

## REGULAR MEETING, NOVEMBER 18, 2024

The Regular Session of the Deadwood City Commission convened on Monday, November 18, 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 Blake Joseph, Michael Johnson and Sharon Martinisko. Commissioner Charlie Struble was absent. All motions passed unanimously unless otherwise stated.

### APPROVAL OF MINUTES

Martinisko moved, Johnson seconded to approve the minutes of November 4, 2024. Roll Call: Aye-All. Motion carried.

### APROVAL OF DISBURSEMENTS

Martinisko moved, Johnson seconded to approve the November 4, 2024 disbursements as amended. Roll Call: Aye-All. Motion carried.

ACE HARDWARE	SUPPLIES	62.35
ALBERTSON ENGINEERING	PROJECT	9,153.52
AMAZON CAPITAL	SUPPLIES	1,924.94
ARAPAHOE ROOFING & SHEET	PAY APP#2	188,748.00
ASSOCIATED SUPPLY	SUPPLIES	314.77
ATCO INTERNATIONAL	SUPPLIES	135.00
AVID4 ENGINEERING	SERVICE	625.00
BADGER METER	SERVICE	178.50
BH CHEMICAL	SUPPLIES	788.94
BH ENERGY	SERVICE	26,520.28
BH PIONEER	SERVICE	1,767.86
BRANCH CONSTRUCTION	PROJECT	8,023.00
CENTURY BUSINESS PRODUCTS	SERVICE	625.16
CHEYENNE CROSSING STORE	WORKSHOP	540.00
COMPLETE CONCRETE	PAY APP#6	207,690.35
CULLIGAN	SUPPLIES	130.20
DAKOTA FLUID POWER	SUPPLIES	1,463.11
DAKOTA GREENS	PROJECT	534.09
DAKOTA RESOURCES	BID #8 SPONSOR	2,500.00
DAN'S DUMPSTER	SERVICE	600.00
DAR, VICKI	REGISTRATION	170.00
DARK CANYON COFFEE	SUPPLIES	59.75
DEADWOOD ALIVE	NOVEMBER	4,000.00
DEADWOOD CHAMBER	BILL LIST	92,959.48
DEADWOOD CHAMBER - OUTLAW	BID #9	40,000.00
DOOLITTLE, JAMES	SERVICE	400.00
DRINGMAN, PAT	REIMBURSEMENT	94.37
EBSCO	SUBSCRIPTION	2,411.84
ECOLAB	SERVICE	182.25
ENTERPRISE RENT A CAR	REFUND	60.00
FIB CREDIT CARDS	SUPPLIES	4,166.52
FIRST BAPTIST CHURCH	GRANT	9,322.65
FIRST NET	SERVICE	240.24
GOLDEN WEST	SERVICE	3,716.48
GUNDERSON, PALMER, NELSON	SERVICE	7,297.37
HAMANN, ALEX	MEETINGS	140.00
HEPPER, DACEY	GRANT	620.00
INTERNATIONAL INSTITUTE	MEMBERSHIP	185.00
IPS GROUP	SERVICE	12,366.81
JACOBS WELDING	SERVICE	12,077.49
K4 TRAILS	PROJECT	46,767.50
KETEL THORSTENSON	SERVICE	7,500.00
KIMBALL MIDWEST	SUPPLIES	141.77
KNECHT	SUPPLIES	29.95
KONE CHICAGO	MAINTENANCE	564.03
LAWRENCE CO. REGISTER	SERVICE	210.00
LEAD-DEADWOOD ARTS CENTER	SERVICE	154.97
LEAD-DEADWOOD SANITARY	SERVICE	25,937.57
LONG, JONATHAN	GRANT	20,000.00
LYNN'S	SUPPLIES	44.98
M & T FIRE AND SAFETY	SERVICE	2,655.25
MACK'S AUTO BODY	SERVICE	12,953.65
MAYNARD, MELVIN AND DEBORA	REFUND	500.00
MED-TECH RESOURCE	SUPPLIES	197.67
MICROSOFT	SERVICE	862.83
MID-AMERICAN RESEARCH CHEM	SUPPLIES	1,606.40
MIDWEST TAPE	SUPPLIES	169.50
MIKE'S PAINT & BODY	SERVICE	2,445.47
MITCHELL, BETTY	COLLECTION	22,000.00
MORRISON, RONDA	SERVICE	720.00
MS MAIL	SERVICE	1,628.89
NHS OF THE BLACK HILLS	SERVICE	3,000.00
NORTHERN HILLS SPAS	HOT TUB	8,000.00
NORTHWEST PIPE FITTINGS	SUPPLIES	363.14
ODP BUSINESS SOLUTIONS	SUPPLIES	192.00
PINNACLE CARPET CLEANING	SERVICE	262.60
QUIK SIGNS	SERVICE	152.54
QUILL	SUPPLIES	124.47
RAMKOTA HOTEL	LODGING	327.00
RASMUSSEN	SERVICE	2,550.72
RCS CONSTRUCTION	PROJECT	23,450.00
ROCKSTARZ CONCRETE DESIGN	SUPPLIES	4,990.00

**REGULAR MEETING, NOVEMBER 18, 2024**

RUNNING SUPPLY	SUPPLIES	51.98
SANDER SANITATION	SERVICE	12,834.16
SCOTT PETERSON MOTORS	SERVICE	198.00
SD ARCHAEOLOGICAL RESEARCH	PROJECT	20,518.88
SD COMMISSION ON GAMING	CITY SLOTS	32,386.36
SD MUNICIPAL LEAGUE	MEMBERSHIP	3,321.00
SD PUBLIC ASSURANCE ALLIANCE	SERVICE	375.91
SD STATE POETRY SOCIETY	SUBSCRIPTION	40.00
SD WATER & WASTEWATER ASSO	MEMBERSHIP	30.00
SDN COMMUNICATIONS	SERVICE	5,051.63
SERVALL	SUPPLIES	1,746.00
SOUTHSIDE OIL	FUEL	16,346.88
SPEARFISH BUILDING & SUPPLY	SUPPLIES	161.96
STRETCH'S	SERVICE	1,073.72
SUMMIT SIGNS AND SUPPLY	SERVICE	577.00
TEMPLE CONSTRUCTION	PROJECT	24,250.35
THE HANDY MAN	SERVICE	1,426.88
TREE WISE MEN	SERVICE	54,000.00
TWIN CITY HARDWARE	GRANTS	9,976.39
ULINE	SUPPLIES	186.86
VIGILANT BUSINESS SOLUTION	SERVICE	925.35
WAREING STURGIS	SERVICE	198.00

Total \$1,018,975.53

**CONSENT**

Martingisko moved, Johnson seconded to omit items 6E and 6G for separate consideration and approve the following consent items. Roll Call: Aye-All. Motion carried.

- A. Permission to increase pay for Police Officer Gage Mau \$24.22 to \$26.79 per hour effective November 17, 2024 after graduating and becoming certified from the Police Academy.
- B. Permission to remove seasonal Parks Technician Greg Nelson from payroll effective November 10, 2024.
- C. Permission to hire Anthony Panza as full-time (certified) police officer at \$26.79 per hour effective November 24, 2024 pending pre-employment screening.
- D. Permission to hire Ethan Van Tassel as part-time lifeguard at \$16.00 per hour effective November 18, 2024 pending pre-employment screening.
- E. Removed for separate consideration in New Business.
- F. Permission to sign engagement letter with Ketel Thorstenson, LLP for 2023 auditing services, to include Uniform Guidance for 2023 FEMA expenditures. (To be paid by Finance Professional Services.)
- G. Removed for separate consideration in New Business.
- H. Resolution 2024-26 Surplus Property.

**RESOLUTION NO. 2024-26  
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:

Hot Tub – Model: Salina  
Series: Paradise

Dated this 18th day of November, 2024

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

- I. Permission for Mayor to sign annual agreement with South Dakota Commission on Gaming for office space at History and Info Center at a cost of \$4,800.00 per year.
- J. Approve Special Alcohol License for Cadillac Jacks to serve alcohol at Event Complex from 9:00 a.m. to 9:00 p.m. Sunday, May 25, 2025 for Back When They Bucked Event. No public hearing necessary since license is on publicly owned property.
- K. Approve Special Alcohol License for First Gold to serve alcohol at Event Complex on Sunday, July 6 through Thursday, July 10, 2025 from 11:00 a.m. to 10:00 p.m. daily for 3 Wheeler Rally Event. No public hearing necessary since license is on publicly owned property.

## **REGULAR MEETING, NOVEMBER 18, 2024**

- L. Permission to approve free parking in all metered spaces excluding Broadway Parking Garage from Wednesday, November 27 through Thursday, December 26, 2024. All kiosk proceeds will be donated to local non-profit organizations. (Recommendation by Parking & Transportation Committee on November 14, 2024.)
- M. Permission to pay Civic Plus LLC for the annual software fee in the amount of \$7,350.00. (To be paid by Rec Center professional services line item.)
- N. Permission to accept Construction Change Order No. 2 from Hoskinson Contracting in the amount of \$888.25, bringing total contract cost to \$70,664.28, for retaining wall project at 48 & 52 Taylor Avenue for additional concrete needed. (To be paid by City Retaining Wall line item.)
- O. Permission to allow Melanie Bond, Joel Ellis, Charles Fetter, Don Gifford, Bill Glover, Alex Hamann and Mike Klamm to attend the SD Fire Chief's conference in Deadwood on December 6-8, 2024 in a cost not to exceed \$700.00.
- P. Permission to engage King Appraisals to provide a commercial appraisal city-owned property in the amount not to exceed \$9,000.00.

### **BID ITEMS**

#### **Results**

Mayor Ruth Jr. stated 2 bids were received for the retaining wall and stairs at 34 and 35 Jackson Street on November 12, 2024 at 2:00 as advertised.

Ponderosa - \$123,000.00

RCS Construction - \$139,000.00

Planning, Zoning and Historic Preservation Officer Kuchenbecker stated due to an incomplete bid with Ponderosa, recommendation is to award project to RCS Construction. Johnson moved, Martinisko seconded to award 34 and 35 Jackson Street retaining wall and stairs project to RCS Construction in the amount of \$139,000.00. Roll Call: Aye-All. Motion carried.

#### **Bid**

Public Works Director Stalder spoke about the project. Martinisko moved, Joseph seconded to set bid opening on January 2, 2025 at 2:00 p.m. for Elevator Modernization/Cab Replacement with results to the City Commission on January 6, 2025. Roll Call: Aye-All. Motion carried.

### **PUBLIC HEARINGS**

#### **Liquor License**

Public hearing was opened at 5:05 p.m. by Mayor Ruth Jr. Roger Tellinghuisen and John Sheldon, Sportsbook Deadwood, were available to answer questions. Finance Officer McKeown spoke about the items still needed which are:

1. Executed Management Agreement to include all applicable addresses to include hotel lodging rooms and required meeting space.
2. Executed Leases for all entities referenced in the Management Agreement.
3. Hotel Lodging License (s) from State of Dept of Health for a minimum of 30 hotel rooms.
4. City of Deadwood issued Certificate(s) of Occupancy
5. SD Dept of Revenue approval of Convention Center Alcohol License

Discussion was held concerning number of rooms, leases and lease terms. Hearing closed.

Johnson moved, Joseph seconded to approve the Convention Center (on-sale) Liquor License for Sportsbook Deadwood, LLC dba The Landmark Casino at 51-61 Sherman Street contingent upon criteria still needed and met within 365 days. Roll Call: Aye-All. Motion carried.

## **REGULAR MEETING, NOVEMBER 18, 2024**

### **Snocross**

Public hearing was opened at 5:14 p.m. by Mayor Ruth Jr. Jesse Allen, Deadwood Chamber, was available to answer questions. McKeown stated that the pyrotechnic fee has not been received. Discussion was held concerning open container. Hearing closed. Joseph moved, Johnson seconded to approve open container at the Event Complex at 11:00 a.m. on Friday, January 24 to 2:00 a.m. on Saturday, January 25, and from 8:00 a.m. on Saturday, January 25 to 2:00 a.m. on Sunday, January 26; Special temporary full liquor license for Deadwood Chamber on Friday, January 24 from noon to 10:00 p.m. and Saturday, January 25 from 8:00 a.m. to 10:00 p.m. at the Event Complex; fireworks display at 6:00 p.m. on Friday, January 24 and Saturday, January 25 at the Event Complex and waiver of user fees at Event Complex Monday, January 20 through Monday, January 27, 2025 due to surcharge collection contingent upon pyrotechnic fee being received. Roll Call: Aye-All. Motion carried.

### **K9 Keg Pull**

Public hearing was opened at 5:18 p.m. by Mayor Ruth Jr. Jesse Allen, Deadwood Chamber, was available to answer questions, hearing closed. Johnson moved, Martinisko seconded to approve open container in zones 1 and 2 on Saturday, January 25 from noon to 10:00 p.m.; Main Street closure from Deadwood Street to Pine Street 9:00 a.m. to 6:00 p.m. and waiver of banner fees on Saturday, January 25, 2025. Roll Call: Aye-All. Motion carried.

### **Mardi Gras**

Public hearing was opened at 5:19 p.m. by Mayor Ruth Jr. Jesse Allen, Deadwood Chamber, was available to answer questions, hearing closed. Martinisko moved, Joseph seconded to approve open container in zones 1 and 2 on Friday, February 28 from 5:00 p.m. to 10:00 p.m. and Saturday, March 1 from noon to 10:00 p.m.; street closure on Main Street from Lower Main Street at Pioneer Way to Pine Street from 6:45 p.m. to 8:00 p.m. or until parade ends and waiver of banner fees for sponsors on Saturday, March 1, 2025. Roll Call: Aye-All. Motion carried.

### **Back When They Bucked**

Public hearing was opened at 5:20 p.m. by Mayor Ruth Jr. Jesse Allen, Deadwood Chamber, was available to answer questions. Commissioner Martinisko stated Tif Robertson and Clay Cross were present at the Events Committee. Hearing closed. Martinisko moved, Johnson seconded to approve waiver of user fees Wednesday, May 21 through Tuesday, May 27 due to surcharge collection and open container from 9:00 a.m. to 9:00 p.m. on Sunday, May 25, 2025 at Event Complex. Roll Call: Aye-All. Motion carried.

### **3 Wheeler Rally Event**

Public hearing was opened at 5:21 p.m. by Mayor Ruth Jr. Jesse Allen, Deadwood Chamber, and Ren Starks, First Gold Hotel, were available to answer questions. Commissioner Martinisko thanked Rex Starks for attending. Hearing closed. Johnson moved, Martinisko seconded to approve street closure on Main Street from Lower Main Street at Pioneer Way to Pine Street on Thursday, July 10 from 8:30 p.m. until parade ends and open container Sunday, July 6 through Thursday, July 10, 2025 from 11:00 a.m. to 10:00 p.m. each day at Event Complex. Roll Call: Aye-All. Motion carried.

### **Set**

Martinisko moved, Johnson seconded to set public hearing on December 2 for Retail (on-off sale) Malt Beverage and SD Farm Wine License for 47 North LLC, dab Serving Time Event Center at 29 Lee Street. Roll Call: Aye-All. Motion carried.

## REGULAR MEETING, NOVEMBER 18, 2024

### Zoning

Public hearing was opened at 5:23 p.m. by Mayor Ruth Jr. for comment on proposed Change of Zoning from PU Public Use to C1-Commercial for 735 Main Street. Kuchenbecker gave an overview of the change of zoning. Dr. Erik Person, Superintendent of the Lead Deadwood School District, spoke in opposition of the zoning change and believes the Commercial Enterprise would be more appropriate. Robin Lucero, school board member and member of the AAU wrestling board, spoke in opposition and thinks maintaining a safe and positive environment around the School District, St. Ambrose Catholic Church and Northern Hills Alliance for Children should be a top priority in the community. She believes Commercial Enterprise zoning designation would be more appropriate. Father Leo Hausmann, pastor of St. Ambrose Catholic Church, spoke in opposition and feels community should have a value to keep age appropriate businesses in the area around the school. Courtney Schmidt, PTO board member, spoke in opposition and addressed safety concern. Lee Thompson, business owner, spoke about the history of the building and would not be opposed to Commercial Enterprise zoning designation. City Attorney Riggins stated if moving forward as CE - Commercial Enterprise instead of C1 - Commercial acting as Board of Adjustments, Chapter 17.92.020 B3 would allow for adjustment by two-thirds vote. Ray Mollman, St. Ambrose Catholic Church, asked about cannabis businesses being available to purchase building. Kuchenbecker noted there is a buffer zone around schools and churches with regards to cannabis. Discussion as held concerning alcohol. Mayor Ruth Jr. closed the public hearing.

### NEW BUSINESS

#### Agreement

McKeown stated the dates for the agreement have been corrected. Martinisko moved, Johnson seconded to allow Mayor to sign the Labor Agreement for the Police Department between the City of Deadwood and Teamsters Local Union No. 120 as amended. Roll Call: Aye-All. Motion carried.

#### Pay

McKeown stated the correct amount should be \$2,559.00. Joseph moved, Martinisko seconded to pay SD Municipal League in the amount of \$2,559.00 for annual membership dues as amended. (To be paid by Commission Professional Services line item.)

#### Change of Zoning

Commissioner Martinisko appreciates that owner Lee Thompson is willing to consider consideration of CE - Commercial Enterprise as opposed to C1-Commercial and is concerned about the possibility of gaming by the school and church. Commission Johnson appreciates all the comments and believes the city should keep the buffer between the school and church to protect the children in the community. Commissioner Joseph appreciates all the comments and striking harmony between residents and promoting the enterprise of businesses as well. Mayor Ruth Jr. thanked everyone for attending. He stated finding that compromise to maintain and keep a portion of community is crucial, because we know how important the school is to our community. He asked staff to reach out to other property owners to address changing their zoning to Commercial Enterprise as well.

Joseph moved, Martinisko seconded to act as Board of Adjustment and approve Change of Zoning to CE - Commercial Enterprise - 735 Main Street (Deadwood RE, LLC) legally described as Lot 3A, Block 2, Kennedy and Cameron addition, City of Deadwood, formerly Lot 3, Block 2, Kennedy and Cameron addition, all located in the SE 1/4 of Section 22, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. (Approved by Planning and Zoning Commission November 6, 2024.) Roll Call: Aye-All. Motion carried.

#### First Reading

Kuchenbecker spoke about the amendment. Johnson moved, Martinisko seconded to approve first reading of Ordinance #1410 Amending Chapter 12.12 Excavation. Roll Call: Aye-All. Motion carried.

#### Purchase

Stalder spoke about the purchase. Martinisko moved, Johnson seconded to purchase new technology equipment and installation from Golden West at a cost not to exceed \$18,574.79. The equipment is in conjunction with the new network fiber provided by SDN. (To be split between P&T, Streets and Water professional services line items.) Roll Call: Aye-All. Motion carried.

**REGULAR MEETING, NOVEMBER 18, 2024**

Report

Kuchenbecker spoke about the appraisal. Martinisko moved, Johnson seconded to accept Appraisal Report of Tract 1A of Miller Street and offer property to adjacent property owner for consideration in the amount of \$250.00 plus any associated fees with plating and filing transfer of property. Roll Call: Aye-All. Motion carried.

Change Order

Kuchenbecker spoke about the change order. Martinisko moved, Johnson seconded to approve Change Order #1 from Hoskinson Contracting in the amount of \$11,933.90, bringing total contract to \$47,749.94 for retaining wall project at 5 Harrison for unforeseen conditions with neighboring structure. (To be paid from HP Retaining Wall line item.) Roll Call: Aye-All. Motion carried.

**INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS**

- A. City Offices will be closed Thursday, November 28 and Friday, November 29 for Thanksgiving Holiday.

Librarian Brown stated the Library will be closed Thursday, November 28 through Saturday, November 30 for Thanksgiving Holiday.

ADJOURNMENT

Martinisko moved, Johnson seconded to adjourn the regular session at 6:01 p.m. The next regular meeting will be on Monday, December 2, 2024 at 5:00 p.m.

ATTEST:

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

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

BY: \_\_\_\_\_

David Ruth Jr., Mayor

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