

**REGULAR MEETING, OCTOBER 18, 2021**

The Regular Session of the Deadwood City Commission convened on Monday, October 18, 2021 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, Todd seconded to approve the minutes of October 4, 2021. Roll Call: Aye-All. Motion carried.

**APPROVAL OF DISBURSEMENTS**

Martinisko moved, Johnson seconded to approve the October 18, 2021 disbursements. Roll Call: Aye-All. Motion carried.

A & I DISTRIBUTORS	SUPPLIES	59.74
ACE HARDWARE	SUPPLIES	46.02
ADAMS SALVAGE	SERVICE	44.02
ALBERTSON ENGINEERING	PROJECT	9,833.78
AMAZON CAPITAL	SUPPLIES	409.14
AMAZON	SERVICE	203.13
BH ENERGY	SERVICE	29,613.24
BH PIONEER	SERVICE	628.18
BH SECURITY	SERVICE	89.85
BH SPECIAL SERVICES	CLEANING	8,150.00
CENTURY BUSINESS PRODUCTS	CONTRACT	535.52
CONVERGINT TECHNOLOGIES	SUPPLIES	989.80
CULLIGAN	SUPPLIES	106.50
DEADWOOD CHAMBER	BILL LIST	71,874.92
DEADWOOD ELECTRIC	SERVICE	408.22
DMC WEAR PARTS	SUPPLIES	750.28
DONARSKI LAWCARE	SERVICE	1,351.80
EAGLE ENTERPRISES	SUPPLIES	2,358.00
ECOLAB	SERVICE	93.15
EXTREME FOUNDATION REPAIR	SERVICE	8,407.80
FASNACHT, GLENN	PROJECT	346.96
FERBER ENGINEERING	SERVICE	746.00
FIB CREDIT CARDS	SUPPLIES	1,155.52
GALLS	UNIFORMS	166.99
GARDNER CONSTRUCTION	PROJECT	2,170.00
GOLDEN WEST	SERVICE	1,804.38
GRIMM'S PUMP	SUPPLIES	111.91
HAWKI, KEN	REIMBURSEMENT	98.96
HAWKINS	SUPPLIES	1,055.82
IPS GROUP	SERVICE	11,434.43
JACOBS WELDING	SERVICE	1,549.24
KETEL THORSTENSON	AUDIT	6,769.34
KNECHT	GRANTS	628.16
KONE	MAINTENANCE	502.76
LAWRENCE CO. REGISTER	SERVICE	30.00
LAWSON PRODUCTS	SUPPLIES	514.12
LEAD-DEADWOOD SANITARY	SERVICE	32,746.15
LIGHTING PLASTICS	SUPPLIES	677.05
M & T FIRE	TESTING	1,852.08
M&M SANITATION	RENTAL	240.00
MACQUEEN EMERGENCY	SUPPLIES	426.38
MENARD'S	SUPPLIES	1,573.31
MIDWEST TAPE	SUPPLIES	146.18
NORTHWEST PIPE FITTINGS	SUPPLIES	902.74
ONE WAY SERVICE PROS	PROJECT	4,387.24
PITNEY BOWES	POSTAGE	500.00
QUIK SIGNS	SERVICE	916.05
RAPID SPA	SAUNA	5,999.00
RASMUSSEN MECHANICAL	SUPPLIES	615.04
RCS CONSTRUCTION	PROJECT	35,800.00
RUNGE, MIKE	REIMBURSEMENT	339.13
SANDER SANITATION	SRVICE	11,612.73
SCHMIDT, WILLIAM	PROJECT	6,575.00
SD COMMISSION ON GAMING	CITY SLOTS	29,829.55
SD DEPT OF REVENUE	TAX	7,860.52
SD RURAL WATER	REGISTRATION	500.00
SJOMELING, DAN & SHAUNNA	PROJECT	1,004.98
SOUTHSIDE OIL	FUEL	15,455.00
SOUTHSIDE SERVICE	SERVICE	562.55
STURDEVANT'S	SUPPLIES	1,679.94
SUMMIT FIRE PROTECTION	INSPECTION	3,378.00
SUPERIOR SAUNA	SUPPLIES	1,009.90
TEAM LABORATORY CHEMICAL	SUPPLIES	814.00
THE LORD'S CUPBOARD	RECYCLING	99.00
TOMS, DON	PROJECT	600.00
TRIPLE K	SERVICE	382.96
TRUGREEN	SERVICE	424.45
TWIN CITY HARDWARE	SUPPLIES	248.89
TWIN CITY HARDWARE	GRANT	392.92
USA BLUEBOOK	SUPPLIES	50.34
VAST	SERVICE	166.47
VERIZON CONNECT	SERVICE	267.53

**REGULAR MEETING, OCTOBER 18, 2021**

VISIONARY LANDSCAPING	SERVICE	1,013.00
VOELKER'S AUTO BODY	SERVICE	490.53
WEST RIVER HISTORY	REGISTRATION	120.00
WHEELER LUMBER OPERATIONS	SUPPLIES	311.04
WL CONSTRUCTION SUPPLY	SUPPLIES	825.98
		Total \$337,833.31

**CONSENT**

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

- A. Permission for Mayor to sign a Memorandum of Understanding between the City of Deadwood, the City of Lead and the Lead-Deadwood School District for two School Resource Officers.
- B. Permission to remove the following employees from payroll effective October 1, 2021. Ron Blotz, Richard Brooks, Brandon Russell, Robert Herrmann, Aaron Olinger and Madison Watts.
- C. Permission to advertise in house for 5 days for Rec Center Assistant Manager and Rec Center Special Program Coordinator at \$18.65 per hour. If not filled, permission to advertise in official newspaper. These are two new full-time budgeted positions for 2022.
- D. Permission to purchase \$3,856.00 worth of signage supplies from Brandon Industries for the Upper Main Street project to be paid for by the 2021 Parking & Transportation Committee budget.
- E. Approve renewal of Livery Vehicle Permit for Deadwood Alive for 2022. Approved by Parking and Transportation on October 7, 2021.
- F. Permission to pay Menards in the amount of amount of \$2,729.58 for materials to replace structural members for the deck behind the chutes to be paid from HP Capital Assets.

**PUBLIC HEARINGS**

**SnoCross**

Public hearing was opened at 5:02 p.m. by Mayor Ruth Jr. Sarah Kryger, Deadwood Chamber, was available to answer questions, hearing closed.

Martinisko moved, Struble seconded to allow the relaxation of open container and special temporary full liquor license for Deadwood Chamber from noon Friday, January 28 to 2:00 a.m. on Saturday, January 29; 8:00 a.m. Saturday, January 29, to 2:00 a.m. Sunday, January 30; and fireworks display at 6:00 p.m. on Friday, January 28 and Saturday, January 20, 2022 at Event Complex. Roll Call: Aye-All. Motion carried.

**K-9 Keg Pull**

Public hearing was opened at 5:04 p.m. by Mayor Ruth Jr. Commissioner Martinisko question the location of street closure. Lieutenant Bradley addressed safety issues. Facilities and Transportation Director Kruzel spoke about trolley ridership to and from Event Complex for another event. Commissioner Struble believes this event has outgrown Deadwood Street. Struble questioned why the concerns were not addressed at Event Committee meeting. Kruzel stated some issues were addressed but committee does not have opportunity to look at safety aspect as much as approving event. Mayor Ruth Jr. believes concern is not over the event itself but impacts as far as safety and an increase in expense. Sarah Kryger, Deadwood Chamber, stated the street closure was a request from Main Street Initiative Promotions Committee, who would like to see more events on the lower end of Main Street. Martinisko understands the business concerns and encourages businesses to have specials within to draw customers. Barry Decker, Resident, questioned why the street closure is not by the Elementary School. Ruth stated that was due to the construction of the square. Hearing closed. Martinisko moved, Johnson seconded to continue and send back to Event Committee for review regarding street closure. Roll Call: Aye-All. Motion carried.

## **REGULAR MEETING, OCTOBER 18, 2021**

### **Road Grub Throwdown**

Public hearing was opened at 5:15 p.m. by Mayor Ruth Jr. Sarah Kryger, Deadwood Chamber, was available to answer questions, hearing closed.

Martinisko moved, Struble seconded to allow the relaxation of the open container and special full temporary liquor license for Deadwood Chamber from 9:00 a.m. to 9:00 p.m. Friday, August 5 through Tuesday, August 9, 2022 Event Complex. Roll Call: Aye-All. Motion carried.

### **NEW BUSINESS**

#### **Contract**

Historic Preservation Officer Kuchenbecker spoke about the project. Struble moved, Todd seconded to enter into contract with Simon to Chip seal Mt. Moriah Cemetery in the amount of \$39,504.00 in the spring of 2022. To be paid from the 2022 Historic Cemeteries repair budget line item. Roll Call: Aye-All. Motion carried.

#### **Change Order**

Kuchenbecker spoke about the change order. Struble moved, Martinisko seconded to approve change order #1 with RCS Construction for retaining wall project at 40 Jefferson in the amount of \$4,861.00, bringing total project to \$68,861.00 with owner paying their share of the change order. Roll Call: Aye-All. Motion carried.

#### **Contract**

Kuchenbecker spoke about the project. Facilities and Transportation Director Kruzel spoke about the chime system and additional staff labor. Johnson moved, Martinisko seconded to enter into contract with Top Rung Tower Chime for the restoration of the Chime System at the Adams Museum in the amount of \$43,820.00. To be paid from HP Capital Assets line items in the 2021, 2022 and 2023 budget cycles. Roll Call: Aye-All. Motion carried.

#### **Purchase**

Martinisko moved, Struble seconded to approve the purchase of annual garland and greens from Trinity United Methodist Church for streetlights in the amount of \$1,720.00 and have Public Works install. Roll Call: Aye-All. Motion carried.

#### **Purchase**

Kruzel spoke about the project, which is a project Mike Runge has been working on. Discussion was held concerning funds. Martinisko moved, Johnson seconded to approve the purchase of 6 diving block platforms from Recreation Supply Company in the amount of \$32,338.52 with no expenditure to be paid until all funds are received. To be paid from Rec Center Improvements budget. \$29,338.52 to be paid from Deadwood Lead 76ers Swim Club. \$3,000.00 budgeted amount from the Rec Center. Roll Call: Aye-All. Motion carried.

#### **Project Plan**

Jeremy spoke about the public hearing held for creating TIF#14 on Wednesday, October 6 and that Planning and Zoning Commission recommended approval. Tobin Morris, Senior VP Dougherty & Company, spoke about the process. Commissioner Martinisko questioned the amount in the project plan, total going from 10.5 to 15 million. Morris explained it was due to required turn lanes by DOT. Commissioner Todd agrees with Martinisko. Discussion was held concerning costs, itemizations, and cost of turning lane. After discussion, Martinisko moved, Johnson seconded to continue Project Plan for TIF #14. Roll Call: Aye-All. Motion carried.

#### **Resolution**

Martinisko moved, Johnson seconded to continue Resolution 2021-23 to create TIF #14. Roll Call: Aye-All. Motion carried.

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### **First Reading**

Martinisko moved, Todd seconded to approve first reading of Ordinance #1333 for discussion. Martinisko spoke about a conversation she and Russell had at the Municipal League Convention with representatives from Dept. of Health, Dept. of Revenue, and others who are actively engaged in establishing Cannabis. She believes the ordinance is not ready. She stated the city must sign off with the applicant that they have meet all requirements as well as a background check before the state does signs off. She would like to see a set distance between establishments for guidance and control. City Attorney Riggins stated the states proposal reflects what the statue states and spoke about the moratorium in place. Martinisko moved, Todd seconded to amend motion to continue first reading of Ordinance #1333 Creating Licensing Provision for Medical Cannabis Establishments. Barry Decker asked if Federal Government don't take it off the Endangered Drug list is there a problem. Bradley stated as certified law enforcement officers, we are forbidden to assist Federal Government in enforcing any cannabis laws. He said if you have a medical card, you will be able to possess up to a certain amount, still forbidden to smoke in public or vehicle. Attorney Riggins stated in every state where cannabis has been licensed at state level, the federal government has not made any attempt to prohibit it. Roll Call: Aye-All. Motion carried.

### **First Reading**

Nelson Jr. spoke about the amendment, which is to adopt Rapid City's Utility Code by resolution. Martinisko moved, Johnson seconded to approve First Reading of Ordinance #1334 Amending Chapter 15.24.010 Utility Construction Standards Code. Roll Call: Aye-All. Motion carried.

### **First Reading**

Nelson Jr. spoke about the code. Martinisko moved, Todd seconded to approve First Reading of Ordinance #1335 Creating Chapter 15.26 Plumbing Code. Roll Call: Aye-All. Motion carried.

### **Resolution**

Kruzel spoke about the surplus and the new crow's nest. Discussion was held concerning expense. Kuchenbecker spoke about the need for a new crow's next which will accommodate more staff and equipment. Johnson moved, Struble seconded to approve Resolution 2021-24 to surplus Crow's Nest and donate the exiting crow's nest at the Days of '76 Rodeo Grounds to the City of Kadoka for their rodeo grounds. Days of '76 Committee will participate in the construction of a new crow's nest which meets the needs of the complex. Roll Call: Aye-All. Motion carried.

## **INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS**

Attorney Riggins requested Executive Session for personnel matters per SDCL 1-25-2 (1) and legal matters per SDCL 1-25-2(3) with possible action.

### **ADJOURNMENT**

Martinisko moved, Struble seconded to adjourn the regular session at 6:12 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, November 1, 2021.

After coming out of executive session at 6:48 p.m., Martinisko moved, Johnson seconded to allow a one-time exception for overtime to be granted to the public work employees coming off of sick leave due to COVID for the October 3 through October 16, 2021 pay period.

Martinisko moved, Johnson seconded to grant Veteran's Day as a paid holiday with City Offices being closed on Thursday, November, 11, 2021. Topic will require further discussion for following year.

Martinisko moved, Struble seconded to adjourn.

ATTEST:

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

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

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

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