

REGULAR MEETING, FEBRUARY 5, 2024

The Regular Session of the Deadwood City Commission convened on Monday, February 5, 2024 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, Charlie Struble and Gary Todd. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Struble moved, Johnson seconded to approve the minutes of January 16, 2024. Roll Call: Aye-All. Motion carried.

JANUARY 2024 PAYROLL: COMMISSION, \$3,692.28; FINANCE, \$23,396.97; PUBLIC BUILDINGS, \$7,830.12; POLICE, \$94,505.96; FIRE, \$5,865.2; BUILDING INSPECTION, \$5,138.80; STREETS, \$38,195.08; PARKS, \$30,710.00; LIBRARY, \$8,768.30; RECREATION CENTER, \$21,734.04; HISTORIC PRESERVATION, \$22,908.25; WATER, \$21,884.48; PARKING METER, \$16,543.18; TROLLEY, \$18,935.33; PARKING RAMP, \$3,464.08
PAYROLL TOTAL: \$326,303.77.

JANUARY 2024 PAYROLL PAYMENTS:

Internal Revenue Service, \$76,136.54; S.D. Retirement System, \$38,222.3; Delta Dental, \$3,805.46.

APPROVAL OF DISBURSEMENTS

Martinisko moved, Johnsons seconded to approve the February 5, 2024 disbursements as amended. Roll Call: Aye-All. Motion carried.

A & B BUSINESS SOLUTIONS	CONTRACT	634.79
A & I DISTRIBUTORS	SUPPLIES	800.11
A & J SUPPLY	SUPPLIES	99.92
A - Z SHREDDING	SERVICE	173.40
ACE HARDWARE OF LEAD	SUPPLIES	58.05
ALBERTSON ENGINEERING	PROJECT	726.25
ALPINE IMPRESSIONS	SERVICE	54.00
AMAZON CAPITAL	SUPPLIES	1,560.16
AMERICAN ENGINEERING TESTING	PROJECT	2,815.50
BH CHEMICAL	SUPPLIES	587.51
BLACKSTRAP	SUPPLIES	9,005.92
BLAIR, CHRIS	GRANT	3,089.51
BLOOMERS	SERVICE	129.00
BLUEPEAK	SERVICE	4,062.33
BOYS & GIRLS CLUB	ALLOCATION	5,000.00
BRANDING IRON BISTRO	SERVICE	4,200.00
BUTLER MACHINERY	SUPPLIES	510.00
CENTURY BUSINESS PRODUCTS	SERVICE	287.94
CHAINSAW CENTER	SUPPLIES	95.97
CIVICPLUS	SERVICE	2,400.00
CORR CONSTRUCTION	PAY APP	73,239.18
CREATIVE PRODUCT SOURCING	SUPPLIES	459.10
CULLIGAN	SUPPLIES	51.00
DAKOTA SUPPLY GROUP	SUPPLIES	115.47
DEADWOOD CHAMBER	BILL LIST	35,249.32
DEADWOOD CHAMBER	SQUARE	25,000.00
DEADWOOD GAMING	BID #8	45,000.00
DEFENSE TECHNOLOGY	SERVICE	325.00
DOERING, PENNY	REFUND	25.00
ENGINEERED CONCRETE	SUPPLIES	1,200.00
FIRST BAPTIST CHURCH	LEASE	3,600.00
FIRST INTERSTATE BANK	TIF #8	4,712.61
FIRST NET	SERVICE	240.24
FLOYD'S TRUCK CENTER	SERVICE	581.78
FOGLE, JAKE	REIMBURSEMENT	60.00
GALLS	UNIFORMS	221.27
GENPRO ENERGY SOLUTIONS	SERVICE	335.71
GLOVER, SANDY	REIMBURSEMENT	30.00
GLOVER, WILLIAM	REIMBURSEMENT	30.00
GOLDEN WEST	SERVICE	22,669.81
GREAT WESTERN TIRE	SERVICE	2,378.40
HAWKINS	SUPPLIES	1,226.89
HOMETOWN MANUFACTURING	SUPPLIES	439.07
IDENTISYS	SUPPLIES	703.40
INTERSTATE BATTERY	SUPPLIES	61.80
JACOBS WELDING	SERVICE	1,120.54
JASON RAKOW CONSTRUCTION	SERVICE	612.25
JOE B. PETERSON, CPA	SUPPLIES	20.00
KNECHT	SUPPLIES	104.99
KNOX, SHANNA	GRANT	129.17
KUBOTA LEASING	PAYMENT	125.12
LAWRENCE CO. REGISTER	SERVICE	120.00
LEGENDARY ELECTRIC	SERVICE	1,420.12
LIBERTY NATIONAL BANK	TIF #9	381.42
LIVENGOOD BLUES	GRANT	7,500.00

REGULAR MEETING, FEBRUARY 5, 2024

LOMC CLEARINGHOUSE	SUPPLIES	6,500.00
LYNN'S	SUPPLIES	95.25
MAS MODERN MARKETING	SUPPLIES	664.30
MCKEOWN, JESSICCA	REIMBURSEMENT	40.00
MED-TECH RESOURCE	SUPPLIES	288.04
MENARD'S	SUPPLIES	419.64
METERING & TECHNOLOGY	SUPPLIES	499.50
MICROSOFT	SERVICE	713.28
MID-STATES ORGANIZED CRIME	MEMBERSHIP	150.00
MIDWEST TAPE	SUPPLIES	92.96
MDU	SERVICE	16,908.70
MOSHER, ANDREW	REIMBURSEMENT	250.74
MS MAIL	SERVICE	1,848.91
MUTUAL OF OMAHA	INSURANCE	368.90
NUCKLES, LES	REIMBURSEMENT	74.00
ONE WAY SERVICE PROS	SERVICE	749.82
ONSITE FIRST AID	SUPPLIES	382.60
PEARSON, TRAVIS	REIMBURSEMENT	74.00
PRESSURE SERVICES	SERVICE	281.34
PUBLIC SAFETY EQUIPMENT	SUPPLIES	1,380.00
QUIK SIGNS	SERVICE	1,064.59
RAMKOTA HOTEL	CONFERENCE	2,329.00
RASMUSSEN MECHANICAL	SERVICE	25,705.08
RCS CONSTRUCTION	PROJECT	786,362.50
ROCKSTARZ CONCRETE DESIGN	SERVICE	1,800.00
RUTH JR., DAVID	REIMBURSEMENT	236.74
S AND C CLEANERS	CLEANING	8,472.00
SANFORD, TY	REIMBURSEMENT	60.00
SANTOCHI, TREVOR	REIMBURSEMENT	190.74
SCHNERINGER, CINDY	SERVICES	1,698.30
SCOTT PETERSON MOTORS	SUPPLIES	651.14
SD DEPT. OF REVENUE	LICENSE	225.00
SD DEPT. OF TOURISM	SERVICE	500.00
SD MUNICIPAL LEAGUE	SERVICE	120.00
SD PUBLIC HEALTH LAB	TESTING	30.00
SERVALL	SUPPLIES	1,608.63
SQUARE 9 SOFTWARE	RENEWAL	1,018.45
STURDEVANT'S	SUPPLIES	2,881.09
STURGIS RESPONDER SUPPLY	UNIFORMS	54.95
TALLGRASS	PROJECT	2,604.65
TELLINGHUISEN, ROGER	LOBBYIST	20,040.00
TOLAR, JESSICA	REIMBURSEMENT	13.15
TOWEY DESIGN GROUP	PROJECT	2,373.30
TWIN CITY HARDWARE	SUPPLIES	2,036.95
TWO BIT ORIGINALS	SUPPLIES	118.00
ULINE	SUPPLIES	137.54
VANWAY TROPHY	SERVICE	154.60
VERIZON CONNECT NWF	SERVICE	92.95
VERIZON WIRELESS	SERVICE	708.42
VIEHAUSER ENTERPRISES	SUPPLIES	1,104.58
VIGILANT BUSINESS SOLUTION	TESTING	2,172.25
WHEELER LUMBER OPERATIONS	SUPPLIES	1,814.40

Total 1,219,015.93

CONSENT

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

- A. Rescind hiring of Atlas Maverick patrol officer from January 16, 2024 minutes.
- B. Permission to approve updated job description for Library Assistant I.
- C. Permission to increase hours for Jessica Tolar, Library Assistant I, from 19 hours to part-time 25 hours per week (with 1/2 time benefits per employee handbook) at \$15.00 per hour, effective February 4, 2024.
- D. Permission to promote Michael Olsen to part-time (29 hours per week with 1/2 time benefits per employee handbook) Rec Center front desk receptionist at \$16.00 per hour, effective February 4, 2024.
- E. Permission to accept resignation of patrol officer Edward Allen effective January 30, 2024.
- F. Permission to advertise in-house for 5 days and with outside sources for two full time patrol officer positions. (certified \$26.79 per hour and non-certified \$24.22 per hour)
- G. Permission to adopt new job description for Safety Coordinator.
- H. Permission to notify in-house salaried employees defined in Chapter 2.08.010 of Safety Coordinator position at annual stipend of \$3,000.00. (Position open until filled)
- I. Permission to approve the FY2024 aluminum can recycling proceeds to be allocated to Feeding Deadwood.
- J. Permission to make 2024 budget allocation to Lobbyist Craig Matson in the amount of \$20,040.00. (To be paid by Bed and Booze line item)
- K. Permission to approve 2023 abatement request for parcels 30075-00049-000-00, 30075-00036-000-10, 30075-00035-000-00. (School Lots 33 through 36 and 42 through 49, Fuller Brothers LLP)

REGULAR MEETING, FEBRUARY 5, 2024

- L. Acknowledge payment of \$6,500.00 and submittal of a Conditional Letter of Map Revision (CLOMR) for FEMA project clarifying the affects of the hydrologic and hydraulic characteristics of Whitewood Creek in Phase I of the proposed restoration efforts with the determination of Base Flood Elevations.
- M. Acknowledge City of Deadwood's transition of engineering services from KLJ Engineering to DGR Engineering for Burnham Avenue extension to maintain the engineer of record for the project being Dana Foreman, PE.
- N. Permission for the Mayor to sign agreement between Deadwood Historic Preservation Commission and Deadwood Alive for reenactments, performances of The Trial of Jack McCall and operation of the Deadwood Stagecoach for the seasons 2024 through 2028.
- O. Permission for the Mayor to sign lease agreement 600 square feet of city property near the PRV building at the Deadwood Event Complex to CommNet Cellular Inc. for location of a small cell tower.
- P. Permission for Mayor to sign addendum to water use agreement dated September 22, 2006 agreement with Oak Mountain Country Estates Owners Association adjusting utility surcharge and water rates.
- Q. Permission to purchase 10ft snow pusher from Signature Auto Sales in an amount not to exceed \$3,200.00. (To be paid from Parks Equipment budget.)
- R. Permission for the Mayor to sign contract with Complete Concrete in the amount of \$211,285.00 for the 2024 Mt. Moriah Cemetery Project to include base bid and alternated #1 through #6.
- S. Recommendation from Parking and Transportation - approval of Tourist Conveyance Licenses for Ride Deadwood dba Boot Hill Tours, Alkali Ike Tours and Original Deadwood Tours for the 2024 season, contingent upon vehicle inspections and insurance information.
- T. Recommendation from Parking and Transportation - approve request from Alkali Ike Tour Conveyance License to move staging from present location to the Welcome Center for the 2024 season per Chapter 5.40.010 section C.
- U. Permission for Mayor to sign 3-year agreement with Station Automation dba PSTrax for software for the Fire Department.
- V. Permission for Mayor to sign renewal of Marketing and Promotion Agreement between City of Deadwood, Business Improvement District No. BID 7 and ZCN, LLC to expire December 31, 2034
- W. Permission to allow Finance Officer to sign contract with Fitter and Faster for 2024 swim camp to be held on April 13 and 14. Registration fees and lifeguard wages will be collected in lieu of rental fee for the pool which is being waived.
- X. Permission to purchase 60 tons of Black Magic salt at \$172.00 per ton. (To be paid by Streets Supply budget.)
- Y. Permission for Deadwood Volunteer Fire Firefighters John Beck and Jeff Millard to use city vehicle to travel to Belle Fourche on February 6, 2024 for emergency pipeline response training.
- Z. Permission for Deadwood Volunteer Fire Fighters John Beck, Jeremy Van Tassel, Sarah Van Tassel and Melanie Bonds to use city vehicle to travel to Box Elder on February 17 and 18, 2024 for Rushmore Fire Conference. Cost is \$75.00 per person to be paid from Fire Dept training budget.

BID ITEMS

Results

Mayor Ruth Jr. stated 2 bids were received for the 2002 or newer 95-100' Platform or Aerial Platform Ladder Truck on February 1, 2024 at 2:00 p.m. as advertised.

Orange County Emergency Services District 3 - \$135,000.00

Zimmerman Farm Services, Inc. - \$230,000.00

Fire Chief Hamann spoke about the bids and recommends rejecting both. Martinisko moved, Johnson seconded to reject bids for the 2002 or newer 95-100' Platform or Aerial Platform Ladder Truck. Roll Call: Aye-All. Motion carried.

REGULAR MEETING, FEBRUARY 5, 2024

Set

Planning, Zoning and Historic Preservation Officer Kuchenbecker spoke about the project. Martinisko moved, Struble seconded to advertise for bids and set bid opening for 2:00 p.m. on February 29, 2024 for the Retaining Wall project at 10 Denver Avenue with results to the City Commission on March 4, 2024. Roll Call: Aye-All. Motion carried.

Kuchenbecker spoke about the project. Struble moved, Martinisko seconded to advertise for bids and set bid opening for 2:00 p.m. on February 29, 2024 for the retaining wall project at 74 Van Buren Avenue with results to the City Commission on March 4, 2024. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS

Alcohol Transfer

Public hearing was opened at 5:11 p.m. by Mayor Ruth Jr. Danny Sangha, Comfort Inn, was available to answer questions, hearing closed. Martinisko moved, Johnson seconded to approve Convention Center (on-sale) Liquor License (CL-501) and Retail (on-off sale) Malt Beverage & SD Farm Wine License (RB-3536) transfer from Deadwood Gaming BHCI LLC to Deadwood Hospitality BHCI LLC dba Deadwood Comfort Inn at 225 Cliff Street. Roll Call: Aye-All. Motion carried.

Alcohol License

Public hearing was opened at 5: p.m. by Mayor Ruth Jr. Dina Flores was present to answer questions, hearing closed. Struble moved, Johnsons seconded to approve Retail (on-off sale) Malt Beverage and SD Farm Wine License for Main Street Espresso at 652 Main Street. Roll Call: Aye-All. Motion carried.

Set

Martinisko moved, Johnson seconded to set public hearing on February 20 for Retail (on-off sale) Wine and Cider License and transfer of Retail (on-off sale) Malt Beverage and SD Farm Wine License (RB-29580) From Black Hills Provisions to Deadwood Main, LLC dba The Vault Lounge at 696 Main Street. Roll Call: Aye-All. Motion carried.

Johnson moved, Struble seconded to set public hearing on February 20 for Retail (on-off sale) Malt Beverage and SD Farm Wine License for Deadwood Outfitters & Topsy Buffalo Bar at 653 Main Street. Roll Call: Aye-All. Motion carried.

Struble moved, Martinisko seconded to set public hearing on February 20 for Summer Kick off Concert. Roll Call: Aye-All. Motion carried.

Todd moved, Struble seconded to set public hearing on February 20 for Wednesday Night Concert Series. Roll Call: Aye-All. Motion carried.

Johnson moved, Martinisko seconded to set public hearing on February 20 for Wild Bill Days. Roll Call: Aye-All. Motion carried.

Struble moved, Todd seconded to set public hearing on February 20 for Sturgis Motorcycle Parking. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to set public hearing on February 20 for Kool Deadwood Nites. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

First Reading

Parking and Transportation Director Lux spoke about the Ordinance. Martinisko moved, Struble seconded to approve first reading of Ordinance #1393 Amending Chapter 10.12.047 Parking Meter Rate regarding language under subsection c(3). Roll Call: Aye-All. Motion carried.

REGULAR MEETING, FEBRUARY 5, 2024

First Reading

Finance Officer McKeown spoke about the Ordinance. Johnson moved, Martinisko seconded to approve first reading of Ordinance #1394 Budget Supplement 1 for 2024. Roll Call: Aye-All. Motion carried.

Resolution

Public Works Director Stalder spoke about the Resolution. Martinisko moved, Struble seconded to approve Resolution 2024-05 Authorizing submittal of Drinking Water Facilities Funding Application for City of Deadwood. Discussion was held concerning process. Roll Call: Aye-All. Motion carried.

RESOLUTION NO. 2024-05

RESOLUTION AUTHORIZING AN APPLICATION FOR FINANCIAL ASSISTANCE, AUTHORIZING THE EXECUTION AND SUBMITTAL OF THE APPLICATION, AND DESIGNATING AN AUTHORIZED REPRESENTATIVE TO CERTIFY AND SIGN PAYMENT REQUESTS.

WHEREAS, the City of Deadwood has determined it is necessary to proceed with drinking water System improvements to include *Urgent Upgrade No. 2, New 12" Water Main from existing Main just north of Sherman / Pioneer intersection to the proposed pump station east of City Shop at Rodeo Grounds* as identified in the City of Deadwood—Drinking Water Facility Plan completed on September 18, 2023 by Towey Design Group ; and

WHEREAS, the City has determined that financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Board of Water and Natural Resources (the “Board”) will be prepared; and

WHEREAS, it is necessary to designate an authorized representative to execute and submit the Application on behalf of the City and to certify and sign payment requests in the event financial assistance is awarded for the Project,

NOW THEREFORE BE IT RESOLVED by the City as follows:

1. The City hereby approves the submission of an Application for financial assistance in an amount not to exceed \$2,897,000 to the South Dakota Board of Water and Natural Resources for the Project.

2. The Mayor is hereby authorized to execute the Application and submit it to the South Dakota Board of Water and Natural Resources, and to execute and deliver such other documents and perform all acts necessary to effectuate the Application for financial assistance.

3. The Mayor is hereby designated as the authorized representative of the City to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Project.

Dated this 5th day of February, 2024

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

Renewal

Kuchenbecker spoke about the renewal. Johnson moved, Struble seconded to allow Mayor to sign software maintenance renewal with ESRI in an amount of \$19,180.00. (To be split between the departments using software.) Roll Call: Aye-All. Motion carried.

Proposal

Stalder spoke about the proposal. Martinisko moved, Struble seconded to accept and allow Mayor to sign proposal from Rasmussen Mechanical Services to provide annual preventative maintenance on HVAC systems, including filters, for all city building in 2024 at a cost not to exceed \$79,524.00. (To be paid from Public Buildings professional services.) Roll Call: Aye-All. Motion carried.

Quote

Stalder spoke about the quote. Struble moved, Martinisko seconded to accept low quote from Hurco Technologies, Inc. in the amount of \$53,285.00 for the purchase of 2024 Hurco VAC300G-FI Valve Exerciser truck. (To be paid from Wate Dept. Equipment budget.) Discussion was held concerning vehicle. Roll Call: Aye-All. Motion carried.

REGULAR MEETING, FEBRUARY 5, 2024

Purchase

Stalder spoke about the purchase. Martinisko moved, Johnson seconded to purchase Verkada cameras for the Deadwood Public Library from Technology Inc. for a cost not to exceed \$10,581.33, including installation and 10-year warranty. (To be paid from HP Capital Assets.) Roll Call: Aye-All. Motion carried.

Stalder spoke about the purchase. Johnson moved, Struble seconded to purchase a 30' stainless steel radiant heater with installation from Rasmussen Mechanical at a price not to exceed \$11,657.00. (To be paid from Public Buildings Improvements budget.) Roll Call: Aye-All. Motion carried.

Agreement

Lux spoke about the agreement. Martinisko moved, Struble seconded to allow Mayor to sign three-year agreement with Prairie Hills Transit in the amount of \$3,500.00 per year for Para-Transit services for City of Deadwood residents. (To be paid by P&T Professional Services.) Mayor Ruth stated that it is important for our residents to understand that Deadwood is not stopping service, Prairie Hills Transit is picking up the bulk, but at any time that they feel Prairie Hills is unable to assist them, they can call the city and we will fill in the gaps. Roll Call: Aye-All. Motion carried.

Change Order

Kuchenbecker spoke about the change order. Martinisko moved, Struble seconded to approve Construction Change Order #3 in the amount of \$34,412.50 for the Whitewood Creek Restoration (FEMA) Project bringing new contract total to \$7,650,613.17. Roll Call: Aye-All. Motion carried.

Agreement

Kuchenbecker spoke about the agreement. Struble moved, Johnson seconded to allow Mayor to sign agreement with Donald Toms, Independent Contractor, for the 2024 City of Deadwood Ledger Indexing Project at a cost not to exceed \$8,000.00. (To be paid from HP Archives line item.) Roll Call: Aye-All. Motion carried.

Kuchenbecker spoke about the agreement. Johnson moved, Struble seconded to allow Mayor to sign agreement with Jaci Pearson, independent Contractor, for the 2024 City of Deadwood Oral History Project at a cost not to exceed \$6,750.00. (To be paid from HP Archives line item.) Roll Call: Aye-All. Motion carried.

Kuchenbecker spoke about the agreement. Martinisko moved, Struble seconded to contract with Renee Boen for professional serviced related to archaeological collections at a cost not to exceed \$5,000.00. (To be paid from HP Archaeology line item.) Roll Call: Aye-All. Motion carried.

Request

Kuchenbecker spoke about the request. Martinisko moved, Struble seconded to Act as Board of Adjustments and approve formal request to surrender and remove Conditional Use Permit for the development of condominiums in the Commercial District at 51, 53, 55 Sherman Street previously approved by the Deadwood Planning and Zoning Commission on Wednesday, September 21, 2022 and the Deadwood Board of Adjustment on October 3, 2022. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Residents, Bill Decker, Blake Joseph and Shirlene Joseph asked about the recycling bins. Mayor Ruth stated bins were removed due to a substantial increase to the residents if city would keep. He stated residents can use the free curb side recycling.

Fire Chief Hamman extended condolences to the family of former Fire Chief Charles Ferris.

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.

REGULAR MEETING, FEBRUARY 5, 2024

ADJOURNMENT

Struble moved, Martinisko seconded to adjourn the regular session at 5:46 p.m. The next regular meeting will be on Tuesday, February 20, 2024 at 5:00 p.m.

After coming out of executive session at 6:21 p.m.,

Martinisko moved, Struble seconded to allow Deadwood Fire Dept. to enter into negotiations for purchase of 2002 Ferrara Inferno 100 Tower Ladder Truck from Orange County Emergency Services in an amount not to exceed \$135,000.00. Roll Call: Aye-All. Motion carried.

Martinisko moved, Struble seconded to allow Charles Fetter and Paul Robitaille to travel to Texas to inspect fire truck, amount not to exceed \$2,500.00. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to increase wage for Rhonda McGrath, Administrative Assistant, from \$24.67 per hour to \$25.00 per hour effective January 21, 2024. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnsons seconded to adjourn.

ATTEST:

DATE: _____

Jessica McKeown, Finance Officer

BY: _____
David Ruth Jr., Mayor

Published once at the total approximate cost of _____