

REGULAR MEETING, APRIL 17, 2023

Canvass Election

Acting as Board of Canvass, Martinisko moved, Todd seconded to approve the election results and sign Official Canvass Sheet for April 11, 2023 municipal election. Commissioners Charlie Struble and Michael Johnson abstained. Roll Call: Aye-Ruth Jr., Martinisko, Todd. Motion carried.

Two (2) Three-Year Term for City Commission

Charlie Struble	164
Blake Joseph	129
Michael Johnson	138

The Regular Session of the Deadwood City Commission convened on Monday, April 17, 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 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, Martinisko seconded to approve the minutes April 3, 2023. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Todd moved, Struble seconded to approve the April 17, 2023 disbursements. Roll Call: Aye-All. Motion carried.

A & I DISTRIBUTORS	SUPPLIES	85.81
ADAMS SALVAGE RECYCLING	TIRES	9.57
ALBERTSON ENGINEERING	PROJECT	3,385.11
AMAZON CAPITAL	SUPPLIES	819.61
AVID4 ENGINEERING	SERVICE	2,940.00
BH CHEMICAL	SUPPLIES	1,147.71
BH ENERGY	SERVICE	32,638.22
BH PIONEER	SERVICE	651.88
BUTLER MACHINERY	SUPPLIES	38.91
BUTTE COUNTY EQUIPMENT	SUPPLIES	352.06
CENTURY BUSINESS PRODUCTS	CONTRACT	126.54
CIVICPLUS	SERVICE	295.00
CULLIGAN	SUPPLIES	106.00
DAYS OF '76	SPONSORSHIP	2,500.00
DEADWOOD CHAMBER	MARKETING	18,036.61
DEADWOOD HISTORY	SERVICE	630.00
DEADWOOD MINERS	ELECTION	36.55
FIB CREDIT CARDS	SUPPLIES	1,354.30
GOLDEN WEST	SERVICE	11,146.00
GUNDERSON, PALMER, NELSON	SERVICE	3,258.74
HILLYARD	SUPPLIES	331.76
IPS GROUP	SERVICE	5,914.35
IWORQ	SERVICE	2,500.00
JACOBS WELDING	SUPPLIES	20.85
JLG ARCHITECTS	PROJECT	16,140.00
KDSJ	SERVICE	255.00
KIMBALL MIDWEST	SUPPLIES	49.60
KLJ ENGINEERING	PROJECT	260.56
KNECHT	SUPPLIES	58.66
KNECHT	GRANTS	9.21
KONE CHICAGO	MAINTENANCE	537.17
LAWSON PRODUCTS	RENTAL	400.00
LEAD-DEADWOOD SANITARY	SERVICE	22,867.43
LOOKOUT PLAN + CODE	SERVICE	3,306.08
LYNN'S	SUPPLIES	71.98
MACQUEEN EMERGENCY	SUPPLIES	992.24
MACROVISION	PROJECT	9,179.00
MAYNARD, DEBORAH	ELECTION	200.00
METERING & TECHNOLOGY	SUPPLIES	106.04
MICROSOFT	SERVICE	752.10
MID-AMERICAN RESEARCH	SUPPLIES	2,074.09
MIDWEST TAPE	SUPPLIES	144.94
MS MAIL	SERVICE	201.25
MUTUAL OF OMAHA	INSURANCE	270.00
NHS OF THE BLACK HILLS	SERVICE	3,151.92
NORTHWEST PIPE FITTINGS	SUPPLIES	668.80
ODD JOBS	PROJECT	8,979.61
ODP BUSINESS SOLUTIONS	SUPPLIES	206.16
ONSITE FIRST AID	SUPPLIES	236.95
OTIS ELEVATOR	MAINTENANCE	157.26
PAHA SAPA HOLDINGS	PROJECT	22,099.38
PETTY CASH	MT. MORIAH	1,000.00
PHIL'S ELECTRIC	PROJECT	1,443.30
QUIK SIGNS	SERVICE	550.14

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RAPID DELIVERY	SERVICE	234.66
RASMUSSEN MECHANICAL	SERVICE	4,484.85
SANDER SANITATION	SERVICE	12,825.48
SD COMMISSION ON GAMING	CITY SLOTS	29,829.55
SD DEPT OF REVENUE	TAX	3,552.05
SD HISTORICAL SOCIETY	REGISTRATION	945.00
SERVALL	SUPPLIES	310.01
SILVERNAIL, GEORGEANN	ELECTION	204.00
SOUTH DAKOTA 811	SERVICE	29.12
SOUTHSIDE OIL	SUPPLIES	151.71
SOUTHSIDE SERVICE	SERVICE	288.68
SPLIT ROCK STUDIOS	SERVICE	1,877.00
STAN HOUSTON EQUIP CO	SUPPLIES	195.81
STURGIS RESPONDER SUPPLY	SUPPLIES	18.00
SUMMIT FIRE PROTECTION	SERVICE	272.75
TALLGRASS	PROJECT	4,623.00
THE PLUMBER	PROJECT	1,808.00
TODD, MARLENE	ELECTION	200.00
TOMS, DON	PROJECT	600.00
TRIPLE K	SERVICE	961.98
TURBIVILLE INDUSTRIAL	SUPPLIES	181.16
TWIN CITY HARDWARE	GRANTS	82.55
UNITED LABORATORIES	SUPPLIES	1,160.47
VERIZON CONNECT	SERVICE	92.95
VIEHAUSER ENTERPRISES	SERVICE	32.00
VIGILANT BUSINESS SOLUTION	TESTING	54.00
WELLMARK	INSURANCE	46,467.48

Total \$296,176.71

CONSENT

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

- A. Permission to accept retirement letter from Rec Center Director John Tridle effective June 16, 2023. (20 years of service to the City of Deadwood.)
- B. Permission to accept resignation from police officer Dylan Bell effective April 14, 2023.
- C. Permission to advertise in-house for 5 days and then in official newspaper for one full-time police officer position. (\$25.79 per hour for Certified and \$23.22 for Non-Certified.)
- D. Permission to hire Greg Nelson and Terri Tomford as Parks Seasonal Techs at \$16.62 per hour effective April 30, 2023 pending pre-employment screening.
- E. Permission to hire Mt Moriah ticket booth attendants David Trentz, Michael Olsen, Phyllis Fleming, Gertrude Anderson and Ruth Durst at \$14.33 per hour effective May 8, 2023 pending pre-employment screening.
- F. Permission to hire David Lems as a part-time Trolley Driver at \$15.66 per hour effective April 21, 2023 pending pre-employment screening and proof of passenger endorsement.
- G. Permission for Mayor to sign Oakridge Cemetery Certificate of Purchase and Warranty Deed for Virginia Poling.
- H. Permission for Mayor to sign Work-Based Learning Program Agreement with Boxelder Job Corps.
- I. Permission for Mayor to sign amended contract with Black Hills University for use of Rec Center swimming pool at a cost of \$200.00 per day (4 hours) for Friday, April 21 and Sunday, April 23, 2023. (Original contract was approved on March 20, 2023)
- J. Permission to pay BlackStrap Inc in the amount of \$5,399.55 for 31.95 tons of deicer road salt. (To be paid by Street supplies budget.)
- K. Permission to accept resignation of Lee Harstad from the Parking and Transportation Committee effective April 12, 2023.
- L. Permission to refund over-payment on water account for 417 Cliff Street in the total amount of \$4,647.11.

PUBLIC HEARINGS

Set

Todd moved, Struble seconded to set public hearing on May 1 for Convention Center (on-sale) Liquor and Retail (on-off sale) Malt Beverage & SD Farm Wine License transfers from Cliff Street, LLC to Deadwood Gaming BHCI, LLC dba Deadwood Comfort Inn. Roll Call: Aye-All. Motion carried.

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NEW BUSINESS

Second Reading

Finance Officer McKeown stated no changes between first and second reading. Martinisko moved, Johnson seconded to approve Second Reading of Ordinance #1366 Budget Supplement 2 for 2023. Roll Call: Aye-All. Motion carried.

First Readings

Historic Preservation Officer Kuchenbecker stated definitions have been updated to mirror South Dakota State codified law. Struble moved, Todd seconded to approve first reading of Ordinance #1367 Amending Chapter 17.08 Definitions within Title 17 Zoning dealing with Short-Term Rentals. Commissioner Martinisko would like to change the Dwelling Unit, Multiple-Family to two instead of three. Struble moved, Todd seconded to amend motion to include the change. Roll Call: Aye-All. Motion carried.

Kuchenbecker stated this adds to the conditional use provisions for specialty resort and vacation home establishments in the commercial district. Martinisko moved, Johnson seconded to approve first reading of Ordinance #1368 Amending Chapter 17.32 C1 Commercial District under Title 17 Zoning dealing with Short-Term Rentals. Roll Call: Aye-All. Motion carried.

Kuchenbecker stated this adds to the conditional use provisions for specialty resort and vacation home establishments in the commercial highway district. Martinisko moved, Johnson seconded to approve first reading of Ordinance #1369 Amending Chapter 17.40 CH Commercial Highway District under Title 17 Zoning dealing with Short-Term Rentals. Commissioner Martinisko stated this now will require a conditional use permit. Roll Call: Aye-All. Motion carried.

Kuchenbecker spoke about the goals which are: historic character, values, rights of property owners and neighbors, retaining housing stock, support a balance between owner-occupied/long-term rental, and provide a variety of housing options. He also spoke about the permissions exceptions, and enforcement of all bed and breakfast, specialty resort, vacation home and short-term establishments. Discussion was held concerning existing bed and breakfast establishments. Commissioner Todd believes the conditional use permit should be reviewed annually. Kris Fenton, resident, questioned existing specialty resort establishments and protecting existing residents. Martinisko moved, Struble seconded to approve first reading of Ordinance #1370 Amending Chapter 17.53 Transient Use of Property under Title 17 Zoning dealing with Short-Term Rentals, striking the date of item C of Section 17.53.040 extensions. Mayor Ruth Jr. thanked everyone who took part in the task force and reminded everyone that the ordinances will be heard again on May 1 for second reading. Randy Horner, The Ridge, stated not all Planned Unit Developments are the same and asked for consideration of the percentage of lots dedicated to vacation homes. Mayor stated the consideration can be visited during second reading. Roll Call: Aye-All. Motion carried.

Addendum

Kuchenbecker spoke about the Whitewood Creek Restoration project. Martinisko moved, Johnsons seconded to approve Addendum #4 to contract with Albertson Engineering, Inc. in the amount of \$96,970.00 for the Whitewood Creek Restoration project associated with the FEMA project for additional services related to Site 1. Roll Call: Aye-All. Motion carried.

Contract

Kuchenbecker spoke about the engineering services. Johnson moved, Struble seconded to enter into contract with Albertson Engineering for structural engineering for City and Historic Preservation project in the amount not to exceed \$75,000.00 (To be paid from the budgeted HP Professional Services.) Roll Call: Aye-All. Motion carried.

Contract

Kuchenbecker spoke about the retaining wall. Martinisko moved, Johnson seconded to allow Mayor to sign contract in the amount of \$17,340.00 with Schlosser Construction for repair of retaining wall project at 318 Williams Street for Aaron Sternhagen. (To be paid from Streets Department repairs budget.) Roll Call: Aye-All. Motion carried.

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Permission

Adler spoke about the damaged posts. Struble moved, Johnson seconded to expend up to \$5,000.00 to replace damaged posts at the entrance to rodeo arena. (To be paid from Street Department repairs budget.) Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

- A. Raffle permit received from St. John’s Episcopal Church. Drawing will be held September 4, 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.

Mayor Ruth Jr. congratulated Charlie Struble and Michael Johnson on being re-elected. He also thanked Blake Joseph for running for Commission.

ADJOURNMENT

Struble moved, Martinisko seconded to adjourn the regular session at 5:44 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, May 1, 2023 at 5:00 p.m.

After coming out of executive session at 7:10 p.m., Martinisko moved, Johnson seconded to terminate Scott Reif from the Parks Dept effective 7:00 a.m. on April 18, 2023.

Martinisko moved, Johnson second to adjourn.

ATTEST:

DATE: _____

Jessica McKeown, Finance Officer

BY: _____
David Ruth Jr., Mayor

Published once at the total approximate cost of _____