

REGULAR MEETING, FEBRUARY 7, 2022

The Regular Session of the Deadwood City Commission convened on Monday, February 7, 2022 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 of January 18, 2022. Roll Call: Aye-All. Motion carried.

JANUARY, 2022 PAYROLL: COMMISSION, \$2,730.76; FINANCE, \$20,407.29; PUBLIC BUILDINGS, \$13,812.70; POLICE, \$82,709.42; FIRE, \$6,026.12; BUILDING INSPECTION, \$4,498.80; STREETS, \$32,021.67; PARKS, \$22,929.85; PLANNING & ZONING, \$5,558.60; LIBRARY, \$6,977.16; RECREATION CENTER, \$21,563.98; HISTORIC PRESERVATION, \$19,121.83; WATER, \$16,647.11; PARKING METER, \$10,321.33; TROLLEY, \$27,955.64; PARKING RAMP, \$1,463.02. **PAYROLL TOTAL: \$294,745.28.**

JANUARY, 2022 PAYROLL PAYMENTS:

Internal Revenue Service, \$72,000.43; S.D. Retirement System, \$33,778.58; Delta Dental, \$4,682.00.

APPROVAL OF DISBURSEMENTS

Struble moved, Todd seconded to approve the February 7, 2022 disbursements. Commissioner Martinisko read corrections. Johnson moved, Struble seconded to approve the February 7, 2022 disbursements as corrected. Roll Call: Aye-All. Motion carried.

10-8 VIDEO	CAMERAS	2,304.95
A & B BUSINESS SOLUTIONS	CONTRACT	581.57
A & I DISTRIBUTORS	SUPPLIES	88.85
A - Z SHREDDING	SERVICE	89.55
ACE HARDWARE	SUPPLIES	57.86
ACE INDUSTRIAL SUPPLY	SUPPLIES	2,211.00
ALPINE IMPRESSIONS	SERVICE	135.00
ALSCO	SUPPLIES	2,275.18
AMAZON CAPITAL	SUPPLIES	2,392.20
AMERICAN LEGAL PUBLISHING	SERVICE	450.00
BIERSCHBACH EQUIPMENT	SUPPLIES	386.90
BIG STATE INDUSTRIAL SUPPLY	SUPPLIES	169.90
BH CHEMICAL	SUPPLIES	2,177.12
BH COUNCIL OF LOCAL	SERVICE	1,565.00
BH ENERGY	SERVICE	33,472.06
BH TENT & AWNING	PROJECT	671.52
BOMGAARS	SUPPLIES	612.94
CARMODY, ROBIN	REIMBURSEMENT	243.80
CARSTENS	SUPPLIES	165.58
CENTURY BUSINESS PRODUCTS	CONTRACT	266.58
CHAINSAW CENTER	MOWER	10,791.00
CHAMBERLIN ARCHITECTS	PROJECT	1,980.00
CPS DISTRIBUTORS	SUPPLIES	1,846.13
CRAMER MARKETING	SUPPLIES	196.91
CULLIGAN	SUPPLIES	82.50
D & W CRANE & RIGGING	PROJECT	1,736.41
DAKOTA TITLE	SERVICE	480.00
DEADWOOD CHAMBER	BILL LIST	54,053.80
DEADWOOD GAMING	BID #8	45,000.00
DEADWOOD HISTORY	REPAIRS	4,000.00
EB COMMUNICATIONS	SERVICE	114.00
EBSCO	SUBSCRIPTION	11.00
ECOLAB	SERVICE	106.12
EPCO ENVIRONMENTAL	SUPPLIES	1,438.74
FASNACHT, GLENN	PROJECT	2,728.35
FED EX FREIGHT	SERVICE	3,749.21
FIRST NET	SUPPLIES	160.16
FOGLE, JAKE	REIMBURSEMENT	40.00
G&H DISTRIBUTING	PROJECT	52,837.03
GARDNER CONSTRUCTION	SERVICE	2,583.44
GOLDEN WEST	SERVICE	225.00
GOVERNOR'S INN	CONFERENCE	882.00
GUNDERSON, PALMER, NELSON	SERVICE	3,634.08
HAWKI, KEN	REIMBURSEMENT	10.64
HILLYARD	SUPPLIES	482.64
HOOPLA	SUPPLIES	53.64
HUNTINGTON	TROLLEYS	28,133.62
IPS GROUP	SUPPLIES	1,912.12
JACOBS WELDING	SERVICE	146.78
JOHNSON, MICHAEL	REIMBURSEMENT	159.60
KNECHT	SUPPLIES	2,081.61
KROHMER PLUMBING	RENEWAL	75.00
KUCHENBECKER ENTERPRISES	REIMBURSEMENT	52.25
KUCHENBECKER, KEVIN	REIMBURSEMENT	70.00

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KUSTOM SIGNALS	SUPPLIES	1,576.00
LAWRENCE CO. REGISTER	SERVICE	240.00
LEAD-DEADWOOD SANITARY	SERVICE	27,720.31
LYNN'S	SUPPLIES	36.00
M & T FIRE AND SAFETY	SUPPLIES	3,331.34
MARCO	CONTRACT	158.18
MCKEOWN, JESSICCA	REIMBURSEMENT	255.88
MENARD'S	SUPPLIES	3,907.98
METERING & TECHNOLOGY	SUPPLIES	1,781.21
MID-STATES ORGANIZED CRIME	MEMBERSHIP	150.00
MIDWEST TAPE	DVDS	48.73
MDU	SERVICE	17,510.82
MONUMENT HEALTH	TESTING	35.00
MOSHER, ANDREW	REIMBURSEMENT	206.32
MS MAIL	SERVICE	85.00
MUNICODE	SUBSCRIPTION	2,400.00
MUTUAL OF OMAHA	INSURANCE	260.15
NATIONAL TRUST FOR HISTORIC	MEMBERSHIP	250.00
NORTHERN HILLS TECHNOLOGY	SERVICE	32.50
NORTHWEST PIPE FITTINGS	SUPPLIES	1,685.84
NUCKLES, LES	REIMBURSEMENT	40.00
OFFICE DEPOT	SUPPLIES	106.98
OLSON, JAMES RICHARD	REIMBURSEMENT	51.20
PEARSON, TRAVIS	REIMBURSEMENT	40.00
PLATINUM CHEMICALS	SUPPLIES	1,690.00
PLAY IT AGAIN SPORTS	DUMBBELLS	321.30
PONTIUS, JERRY	REIMBURSEMENT	23.92
QUIK SIGNS	SERVICE	146.04
RAKOW, JASON	MEETINGS	150.00
RAMKOTA HOTEL	CONFERENCE	1,779.00
RAPID DELIVERY	SERVICE	29.10
RECREATION SUPPLY	SUPPLIES	310.00
RUTH JR., DAVID	REIMBURSEMENT	179.60
S AND C CLEANERS	CLEANING	10,858.00
SANDER SANITATION	SERVICE	12,019.18
SANFORD, TY	REIMBURSEMENT	40.00
SD DEPT. OF TRANSPORTATION	PROJECT	4,713.06
SD PUBLIC HEALTH LAB	TESTING	30.00
SOUTHSIDE OIL	FUEL	15,290.00
SPEARFISH AUTO SUPPLY	SUPPLIES	57.32
STRETCH'S GLASS	SERVICE	1,806.90
TDG COMMUNICATIONS	SERVICE	150.00
THE LORD'S CUPBOARD	RECYCLING	95.00
TOMS, DON	PROJECT	600.00
TWIN CITY HARDWARE	SUPPLIES	5,322.75
VAST	SERVICE	3,706.36
VERIZON CONNECT	SERVICE	95.95
VERIZON	SERVICE	826.36
VIEHAUSER ENTERPRISES	SERVICE	149.00
VISIONARY LANDSCAPING	PROJECT	2,660.00
WELLMARK	INSURANCE	61,220.30
WL CONSTRUCTION SUPPLY	SUPPLIES	616.98
ZEP SALES	SUPPLIES	558.95

Total \$459,525.85

ITEMS FROM CITIZENS ON AGENDA

Audit

Al Schaefer, South Dakota Dept. of Legislative Audit, appeared to update Commission on the 2020 closing conference. He stated the management letter references transfers recorded between the BID funds and General Fund, Parking and Transportation Fund and General Fund for administrative and other services, verifiable invoices were not attached to support payments for Historic Preservation grants as required by Municipal policy, transfers made between various municipal funds without prior approval of City Commission, 2019 annual report was not published, municipality incurred expenditures in excess of appropriations contrary to SDCL 9-21-25, and annual appropriation ordinance for 2020 was not a balanced budget for all funds. He stated there was one written comment which the city has the option to respond to. Discussion was held concerning lease programs. Martinisko moved, Johnson seconded to allow Mayor and Finance Officer to sign letter. Commission thanked Schaefer for his time.

CONSENT

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

- A. Permission to purchase additional equipment for the security system at the History and Information Center in the amount of \$3,280.00 from Black Hills Security & Systems. (To be paid from Public Buildings Equipment budget.)
- B. Cheyenne Crossing to serve beer and wine at SDML District 10 meeting on March 31 at Days of 76 Museum 5:00 p.m. to 9:00 p.m. City will pay the fee

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- C. Allow use of public property Monday, February 28 through Sunday, March 6, 2022 for Snocross Event. (Originally approved on October 18, 2021 for January 28 and 29, 2022 but delayed due to weather.)
- D. Allow open container and Full Temporary Liquor License (Deadwood Chamber) on Friday, March 4 from noon to Saturday, March 5 at 2:00 a.m. and Saturday, March 5 from 8:00 a.m. to Sunday, March 6 at 2:00 a.m.; fireworks display at 6:00 p.m. on Friday, March 4 and Saturday, March 6, 2022. (Originally approved on October 18, 2021 for January 28 and 29, 2022 but delayed due to weather.)
- E. Allow use of public property at the Event Complex for Lead Deadwood Girls Softball June 17 through June 19, 2022
- F. Permission for Mayor to sign Oakridge Cemetery Certificates of Purchase and Warranty Deeds for Lee and Caryn Ferguson.
- G. Permission to pay BlackStrap in the amount of \$5,090.20 for Blackslicer Sand & Gravel (32.84 tons.) (To be paid from Street Supplies budget.)
- H. Permission to pay Metering & Technology Solutions in the amount of \$4,934.40 for a new meter and parts for the Franklin Hotel. (To be paid out of the Water Dept Supplies budget but reimbursed by Franklin Hotel after installation.)
- I. Permission to advertise in-house for 5 days and in official newspaper, if needed, for part-time (10-15 hours per week) Library Assistant II position at \$13.27 per hour.
- J. Enter into contract with Ancestor Concrete to install the stone veneer for a cost of \$9,729.00 and purchase fieldstone from Hebron Brick Company in the amount of \$6,484.83 for a total project cost of \$16,213.83 to be paid out of the HP Capital Assets Rodeo Grounds line item.
- K. Acknowledgement payment to FedEx invoice for return freight for water flume in the amount of \$3,749.21 to be paid from 2021 HP Archeology line item.
- L. Permission to pay Knecht Home Center invoice for materials for the VIP Green Room Project in the amount of \$3,052.83. (To be paid from the HP Capital Assets Rodeo Grounds line item.)
- M. Permission to pay Jacobs Welding invoice to fabricate, powder coat and install 27' of railing for Denver Street retaining wall in the amount of \$4,320.00. (To be paid from the HP Capital Assets Retaining Wall budget.)
- N. Permission to allow Jessica McKeown to extend 22.25 hours of vacation time thru February 28, 2022.
- O. Permission to make first-half of 2022 Budget Allocation to Deadwood-Lead Economic Development in the amount of \$24,000.00. (To be paid from Bed and Booze budget.)
- P. Permission to make 2022 Budget Allocation to Northern Hills CASA in the amount of \$3,500.00. (To be paid from Bed and Booze budget.)
- Q. Permission to adopt revised by-laws for the Deadwood Volunteer Fire Department. (Committee approved July 14, 2021)

BID ITEMS

Advertise

Historic Preservation Officer Kuchenbecker spoke about the project. Discussion was held concerning project and cost. Martinisko moved, Johnson seconded to set bid opening on Friday, February 18 at 2:00 p.m. for the Foundation and Framing Package for the Days of '76 VIP Grandstand – Concessions Building with results to City Commission on February 22, 2022. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS

Set

Todd moved, Struble seconded to set public hearing on February 22 for Forks, Corks, Kegs Event. Roll Call: Aye-All. Motion carried.

Struble moved, Todd seconded to set public hearing on February 22 for All in Motocross Race. Roll Call: Aye-All. Motion carried.

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Set

Struble moved, Johnson seconded to set public hearing on February 22 for Wednesday Night Concert Series. Roll Call: Aye-All. Motion carried.

Johnson moved, Martinisko seconded to set public hearing on February 22 for All in Arenacross Race. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Change of Zoning

Planning and Zoning Administrator Russel spoke about the change for signage. Martinisko moved, Todd seconded to approve change of zoning for applications Kristine Villafuerte and Joel Livengood at 732 Main Street. Change from R1 Residential to C1 Commercial of the parcel legally described as follows: Lot 3A, Block 1 of Kennedy and Cameron’s Addition to the City of Deadwood, Lawrence County, South Dakota formerly Portions of Los 1 through 5, Block 1 of Kenney and Cameron’s Addition. (Recommended approval by Planning and Zoning Commission on January 19, 2022.) Roll Call: Aye-All. Motion carried.

Second Reading

Building Inspector Mohr stated no changes between first and second reading. Martinisko moved, Struble seconded to approve second reading of Ordinance #1350 Amending Chapter 15.01 International Building Code. Roll Call: Aye-All. Motion carried.

First Reading

Russell spoke about the changes. Struble moved, Martinisko seconded to approve first reading of Ordinance #1351 Amending Zoning Regulations for Cannabis Establishments. Roll Call: Aye-All. Motion carried.

First Reading

Russel spoke about the changes concerning social programs. Martinisko moved, Johnson seconded to approve first reading of Ordinance #1352 Amending Chapter 5.56 the Revised Ordinance for Creating Licensing Provisions for Medical Cannabis Establishments including Dispensaries, Cultivation, Product Manufacturing and Testing Facilities. Roll Call: Aye-All. Motion carried.

Resolution

McKeown spoke about the resolution. Martinisko moved, Struble seconded to approve Resolution 2022-04 Establishing Cash Designations for 2021. Roll Call: Aye-All. Motion carried.

Resolution 2022-04

A RESOLUTION TO ESTABLISH CASH DESIGNATIONS

Be it resolved by the Deadwood City Commission that the City of Deadwood approved the establishment of cash reserves in the following funds for future capital expenditure purposes per SDCL 9-21-14.1 as of December 31, 2021:

General Fund Designated for Equipment Replacement-	
Streets Department	\$ 60,000.00
Parks Department	\$ 12,000.00
 General Fund Designated for Fire Truck:	 \$ 593,509.00
 Business Improvement District #7 Designated for Convention Center:	 \$ 389,560.80
 Parking and Transportation Designation for Trolley Replacement:	 \$ 181,168.00

Dated this 7th day of February, 2022

ATTEST:
/s/ Jessica McKeown, Finance Officer

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

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Permission

Kuchenbecker explained the project. Johnson moved, Struble seconded to pay Diamond M Concrete Coatings for installation of floor coating in the Days of '76 grandstands in the amount of \$6,473.38. (To be paid from Historic Preservation capital assets budget.) Roll Call: Aye-All. Motion carried.

Upgrade

Public Works Director Nelson Jr. explained the upgrade to the software. Johnson moved, Martinisko seconded to upgrade existing HVAC control systems at Days of '76 Museum and Recreation Center. Amount not to exceed \$25,572.00 from Temperature Technology, Inc. (to be paid from Public Buildings Improvements and HP Capital Assets.) Roll Call: Aye-All. Motion carried.

Hire

Police Chief Mertens spoke about the project. Struble moved, Todd seconded to hire Black Hills Asphalt for crack and seal of Upper Main Street in the amount of \$14,392.88. (To be paid from Parking & Transportation Professional Services.) 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.

Nelson Jr. apologized for errors in the newsletter concerning utility rate structure. First error referenced an increase in residential which stated \$3.00, should be \$2.00 a month. Second error stated the increase was caused by the Lead Deadwood Sanitary District, which was a typo. Increases come from operations and maintenance to continue to infrastructure repairs and improvements.

Russell thanked the residents for coming to the Planning and Zoning meeting for public discussion on the proposed dog park.

Mayor Ruth Jr. thanked the Sanitary District for keeping the EQR and water rates as level and stable as possible.

ADJOURNMENT

Martinisko moved, Struble seconded to adjourn the regular session at 5:39 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3) with possible action. The next regular meeting will be on Tuesday, February 22, 2022.

After coming out of executive session at 6:06 p.m.

Martinisko moved, Johnson seconded to terminate Branden Hester from the Police Department, effective January 25, 2022.

Martinisko moved, Struble seconded to advertise in-house for 5 days and then in official newspaper for a full-time patrol officer position. (\$25.79 per hour for Certified and \$23.22 for Non-Certified)

Martinisko moved, Todd seconded to advertise in-house for 5 days for a part-time (29 hours per week with half-time benefits per employee policy handbook) rec center front desk receptionist at \$13.27 per hour.

Martinisko moved, Struble seconded to approve revised job description for Facilities Director position with IT duties added to draft document.

Martinisko moved, Johnson seconded to advertise in-house for 5 days and then in official newspaper for a full-time Facilities Director, wage DOE.

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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 _____