

## REGULAR MEETING, DECEMBER 18, 2023

The Regular Session of the Deadwood City Commission convened on Monday, December 18, 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 Charlie Struble. Commissioner Gary Todd was absent. All motions passed unanimously unless otherwise stated.

### APPROVAL OF MINUTES

Struble moved, Martinisko seconded to approve the minutes of December 4, 2023. Roll Call: Aye-All. Motion carried.

### APPROVAL OF DISBURSEMENTS

Martinisko moved, Johnson seconded to approve the December 18, 2023 disbursements as amended. Roll Call: Aye-All. Motion carried.

A & B WELDING	SUPPLIES	301.11
ACE HARDWARE	SUPPLIES	147.09
ADAMS SALVAGE RECYCLING	SERVICE	197.70
ALBERTSON ENGINEERING	PROJECT	13,192.90
ALCOPRO	SUPPLIES	1,197.15
ALPINE IMPRESSIONS	SERVICE	155.00
AMAZON CAPITAL	SUPPLIES	2,098.00
ANFINSON, BONNY	REIMBURSEMENT	84.13
ARROWHEAD FORENSICS	SUPPLIES	413.03
ASSOCIATION FOR RURAL	MEMBERSHIP	30.00
AVIDA ENGINEERING	PROJECT	2,645.00
BH CHEMICAL	SUPPLIES	260.28
BH ENERGY	SERVICE	27,763.87
BH PIONEER	SERVICE	1,154.99
BH SPECIAL SERVICES	CLEANING	4,500.00
BH TITLE	LAND	45,242.40
BLACKSTRAP	SUPPLIES	4,938.12
BRANDON INDUSTRIES	SUPPLIES	3,187.00
BROWN, MOLLY	MEETINGS	315.00
BRUCE, DAVID	MEETINGS	350.00
CAPFIRST EQUIPMENT FINANCE	PAYMENT	24,333.76
CARMODY, ROBIN	MEETINGS	350.00
CENTURY BUSINESS PRODUCTS	CONTRACT	181.14
CITY OF LENNOX	GRANT	10,000.00
CORR CONSTRUCTION	PAY APP	168,843.99
CRESCENT ELECTRIC SUPPLY	SUPPLIES	150.00
CULLIGAN	SUPPLIES	116.40
CURTIS BLUE LINE	SUPPLIES	23.75
DAKOTA FLUID POWER	WASHER	8,524.69
DAKOTA LUMBER	GRANTS	7,153.70
DAR, VICKI	MEETINGS	385.00
DAYS INN MITCHELL	LODGING	235.50
DEADWOOD ALIVE	NOVEMBER	4,000.00
DEADWOOD CHAMBER	SERVICE	80,775.26
DEADWOOD JAM	ALLOCATION	25,000.00
DEADWOOD MOUNTAIN GRAND	SERVICE	54.00
DEMCO	SUPPLIES	299.72
DIEDE, LEO	MEETINGS	315.00
DMC WEAR PARTS	SUPPLIES	1,226.22
EAGLESON, CHARLES	MEETINGS	315.00
EMANUEL, DENESE	GRANT	7,500.00
EXCEL CONSTRUCTION	PROJECT	18,367.38
FETERL, RONDA	REIMBURSEMENT	29.61
FIB CREDIT CARDS	SUPPLIES	2,847.94
FREDERICKSON LAW OFFICE	SERVICE	1,500.00
GALLS	UNIFORMS	41.81
GAYLORD BROS.	SUPPLIES	2,183.83
GLOBAL INDUSTRIAL	SUPPLIES	14.05
GLOVER, SANDY	REIMBURSEMENT	498.62
GOLDEN WEST	SERVICE	3,539.50
GOODE, BONITA	REIMBURSEMENT	82.82
GUNDERSON, PALMER, NELSON	SERVICE	2,222.60
HILLS INTERIORS	PROJECT	2,470.10
HOMESTAKE CONCRETE & MORE	PROJECT	9,450.00
HOMETOWN MANUFACTURING	SUPPLIES	186.69
IPS GROUP	SERVICE	5,769.61
IWORQ	SERVICE	12,400.00
JLG ARCHITECTS	PROJECT	1,345.00
JOHNSON CONTROLS FIRE	SERVICE	927.20
JOHNSTONE SUPPLY	PROJECT	4,779.57
KEEHN, JOSH	MEETINGS	350.00
KEYSTONE RIDGE DESIGNS	SUPPLIES	3,738.00
KNECHT	SUPPLIES	191.84
KNIPPER, ANITA	REIMBURSEMENT	81.43
KONE CHICAGO	MAINTENANCE	537.17
KVN SERVICES	PROJECT	12,165.62
LARSON, MARY	REIMBURSEMENT	100.00
LAWRENCE CO. REGISTER	SERVICE	120.00
LEAD-DEADWOOD SANITARY	SERVICE	19,574.30
LYNN'S	SUPPLIES	104.26
MARTINISKO, JOHN	MEETINGS	315.00
MENARD'S	SUPPLIES	133.45

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MICROSOFT	SERVICE	1,403.98
MIDWEST TAPE	SUPPLIES	77.22
MONUMENT HEALTH	SERVICE	520.00
MORRISON, RONDA	SERVICE	1,730.00
MR. LIETER'S	PROJECT	6,213.76
MS MAIL	SERVICE	5,090.02
NARTEC	SUPPLIES	488.40
NATIONAL TRUST FOR HISTORI	MEMBERSHIP	250.00
NORTHERN TRUCK EQUIPMENT	SNOWFLOW	15,445.00
ONSITE FIRST AID	SUPPLIES	151.75
OWENS, MELVIN	MEETINGS	350.00
PANNIER	SERVICE	2,402.00
PARHAM, MICHAEL	PROJECT	30,070.13
PEARSON, JACI	PROJECT	2,700.00
PETTY CASH	FINANCE	32.45
PONDEROSA LAND SURVEYS	SERVICE	783.75
POSEY, BEVERLY	MEETINGS	420.00
QUICKTROPHY	SUPPLIES	29.27
QUIK SIGNS	SERVICE	95.40
QUILL	SUPPLIES	65.94
RASMUSSEN MECHANICAL	PROJECT	2,333.20
REDWOOD TOXICOLOGY LAB	SERVICE	150.22
SABO CONSTRUCTION	PROJECT	35,500.00
SALOON #10	SUPPLIES	50.00
SANDER SANITATION	SERVICE	12,933.90
SANTOCHI, TREVOR	MEETINGS	420.00
SCHNERINGER, CINDY	SERVICE	1,172.50
SCOTT PETERSON MOTORS	SERVICE	527.98
SD ASSN. OF RURAL WATER	DUES	590.00
SD COMMISSION ON GAMING	CITY SLOTS	29,829.55
SD DEPT. OF MOTOR VEHICLES	SERVICE	26.70
SD DEPT. OF REVENUE	TAX	2,979.80
SD LIBRARY ASSOCIATION	MEMBERSHIP	20.00
SD WATER & WASTEWATER	MEMBERSHIP	20.00
SERVALL	SUPPLIES	1,220.03
SHER, CALEB	SERVICE	450.00
SIMON MATERIALS	SUPPLIES	332.28
SNAP-ON TOOLS	SUPPLIES	3,780.00
SODAK TITLE	SERVICE	120.00
SOUTHSIDE SERVICE	SERVICE	1,447.59
SPRIGLER, SALLY	REIMBURSEMENT	125.47
STAN HOUSTON EQUIP	SUPPLIES	632.99
STURDEVANT'S	SUPPLIES	2,468.48
STURGIS RESPONDER SUPPLY	UNIFORMS	517.88
SUMMIT SIGNS AND SUPPLY	SUPPLIES	1,371.00
SUNSHINE TOWING	SERVICE	115.00
TALLGRASS LANDSCAPE	PROJECT	1,850.00
TEMPERATURE TECHNOLOGY	SERVICE	351.00
THE ARCHAEOLOGICAL CONSERV	DUES	30.00
THE LIBRARY STORE	SUPPLIES	80.94
THE LORD'S CUPBOARD	RECYCLING	65.40
TRITECH SOFTWARE SYSTEMS	SERVICE	7,397.40
TWIN CITY ANIMAL SHELTER	FUNDING	3,250.00
TWIN CITY HARDWARE	SUPPLIES	1,149.33
TWIN CITY HARDWARE	GRANTS	101.91
TWIN CITY HARDWARE	GRANTS	247.96
VERIZON CONNECT	SERVICE	171.60
VERIZON CONNECT NWF	SERVICE	92.95
VIEHAUSER ENTERPRISES	SERVICE	417.59
VIGILANT BUSINESS SOLUTION	SCREENING	806.00
WARREN, DR.ROBERT E.	SERVICE	1,000.00
WELLS PLUMBING	SUPPLIES	2,950.74
WESTERN STATES FIRE	SERVICE	470.00
WILLIAMS, ANTHONY	MEETINGS	315.00

Total \$742,224.76

**ITEMS FROM CITIZENS ON AGENDA**

**Discussion**

Deadwood Taxicab Owners discussion on rate increase has been removed from agenda.

**CONSENT**

Martinisko moved, Johnson seconded to omit Item D and approve the following consent items.

Roll Call: Aye-All. Motion carried.

- A. Update Part-time wage scale effective January 1, 2024.
- B. Permission to increase pay rates for Full-Time Police Officers to be \$24.22 per hour for Non-Certified and \$26.79 per hour for Certified Officers, effective January 1, 2024.
- C. Permission to hire Terri Tomford as part-time (up to 19 hours per week) lifeguard at \$16.00 per hour effective January 3 2024, pending pre-employment screening.
- D. Removed from agenda.
- E. Permission to hire Andrew Nelson as full-time (non-certified) patrol officer at \$24.22 per hour effective December 27, 2023 pending pre-employment screening.
- F. Permission to approve revised job description for Police Administrative Assistant.
- G. Permission to allow HUB International Great Plains, to be the agent of record for City of Deadwood group Vision Service Plan effective Jan. 1, 2024.

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- H. Permission to allow HUB International Great Plains to be the agent of record for City of Deadwood group Delta Dental plan effective Jan. 1, 2024.
- I. Permission to accept resignation for Krystal Stulken from the Library Board effective December 31, 2023.
- J. Appoint Brianne Hutchison to Library Board with term January 1 2024 thru December 31, 2026.
- K. Re-appoint Terri Bruce to Library Board with term January 1, 2024 thru December 31, 2026.
- L. Correct term date of Alison Ball on Library Board with term to be December 1, 2023 thru December 31, 2025.
- M. Permission to correct approved 2023 budget allocation to Twin City Animal Shelter from \$3,500.00 to \$3,250.00.
- N. Permission for Mayor to sign 2024 Combined Voting Agreement.
- O. Acknowledge issuance of 2024 City of Deadwood Medical Cannabis Dispensary license to Deadwood Growhouse dba Trails Head Cannabis Company at 32 Charles St.
- P. Acknowledge issuance of 2024 City of Deadwood Medical Cannabis Dispensary license to Deadwood From the Hills, LLC. at 460 Main St.
- Q. Resolution 2023-20 Surplus Fire Equipment

**RESOLUTION NO. 2023-20**

**TO DECLARE THE FOLLOWING SURPLUS PROPERTY**

**BE IT RESOLVED** by the Deadwood City Commission that the City of Deadwood approved the following be declared surplus and sold to St. Onge Fire Department for \$70.00, allowable under SDCL 6-5-2:

Light Bars and Control Box (front and back)

**BE IT RESOLVED** by the Deadwood City Commission that the City of Deadwood approved the following be declared surplus and sold to Lead Fire Department for \$450.00, allowable under SDCL 6-5-2:

Pump/Foam Engine Pump Air Compressor

**BE IT RESOLVED** by the Deadwood City Commission that the City of Deadwood approve the following to be declared surplus and destroyed:

4 - 100 FT Links of LDH Supply Hose

Dated this 4th day of December, 2023

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

- R. Permission to allow Fire Dept. to apply for SD Volunteer Personal Protective Equipment Grant program in the amount \$14,400.00 and allow Charles Fetter to sign all associated documents.
- S. Deadwood History Inc. requests approval to serve beer and wine at Homestake Adams Research and Cultural Center on Friday, February 23, 2024 from 6:00 p.m. to 9:00 p.m. for Calamity's Shindig.
- T. Permission to purchase 5500 gallons of non-ethanol fuel from South Side Service at a price of \$2.70 per gallon. Total purchase price not to exceed \$14,850.00. (To be paid by Streets Supply budget.)
- U. Permission for Mayor to sign Oakridge Cemetery Certificate of Purchases and Warranty Deed for Lavonne Harrison Mohr and Brian and Melody Nelson.
- V. Permission to pay 2024 leased equipment payments (attached) as indicated on Lease contracts/schedules. (To be paid Public Works Equipment budgets).
- W. Permission to extend existing professional services contract with Cindy Schneringer for administrative work associated with the Zoning Department until March 31, 2024.
- X. Permission for the Mayor to sign Loan Agreement 2024-001 for items currently on loan to and on exhibit with Deadwood History Inc. through December 31, 2029.
- Y. Permission for the Mayor to sign the renewal of the Revolving Loan Agreement for 2024 between Deadwood Historic Preservation Commission and Neighborhood Housing Services of the Black Hills, Inc. for the administration of the RLF.

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### PUBLIC HEARINGS

#### Set

Martinisko moved, Struble seconded to set public hearing on January 2, 2024 for Convention Center (on sale) Liquor (CL-15404), Package (off sale) Liquor (PL-4522), Retail (on-off sale) Malt Beverage & SD Farm Wine (RB-2609) and Retail (on-off sale) Wine and Cider (RW-6401) License transfers from Earnest Hospitality LLC to Fools Gold Gaming, LLC dba Deadwood Gulch Resort. Roll Call: Aye-All. Motion carried.

### OLD BUSINESS

#### First Readings

Finance Officer McKeown spoke about the address/ownership changes and all short term rentals have been added. Martinisko moved, Struble seconded to approve first reading of Ordinance #1389 Amending Chapter 3.20 Occupancy Tax, Business Improvement District 7. Roll Call: Aye-All. Motion carried.

McKeown spoke about the ownership changes and properties electing to do \$2.00 instead of \$1.00. Johnson moved, Martinisko seconded to approve first reading of Ordinance #1391 Amending Chapter 3.20 Occupancy Tax, Business Improvement District 9. Roll Call: Aye-All. Motion carried.

### NEW BUSINESS

#### Second Readings

McKeown stated no changes between first and second. Struble moved, Martinisko seconded to approve second reading of Ordinance #1390 Amending Chapter 3.20 Occupancy Tax, Business Improvement District 8. Roll Call: Aye-All. Motion carried.

McKeown spoke about the update to General, FEMA, Water, Parking and Transportation Funds with the amount of budget supplement not increasing. Martinisko moved, Struble seconded to approve second reading of Ordinance #1392 Budget Supplement 5 for 2023. Roll Call: Aye-All. Motion carried.

#### Conditional Use Permits

Planning, Zoning and Historic Preservation Officer Kuchenbecker spoke about the permit. Struble moved, Martinisko seconded to Act as Board of Adjustment and approve Conditional Use Permit - Bed & Breakfast Establishment - 388 & 390 Main Street - Nugget Saloon LLC (Wayne Morris) with conditions, which are: Conditional Use Permit runs with the applicant and not the land; therefore should the property be sold, the Conditional Use Permit is null and void, Bed and Breakfast Establishment must provide family style meals by the operator, Proof of a state sales tax number, Proof that the Building Inspector has inspected the building and meets all building codes, City water and sewer rates be changed from residential to commercial rates, proper paperwork is filed with the City of Deadwood Finance Office for BID taxes, Proof of City of Deadwood Business License, Obtain lodging license after inspection from the SD Department of Health, and all parking shall be off street. Legally described as Lot Twelve (12) and the South Half of Lot Thirteen (13), Both Lots in Block Three (3) in the Fountain City Addition to the City of Deadwood, Together with all Improvements Thereon and Appurtenances Thereunto Belonging, Subject to Covenants, Restrictions and Reservations of Record. Roll Call: Aye-All. Motion carried.

Kuchenbecker spoke about the permit. Johnson moved, Struble seconded to Act as Board of Adjustment and approve Conditional Use Permit - Vacation Home Establishment - 606 1/2 Main Street - Nugget Saloon LLC (Wayne Morris) with conditions, which are: Conditional Use Permit runs with the applicant and not the land; therefore should the property be sold, the Conditional Use Permit is null and void, Proof of a state sales tax number, Proof that the Building Inspector has inspected the building and meets all building codes, City water and sewer rates be changed from residential to commercial rates, proper paperwork is filed with the City of Deadwood Finance Office for BID taxes, Proof of City of Deadwood Business License, Obtain lodging license after inspection from the SD Department of Health, and all parking shall be off street preferably validated in the Broadway Parking Ramp.

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Legally described as Lot 24, in Block 15 of the Original Townsite of the City of Deadwood, Lawrence County, South Dakota, According to the P.L. Rogers Map Except a Portion of Land Along the Southerly Side of Lot 24, Block 15 Being 8 Inches in Width Fronting on Main and Back of Even Width 100' as Set Forth in Deed and Recorded in Book 162 Page 243. Roll Call: Aye-All. Motion carried.

### Change Order

Kuchenbecker spoke about the FEMA Project. Discussion was held concerning the wall along the Mickelson trail. Martinisko moved, Johnson seconded to accept and allow Mayor to sign Construction Change Order No. 1 from RCS Construction in the amount of \$37,588.67 for required bio-engineering of an Envirolok wall for the Whitewood Creek Restoration project (FEMA Project). Roll Call: Aye-All. Motion carried.

### Change Orders

Kuchenbecker spoke about the FEMA Project. Struble moved, Martinisko seconded to accept and allow Mayor to sign Construction Change Order No. 2 from RCS Construction in the amount of \$3,612.00 for Trolley Lane Area changes needed for semi-trailer turning radiuses for the Whitewood Creek Restoration project (FEMA Project). Roll Call: Aye-All. Motion carried.

Public Works Director Stalder spoke about the project. Martinisko moved, Johnson seconded to accept and allow Mayor to sign Construction Change Order No. 1 for Timm Lane Bridge project with Corr Construction for use of temporary bridge rather than culvert crossing. No cost change order. Roll Call: Aye-All. Motion carried.

### Pay App

McKeown stated acknowledgement is necessary due to the grant funding requirement. Martinisko moved, Struble seconded to acknowledge Pay App #3 for Timm Lane Bridge project in the amount \$168,843.99 from Corr Construction. Roll Call: Aye-All. Motion carried.

### Pay

Stalder spoke about the project. Struble moved, Martinisko seconded to pay Rasmussen to install two 1.5 Ton HP Mini Split for Crow's Nest at Days of '76 Rodeo Grounds in an amount not to exceed \$15,012.00. (To be paid by HP Capital Assets.) Roll Call: Aye-All. Motion carried.

### Pay

Parks, Recreation & Events Director Adler spoke about the repairs. Martinisko moved, Struble seconded to pay Wilen Monument in the amount of \$8,075.00 for repairs to several monuments in Mt. Moriah cemetery. (To be paid by Historic Cemetery Repairs Enterprise fund budget.) Roll Call: Aye-All. Motion carried.

### Purchase

Stalder spoke about the purchase. Martinisko moved, Johnson seconded to purchase from Projex up to \$6,000.00 of colored lamp post lighting to complete project from 157 Charles St. (Southside) to 402 Main St. (Big D). (To be paid by Streets Repair budget.) Roll Call: Aye-All. Motion carried.

### Project

McKeown spoke about the project. Struble moved, Johnson seconded to expend \$39,000.00 to the Deadwood Volunteer Fire Department for pay-per-call project. (To be paid from 2023 Fire Department Recruitment/Retention line item.) Commission thanked the Volunteer Fire Department for their service. Roll Call: Aye-All. Motion carried.

### Purchase

Adler spoke about the purchase. Struble moved, Johnsons seconded to purchase a new hot tub for Recreation and Aquatic Center in an amount not to exceed \$15,000.00 (To be paid by 2024 Rec Center Equipment budget.) Roll Call: Aye-All. Motion carried.

### Pay

Stalder spoke about the purchase. Martinisko moved, Johnsons seconded to pay Crysteel Truck Equipment in the amount of \$13,804.00 for a new dump box for F-600 Sander Truck. (To be paid by Streets Equipment budget.) Roll Call: Aye-All. Motion carried.

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Purchase

Stalder spoke about the purchase. Martinisko moved, Struble seconded to purchase four 10" Wedge Gate valves for the Denver Street Pump Station from Dakota Pump at a cost of \$3,350.00 each and not to exceed \$13,400.00. (To be paid by Water Repair budget.)

Pay

Kuchenbecker spoke about the project. Martinisko moved, Struble seconded to pay Rockstarz to refinish carriage room/basement of Days of '76 Museum at an amount not to exceed \$40,796.00. (To be paid by HP Capital Assets.)

Hire

Adler spoke about the repair. Martinisko moved, Struble seconded to hire Jacobs Welding to replace 35 foot section of handrailing on Forest Ave in an amount not to exceed \$3,935.00. (Safety repair to be paid by Streets Sidewalk budget.)

**INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS**

- A. Kailey Snyder with Black Hills Council of Local Government spoke about the Lawrence County Mitigation Plan Update. She stated the plan is through FEMA and is required to be updated every 5 years with the current plan expiring in August 2024. This grant will be looking at natural hazards that impact Lawrence County.

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

**ADJOURNMENT**

Martinisko moved, Struble seconded to adjourn the regular session at 5:41 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 Tuesday, January 2, 2024 at 5:00 p.m.

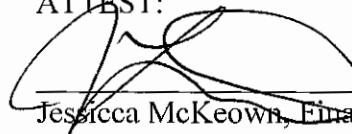
After coming out of executive session at 6:16 p.m.,

Martinisko moved, Struble seconded to accept termination of Patrol Officer Jamie Willimas effective at 4:00 p.m. on December 19, 2024. Roll Call: Aye-All. Motion carried.

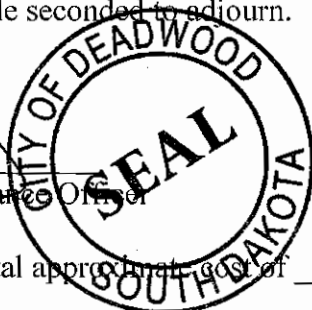
Martinisko moved, Johnson seconded to hire Leah Blue-Jones as Zoning Coordinator at \$24.00 per hour (D14) rank effective January 2, 2024 pending pre-employment screening. Roll Call: Aye-All. Motion carried.

Martinisko moved, Stuble seconded to adjourn.

ATTEST:



Jessicca McKeown, Finance Officer



DATE: 1/2/24

BY: Gary Todd / Fred  
David Ruth Jr., Mayor

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