAIGHT LINE STRIPING	PROJECT	11,988.92
STURDEVANT'S	SUPPLIES	3,487.40
STURGIS RESPONDER SUPPLY	UNIFORMS	975.87
TENNANT SALES	SUPPLIES	1,255.20
THE LORD'S CUPBOARD	RECYCLING	326.20
TOWEY DESIGN GROUP	PROJECT	2,828.25
TRIPLE H PERFORMANCE	SERVICE	2,820.00
TWISTED PINES DESIGN	SERVICE	30.00
TWO WHEELER DEALER	SUPPLIES	1,008.99
USA BLUEBOOK	SUPPLIES	71.81
VERIZON CONNECT	SERVICE	171.60
VERIZON WIRELESS	SERVICE	707.66
VIGILANT BUSINESS SOLUTION	TESTING	270.00
WARNE CHEMICAL	SERVICE	1,900.00
WELLMARK	INSURANCE	48,480.97
ZEP SALES	SUPPLIES	489.54
ZOGICS	SUPPLIES	299.90

Total \$423,232.50

**ITEMS FROM CITIZENS ON AGENDA**

**Calamity Jane**

Michael Johnson, Main Street Initiative public art committee, spoke about the future sculptures that will be created and displayed around town. Mayor Ruth Jr. spoke about the sculpture discussion on social media and encouraged people to join the art committee or sub committees to voice concerns and have an impact on the decisions. Discussion was held on fundraising, cost and alternative locations.

**Grant**

Historic Preservation Officer Kuchenbecker acknowledged the Recreational Trails Program grant from the South Dakota Department of Game Fish and Parks in the amount of \$212,762.00 for Deadwood Hill Trailhead Parking area, which will address the oversized vehicles.

**CONSENT**

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

- A. Permission to accept resignation from Archives Intern Gavin Rucker effective July 1, 2023.
- B. Accept resignation from Painting Apprentice Wallace Cook effective July 28th, 2023.
- C. Accept resignation from lifeguard Bridger Janvrin effective 7/29/23.
- D. Permission to accept resignation from Cristian Fierro, Library Assistant I position effective August 17, 2023.
- E. Permission to hire Crystal Pawlus as part-time Library Assistant II (25 hours per week with 1/2 time benefits per employee policy handbook) at \$15.57 per hour effective August 21, 2023, pending pre-employment screening.
- F. Permission to advertise in-house and out of house for part time (19 hours with no benefits) Recreation and Aquatic Center Receptionist at \$14.33 per hour.
- G. Permission to hire Jim Doolittle for 2024 union negotiations at \$400.00 per session.

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- H. Permission to make 2023 budget allocation to Days of '76 in the amount of \$10,000.00 from Bed and Booze Fund.
- I. Permission to make 2023 budget allocation to Days of '76 Rodeo in the amount of \$65,000.00 from Historic Preservation as budgeted.
- J. Accept Change Order #1 for 9 Shine Street retaining wall from RCS Construction for increase in scope of work associated with the library wall in the amount of \$2,286.00 for new contract sum of \$166,286.00.
- K. Accept Change Order #1 for 458 Williams Street retaining wall from RCS Construction for deduct of work associated with the revised wall section in the amount of -\$4,870.00 for new contract sum of \$77,130.00.
- L. Permission to pay Erica Merchant for restoration of exterior ghost murals at 51, 53, 55 Sherman Street in the amount of \$12,277.46 to be paid through HP Revolving Loan program.
- M. Permission to pay Quik Signs in the amount of \$2,722.31 for photographs on Oracal mounts to be used for historic interpretation. (To be paid from HP Public Education line item.)
- N. Deadwood History Inc. request approval to serve complimentary beer and wine for Big Thank You Event at Adams Museum from 5:00 p.m. to 7:00 p.m. Thursday, September 7, 2023
- O. MSI Promotions Committee and Saloon #10 request approval to host wine tasting at Gordon Park during the Farmers Market on Fridays between 3:00 p.m. to 7:00 p.m. from August 11 through September 29, 2023. No public hearing necessary since on public property.
- P. Approve recommendation from the Parking and Transportation Committee to reimburse Steven Henderson for tow bill in the amount of \$164.08. (To be paid from Parking and Transportation professional services line item.)
- Q. Permission to pay Adobe invoice in the amount of \$2,590.92 for 9 staff licenses. To be paid from HP, P&Z, P&T, PD, Finance, and PW professional services line items.
- R. Permission to pay Central Square invoice in the amount of \$2,800.07 for software licensing for two police MDT's. (To be paid from Police Professional Services line item. Installed in 2022 but invoice never received.)
- S. Permission to allow volunteer firefighters Charles Fetter, Jason Rakow, Bill Glover and Paul Robitaille to travel to Heiman Fire in Sioux Falls, SD on August 13, 2023 to inspect a fire truck, at a cost not to exceed \$688.70.
- T. Add Steve Schramm effective July 13, 2023 to the Volunteer Fire Department Roster for worker's compensation purposes.
- U. Permission for Mayor to sign Oakridge Cemetery Certificate of Purchases and Warranty Deed for Steven and Michele Thomas.
- V. Permission for the Mayor to sign the Construction and Maintenance Easement with David H. Wilkinson and Lori May Wilkinson Revocable Trust Agreement for the city retaining wall along Terrace Street.
- W. Allow use of public property for Lead Deadwood Youth Soccer at the Event Complex from August 13 through October 31, 2023 pending proof of insurance.
- X. Allow use of public property at the Event Complex for Trunk or Treat from 3:00 p.m. to 5:00 p.m. on Saturday, October 28, 2023.
- Y. Allow use of public property at Gordon Park on Saturday, September 9, 2023 from 10:00 a.m. to 12:00 p.m. for Just Try It Triathlon
- Z. Allow use of public property at Gordon Park on Sunday, September 24, 2023 from 7:00 a.m. to 1:00 p.m. for Mountain Lion/Aqua Bike Triathlon.
- AA. Recommendation from Parking & Transportation Committee to allow free ridership on City trolleys during Kool Deadwood Nites (Wednesday, August 23rd through Sunday, August 27th, 2023.) Acknowledge \$20,000.00 of contributions (BID 8 - \$10,000 and BID 1-6 - \$10,000.00) to the City from sponsors to offset Trolley revenue for event.

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### **PUBLIC HEARINGS**

#### **License**

Public hearing was opened at 5:12 p.m. by Mayor David Ruth Jr. Dave Barth, Door 4, was present to answer questions. No one spoke in favor or against, hearing closed.

Todd moved, Johnson seconded to approve Retail (on sale) Liquor - Restaurant License for Door 4 LLC, dba Fairmont Hotel/Oyster Bay at 628 Main Street. Roll Call: Aye-All. Motion carried.

Discussion was held concerning Retail (on sale) Liquor -Restaurant licenses, which is unlimited and not set by population.

#### **Gold Street**

Public hearing was opened at 5:16 p.m. by Mayor David Ruth Jr. Mayor questioned the barriers putting forth to the utility companies by closing street, ideas to work around snow removal other issues. Kuchenbecker spoke about parking, moving of the sculpture, and snow removal being a challenge. Commissioner Martinisko asked about alternative location. Discussion was held concerning alternative, temporary locations and Main Street masterplan.

Martinisko moved, Johnson seconded to the temporary closure of Gold Street between Main Street and Broadway Alley to vehicular traffic for use as a pedestrian plaza through Sunday, October 15, 2023. Broadway alley will be one way from Wall Street to Shine Street.

Kuchenbecker requested art committee and department heads meet to discuss and bring back for further discussion and possible location at the next meeting. Roll Call: Aye-All. Motion carried.

#### **Hops and Hogs**

Public hearing was opened at 5:31 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 22 from 5:00 p.m. to 10:00 p.m. and Saturday, September 23, 2023 from noon to 10:00 p.m. Roll Call: Aye-All. Motion carried.

#### **Oktoberfest**

Public hearing was opened at 5:32 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 Friday, October 6 from 5:00 to 10:00 p.m. and Saturday, October 7 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 7, 2023. Roll Call: Aye-All. Motion carried.

#### **Wild West Songwriters**

Public hearing was opened at 5:34 p.m. by Mayor David Ruth Jr. Sarah Kryger, Deadwood Chamber, was available to answer questions, hearing closed.

Martinisko moved, Todd seconded to approve open container in zones 1 and 2 on Thursday, October 12 from 5:00 to 10:00 p.m., Friday, October 13 from 5:00 p.m. to 10:00 p.m. and Saturday, October 14, 2023 from noon to 10:00 p.m. Roll Call: Aye-All. Motion carried.

#### **Deadweird**

Public hearing was opened at 5:35 p.m. by Mayor David Ruth Jr. Sarah Kryger, Deadwood Chamber, was available to answer questions, hearing closed.

Todd moved, Martinisko seconded to approve open container in zones 1 and 2 Friday, October 27 from 5:00 p.m. to 10:00 p.m. and Saturday, October 28 from noon to 10:00 p.m.; street closure on Main Street from Wall to Pine from 4:00 p.m. Saturday, October 28 to 5:00 a.m. Sunday, October 29, 2023. Roll Call: Aye-All. Motion carried.

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### **Set Hearings**

Martinisko moved, Johnson seconded to set public hearing on August 21 for Retail (on-off sale) Malt Beverage and SD Farm Wine License for Dakota Shivers Brewing, LLC dba Tootsie's Taproom at 667 Main Street. Roll Call: Aye-All. Motion carried.

Johnson moved, Martinisko seconded to set public hearing on August 21 for Retail (on-off sale) Malt Beverage and Retail (on-off sale) Wine Licenses for Black Hills Provisions LLC, dba Maynard's at 696 Main Street. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to set public hearing on August 21 for Retail (on-off sale) Malt Beverage and SD Farm Wine License Transfer from Shelby Clarkson to Terzo Spazio dba Pump House Coffee and Eatery at 73 Sherman Street. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to set public hearing on August 21 for Deadwood Moto Show Arena Cross Event. Roll Call: Aye-All. Motion carried.

Todd moved, Martinisko seconded to set public hearing on August 21 for Fair in the Square. Roll Call: Aye-All. Motion carried.

### **RV Campground**

Public hearing was opened at 5:39 p.m. by Mayor David Ruth Jr. Brad Kooiker, B&L Properties, was available to answer questions. Kuchenbecker stated Planning and Zoning approved with conditions as well as concerns with SD Department of Transportation. Public Works Director Stalder stated when he met with DOT, they addressed the access to the entrance. Hearing closed.

### **Change of Zoning, The Ridge**

Public hearing was opened at 5:39 p.m. by Mayor David Ruth Jr. Leah Berg, Randy & Cheri Horner, The Ridge, were available to answer questions. Kuchenbecker stated Planning and Zoning approved with conditions. Hearing closed.

### **Change of Zoning, The Summit at Stage Run**

Public hearing was opened at 5:39 p.m. by Mayor David Ruth Jr. Bill Pearson, Stage Run, was available to answer questions. Kuchenbecker stated Planning and Zoning approved. He said the city received an email questioning the second access road, drainage, and storm drains. Resident, Pat Dringman spoke about the need for a secondary access road and drainage. Mayor stated the secondary access road is in the works. Resident, Amie Miller spoke about the drainage. Hearing closed.

## **OLD BUSINESS**

### **Agreement**

Martinisko moved, Johnson seconded to allow the Mayor to sign AIA contract with RCS Construction for work associated with Whitewood Creek Restoration – Bid Package 1 -Sites 1C, 2A, 2B, 3A, 3B for FEMA Project #123107. Commissioner Todd asked about payment and time frame. Finance Officer McKeown stated a loan through the state would be needed for the city's portion. Kuchenbecker stated completion date is December 2024. (Accepted bid of July 10, 2023.) Roll Call: Aye-All. Motion carried.

## **NEW BUSINESS**

### **Second Reading**

McKeown stated no changes between first and seconded readings. Martinisko moved, Johnson seconded to approve second reading of Ordinance #1377 Budget Supplement #4 for 2023. Roll Call: Aye-All. Motion carried.

### **Second Reading**

McKeown stated no changes between first and seconded readings. Todd moved, Johnson seconded to approve second reading of Ordinance #1378 Amending Chapter 5.04 Alcoholic Beverages. Roll Call: Aye-All. Motion carried.

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### **Second Reading**

McKeown stated no changes between first and second readings. Johnson moved, Martinisko seconded to approve second reading of Ordinance #1379 Amending Chapter 12.20 Snow Removal. Roll Call: Aye-All. Motion carried.

### **Second Reading**

Kuchenbecker stated no changes between first and second readings. Martinisko moved, Johnson seconded to approve second reading of Ordinance #1380 Amending Chapter 17.53.040 Exception to Transient Commercial Use of Property. Roll Call: Aye-All. Motion carried.

### **Second Reading**

McKeown stated no changes between first and second readings. Martinisko moved, Johnson seconded to approve second reading of Ordinance #1381 Amending Chapter 12.24.025 Event Committee. Roll Call: Aye-All. Motion carried.

### **First Reading**

McKeown spoke about the ordinance. Martinisko moved, Johnson seconded to approve first reading of Ordinance #1382 Creating Chapter 2.04.200 Introduction and Adoption of Annual Municipal Budget. Roll Call: Aye-All. Motion carried.

### **Conditional Use Permit**

Kuchenbecker spoke about the permit. Martinisko moved, Johnson seconded to Act as Board of Adjustment and approve the Conditional Use Permit - RV Campground - 20577 Highway 85 - B&L Properties, LLC (Brad Kooiker) with the following conditions: The Conditional Use Permit runs with the applicant and not the land; therefore, should the property be sold, the Conditional Use Permit is null and void, Proof of a state sales tax number shall be provided to the Planning and Zoning Office for their files, Proof that the Building Inspector has inspected the building and it meets all the building codes, Proper paperwork is filed with the City of Deadwood Finance Office for Business Improvement District (BID) taxes, Proof of City of Deadwood Business License, Provide City copy of lodging license after inspection from the South Dakota Department of Health, Provide City proof of permitted septic and water acceptance by the State of South Dakota Department of Agriculture and Natural Resources, Provide City written approval from South Dakota Department of Transportation for entrance(s). Mayor asked staff to research if Sunshine Towing had to have approval by SD DOT for access to their entrance. Legally described as: Lot A in Lot H2 of H.E.S. No. 613 in the NE1/4 OF Section 11, T5N, R3E, BHM, Lawrence County, South Dakota and Lot C in H.E.S. No. 613 in the NE1/4 of Section 11, T5N, R3E, BHM, City of Deadwood, Lawrence County, South Dakota. Roll Call: Aye-All. Motion carried.

### **Variance**

Kuchenbecker spoke about the request. Martinisko moved, Johnson seconded to Act as Board of Adjustment and approve Variance Request for setback variance for construction of new carport at 3 Pearl Street - Bob & Bonita Goode. Legally described as: Lot A, Block 7, Highland Park Addition, formerly a portion of Lots 1 thru 6, Block 7 Highland Park Addition, City of Deadwood, Lawrence County, South Dakota, according to Plat Document No. 2009-6668. Roll Call: Aye-All. Motion carried.

### **Donation**

Kuchenbecker spoke about the donation concerning the parcel at Stage Run. Martinisko questioned the liability and maintenance issues. Discussion was held concerning dog park maintenance, drainage issues and responsibility of maintenance. Staff was directed to continue discussion with the developer The Summit at Deadwood Stage Run, LLC.

### **Final Plat**

Kuchenbecker spoke about the plat. Johnson moved, Martinisko seconded to Act as Board of Adjustment and approve Final Plat - Adjusting Property Lines - 30 Burnham - Kevin Schilling legally described as: Plat of Lot 1A, Block 9 1/2 of Highland Park Addition Formerly Lots A, 2, and 3, Block 9 1/2 of Highland Park Addition and a Portion of Tract 2 of Palisade Stone Placer, M.S. 794, Located in the NW1/4 of Section 23, T5N, R3E, B.H.M, City of Deadwood, Lawrence County, South Dakota. Roll Call: Aye-All. Motion carried.

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### **Amendment**

Kuchenbecker spoke about the boundaries. Johnson moved, Martinisko seconded to Act as Board of Adjustment to approve the amendment to the boundaries of the Planned Unit Development within the Palisades Tract of Deadwood Stage Run Addition (a portion of the PUD approved through Ordinance #1083 in July 2007.) Legally described as: Palisades Tract of Deadwood Stage Run Addition, formerly Tracts E, F, G, H, I, J, K, and L and the remaining portion of M.S. 696 Palisades Stone Placer, all located in the SW1/4 Section 14, the SE1/4 of Section 15, the NE1/4NE1/4 of Section 22 and the N1/2NW1/4 of Section 23, T5N, R3E, BHM, City of Deadwood, Lawrence County, South Dakota and Tract D-2, Formerly Tract D OF M.S. 696 Palisades Placer, all Located in the NE1/4 and the SE1/4, Section 15, T5N, R3E, B.H.M., Lawrence County, South Dakota. and Tract B of Palisades Stone Placer MS 696, Lawrence County, South Dakota, Recorded in Plat Doc #84-2419. Roll Call: Aye-All. Motion carried.

### **First Reading**

Martinisko moved, Johnson seconded to approve First Reading of Ordinance #1383 amending Planned Unit Development (PUD) Boundaries for the Stage Run PUD. Roll Call: Aye-All. Motion carried.

### **Change of Zoning**

Kuchenbecker spoke about the change of zoning. Johnson moved, Todd seconded to Act as Board of Adjustment to approve the change of Zoning within the Planned Unit Development within the Palisades Tract of Deadwood Stage Run Addition (a portion of the PUD approved through Ordinance #1083 in July 2007.) Legally described as: Palisades Tract of Deadwood Stage Run Addition, formerly Tracts E, F, G, H, I, J, K, and L and the remaining portion of M.S. 696 Palisades Stone Placer, all located in the SW1/4 Section 14, the SE1/4 of Section 15, the NE1/4NE1/4 of Section 22 and the N1/2NW1/4 of Section 23, T5N, R3E, BHM, City of Deadwood, Lawrence County, South Dakota and Tract D-2, Formerly Tract D OF M.S. 696 Palisades Placer, all Located in the NE1/4 and the SE1/4, Section 15, T5N, R3E, B.H.M., Lawrence County, South Dakota. and Tract B of Palisades Stone Place MS 696, Lawrence County, South Dakota, Recorded in Plat Doc #84-2419. Roll Call: Aye-All. Motion carried.

### **First Reading**

Martinisko moved, Johnson seconded to approve First Reading of Ordinance #1384 for Change of Zoning within the Stage Run Planned Unit Development. Roll Call: Aye-All. Motion carried.

### **Plat**

Kuchenbecker spoke about the plats. Martinisko moved, Johnson seconded to Act as Board of Adjustment to approve the preliminary plats in Phase III of the Palisades Tract of Deadwood Stage Run Addition (a portion of the PUD approved through Ordinance #1083 in July 2007.) Legally described as: Palisades Tract of Deadwood Stage Run Addition, Formerly Tracts E, F, G, H, I, J, K, and L and the Remaining Portion of M.S. 696 Palisades Stone Placer, all Located in the SW1/4, Section 14, the SE1/4 of Section 15, the NE1/4NE1/4 of Section 22 and the N1/2NW1/4 of Section 23, T5N, R3E, BHM, City of Deadwood, Lawrence County, South Dakota; and, Tract D-2, Formerly Tract D of M.S. 696 Palisades Placer, all Located in the NE1/4 and the SE1/4, Section 15, T5N, R3E, B.H.M., Lawrence County, South Dakota; and, Tract B of Palisades Stone Place MS 696, Lawrence County, South Dakota, Recorded in Plat Doc #84-2419. Roll Call: Aye-All. Motion carried.

### **Change of Zoning**

Kuchenbecker spoke about the change of zoning. Todd moved, Martinisko seconded to Act as Board of Adjustment to approve the Change of Zoning - Planned Unit Development - Amend The RIDGE at Deadwood PUD - Preacher Smith, LLC and TRD, LLC (Randy & Cheri Horner), with the following conditions: The acceptance of this Change of Zoning does not approve or accept the covenants drafted for the Homeowners Association by the developer, The covenants does not limit the City from issuing permits for an activity that is limited by the Homeowners Association and the Homeowners Association would be responsible for the enforcement of its covenants, The covenants cannot be less restrictive than Deadwood City Ordinances and shall state the covenants cannot be construed as less restrictive than City Ordinances, The acceptance of the Change of Zoning does not waive any requirements under the Deadwood City Ordinances, That Vacation Home Establishments will be limited to 10% of the lots platted and serviced by city accepted infrastructure upon approval of each lot through the Conditional Use Permit

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process, Adoption of Change of Zoning shall have no impact on the decision on any future submitted variance requests.

Legally described as: Preacher Smith Tract (Less Lot A of the Ridge Development); Lot A of Gov't Lots 13 and 19 in Section 11; Lot B of Gov't Lots 19 in Section 11 and Gov't Lot 12 of Section 14 and Lots 1 and 2 in Block 1B of the Ridge Development, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Roll Call: Aye-All. Motion carried.

### **First Reading**

Martinisko moved, Johnson seconded to approve First Reading of Ordinance #1385 for a Change of Zoning within the Planned Unit Development at The RIDGE at Deadwood. Roll Call: Aye-All. Motion carried.

### **Variance Request**

Kuchenbecker spoke about the request. Martinisko moved, Johnson seconded to Act as Board of Adjustment and approve/deny the Variance Request for street grades for The Ridge at Deadwood - Preacher Smith legally described as: Remainder of Preacher Smith Tract (Less Lot A of the Ridge Development); Lots 1 & 22, Block 1B of the Ridge Development; and Block 1 and Block 1A of the Ridge Development, City of Deadwood, Lawrence County, South Dakota. Roll Call: Aye-All. Motion carried.

### **Final Plat**

Kuchenbecker spoke about the plat. Martinisko moved, Johnson seconded to Act as Board of Adjustment and approve/deny the Final Plat of Townhome Lots - The RIDGE at Deadwood - Randy & Cheri Horner with the following conditions: No building permits shall be issued by the city until the plat thereof has been recorded in the office of the Register of Deeds of Lawrence County and any public improvements required for the service of that lot have been completed per City Ordinances including Chapter 16.08.010.

Legally described as: Plat of Utility Lot 1 and Lots 3-14 of Block 1B of the Ridge Development. Formerly a Portion of Preacher Smith Tract Located in Gov't Lots 10 and 12 of Section 11, T.5N., R.3E., B.H.M., City of Deadwood, Lawrence County, South Dakota. Roll Call: Aye-All. Motion carried.

### **Final Plat**

Kuchenbecker spoke about the plat. Martinisko moved, Johnson seconded to Act as Board of Adjustment and approve/deny the Final Plat for Creating Lots - The Ridge Development with the following conditions: No building permits shall be issued by the city until the plat thereof has been recorded in the office of the Register of Deeds of Lawrence County and any public improvements required for the service of that lot have been completed per City Ordinances including Chapter 16.08.010.

Legally described as: Plat of Lots 90 Thru 94 of Block 1 of The Ridge Development. Formerly a Portion of Block 1 of The Ridge Development.; and, Lot 1 of Block 2 of the Ridge Development and Lot 15 of Block 1B of The Ridge Development. Formerly a Portion of Preacher Smith Tract.; and, The Dedicated Public Right-of-Way of Wild Canyon Drive and Gold Spike Drive all located in Gov't Lot 5 in Section 12 and Gov't Lots 10 & 12 in Section 11 of Township 5 North, Range 3 East, Black Hills Meridian, City of Deadwood, Lawrence County, South Dakota. Roll Call: Aye-All. Motion carried.

### **Variance Request**

Johnson moved, Martinisko seconded to Act as Board of Adjustment and continue the Public Hearing for the variance request for Curb, Gutters, Sidewalks, and Storm Sewer requirements - The RIDGE at Deadwood - Preacher Smith, LLC for review by the Planning and Zoning Commission based on additional information from the applicant. Roll Call: Aye-All. Motion carried.

### **Hire**

Parks, Recreation and Events Director Adler spoke about the hire. Martinisko moved, Johnson seconded to hire K4 Trails at a cost of \$6,300.00 to develop a Pathways and Trails Master Plan for the Fuller Brothers Property acquired by Historic Preservation. (\$2,700.00 to be paid from Fuller Bros. donation and remaining \$3,600.00 from BID 8.) Roll Call: Aye-All. Motion carried.



**REGULAR MEETING, AUGUST 7, 2023**

Hire

Adler spoke about the hire. Martinisko moved, Johnson seconded to hire K4 Trails at a cost of \$5,670.00 to develop a White Rocks Pathways and Trails Master Plan to connect Deadwood Welcome Center to White Rocks across City owned property. (To be paid by BID 8 funding.) Commissioner Martinisko thanked BID 8 for supporting our trails. Roll Call: Aye-All. Motion carried.

Letter

McKeown spoke about the engagement letter. Martinisko moved, Johnson seconded to allow Mayor and Finance Officer to sign updated engagement letter with Casey Peterson, LTD for professional services not to exceed \$40,000.00. (To be paid from Finance Professional Services. \$20,000.00 was previously approved on April 3, 2023.) Discussion was held concerning annual report and audit. Roll Call: Aye-All. Motion carried.

Purchase

Fire Chief Hamann spoke about the purchase. Martinisko moved, Todd seconded to allow Fire Department to purchase two sets of SCBA and two facepieces with four-point neck straps in the amount not to exceed \$14,018.21. (To be paid from Fire Dept Equipment line item.) Roll Call: Aye-All. Motion carried.

**INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS**

- A. Raffle permit received from Northern Hills Republican Women. Drawing will be held October 28, 2023.

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, Johnson seconded to adjourn the regular session at 6:52 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3) and personnel matters per SDCL 1-25-2(1) with possible action. The next regular meeting will be on Monday, August 21, 2023 at 5:00 p.m.

After coming out of executive session at 7:57 p.m.

Martinisko moved, Johnson seconded to approve revisions to Employee Policy 6.4 Benefits effective August 1, 2023. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to increase wage of Water Operator Troy Jassman from \$24.84 per hour to \$25.48 per hour, effective August 6, 2023 after completing CDL certification. Roll Call: Aye-All. Motion carried.

Martinisko moved, Todd seconded to adjourn.

ATTEST:

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

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

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

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