

## REGULAR MEETING, NOVEMBER 20, 2023

The Regular Session of the Deadwood City Commission convened on Monday, November 20, 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 Matt Naasz, and Commissioners Michael Johnson, Sharon Martinisko and Gary Todd. Commissioner Charlie Struble was absent. All motions passed unanimously unless otherwise stated.

### APPROVAL OF MINUTES

Martinisko moved. Johnson seconded to approve the minutes of November 6, 2023. Roll Call: Aye-All. Motion carried.

### APPROVAL OF DISBURSEMENTS

Martinisko moved. Todd seconded to approve the November 20, 2023 disbursements as amended. Roll Call: Aye-All. Motion carried.

ACE HARDWARE	SUPPLIES	55.55
ADAMS MUSEUM & HOUSE	SUPPORT	75,000.00
ADAMS SALVAGE RECYCLING	SERVICE	470.22
ALBERTSON ENGINEERING	PROJECT	27,121.38
AMAZON CAPITAL	SUPPLIES	1,691.64
BADGER METER	SERVICE	153.00
BH CHEMICAL	SUPPLIES	587.51
BH COLLISION PROS	SERVICE	2,008.50
BH ENERGY	SERVICE	26,093.33
BH PIONEER	SERVICE	708.12
BH SPECIAL SERVICES	CLEANING	2,825.00
BLACKSTRAP	SUPPLIES	4,816.00
BUTLER MACHINERY	SUPPLIES	722.09
CDW GOVERNMENT	SUPPLIES	1,977.00
CENTURY BUSINESS PRODUCTS	CONTRACT	412.25
CHAINSAW CENTER	SUPPLIES	1,143.50
COCA COLA	SUPPLIES	2,459.52
COMPLETE CONCRETE	PROJECT	18,451.12
CRAMER MARKETING	SUPPLIES	269.47
CULLIGAN	SUPPLIES	75.75
DAKOTA FLUID POWER	SUPPLIES	4.25
DAKOTA LUMBER	PROJECT	7,491.76
ECOLAB	SERVICE	272.56
EXCEL CONSTRUCTION	PROJECT	2,500.00
FIB CREDIT CARDS	SUPPLIES	3,683.54
FIRST NET	SERVICE	240.24
GALLS	UNIFORMS	117.08
GOLDEN WEST	SERVICE	7,074.50
GREAT WESTERN TIRE	TIRES	1,770.17
GUNDERSON, PALMER, NELSON	SERVICE	1,455.00
HANSEN WHEEL & WAGON SHOP	INSPECTION	2,500.00
HAWKINS	SUPPLIES	499.55
HILGENDORF, STEVEN	PROJECT	6,131.08
HOMESTAKE ADAMS RESEARCH	SUPPORT	38,000.00
INTERSTATE ENGINEERING	PROJECT	685.08
IPS GROUP	SERVICE	8,274.77
JERRY GREER'S ENGINEERING	SERVICE	280.00
JLG ARCHITECTS	SERVICE	2,690.00
KNECHT	SUPPLIES	276.42
KNECHT	GRANTS	1,521.15
KNOX COMPANY	SUPPLIES	1,146.00
KONE CHICAGO	MAINTENANCE	537.17
LAWRENCE CO. REGISTER	SERVICE	30.00
LEAD-DEADWOOD COMMUNITY FO	LUNCHEON	60.00
LEAD-DEADWOOD SANITARY	SERVICE	24,087.81
LUX, JUSTIN	REIMBURSEMENT	14.00
METERING & TECHNOLOGY	SUPPLIES	1,640.70
MORRISON, RONDA	SERVICE	1,700.00
MS MAIL	SERVICE	1,706.60
NHS OF THE BLACK HILLS	SERVICE	3,000.00
NORTHERN TRUCK EQUIPMENT	SERVICE	6,385.00
NORTHWEST PIPE FITTINGS	SUPPLIES	469.76
OHAYON, GEORGETTE	PROJECT	17,000.00
OLSON, JAMES RICHARD	REIMBURSEMENT	19.10
OTIS ELEVATOR	MAINTENANCE	835.05
PASTPERFECT SOFTWARE	SUPPORT	812.00
PETTY CASH	FINANCE	188.53
PIT CREW 2 YOU	SERVICE	10,904.54
PLANKINTON PRESERVATION	GRANT	4,300.00
PONDEROSA LAND SURVEYS	PROJECT	1,353.75
QUADIANT FINANCE USA	POSTAGE	500.00
QUADIANT LEASING USA	LEASE	245.46
QUIK SIGNS	SERVICE	819.32
RADENSLEBEN, COLTAN	REIMBURSEMENT	28.00
RADENSLEBEN, ROBERT	REIMBURSEMENT	28.00
RAMKOTA HOTEL	CONFERENCE	510.00
RASMUSSEN MECHANICAL	MAINTENANCE	21,578.75
RCS CONSTRUCTION	PROJECT	18,229.05
RILEY, TOM	REIMBURSEMENT	14.00
SANDER SANITATION	SERVICE	12,763.90
SCHNERINGER, CINDY	SERVICE	1,085.00
SCOTT PETERSON MOTORS	SERVICE	1,697.34

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SD COMMISSION ON GAMING	CITY SLOTS	29,829.55
SD DEPT. OF REVENUE	TAXES	4,684.87
SD PUBLIC ASSURANCE ALLIANCE	INSURANCE	567.04
SELECT STONE	SUPPLIES	4,743.50
SERVALL	SUPPLIES	1,220.03
SODAK TITLE	SERVICE	120.00
SOUTHSIDE OIL	DIESEL	19,068.60
SOUTHSIDE SERVICE	SERVICE	360.55
STRETCH'S	SERVICE	433.98
STURDEVANT'S	SUPPLIES	1,081.62
STURGIS RESPONDER SUPPLY	SUPPLIES	721.71
SUMMIT FIRE PROTECTION	INSPECTION	4,671.00
SUMMIT SIGNS	SERVICE	320.00
SUNSHINE TOWING	SERVICE	80.00
THE LORD'S CUPBOARD	RECYCLING	223.66
TOMS, DON	PROJECT	600.00
TOWEY DESIGN GROUP	SERVICE	2,478.00
TRITECH SOFTWARE SYSTEMS	SUBSCRIPTION	120.00
TRUGREEN	SERVICE	2,401.75
TWIN CITY HARDWARE	GRANT	1,759.18
TWIN CITY HARDWARE	GRANT	554.87
USA BLUEBOOK	SUPPLIES	73.09
VERIZON CONNECT	SERVICE	171.60
VERIZON CONNECT NWF	SERVICE	92.95
VIEHAUSER ENTERPRISES	SERVICE	32.00
VIGILANT BUSINESS SOLUTION	TESTING	1,598.25
WITT, PAXTON	REIMBURSEMENT	14.00

Total \$464,218.73

**CONSENT**

Martinisko moved, Johnson seconded to approve the following consent items A through P and Act as Board of Adjustment for items Q through X. Roll Call: Aye-All. Motion carried.

- A. Permission to hire Jessica Tolar as part-time Library Assistant I at \$14.33 per hour effective November 28, 2023 pending pre-employment screening.
- B. Permission to accept resignation from lifeguard James Phillips effective November 16, 2023
- C. Permission to extend up to 42.5 hours of vacation time for Jessica McKeown until January 15, 2024.
- D. Permission to increase pay for Police Officer Brandon Webb from \$23.22 to \$25.79 per hour effective November 19, 2023 after graduating and becoming certified from the Police Academy.
- E. Add Shaun Brautigam, Jeremy and Sarah Van Tassel effective October 12, 2023 to the Volunteer Fire Department Roster and Anita Knipper and Charles Eagleson effective November 9, 2023 to the volunteer list for Historic Preservation for workers compensation purposes.
- F. Permission to accept resignation for Tessa Allen from the Library Board effective November 13, 2023.
- G. Appoint Alison Ball to Library Board with term December 1, 2023 thru December 31, 2026.
- H. Permission to approve abatement request for Lawrence County parcel 30205-00000-080-00. (Crawford Addition II Tract 1)
- I. Permission to sell 1,500 trolley tokens to the Deadwood Chamber of Commerce and Visitor's Bureau at a cost of \$1,500.00 to be given away during the 2024 St. Patrick's Day event for DriveSafeSD. Recommendation from the Parking & Transportation Committee.
- J. Permission to allow free use of two City of Deadwood Trolleys for the American Legion Go Getters Reception on February 17, 2024 between 6:00 pm - 8:00 pm. Recommendation from the Parking & Transportation Committee.
- K. Permission to purchase 28 tons of De-Icing salt from BlackStrap, Inc. at a cost not to exceed \$4,900.00. (To be paid from Streets supplies budget.)
- L. Allow use of public property at the Event Complex for Lead Deadwood Girls Softball Friday, June 14 through Sunday, June 16, 2024.
- M. Permission to sign contract with Lookout Plan and Code Consulting for building plan reviews in 2024. (The cost of review is reimbursed by applicant.)
- N. Approve Special Alcohol License for Cadillac Jacks to serve alcohol at Event Complex from 9:00 a.m. to 9:00 p.m. Sunday, May 26, 2024 for Back When They Bucked Event. No public hearing necessary since license is on publicly owned property.
- O. Approve Special Alcohol License for First Gold to serve alcohol at Event Complex Sunday, July 7 through Thursday, July 11, 2024 from 9:00 a.m. to 9:00 p.m. for 3 Wheeler Rally Event. No public hearing necessary since license is on publicly owned property.
- P. Permission for Mayor to sign Temporary Construction easement with Jim Waisanen for work associated with the FEMA/Whitewood Creek Project.

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- Q. Act as Board of Adjustment and approve Findings of Fact and Conclusion - Variance - Setbacks - Lot 1 Block 3A Mystery Wagon Road - WJP Holdings, LLC (William Pearson) legally described as Lot 1, Block 3A of the Palisades Tract of the Deadwood Stage Run Addition to the City of Deadwood Located in the SW1/4 of Section 14, the SE14 of Section 15, the NE1/4NE1/4 of Section 22 and the N1/2NW1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Recommend Approval by Planning and Zoning Commission and Approved by Board of Adjustment on May 15, 2023.
- R. Act as Board of Adjustment and approve Findings of Fact and Conclusion - Variance - Setbacks - 3 Pearl Street - Bob and Bonita Goode legally described as Lot A, Block 7, Highland Park Addition, Formerly a Portion of Lots 1 thru 6, Block 7 Highland Park Addition, City of Deadwood, Lawrence County, South Dakota, according to Plat Document No. 2009-6668. Recommend Approval by Planning and Zoning Commission and Approved by Board of Adjustment on August 7, 2023.
- S. Act as Board of Adjustment and approve Findings of Fact and Conclusion - Variance - Setbacks - 22 Washington Street - Jackie and 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 Records as Document No. 2001-01165, Subject to Easements, Reservations, and Restrictions of Record. Recommend Approval by Planning and Zoning Commission and Approved by Board of Adjustment on July 3, 2023.
- T. Act as Board of Adjustment and approve Findings of Fact and Conclusion - Conditional Use Permit - Vacation Home Establishment - 819 Main Street - Deadwood Rentals, LLC (Trinity Conrad) legally described as Lot 12 in Block A of Sunnyside Addition to the City of Deadwood as set out in Plat Book 3 Page 251, Lawrence County, South Dakota, Except that Part Deeded to the State of South Dakota for Highway Purposes as Set Out in Book 372 Page 58 and Page 168; and, Tract A-1 in Block A, a Replat of Tracts "A" and "B" of the Subdivision of Lot 13, Block A of Sunnyside Addition, Located in the NW1/4NE1/4 of Section 27, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota, According to Plat Filed in Document No. 2001-4003. Recommend Approval by Planning and Zoning Commission on September 6, 2023 and Approved by Board of Adjustment on September 18, 2023.
- U. Act as Board of Adjustment and approve Findings of Fact and Conclusion - Conditional Use Permit - Vacation Home Establishment - 64 Cliff Street - Owson Properties, LLC (Mike and Kat Sneesby) legally described as Lot X2 of Riverside Addition 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., City of Deadwood, Lawrence County, South Dakota. Recommended Approval by the Planning and Zoning Commission on August 16, 2023 and Approved by Board of Adjustment on August 21, 2023.
- V. Act as Board of Adjustment and approve Findings of Fact and Conclusion - Conditional Use Permit - Bed and Breakfast Establishment - 5 Burlington - Jay and Pam Smith legally described as Lots Three (3) and Four (4) of Peck's Garden Subdivision of Part of Probate Lots 138 and 327, Deadwood City, Lawrence County, SD, According to the Recorded Plat Thereof. Recommended Approval by Planning and Zoning Commission on July 5, 2023 and Approved by Board of Adjustment on July 17, 2023.
- W. Act as Board of Adjustment and approve Findings of Fact and Conclusion - Conditional Use Permit - Home Business - 63 Stewart Street - Carson Witt legally described as the Easterly 50 Feet of Lot 2, Block 72 Original Town in the City of Deadwood Lawrence County, South Dakota Except that Portion Deeded to the City of Deadwood for Street Purposes. Recommend Approval by Planning and Zoning Commission on April 19, 2023 and Approved by Board of Adjustment on May 1, 2023.
- X. Act as Board of Adjustment and approve Findings of Fact and Conclusion - Conditional Use Permit - Vacation Home Establishment - 36 Water Street - Deadwood Rentals, LLC (Trinity Conrad) legally described as Tract A, an 8' Platted Alley and a Portion of Lot R-1 of the City of Deadwood Railroad Property all Located in the Hillsdale Addition to the City of Deadwood, in the NW1/4 of Section 26, T5N, R3E, B.H.M., City of Deadwood Lawrence County, South Dakota; and, Tract B-1, McGovern Hill Addition of the City of Deadwood, Located in the NW1/4W1/4 of Section 26, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Recommend Approval by Planning and

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Zoning Commission on August 16, 2023 and Approved by Board of Adjustment on August 21, 2023.

### BID ITEMS

#### 33 ½ Jackson Street Retaining Wall

Mayor Ruth Jr. stated two bids were opened for 33 ½ Jackson Street Retaining Wall as advertised. Bid bonds were included in the following bid submittals:

Complete Concrete - \$290,800.00

RCS Construction - \$196,000.00

Historic Preservation Officer Kuchenbecker spoke about the project and recommends approval. Johnson moved, Martinisko seconded to award bid to RCS Construction in the amount of \$196,000.00 for 33 1/5 Jackson Street Retaining Wall. Roll Call: Aye-All. Motion carried.

### PUBLIC HEARINGS

#### New Year's Eve Ball Drop

Public hearing was opened at 5:05 p.m. by Mayor Ruth Jr. Dory Hanson, Deadwood Chamber, was available to answer questions. Hearing closed.

Martinisko moved, Johnson seconded to approve Main Street closure from Pine Street to Lee Street from 11:50 pm. on December 31, 2023 to 12:10 a.m. on January 1, 2024 for the New Year's Eve Ball Drop at the Franklin Hotel. Roll Call: Aye-All. Motion carried.

#### Mardi Gras

Public hearing was opened at 5:06 p.m. by Mayor Ruth Jr. Dory Hanson, Deadwood Chamber, was available to answer questions. Hearing closed.

Johnson moved, Martinisko seconded to approve open container in zones 1 and 2 on Friday, February 9 from 5:00 p.m. to 10:00 p.m., Saturday, February 10 from noon to 10:00 p.m., street closure on Main Street from Lower Main Street at Pioneer Way to Pine Street from 6:45 p.m. until parade ends and waiver of banner fees for event sponsors on Saturday, February 10, 2024. Roll Call: Aye-All. Motion carried.

#### St. Patrick's Day

Public hearing was opened at 5:07 p.m. by Mayor Ruth Jr. Dory Hanson, Deadwood Chamber, was available to answer questions. Hearing closed.

Martinisko moved, Johnson seconded to approve open container in zones 1 and 2 on Friday, March 15 from 5:00 p.m. to 10:00 p.m. and Saturday, March 16 from noon to 10:00 p.m.; street closure on Main Street from Lower Main Street at Pioneer Way to Pine Street on Saturday, March 16 from noon until parade ends; street closure on Main Street from Wall Street to Pine Street at noon on Saturday, March 16 to 6:00 a.m. on Sunday, March 17 and waiver of banner fees for event sponsors on Saturday, March 16, 2024. Roll Call: Aye-All. Motion carried.

#### Back When They Bucked

Public hearing was opened at 5:08 p.m. by Mayor Ruth Jr. Dory Hanson, Deadwood Chamber, was available to answer questions. Discussion was held concerning fees, hearing closed.

Martinisko moved, Johnson seconded to approve waiver of user fees on Wednesday, May 22 through Tuesday, May 28, ticket surcharge will be collected on Sunday, May 26 and open container from 9:00 a.m. to 9:00 p.m. on Sunday, May 26, 2024 at Event Complex. Roll Call: Aye-All. Motion carried.

#### 3 Wheeler Rally

Public hearing was opened at 5:12 p.m. by Mayor Ruth Jr. Dory Hanson, Deadwood Chamber, was available to answer questions. Hearing closed.

Todd moved, Martinisko seconded to approve street closure on Main Street from Wall St. to Deadwood St. for motorcycle parking on Wednesday, July 10 from 2:00 p.m. to 4:00 p.m.; street closure on Main Street from Lower Main Street at Pioneer Way to Pine Street on Thursday, July 11 from 8:30 p.m. until parade ends; open container Sunday, July 7 through Thursday, July 11, 2024 from 11:00 a.m. to 10:00 p.m. each day at Event Complex. Roll Call: Aye-All. Motion carried.

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### Set

Martinisko moved, Johnson seconded to set public hearing on December 4 for Retail (on sale) Liquor License Transfer from Broken Arrow Trading Company to Nugget Saloon, LLC. Roll Call: Aye-All. Motion carried.

### NEW BUSINESS

#### Second Reading

Kuchenbecker stated no changes between first and second reading. Martinisko moved, Johnson seconded to approve second reading of Ordinance #1386 Amending Chapter 17.08 and Chapter 17.100.030 of Title 17 regarding spot zoning. Roll Call: Aye-All. Motion carried.

#### Second Reading

Finance Officer McKeown spoke about the administrative correction between first and second reading with no change to total amount. Commission thanked staff for their work. Martinisko moved, Johnson seconded to approve second reading of Ordinance#1388 2024 Budget Appropriations. Roll Call: Aye-All. Motion carried.

#### Expend

McKeown spoke about the purchase. Martinisko moved, Todd seconded to expend up to \$10,000.00 with Golden West Technologies for six new desktop computers (including install) to replace outdated city network computers. (To be paid from IT Professional Services.) Roll Call: Aye-All. Motion carried.

#### Grant

Kuchenbecker spoke about the grant request. Martinisko moved, Johnson seconded to approve Not-For-Profit grant request from Broken Book Gold Mine in the amount of \$15,301.52 for resource repairs. (To be paid by Historic Preservation.) Roll Call: Aye-All. Motion carried.

#### Pay

McKeown spoke about the purchase. Todd moved, Johnson seconded to pay Central Square in an amount not to exceed \$7,397.40 for printer software, setup fee and training for previously ordered Police printers. (To be paid by Police Professional Services.) Roll Call: Aye-All. Motion carried.

#### Pay

Public Works Director Stalder spoke about the purchase. Martinisko moved, Todd seconded to pay McKie Ford for 2023 Ford F-600 4x4 in the amount of \$69,480.00 which was bid/ordered in 2022. (To be paid by Streets Equipment budget.) Roll Call: Aye-All. Motion carried.

#### Purchase

Parking and Transportation Director Lux spoke about the purchase. Johnson moved, Martinisko seconded to purchase a new Fuel Management System in the amount not to exceed \$17,974.00 from Grimm's Pump Service. (To be paid 50/50 split from Streets and Parking & Transportation budgets.) Roll Call: Aye-All. Motion carried.

#### Pay

Stalder spoke about the replacement. Martinisko moved, Johnson seconded to pay Rasmussen Mechanical Services in the amount of \$7,077.29 for the replacement of the radiant tube heater in the Water Department shop. (To be paid by Public Buildings Equipment budget.) Roll Call: Aye-All. Motion carried.

#### Lease

Parks, Recreation & Events Director Adler spoke about the purchase. Martinisko moved, Johnson seconded to enter into five-year (\$86.41 per month) lease with Century Business Products for a Kyocera TASKalfa 2554ci copy/printer for the Recreation Center. (To be paid from 2024 Rec Center Professional Services.) Roll Call: Aye-All. Motion carried.

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**INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS**

- A. Free parking in all pay by plate fee areas excluding Broadway Parking Garage from Wednesday, November 22 thru Tuesday, December 26, 2023. Revenue received from holiday parking will be dispersed to local non-profit organizations. Information on how to apply will be posted in future meetings and on social media.
- B. Raffle permit received from South Dakota Association of Plumbing, Heating, Cooling Contractors. Drawing will be held February 22, 2024.
- C. The Library Board is looking for a board member with a term to begin January 1, 2024. For additional information, please reach out to Patty at the Library.

Attorney Naasz requested Executive Session for legal matters per SDCL 1-25-2(3), personnel matters per SDCL 1-25(1) and union negotiations per SDCL 1-25-2(4) with possible action.

**ADJOURNMENT**

Martinisko moved, Johnson seconded to adjourn the regular session at 5:31 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3), personnel matters per SDCL 1-25-2(1) and union negotiations per SDCL 1-25-2(4) with possible action. The next regular meeting will be on Monday, December 4, 2023 at 5:00 p.m.

After coming out of executive session at 6:26 p.m.,

Martinisko moved, Johnson seconded to Act As Board Of Adjustment and approve Final Plat - Creating Property Lines And Transfer Of Property - Lot 3 Block 5 - The Summit At Deadwood Stage Run Plat Of Lot 3, Block 5 Of Palisades Tract Of Deadwood Stage Run Addition To The City Of Deadwood All Located In The Sw1/4 Of Section 14, The Se1/4 Of Section 15, The Ne1/4ne1/4 Of Section 22 And The N1/2nw1/4 Of Section 23, T5n, R3e, B.H.M., City Of Deadwood, Lawrence County, South Dakota. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to hire Joseph Stamm as Planning and Zoning Coordinator at \$23.00 per hour (D13 rank) effective December 5, 2023 pending pre-employment screening. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to purchase 20-inch battery powered fan from M & T Fire in the amount not to exceed \$4,800.00 (To be paid by Fire Dept Equipment.) Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to allow Mayor to sign Labor agreement for the Police Dept between City of Deadwood and Teamsters Local Union No. 120. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to adjourn.

ATTEST:

Jessicca McKeown, Finance Officer  
Published once at the total approximate cost of



DATE: 12/4/23

BY:

David Ruth Jr., Mayor