

REGULAR MEETING, NOVEMBER 6, 2023

The Regular Session of the Deadwood City Commission convened on Monday, November 6, 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 Quentin Riggins, and Commissioners Michael Johnson, Sharon Martinisko and Charlie Struble. Commission Gary Todd was absent. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Struble moved, Martinisko seconded to approve the minutes of October 16, 2023. Roll Call: Aye-All. Motion carried.

OCTOBER 2023 PAYROLL: COMMISSION, \$3,692.28; FINANCE, \$22,940.80; PUBLIC BUILDINGS, \$6,836.91; POLICE, \$78,143.85; FIRE, \$5,479.08; BUILDING INSPECTION, \$4,852.40; STREETS, \$30,127.33; PARKS, \$33,264.34; PLANNING & ZONING, \$5,857.54; LIBRARY, \$7,794.30; RECREATION CENTER, \$17,374.34; HISTORIC PRESERVATION, \$22,828.96; WATER, \$18,156.71; MT. MORIAH, \$6,563.14; PARKING METER, \$14,073.54; TROLLEY, \$16,901.09; PARKING RAMP, \$2,888. **PAYROLL TOTAL: \$297,774.61.**

OCTOBER 2023 PAYROLL PAYMENTS:

Internal Revenue Service, \$70,143.89; S.D. Retirement System, \$21,380.15; Delta Dental, \$3,384.40.

APPROVAL OF DISBURSEMENTS

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

A & B BUSINESS SOLUTIONS	CONTRACT	638.71
A & B WELDING	SERVICE	237.59
A & I DISTRIBUTORS	SUPPLIES	36.32
ACE HARDWARE	SUPPLIES	219.66
ALL ASPECTS	SERVICE	870.00
ALPINE IMPRESSIONS	SERVICE	386.00
AMAZON CAPITAL	SUPPLIES	2,250.71
AMERICAN LIBRARY ASSOCIATION	MEMBERSHIP	247.00
ANCESTOR CONCRETE & MASONRY	PROJECT	5,700.00
API SYSTEMS INTEGRATORS	SERVICE	1,500.00
BERBERICH DESIGN	PROJECT	4,643.64
BH CHEMICAL	SUPPLIES	1,253.30
BH LIBRARY	FEES	566.71
BH PIONEER	SERVICE	424.62
BLUEPEAK	SERVICE	4,304.89
BOMGAARS	SUPPLIES	55.98
BRYANT, LINDA	PROJECT	508.98
CASEY PETERSON	CONSULTING	36,487.57
CIVICPLUS	SERVICE	189.56
CONRADS BIG "C" SIGNS	PROJECT	2,752.05
CRYTEEL TRUCK EQUIPMENT	SERVICE	18,695.00
CULLIGAN	SUPPLIES	274.20
DEADWOOD ALIVE	OCTOBER	10,000.00
DEADWOOD CHAMBER	MARKETING	94,598.31
DEADWOOD CHAMBER - OUTLAW	BID #9	108,146.42
DEADWOOD ELECTRIC	SERVICE	1,203.44
DVFD	REIMBURSEMENT	2,661.59
DEADWOOD GAMING	BID #8	10,000.00
DEADWOOD GRANITE	SERVICE	1,100.00
DMD CONSTRUCTION	PROJECT	3,257.60
DRUMMOND, NICHOLAS	PROJECT	5,734.19
EKLUND, GARRETT	REIMBURSEMENT	539.44
FIRST INTERSTATE BANK	TIF #8	9,098.81
GOLDEN WEST	SERVICE	75.00
GOODE, BONITA	REIMBURSEMENT	23.13
GREAT WESTERN TIRE	SERVICE	1,199.78
HAWKINS	SUPPLIES	1,277.98
INLAND TRUCK PARTS	SUPPLIES	27.19
K4 TRAILS	PROJECT	13,140.00
KNECHT	SUPPLIES	188.50
KNOX COMPANY	SUPPLIES	1,146.00
KO SAFETY SERVICES	SERVICE	2,433.00
KT CONNECTIONS, INC.	SERVICE	510.00
LAWRENCE CO. REGISTER	SERVICE	30.00
LDS STUDENT COUNCIL	WREATH-GARLAND	1,956.00
LYNN'S	SUPPLIES	146.35
MARCO	CONTRACT	164.98
MENARD'S	SUPPLIES	374.67
MID-AMERICAN RESEARCH CHEM	SUPPLIES	566.84
MIDWEST TAPE	SUPPLIES	123.95
MDU	SERVICE	4,826.75
MORFORD ELECTRIC	SERVICE	737.95
MR. LIFTER'S	PROJECT	9,525.56
MS MAIL	SERVICE	1,020.30
MUTUAL OF OMAHA	INSURANCE	275.12
ONSITE FIRST AID	SUPPLIES	369.55

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PETTY CASH	HP/ZONING	112.40
QUICK SIGNS	SERVICE	2,349.12
QUILL	SUPPLIES	191.00
RADENSLEBEN, COLTAN	REIMBURSEMENT	48.00
RADENSLEBEN, ROBERT	REIMBURSEMENT	48.00
RASMUSSEN MECHANICAL	SERVICE	3,115.21
RCS CONSTRUCTION	PROJECT	340,052.50
S AND C CLEANERS	CLEANING	9,228.00
SACRISON ASPHALT	SERVICE	420.80
SAFETY BENEFITS	REGISTRATION	300.00
SANDER SANITATION	SERVICE	12,848.90
SD DEPT. OF MOTOR VEHICLES	SERVICE	53.40
SD PUBLIC HEALTH LAB	TESTING	401.00
SDML WORKERS' COMP FUND	PREMIUM	88,441.00
SIMON MATERIALS	SERVICE	255.45
SOUTHSIDE OIL	FUEL	16,839.18
STATION AUTOMATION	SERVICE	420.00
STURDEVANT'S	SUPPLIES	20,125.91
STURGIS RESPONDER SUPPLY	UNIFORMS	1,574.98
SUMMIT SIGNS AND SUPPLY	SERVICE	216.00
THE LIBRARY STORE	SUPPLIES	670.83
THIS OLD HOUSE	RENEWAL	25.00
TOWEY DESIGN GROUP	PROJECT	2,905.50
TREE WISE MEN	SERVICE	50,000.00
TWIN CITY HARDWARE	SUPPLIES	2,682.32
USA BLUEBOOK	SUPPLIES	174.47
VERIZON WIRELESS	SERVICE	708.50
VIEHAUSER ENTERPRISES	SERVICE	714.98
WELLMARK	INSURANCE	51,598.53
WESTERN STATES FIRE PROTECTION	INSPECTION	675.00
WOLFPACK WORKING DOGS	REFUND	1,000.00
ZEP SALES	SUPPLIES	281.32

Total \$977,198.19

CONSENT

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

- A. Permission to hire Edward Allen as full-time (non-certified) police officer at \$23.22 per hour effective November 12, 2023 pending pre-employment screening.
- B. Permission to hire Fatih Gokce as Community Service Officer at \$19.00 per hour (D9 rank) effective November 8, 2023 pending pre-employment screening.
- C. Permission to promote James Olson to Sergeant I at \$29.71 per hour, effective November 12, 2023.
- D. Permission to accept resignation from Para-transit Driver Kathryn Larsen effective November 10, 2023.
- E. Permission to advertise in-house for 5 days and also with outside sources for Para-Transit Driver at \$15.66 per hour.
- F. Permission to increase wage of Garrett Eklund to \$26.00 per hour (D16 rank) effective November 12, 2023 due to completing CDL certification.
- G. Permission to remove Mt. Moriah seasonal ticket booth attendants from payroll; Ruth Durst, Gertrude Anderson, David Trentz, Phyllis Fleming and Douglas White effective October 15, 2023.
- H. Approve revised job description for Community Service Officer.
- I. Permission for Mayor to sign a Memorandum of Understanding between the City of Deadwood, the City of Lead and the Lead-Deadwood School District for two School Resource Officers.
- J. Permission to pay Select Stone in the amount of \$4,888.50 for replacement stone and caps on the Welcome Center pedestrian wall, due to damage done by equipment and salt erosion. (To be paid by Streets repair budget.)
- K. Acknowledge SD Wildland Fire Grant in the amount of \$10,000.00 for the purchase ten sets of personnel protective gear for the Fire Department.
- L. 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.)
- M. Permission to pay M.S. Mail \$3,500.00 to print and mail the 2024 Neighborhood Block Club Calendar. (To be paid from HP Public Education and Block Club line items.)
- N. Acknowledge upgrade of iWorQ software for License and Contractor License Management modules in the total amount of \$1,500.00. (To be paid by Data Processing and Building Inspector Professional Services budgets.)
- O. Permission for Mayor to sign Permanent, Temporary and Utility Easements associated with the FEMA/Whitewood Creek Project.
- P. Permission to purchase 5,500 gallons of diesel at \$3.73 per gallon from Southside Oil.
- Q. Permission to pay Summit Fire Protection in the amount of \$4,671.00 for annual fire extinguisher inspection for all public buildings (To be paid out of the Public Buildings Professional Services budget.)

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- R. Renew Liquor and Wine Licenses for 2024, pending payment of Business Improvement District and property taxes.

**APPROVAL OF APPLICATIONS
FOR LIQUOR/WINE LICENSE RENEWALS FOR 2024**

CONVENTION CENTER LICENSES

Blue Sky Gaming, Tin Lizzie Gaming Resort (CL-505)
BY Development Inc., Cadillac Jacks (RL-504)
Deadwood Gaming CHCI LLC, Deadwood Comfort Inn (CL-501)
Deadwood Resort LLC, The Lodge at Deadwood, (CL-509)
DHIH, LLC – Rocksino by Hard Rock Deadwood, (CL-508)
Ernest Hospitality, LLC, Deadwood Gulch Resort (CL-15404)
First Gold, Inc., First Gold Hotel, (CL-502)
Gold Dust Lodging Group LLC, Holiday Inn Express Hotel & Suites (CL-503)
GR Deadwood LLC, Mineral Palace Hotel & Gaming (CL-507)
Historic Deadwood Convention Facility, LLC, Wooden Nickel, Iron Horse Inn, Martin
Mason Hotel, (CL-511)
SGMSD LLC, Historic Franklin Hotel (CL-506)
ZCN LLC, Deadwood Mountain Grand Hotel & Casino (CL-510)

PACKAGE (OFF-SALE) LIQUOR

Black Diamond Capital LLC, Gold Dust (PL-4520)
Blue Sky Gaming, Tin Lizzie Gaming Resort, (PL-4521)
Ernest Hospitality, LLC., Deadwood Gulch Resort, (PL-4522)
GR Deadwood LLC, Mineral Palace Hotel & Gaming, (PL-4524)
Packhorse Liquor & Convenience Inc., Pack Horse Liquor & Convenience (PL-4523)

RETAIL LIQUOR LICENSES

Black Diamond Capital LLC, Gold Dust (RL-5792)
B.P.O Elks Lodge #508, Elks Lodge (RL-5540)
Broken Arroe Trading company, Broken Arrow Trading Company (RL-5536)
DBUH, LLC, Bullock Hotel (RL-5542)
Full Throttle S'loonshine, LLC, Deadwood Distillery (RL-5534)
Main Ledge LLC, Midnight Star (RL-5995)
Midwest Motels of Deadwood, Buffalo Bodega (RL-5535)
Old Style Saloon No. 10 Inc., Saloon No. 10 (RL-5537)
SGMSD LLC, Silverado Gaming Establishment (RL-5538)
VFW Post 5969, VFW (RL-5541)

RETAIL (ON SALE) LIQUOR – RESTAURANT

Jacobs Restaurant Inc. Jacobs Restaurant (RR-26948)
Mustang Sally's, Inc., Mustang Sally's (RR-26941)
Door 4 LLC, Fairmont Hotel/Oyster Bay (RR-29555)

RETAIL (ON-OFF SALE) WINE

Aces Full Inc., Mr. Wu's (RW-6646)
Angels Attic Uncorked, Angels Attic (RW-20691)
Black Hills Provisions, The Vault (RW-29579)
Blue Sky Gaming Inc., Tin Lizzie Gaming Resort, (RW-6491)
BY Development Inc., Cadillac Jacks, (RW-6537)
Celebrity Hotel, Inc, Celebrity Hotel (RW-26807)
Clark & Apex, Deadwood Badlands, (RW-29204)
Deadwood DDG, Black Hills Deadwood (KOA) (RW-27686)
Deadwood Hotels, Four Points by Sheraton, (RW-27808)
Deadwood Miners LLC, Deadwood Miners Hotel & Restaurant (RW-27949)
Deadwood Resort LLC, The Lodge at Deadwood, (RW-19226)

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Deadwood Tobacco Company, Deadwood Tobacco (RW-6648)
Door 4 LLC, Fairmont/Oyster Bay (RW-6461)
Ernest Hospitality, LLC, Deadwood Gulch Resort, (RW-6401)
Family Dollar Stores of SD, Family Dollar (RW-26390)
First Gold Inc., First Gold Hotel (RW-27660)
Gold Run LLC, Super 8 Deadwood, (RW-6447)
GR Deadwood LLC, Mineral Palace Hotel & Gaming, (RW-6480)
Jackson Winery & Vineyard LLC, Belle Joli Winery, (RW-7568)
Jacobs Restaurant Inc., Jacobs Restaurant, (RW-26825)
Jacobs Family International, Jacobs Gallery (RW-25947)
Michelles Tacos Deadwood LLC, Michelles Tacos Deadwood (RW-28261)
M.S. Mail, LLC, M.S. Mail, (RW-22642)
Mustang Sallys Inc., Mustang Sallys, (RW-6499)
Old Style Saloon No. 10 Inc., Saloon No. 10, (RW-19210)
Richard & Marguerite Olesen, Deadwood Wild Bills Trading Post (RW-21777)
SGMSD, LLC, Silverado, (RW-6436)
SGMSD LLC, Historic Franklin Hotel, (RW-6643)
Sportsbook Deadwood LLC, The Landmark Casino (RW-29206)
Waufle Travel, Deadwood Day Spa (RW-27362)
Winery Hill City LLC, Sick & Twisted Brewing, (RW-24025)
ZCN LLC, Deadwood Mountain Grand Hotel & Casino (RW-21330)

PUBLIC HEARINGS

Snocross

Public hearing was opened at 5:03 p.m. by Mayor Ruth Jr. Sarah Anderson, Deadwood Chamber, was available to answer questions. Hearing closed.

Martinisko moved, Struble seconded to approve waiver of user fees at the Event Complex Monday, January 22 through Sunday, January 28, 2024. Roll Call: Aye-All. Motion carried.

Set

Martinisko moved, Struble seconded to set public hearing on November 20 for New Year's Eve Ball Drop Event. Roll Call: Aye-All. Motion carried.

Struble moved, Martinisko seconded to set public hearing on November 20 for Mardi Gras Event. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to set public hearing on November 20 for St. Patrick's Day Event. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to set public hearing on November 20 for Back When They Bucked Event. Roll Call: Aye-All. Motion carried.

Struble moved, Martinisko seconded to set public hearing on November 20 for 3-Wheeler Rally Event. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

First Reading

Planning, Zoning and Historic Preservation Officer Kuchenbecker spoke about the amendment to the Ordinance. Martinisko moved, Struble seconded to approve first 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.

First Reading

Finance Officer McKeown spoke about the expenses, funds and stated total budget for 2024 is 22,363,732.00. Commission thanked Department Heads and staff for their work. Martinisko moved, Johnson seconded to approve first reading of Ordinance#1388 2024 Budget Appropriations. Roll Call: Aye-All. Motion carried.

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Final Plat

Kuchenbecker spoke about the plat. Struble moved, Johnson seconded to Act as Board of Adjustment and approve Final Plat creating property lines and transfer of property for PSF, LLC at the Summit at Deadwood Stage Run. Legally describes as: Plat of Lot 12, Block 5 and Dedicated Public Right of Way 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 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Roll Call: Aye-All. Motion carried.

Agreement

McKeown spoke about the agreement. Martinisko moved, Johnson seconded to allow Mayor to sign agreement with Iron Outfitter Waste Services (dba Sander Sanitation) for garbage service from January 1, 2024 through December 31, 2028. Roll Call: Aye-All. Motion carried.

Purchase

Parking and Transportation Director Lux spoke about the purchase. Johnson moved, Struble seconded to purchase new brake pads with installation for five trolleys from Pit Crew 2 You at a cost not to exceed \$5,000.00. (To be paid from Trolley supplies.) Roll Call: Aye-All. Motion carried.

Agreement

Kuchenbecker spoke about the agreement. Struble moved, Martinisko seconded to allow Mayor to sign the 2019 Infrastructure Disaster Recovery Program Agreement with the South Dakota Department of Public Safety for the FEMA project #123108 and appoint Planning, Zoning and Historic Preservation Officer, Kevin Kuchenbecker as a designee. This agreement shall be for an amount up to \$6,817,500.00. Roll Call: Aye-All. Motion carried.

Quote

Lux spoke about the quote. Martinisko moved, Struble seconded to accept quote for engineering services for the Deadwood Hill Trailhead parking lot for construction document and design services with FMG Engineering in the amount of \$34,650.00. (To be paid by Parking & Transportation Professional Services budget.) Roll Call: Aye-All. Motion carried.

Contract

Rec Center Manager Russell spoke about the software. Discussion was held concerning renewal price. Martinisko moved, Johnson seconded to allow Mayor to sign contract with CivicRec for Parks, Recreation and Events Management software in the amount of \$5,750.00. (To be paid from Rec Center Equipment budget.) Roll Call: Aye-All. Motion carried.

Hire

Parks, Recreation & Events Director Adler spoke about the hire. Martinisko moved, Struble seconded to hire Rasmussen Mechanical to replace the ultra-violet water treatment at the Rec Center at a cost not to exceed \$9,397.00 (To be paid from Rec Center Equipment budget.) Roll Call: Aye-All. Motion carried.

Hire

Adler spoke about the hire. Kevin Wagner, Main Street Initiative, spoke about the trails around Mt. Moriah. Eric Henneman, Trails Committee, spoke about trail possibly connecting to White Rocks. Struble moved, Martinisko seconded to hire K4 Trails at a cost of \$19,490.00 to construct 3,878 linear feet of recreational trail from Mr. Moriah Cemetery to Van Buren Avenue on City Property as part of the Deadwood Master Plan Trail System. (To be paid through BID 8 and MSI Funds.) Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

- A. Observance of Veteran's Day – Deadwood City Hall and Deadwood Library will be closed on Friday, November 10. Deadwood Rec Center will be closed on Saturday, November 11, 2023.

Ron Pray, resident, is concerned about having a smoking business in close proximity to the Elementary School and would like to see the Commission preserve and protect the integrity of the school like they did with vacation rentals within neighborhoods.

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On behalf of the Commission, Mayor Ruth Jr. extended condolences to the family of former Planning and Zoning Commissioner Jim Shedd.

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


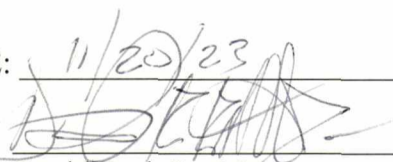
Struble moved, Martinisko seconded to adjourn the regular session at 5:39 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3) and personnel matters per SDCL 1-25-2(1) with possible action. The next regular meeting will be on Monday, November 6, 2023 at 5:00 p.m.

After coming out of executive session at 6:12 p.m.,

Martinisko moved, Struble seconded to allow Planning, Zoning and Historic Preservation Officer Kuchenbecker to sign purchase agreement and authorize payment for School Lot 36 (Parcel ID: 30075-00036-000-15) and School Lot 38 (Parcel ID: 30075-00038-000-10) in the total amount of \$45,000.00 plus closing costs from Lead-Deadwood School District in order to protect the environs of the Deadwood National Historic Landmark and authorize funding to be allocated from Deadwood Historic Preservation funds. Roll Call: Aye-All. Motion carried.

Martinisko moved, Struble seconded to allow Mayor and Finance Officer McKeown to sign the Notice of Redemption and Prepayment for Series 2019 A bond with US Bank Trust Company. Roll Call: Aye-All. Motion carried.

Martinisko moved, Struble seconded to adjourn.

ATTEST:  DATE: 11/20/23
Jessica McKeown, Finance Officer BY: 
Published once at the total approximate cost of _____ David Ruth Jr., Mayor

