

## REGULAR MEETING, MAY 15, 2023

The Regular Session of the Deadwood City Commission convened on Monday, May 15, 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, Johnson seconded to approve the minutes May 1, 2023. Roll Call: Aye-All. Motion carried.

### APPROVAL OF DISBURSEMENTS

Todd moved, Struble seconded to approve the May 15, 2023 disbursements. Roll Call: Aye-All. Motion carried.

|                            |               |           |
|----------------------------|---------------|-----------|
| A & B WELDING              | SUPPLIES      | 180.67    |
| ACE HARDWARE               | SHIPPING      | 38.51     |
| ADAMS SALVAGE RECYCLING    | SERVICE       | 40.19     |
| ALBERTSON ENGINEERING      | PROJECT       | 51,629.78 |
| AMAZON CAPITAL             | SUPPLIES      | 1,093.62  |
| AVID4 ENGINEERING          | SERVICE       | 1,950.00  |
| BADGER METER               | HOSTING       | 50.52     |
| BARCO MUNICIPAL PRODUCTS   | SUPPLIES      | 175.99    |
| BARCO PRODUCTS             | BENCH         | 1,220.17  |
| BH CHEMICAL                | SUPPLIES      | 949.25    |
| BH ENERGY                  | SERVICE       | 30,382.45 |
| BH PIONEER                 | SERVICE       | 2,704.09  |
| CHAINSAW CENTER            | SERVICE       | 410.00    |
| CONTRACTOR'S SUPPLY        | SUPPLIES      | 490.00    |
| CULLIGAN                   | SUPPLIES      | 49.00     |
| CURTIS BLUE LINE           | UNIFORMS      | 57.46     |
| DAKOTA LUMBER              | PROJECT       | 11,473.78 |
| DEADWOOD ELECTRIC          | SERVICE       | 176.70    |
| DEADWOOD HISTORY           | MAGAZINE      | 283.33    |
| EAGLE ENTERPRISES          | SUPPLIES      | 551.52    |
| ECOLAB                     | SUPPLIES      | 385.37    |
| EME                        | SCANNER       | 7,648.00  |
| FIB CREDIT CARDS           | SUPPLIES      | 3,037.36  |
| FIRST INTERSTATE BANK      | STAGE RUN     | 9,594.12  |
| FIRST NET                  | SERVICE       | 240.24    |
| GALLS                      | UNIFORMS      | 482.36    |
| GOLDEN WEST                | SERVICE       | 3,639.50  |
| GOVERNMENT FINANCE OFFICER | MEMBERSHIP    | 160.00    |
| GRIFFITH, NYLA             | PROJECT       | 16,833.93 |
| GUNDERSON, PALMER, NELSON  | SERVICE       | 2,175.00  |
| HAWKINS                    | SUPPLIES      | 1,334.69  |
| HILLYARD                   | SUPPLIES      | 266.49    |
| IPS GROUP                  | SERVICE       | 1,724.95  |
| ISC COMPANIES              | INSPECTION    | 500.00    |
| JACOBS WELDING             | SERVICE       | 938.37    |
| JIM'S AUTO SALVAGE         | SUPPLIES      | 600.00    |
| JLG ARCHITECTS             | PROJECT       | 13,450.00 |
| JOHNSON FITNESS            | MAINTENANCE   | 11,616.40 |
| KDSJ                       | SERVICE       | 255.00    |
| KNECHT                     | SUPPLIES      | 457.40    |
| KONE                       | MAINTENANCE   | 537.17    |
| LAWRENCE CO. REGISTER      | SERVICE       | 240.00    |
| LAWSON PRODUCTS            | SUPPLIES      | 620.60    |
| LEAD-DEADWOOD SANITARY     | SERVICE       | 20,239.19 |
| LEASE SERVICING CENTER     | LEASE         | 32,207.32 |
| LIBBY PRODUCTIONS          | BID #8        | 25,000.00 |
| LYNN'S                     | SUPPLIES      | 58.15     |
| MCKILLIP, KATHY            | REIMBURSEMENT | 43.86     |
| MID-AMERICAN RESEARCH CHEM | SUPPLIES      | 745.31    |
| MIDWEST TAPE               | SUPPLIES      | 87.96     |
| MITI MANUFACTURING         | SHIPPING      | 98.28     |
| MOBOTREX                   | SUPPLIES      | 770.00    |
| MONUMENT HEALTH            | TESTING       | 100.00    |
| MS MAIL                    | SERVICE       | 162.10    |
| MUTUAL OF OMAHA            | INSURANCE     | 245.25    |
| NHS OF THE BLACK HILLS     | SERVICE       | 4,044.25  |
| NORTHWEST PIPE FITTINGS    | SUPPLIES      | 937.13    |
| ODD JOBS                   | PROJECT       | 6,020.42  |
| ONSITE FIRST AID           | SUPPLIES      | 341.80    |
| PETTY CASH                 | HP/ZONING     | 156.91    |
| PFARR, RANDY               | REIMBURSEMENT | 23.94     |
| PROJEX                     | SUPPLIES      | 975.00    |
| QUILL                      | SUPPLIES      | 73.95     |
| RASMUSSEN                  | REPAIRS       | 450.09    |
| RECREATION SUPPLY          | SUPPLIES      | 548.49    |
| ROBITAILLE, PAUL           | REIMBURSEMENT | 219.39    |
| ROCKINGTREE LANDSCAPES     | ARBOR DAY     | 378.95    |
| RUSSELL, JERAMY            | CONSULTING    | 480.00    |
| SANDER SANITATION          | SERVICE       | 12,825.48 |
| SCHMIDT, WILLIAM           | PROJECT       | 7,416.00  |
| SCOTT PETERSON MOTORS      | SERVICE       | 891.15    |
| SD COMMISSION ON GAMING    | CITY SLOTS    | 29,829.55 |

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|                             |              |          |
|-----------------------------|--------------|----------|
| SD DEPT. OF REVENUE         | TAX          | 3,023.21 |
| SD DEPT. OF REVENUE         | RENEWALS     | 7,500.00 |
| SD GOV. HUMAN RESOURCE      | SCHOOL       | 300.00   |
| SD PUBLIC HEALTH LAB        | TESTING      | 250.00   |
| SD STATE HISTORICAL SOCIETY | SUBSCRIPTION | 55.00    |
| SERVALL                     | SUPPLIES     | 623.11   |
| SETON                       | SUPPLIES     | 159.59   |
| SIMON MATERIALS             | SUPPLIES     | 257.01   |
| SODAK TITLE                 | SERVICE      | 120.00   |
| SOUTHSIDE SERVICE           | SERVICE      | 203.72   |
| STURGIS RESPONDER SUPPLY    | SUPPLIES     | 103.55   |
| TALLGRASS LANDSCAPE         | PROJECT      | 4,355.00 |
| TEAM LABORATORY CHEMICAL    | SUPPLIES     | 731.00   |
| UMENTHUM, KEITH             | PROJECT      | 1,326.00 |
| VERIZON CONNECT             | SERVICE      | 858.00   |
| VIGILANT BUSINESS SOLUTION  | TESTING      | 54.00    |
| WATER GEAR                  | SUPPLIES     | 40.53    |

Total \$345,973.62

## ITESMS FROM CITIZENS ON AGENDA

### Welcome

Police Chief Shafer introduced Police Officers Tashon Clark and Keegan Holzapfel to the Commission. Commission welcomed them to the city.

### Recognition

Fire Chief Hamann recognized firefighters Joel Ellis, Anita Knipper and Jade Rodiack on completing Firefighter 1 and 2 courses. Commission thanked them for their service.

### Tour Rodeo

Pat Roberts, Days of '76 Committee, stated Days of '76 Rodeo was named Tour Rodeo. A Tour Rodeo is a tournament style rodeo within the PRCA. Travis Rogers, Days of '76 Committee, thanked the City of Deadwood for all the assistance throughout the years.

## CONSENT

Struble moved, Todd seconded to omit Item H for separate consideration and approve the following consent items. Roll Call: Aye-All. Motion carried.

- A. Permission to approve revised Section 2.16 Accident Reporting and Investigation in the Employee Handbook, effective May 16, 2023.
- B. Permission to promote James Lee to Streets Superintendent at \$29.00 per hour (D19 rank) effective May 16, 2023.
- C. Permission to advertise in-house for 5 days and in official newspaper for Streets Operator/Laborer at \$23.00 (D13 rank) per hour.
- D. Permission to hire Brandon Wallin for seasonal Parks position at \$14.33 per hour effective May 16th, 2023 pending pre-employment screening.
- E. Allow use of public property for The Big Mick: Sherman Street Lot Saturday, June 10, 2023.
- F. Permission to extend up to 39 hours of vacation time for Kevin Kuchenbecker until June 30, 2023.
- G. Permission to hire Job Corp student Wallace Cook as Painting Apprentice at \$14.33 per hour effective May 17, 2023 pending pre-employment screening.
- H. Removed for separate consideration in New Business.
- I. Permission to advertise in-house for 5 days and in official newspaper for one full-time police officer. (\$25.79 per hour for Certified and \$23.22 for Non-Certified.)
- J. Remove Laura Linn from payroll effective May 15, 2023.
- K. Permission to hire Madelynn Geppert for Finance Office at \$24.00 per hour effective May 18, 2023, pending pre-employment screening.
- L. Renew 2023-2024 Malt Beverage Licenses, pending payment of property tax and BID taxes.
- M. Request to waive banner fees and requirements for 2023 raffle fundraiser for St. John's Episcopal Church on Gold Street during the 2023 season. (Request approved previous seasons.)
- N. Permission to approve recommendation from Mayor Ruth to appoint Molly Brown and re-appoint Leo Diede and Trevor Santochi to three terms on the Historic Preservation Commission beginning June 1, 2023 and ending May 31, 2026.
- O. Permission to make 2023 budget allocation to Northern Hills Alliance for Children in the amount of \$3,000.00 from Bed and Booze Fund.

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- P. Permission for the Mayor to appoint Dory Hanson to the Parking and Transportation Committee.
- Q. Permission for Mayor to sign Oakridge Cemetery Certificate of Purchase and Warranty Deed for Alma Smith
- R. Permission to purchase Rascal Pro 4.5 drag rake from abi Attachment in an amount not to exceed \$3,896.80. (To be paid from Parks equipment.)
- S. Add Louis Longmore effective March 9, 2023; remove Michelle and Steve Peil effective April 13, 2023 from the Volunteer Fire Department Roster for workers compensation purposes.
- T. Permission for Mayor to sign contract with Caleb Sher of Yiddish Book Center to transliterate text of emphemra from Yiddish to English at a cost not to exceed \$1,000.00 to be paid from HP Archives line item.
- U. Acknowledge Deadwood Volunteer Fire Department 2022 Annual Report.
- V. Permission for Mayor to sign annual parking lease with Peterson CPA for three (3) parking spots located on Seiver Street for a total of \$225.00 per month plus tax
- W. Permission to purchase 5500 gallons of gas at \$3.07 per gallon from Southside Oil with a price not to exceed \$16,885.00.
- X. Permission for Mayor to sign contract with Stone Land Services (Julie Stone) as an independent contractor to conduct records research for M.S. 72 and M.S. 89. (Project approved by City Commission on May 1, 2023.)
- Y. Permission to approve additional costs in the amount of \$3,750.98 for work associated with Ghost Mural Project at 51, 53, 55 Sherman Street (Adams Block) for cleaning brick in preparation of the restoration work.

### **BID ITEMS**

#### **5 Harrison Street (continued from May 1)**

Historic Preservation Officer Kuchenbecker stated after reviewing with the homeowners, staff recommends rejecting the bid for the retaining wall. Martinisko moved, Struble seconded to reject bid for 5 Harrison Street Retailing Wall. Roll Call: Aye-All. Motion carried.

### **PUBLIC HEARINGS**

#### **Transfer**

Public hearing was opened at 5:10 p.m. by Mayor Ruth Jr. No one spoke in favor or against, hearing closed. Todd moved, Struble seconded to approve Convention Center (on-sale) Liquor (CL-0506), Retail (on-off sale) Malt Beverage & SD Farm Wine (RB-2659) and Retail (on-off sale) Wine and Cider (RW-6643) License transfers from Hotel Franklin Inc. to SGMSD, LLC dba Franklin Hotel. Roll Call: Aye-All. Motion carried.

#### **Transfer**

Public hearing was opened at 5:11 p.m. by Mayor Ruth Jr. No one spoke in favor or against, hearing closed. Struble moved, Todd seconded to approve Retail (on-sale) Liquor (RL-5538), Retail (on-off sale) Malt Beverage & SD Farm Wine (RB-2512) and Retail (on-off sale) Wine and Cider (RW-6436) License transfers from Super G Investments, Inc. to SGMSD, LLC dba Silverado Gaming Establishment and Restaurant. Roll Call: Aye-All. Motion carried.

#### **Summer Kick Off Concert**

Public hearing was opened at 5:12 p.m. by Mayor Ruth Jr. Bobby Rock, Outlaw Square, was available to answer questions. Christin Sjomeling, resident, is concerned about the noise levels with concerts at the Square. Discussion was held concerning noise levels during concerts. Mayor thanked her for addressing the issue and will continue to monitor since it varies from artist to artist. Hearing closed. Martinisko moved, Struble seconded to open container in zone 1 and 2 from 5:00 p.m. until 10:00 p.m. on Friday, May 26, and Saturday, May 27 from noon to 10:00 p.m.; street closure on Deadwood Street from Main Street to Pioneer Way from 7:00 a.m. on Friday, May 26 to 1:00 a.m. on Sunday, May 28, 2023. Roll Call: Aye-All. Motion carried.

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### Deadwood Moto Show

Public hearing was opened at 5:23 p.m. by Mayor Ruth Jr. Sarah Kryger, Deadwood Chamber, was available to answer questions, hearing closed. Struble moved, Todd seconded to approve open container Friday, June 2 from 5:00 p.m. to 10:00 p.m. and Saturday, June 3 from 5:00 p.m. to 10:00 p.m. at the Event Complex; and waiver of user fees Tuesday, May 30 through Monday, June 5 2023 at the Event Complex. Roll Call: Aye-All. Motion carried.

### NAJA Shriners Circus

Public hearing was opened at 5:24 p.m. by Mayor Ruth Jr. Sarah Kryger, Deadwood Chamber, was available to answer questions, hearing closed. Martinisko moved, Johnson seconded to approve waiver of user fees at Event Complex Saturday, June 24, 2023. Roll Call: Aye-All. Motion carried.

### Holistic Fair

Public hearing was opened at 5:25 p.m. by Mayor Ruth Jr. Bobby Rock, Outlaw Square, spoke about the event. Hearing closed. Martinisko moved, Struble seconded to approve open container in zone 3 only from 3:00 p.m. to 7:00 p.m. and street closure on Deadwood Street from Main Street to Pioneer Way from 7:00 a.m. to 10:00 p.m. on Saturday, June 24, 2023. Roll Call: Aye-All. Motion carried.

### Bev's Poker Run

Public hearing was opened at 5:26 p.m. by Mayor Ruth Jr. No one spoke in favor or against, hearing closed. Martinisko moved, Johnson seconded to approve Main Street Parking from Wall to Lee Street (southwest side only) from 5:00 p.m. to 10:00 p.m. on Sunday, June 25, 2023. Roll Call: Aye-All. Motion carried.

### NAJA Shriners Beer-A-Thon

Public hearing was opened at 5:27 p.m. by Mayor Ruth Jr. Bobby Rock, Outlaw Square, was available to answer questions. Hearing closed. Struble moved, Todd seconded to approve open container in zone 1 and 2 from 5:00 p.m. until 10:00 p.m. on Friday, July 14, and Saturday, July 15 from noon to 10:00 p.m.; street closure on Deadwood Street from Main Street to Pioneer Way from noon on Friday, July 14 to 10:00 p.m. on Saturday, July 15, 2023. Roll Call: Aye-All. Motion carried.

### Set

Todd moved, Struble seconded to set public hearing on June 5, 2023 for Shell Rotella Calendar Photography and Filming. Roll Call: Aye-All. Motion carried.

## **NEW BUSINESS**

### Resignation

Finance Officer McKeown stated the date has been changed for the resignation. Martinisko moved, Johnson seconded to accept the resignation from police officer Aaron McPheeters effective May 17, 2023.

### Variance

Historic Preservation Officer Kuchenbecker spoke about the variance. William Pearson, WJP Holdings, spoke about the footprint. Johnson moved, Martinisko seconded to Act as Board of Adjustment and approve variance request for front yard setback for Lot 1, Block 3A of Deadwood Stage Run Addition along Mystery Wagon Road for WJP Holdings, LLC (William Pearson). Roll Call: Aye-All. Motion carried.

### Second Reading

Finance Officer McKeown spoke about the change to the Ordinance. Martinisko moved, Johnson seconded to approve second reading of Ordinance #1371 Chapter 2.08 City Officers as amended. Roll Call: Aye-All. Motion carried.

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Motion

McKeown spoke about the transfer. Martinisko moved, Struble seconded to rescind motion for Mayor to sign City Five Cent Slot Machine Lease and Operating Agreement transfer from Super G to SGMSD LLC. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to approve Resolution 2023-14 Silverado City Slots Transfer to SGMSD, LLC. Roll Call: Aye-All. Motion carried.

**RESOLUTION NO. 2023-14  
RESOLUTION TRANSFERRING CITY FIVE CENT SLOT MACHINE LEASE AND  
OPERATING AGREEMENT**

**WHEREAS**, the City of Deadwood has been authorized by SDCL 42-7B-44 to purchase or lease fifty (50) up to and including five-cent (5¢) slot machines to be placed in businesses with retail gaming licenses.;

**WHEREAS**, Super G Investment Corp. recently transferred all its assets, including the City Five Cent Slot Machine Lease from Super G Investments Corp. to SGMSD, LLC dba Silverado;

**NOW THEREFORE**, the City of Deadwood has approved the transfer of agreement for City Five Cent Slot Machines to SGMSD, LLC.

Dated this 15th day of May, 2023

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

Purchase

Fire Chief Hamann spoke about the purchase. Martinisko moved, Todd seconded to purchase six (6) Motorola AXP4000 radios (including hardware, setup, and installation) from Motorola Solutions in an amount not to exceed \$19,337.10 (To be paid from Fire Dept Equipment budget with half reimbursed from Wildland Fire Grant.) Roll Call: Aye-All. Motion carried.

Rescind

McKeown stated the Mack dump truck was not the correct vehicle and does not qualify based on the DENR specs and other criteria. She said the correct vehicle is the 2021 Freightliner with a payoff of \$127,841.40 and a budget supplement would be needed. Discussion was held concerning budget.

Martinisko moved, Struble seconded to rescind motion to payoff 2021 Mack Dump truck Vin #2317 in the amount of \$63,592.36 (2023 and 2024 lease payments) to KS State Bank. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to pay off 2021 Freightliner in the amount of \$127,841.40 to Mercedes-Benz Financial Services which would be needed to receive the \$70,202.00 rebate from SD DENT-AQ Program. Roll Call: Aye-All. Motion carried.

Annual Report

McKeown spoke about the annual report. Martinisko moved, Johnson seconded to approve the 2022 unaudited Annual Report for the City of Deadwood. Roll Call: Aye-All. Motion carried.

Form E

McKeown spoke about the form. Mayor Ruth Jr. recused himself. Discussion was held concerning fees and the process of manufacturing. Martinisko moved, Struble seconded to issue Form E (subject to state approval) for Medical Manufacturing cannabis to the following establishment: From the Hills, LLC – 11490 US 14A. Roll Call: Aye - Johnson, Martinisko, Struble, Todd. Abstained – Ruth. Motion carried.

**INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS**

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.

Fire Chief Hamann stated firefighter Paul Robitaille was chosen as the 2022 South Dakota VFW Firefighter of the year.

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On behalf of the Commission, Commission Johnson extended condolences to the family of Ron Burns.

**ADJOURNMENT**

Martinisko moved, Struble seconded to adjourn the regular session at 5:57 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, June 5, 2023 at 5:00 p.m.

After coming out of executive session at 6:37 p.m., Martinisko, Johnson seconded to advertiser in-house for 5 days and in official newspaper for Zoning Coordinator at \$22.00 - \$24.00 per hour (D12-D14 rank) depending on education, experience and qualifications.

Martinisko moved, Struble seconded to adjourn.

ATTEST:

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

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

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

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