

## REGULAR MEETING, JUNE 19, 2023

The Regular Session of the Deadwood City Commission convened on Monday, June 19, 2023 at 5:00 p.m. in the Deadwood City Commission Chambers, 102 Sherman Street, Deadwood, South Dakota. Commission President Gary Todd called the meeting to order with the following members present: Department Heads, City Attorney Quentin L. Riggins, and Commissioners Michael Johnson and Charlie Struble. Mayor David Ruth Jr. and Commissioner Sharon Martinisko were absent. All motions passed unanimously unless otherwise stated.

### APPROVAL OF MINUTES

Struble moved, Johnson seconded to approve the minutes June 19, 2023. Roll Call: Aye-All. Motion carried.

JUNE, 2023 PAYROLL: COMMISSION, \$5,538.42; FINANCE, \$60,034.91; PUBLIC BUILDINGS, \$12,573.44; POLICE, \$112,830.94; FIRE, \$8,637.95; BUILDING INSPECTION, \$7,298.60; STREETS, \$65,004.93; PARKS, \$53,333.47; LIBRARY, \$12,735.58; RECREATION CENTER, \$61,538.27; HISTORIC PRESERVATION, \$38,622.49; WATER, \$26,494.37; MT. MORIAH, \$9,930.69; PARKING METER, \$17,417.65; TROLLEY, \$27,968.88; PARKING RAMP, \$4,702.50. PAYROLL TOTAL: \$524,663.09.

### JUNE, 2023 PAYROLL PAYMENTS:

Internal Revenue Service, \$130,668.89; S.D. Retirement System, \$48,169.02; Delta Dental, \$3,450.30.

### APPROVAL OF DISBURSEMENTS

Johnson moved, Struble seconded to approve the July 3, 2023 disbursements as amended. Roll Call: Aye-All. Motion carried.

A & B BUSINESS SOLUTIONS	CONTRACT	712.90
ACE HARDWARE	SUPPLIES	200.88
ALPINE IMPRESSIONS	SUPPLIES	120.00
ALTEC CAPITAL SERVICES	LEASE	30,615.24
AMAZON CAPITAL	SUPPLIES	858.18
AMAZON	SERVICE	433.30
BARRY'S ELECTRIC SERVICE	PROJECT	1,062.85
BH CHEMICAL	SUPPLIES	1,331.34
BH PIONEER	SERVICE	20,250.00
BH SECURITY	SERVICE	2,987.34
BH WINDOW CLEANING	SERVICE	585.00
BLOOMERS	FLOWERS	62.00
BLUEPEAK	SERVICE	4,426.64
BOGNER, KATHRYN	REIMBURSEMENT	59.99
BOMGAARS	SUPPLIES	207.85
CHRIS SUPPLY	SUPPLIES	21.78
CONTRACTOR'S SUPPLY	SUPPLIES	490.00
CORR CONSTRUCTION	PROJECT	37,562.40
DAYS OF '76	BID #8	10,000.00
DVFD	STAFFING	1,056.00
DEADWOOD GAMING	BID #8	10,000.00
DOG WASTE DEPOT	SUPPLIES	709.95
ECOLAB	SERVICE	112.81
FASTENAL	SUPPLIES	99.36
FIRST GOLD HOTEL	BID #8	30,000.00
FIRST NET	SERVICE	240.24
GALLS	UNIFORMS	12.56
HAWKINS	SUPPLIES	1,423.17
HOUSKA, TREVOR	REIMBURSEMENT	423.50
INTERSTATE BATTERY	SUPPLIES	1,612.80
IPS GROUP	SERVICE	2,463.68
LAWRENCE CO. REGISTER	SERVICE	150.00
LYNN'S	SUPPLIES	76.81
MACQUEEN EMERGENCY	SUPPLIES	123.47
MACROVISION	PROJECT	1,679.00
MARCO	CONTRACT	166.55
MIDWEST TAPE	SUPPLIES	23.24
MDU	SERVICE	2,894.20
MS MAIL	SERVICE	1,505.63
MUTUAL OF OMAHA	INSURANCE	232.13
NORTHERN HILLS TECHNOLOGY	SERVICE	32.50
NORTHWEST PIPE FITTINGS	SUPPLIES	551.80
OSWALD ENTERTAINMENT GROUP	BID #8	25,000.00
PATRIOT FIRE & SAFETY	TESTING	1,213.47
PHEASANTLAND INDUSTRIES	SUPPLIES	55.69
PLATINUM CHEMICALS	SUPPLIES	198.00
QUICKTROPHY	SUPPLIES	35.27
RASMUSSEN MECHANICAL	SERVICE	2,465.29
ROSENBAUER SOUTH DAKOTA	CHASSIS	109,300.00
ROSENBAUM'S SIGNS	PROJECT	15,653.09
S AND C CLEANERS	CLEANING	9,720.74
SCHMIDT, WILLIAM	PROJECT	9,240.00
SD DEPT. OF REVENUE	LICENSE	150.00
SD HUMANITIES COUNCIL	SPONSOR	20,000.00
SD MAGAZINE	SUBSCRIPTION	70.00

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SD MUNICIPAL LEAGUE	TRAINING	50.00
SD PUBLIC HEALTH LAB	TESTING	30.00
SETON	SUPPLIES	696.80
SODAK TITLE	SERVICE	240.00
SPEARFISH BUILDING	SUPPLIES	888.70
STURGIS RESPONDER SUPPLY	SUPPLIES	52.95
TOWEY DESIGN GROUP	PROJECT	17,254.42
TRAFFIC LOGIX	SUPPLIES	395.00
TRI AIR TESTING	SUPPLIES	216.00
TWIN CITY HARDWARE	SUPPLIES	2,502.41
TWIN CITY HARDWARE	GRANTS	883.85
VERIZON WIRELESS	SERVICE	747.61
VIEHAUSER ENTERPRISES	SERVICE	16.00
WELLMARK	INSURANCE	34,803.86
WEST RIVER TRAILER SALES	FLAT BED	5,195.00
WESTERN STATES FIRE	REPAIR	590.00
WHEELER LUMBER OPERATIONS	SUPPLIES	3,884.40
WHITE'S CANYON MOTORS	SUPPLIES	748.01

Total \$429,873.65

**CONSENT**

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

- A. Permission to hire Maria King as part-time Trolley Driver at \$15.66 per hour effective July 5, 2023.
- B. Permission to hire Jackson Gardner as full-time Parks Technician at \$19.00 per hour (D9 rank) effective July 5, 2023 pending pre-employment screening.
- C. Permission to hire Benjamin Dalke as full-time (non-certified) police officer at \$23.22 per hour effective July 18, 2023 pending pre-employment screening. Rate will adjust to \$25.79 per hour upon receiving State Certification.
- D. Permission to accept resignation from Library Assistant II, Kathy McKillip, effective July 1st. Permission to hire Kathy McKillip as Library Technical Services Coordinator (part-time 10 hours per week) at \$15.57 per hour effective July 2, 2023.
- E. Add Kelsey Keith effective May 11, 2023; remove Cassidy LeMons effective June 8, 2023 from the Volunteer Fire Department Roster for worker's compensation purposes.
- F. Resolution 2023-17 adding rates within the Deadwood Recreation and Aquatic Center fee schedule.

**CITY OF DEADWOOD  
RESOLUTION 2021-17**

**A RESOLUTION SETTING FORTH A SCHEDULE OF RATES FOR USE BY THE  
CITY OF DEADWOOD**

WHEREAS, City Ordinances require certain use fees, charges for services and other designations to be established by resolution;  
NOW THEREFORE BE IT RESOLVED THAT the City of Deadwood hereby establishes the following fees and other designations effective June 15, 2023:

**RECREATION & AQUATIC CENTER**

Membership Rates:	Daily
Youth Organization Swim Rate ***	\$2.00
***Rate per child when accompanied by an city- approved organization	

Dated this 3rd day of July, 2023

ATTEST:  
/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD  
/s/ David Ruth Jr., Mayor

- G. Permission to make 2023 budget allocation to The Lord's Cupboard in the amount of \$2,500.00 from Bed and Booze fund.
- H. Permission to make 2023 budget allocation to Deadwood Alive in the amount of \$10,000.00 from Bed and Booze fund.
- I. Permission for the Mayor to sign Deed of Gift and accept the Mineral Palace archaeological collection and incorporate this assemblage into the City Archaeological repository.
- J. Approve Special Alcohol License for VFW to serve alcohol at History and Interpretive Lot for Kool Deadwood Nites on Friday, August 24 and Saturday, August 25, 2023 from 11:00 a.m. to 10:00 p.m. No public hearing necessary since license is on publicly owned property. Payment and application have been received.

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- K. Approve Special Alcohol License for Silverado to serve alcohol at Outlaw Square from noon to 7:00 p.m. Friday, July 14 and Saturday, July 15, 2023 for Beer-A-Thon Event presented by the Naja Shrine. No public hearing necessary since license is on publicly owned property.
- L. Permission to purchase 5,500 gallons of gas at \$3.29 per gallon from Southside Service with a price not to exceed \$18,095.00.
- M. Permission for Mayor to sign Oakridge Cemetery Certificates of Purchase and Warranty Deeds for William and Shirley Enderby, Larry Harrison, LuAnn Grossman, Carolyn and Dennis Kannenberg, and Kimberly and John Bones.
- N. Permission for the Mayor to sign easement with owners of 3 Pearl Street for retaining wall in City right-of-way.
- O. Permission to waive 45-day requirement and allow use of public property on Saturday, July 15, 2023 from 10:00 a.m. to 12:00 p.m. for Just Tri It Triathlon

## PUBLIC HEARINGS

### License

Public hearing was opened at 5:04 p.m. by Mayor Ruth Jr. No one spoke in favor or against, hearing closed. Johnson moved, Struble seconded to approve Retail (on-off sale) Malt Beverage and SD Farm Wine and Retail (on-off sale) Wine and Cider License transfers from Miriam Quiroz Diaz to Miquel Soto dba Michelle's Tacos Deadwood at 622 Main Street. Roll Call: Aye-All. Motion carried.

### Deadwood Live Concert (September 2)

Public hearing was opened at 5:05 p.m. by Mayor Ruth Jr. Randy Brown, Deadwood Live, was available to answer questions. Brown thanked the Commission for adjusting open container to zones 1 and 2 to give all business. Commissioner Todd stated he has received concerns throughout the years on the number of events with open container. Hearing closed.

Struble moved, Johnson seconded to approve open container in zone 1 and 2 from 5:00 p.m. to 10:00 p.m. on Saturday, September 2; street closure on Deadwood Street from Main Street to Pioneer Way from 7:00 a.m. on Saturday, September 2 to 1:00 a.m. on Sunday, September 3 and Siever Street closure from 7:00 a.m. on Saturday, September 2 to 1:00 a.m. on Sunday, September 3, 2023. Roll Call: Aye-All. Motion carried.

### Set Hearings

Struble moved, Johnson seconded to waive 45-day requirement and set public hearing on July 17 for HOGS Passport Run. Roll Call: Aye-All. Motion carried.

Johnson moved, Struble seconded to set public hearing on July 17 for the Deadwood Redemption Day event. Roll Call: Aye-All. Motion carried.

Struble moved, Johnson seconded to set public hearing on July 17 for Steer Roping Event. Roll Call: Aye-All. Motion carried.

## OLD BUSINESS

### Whitewood Creek Restoration

Johnson moved, Struble seconded to continue results of bid opening for Whitewood Creek Restoration - Bid Package 1 - Sites 1C, 2A, 2B, 3A, 3B for FEMA Project #123107. Roll Call: Aye-All. Motion carried.

## NEW BUSINESS

### First Reading

Historic Preservation/Planning and Zoning Officer Kuchenbecker spoke about the ordinance. Struble moved, Johnson seconded to approve first reading of Ordinance #1374 Amending Chapter 17.60.100 Fire and Life Safety to match adopted Building Codes of the City of Deadwood. Roll Call: Aye-All. Motion carried.

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### First Reading

Kuchenbecker spoke about the ordinance. Struble moved, Johnson seconded to approve first reading of Ordinance #1375 Amending Chapter 15.01.020 Exceptions and Amendments regarding language under Subsection I. Roll Call: Aye-All. Motion carried.

### First Reading

Kuchenbecker spoke about the ordinance. Johnson moved, Struble seconded to approve first reading of Ordinance #1376 repealing Chapter 15.20.020 Life Safety Code-Adopted. Roll Call: Aye-All. Motion carried.

### Final Plat

Kuchenbecker spoke about the plat. Struble moved, Johnson seconded to Act as Board of Adjustment and approve Final Plat of Consolidating parcels- 58 Pleasant – Donna Keller legal described as: Plat of Lot D-1 being a Subdivision of a Portion of School Lot 70 and Lots D and E of the Subdivision of Probate Lot 439 located in the NW1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Roll Call: Aye-All. Motion carried.

### Final Plat

Kuchenbecker spoke about the plat. Johnson moved, Struble seconded to Act as Board of Adjustment and approve Final Plat for Dividing Lot X of Riverside Addition – Hole in the Sky Holding, LLC legal described as: Plat of Lots X1 and X2 of Riverside Addition to the City of Deadwood, Lawrence County, South Dakota formerly Lot X of Riverside Addition located in the NE1/4 of Section 27, T5N, R3E, B.H.M. Roll Call: Aye-All. Motion carried.

### Variance

Kuchenbecker spoke about the variance. Struble moved, Johnson seconded to Act as Board of Adjustment and approve the variance request for setback for construction of new single-family home for Jackie Diana Fisher and Bryan James Duffy Revocable Trust. Legally described as: Tract C, Block 53, a Subdivision of Part of Lots 1 and 2, Block 53, Original Town, City of Deadwood, Located in the NW1/4 of Section 26, T5N, R3E, B.H.M., Lawrence County, South Dakota, according to Plat recorded as Document No. 2001-01165, subject to easements, reservations, and restrictions of record. Roll Call: Aye-All. Motion carried.

### Contract

Kuchenbecker spoke about the 4-year contract. Johnson moved, Struble seconded to pay annual contract amount of \$70,000.00 to the South Dakota State Historical Society for preservation services to expedite project reviews. Roll Call: Aye-All. Motion carried.

### Hire

Parks, Recreation & Events Director Adler stated this is to fix that arch that was damaged. Discussion was held concerning the name of the arena. Struble moved, Johnson seconded to hire Jacobs Welding to fix arch at Days of '76 Arena entrance with an amount net to exceed \$10,000.00. (To be paid from Streets Repairs.) Roll Call: Aye-All. Motion carried.

### Purchase

Kuchenbecker spoke about the purchase. Struble moved, Johnson seconded to purchase 2 4-foot benches and 2 6-foot benches from Victor Stanley in an amount no to exceed \$9,700.00 including shipping. (To be paid from HP Capital Asset Benches line item.) Roll Call: Aye-All. Motion carried.

### Authorize

Kuchenbecker spoke about the statues. Commissioner Todd questioned the amount of funds. Discussion was held concerning budget and cost. Struble moved, Johnson seconded to authorize the Deadwood Historic Preservation Commission to be a title sponsor of Calamity Jane and four additional statues at a cost of \$25,000.00 each for the next five years along with the placement of the first statue. Kuchenbecker stated the recommendation from Arts Committee is to place the statue at Gold Street. Discussion was held concerning placement and Gold Street. Roll Call: Aye-All. Motion carried.

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Contract

Kuchenbecker spoke about the retaining wall. Struble moved, Johnson seconded to enter into contract with Schlosser Construction for the reconstruction of the stone retaining wall holding up Jackson Street along side 26 Washington in the amount of \$38,760.00. (To be paid from HP Capital Assets – City Walls line item.) Roll Call: Aye-All. Motion carried.

Lease

Struble moved, Johnson seconded to allow Mayor to sign 4-year lease with Connell Equipment Leasing for 2023 Tennant S30 Rider Sweeper with an annual lease amount of \$16,787.65. (Originally approved August 15, 2022. To be paid by Parks Equipment.) Roll Call: Aye-All. Motion carried.

Request

Parking and Transportation Director Lux spoke about the request. Discussion was held concerning impact on visitor parking and contestant parking. Struble moved, Johnson seconded to allow Days of '76 Rodeo Committee to use the Lower Main Street Parking Lot for contestant parking Sunday, July 23 through Thursday, July 27, 2023. Spaces will be open for the Chamber staff and the 18 spaces in the northeast side of the parking lot would not be utilized. Recommendation from the Parking & Transportation and Events Committee. Roll Call: Aye-All. Motion carried.

Purchase

Lux spoke about the purchase. Discussion was held concerning price and budget. Struble moved, Johnson seconded to purchase trolley tokens from Chiplab in an amount not to exceed \$6,300.00, including shipping. (To be paid from the Tolley Supplies.) Roll Call: Aye-All. 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.

**ADJOURNMENT**

Struble moved, Johnson seconded to adjourn the regular session at 5:48 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, July 17, 2023 at 5:00 p.m.

After coming out of executive session at 6:20 p.m., Struble moved, Johnson seconded to adjourn.

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

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

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

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