

## REGULAR MEETING, MAY 1, 2023

Mayor Ruth Jr. administered the Oath of Office to City Attorney Quentin L. Riggins.

City Attorney Riggins administered the Oath of Office to newly elected City Commissioners Charlie Struble and Michael Johnson.

The Regular Session of the Deadwood City Commission convened on Monday, May 1, 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 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, Todd seconded to approve the minutes April 17, 2023. Roll Call: Aye-All. Motion carried.

### APPROVAL OF DISBURSEMENTS

Martinisko moved, Johnson seconded to approve the May 1, 2023 disbursements as amended. Roll Call: Aye-All. Motion carried.

|                            |               |            |
|----------------------------|---------------|------------|
| A & B BUSINESS SOLUTIONS   | CONTRACT      | 620.08     |
| A & B WELDING              | RENTAL        | 48.56      |
| A - Z SHREDDING            | SERVICE       | 43.60      |
| ACE HARDWARE               | SHIPPING      | 17.44      |
| ALBERTSON ENGINEERING      | PROJECT       | 6,175.55   |
| AMAZON CAPITAL             | SUPPLIES      | 1,948.45   |
| ARCHAEOLOGICAL RESEARCH    | SERVICE       | 4,949.52   |
| BH CHEMICAL                | SUPPLIES      | 445.65     |
| BH LIBRARY CONSOR          | FEE           | 2.99       |
| BH MOTORCYCLE              | BID #8        | 7,500.00   |
| BH PIONEER                 | SERVICE       | 195.00     |
| BH WINDOW CLEANING         | SERVICE       | 2,102.00   |
| BLACKSTRAP                 | SUPPLIES      | 5,399.55   |
| BLUEPEAK                   | SERVICE       | 4,247.03   |
| BOMGAARS                   | SUPPLIES      | 924.44     |
| BROWN, PATRICIA            | REIMBURSEMENT | 99.68      |
| CARTER FMX                 | BID #8        | 30,000.00  |
| CHAINSAB CENTER            | SUPPLIES      | 145.91     |
| CLERK OF THE SD STATE SUPR | SERVICE       | 30.00      |
| DAKOTA LUMBER              | PROJECT       | 2,190.91   |
| DAR, VICKI                 | REIMBURSEMENT | 224.33     |
| DEADWOOD ALIVE             | APRIL         | 30,000.00  |
| DEADWOOD CHAMBER           | BILL LIST     | 236,713.48 |
| DEADWOOD GAMING            | BID # 8       | 10,000.00  |
| E.T. SPORTS                | SUPPLIES      | 244.99     |
| EAGLESON, CHARLES          | REIMBURSEMENT | 34.00      |
| EPPICO                     | SUPPLIES      | 461.97     |
| FELDMAN, TRUDIE            | REIMBURSEMENT | 212.16     |
| GLOVER, SANDY              | REIMBURSEMENT | 20.76      |
| GRIMM'S PUMP               | REPAIRS       | 482.75     |
| HESS, ETHAN                | REIMBURSEMENT | 50.00      |
| INTERNATIONAL CODE COUNCIL | MEMBERSHIP    | 145.00     |
| JACOBS WELDING             | SERVICE       | 1,436.04   |
| JERRY GREER'S ENGINEERING  | REPAIRS       | 20.00      |
| JOLLY LANE GREENHOUSE      | SUPPLIES      | 1,950.00   |
| KOOIMA, SAMUEL             | REIMBURSEMENT | 50.00      |
| LEAD-DEADWOOD BASEBALL     | SIGN RENEWAL  | 250.00     |
| LTAS TECHNOLOGIES          | SERVICE       | 5,000.00   |
| MARCO                      | CONTRACT      | 161.42     |
| MENARD'S                   | SUPPLIES      | 37.93      |
| MID-STATES ORGANIZED CRIME | MEMBERSHIP    | 150.00     |
| MIDWEST TAPE               | SUPPLIES      | 22.49      |
| MILE UP MARKETING SOLUTION | BID #8        | 2,103.38   |
| MDU                        | SERVICE       | 10,221.35  |
| MS MAIL                    | SERVICE       | 1,410.63   |
| NORTHERN HILLS TECHNOLOGY  | SUBSCRIPTION  | 673.00     |
| OWENS, MELVIN              | REIMBURSEMENT | 210.33     |
| PFARR, RANDY               | SERVICE       | 220.00     |
| PHEASANTLAND INDUSTRIES    | SUPPLIES      | 55.69      |
| QUADIENT FINANCE           | POSTAGE       | 500.00     |
| RAMKOTA HOTEL              | CONFERENCE    | 864.00     |
| RIGHTEOUS GARAGE DOORS     | REPAIRS       | 780.00     |
| RUNGE, MIKE                | REIMBURSEMENT | 14.00      |
| RUSHMORE COMMUNICATIONS    | RADIOS        | 50.00      |
| S AND C CLEANERS           | CLEANING      | 8,798.00   |
| SANTOCHI, TREVOR           | REIMBURSEMENT | 204.33     |
| SCOTT PETERSON MOTORS      | SERVICE       | 150.00     |
| SD DEPT. OF REVENUE        | TRANSFER      | 75.00      |
| SD GOV. FINANCE OFFICERS   | DUES          | 130.00     |
| SD PUBLIC HEALTH LAB       | TESTING       | 45.00      |
| SD SCHOOL OF MINES         | WORKSHOP      | 875.00     |
| SERVALL                    | SUPPLIES      | 582.26     |
| SODAK TITLE                | PROJECT       | 360.00     |
| SOUTHSIDE CAR WASH         | REFUND        | 4,647.11   |

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|                          |               |                    |
|--------------------------|---------------|--------------------|
| SQUARE 9 SOFTWARES       | RENEWAL       | 969.95             |
| STRETCH'S                | SERVICE       | 1,472.11           |
| STURDEVANT'S             | SUPPLIES      | 1,149.87           |
| STURGIS RESPONDER SUPPLY | UNIFORMS      | 371.80             |
| TEAM LABORATORY CHEMICAL | SUPPLIES      | 2,510.00           |
| THE FHT COMPANY          | PROJECT       | 15,152.31          |
| THE LORD'S CUPBOARD      | RECYCLING     | 216.47             |
| TOWEY DESIGN GROUP       | PROJECT       | 2,971.50           |
| TWIN CITY HARDWARE       | SUPPLIES      | 2,059.42           |
| UMENTHUM, KEITH          | PROJECT       | 1,299.48           |
| VAN TASSEL, ETHAN        | REIMBURSEMENT | 50.00              |
| VERIZON WIRELESS         | SERVICE       | 747.81             |
| VIEHAUSER ENTERPRISES    | SERVICE       | 167.84             |
| WELLMARK                 | INSURANCE     | 48,078.03          |
| WESTERN COMMUNICATIONS   | SUPPLIES      | 91.33              |
| WHEELER LUMBER           | SUPPLIES      | 2,769.60           |
| WHEELS                   | SERVICE       | 2,063.62           |
|                          |               | Total \$469,863.90 |

**ITEMS FROM CITIZENS ON AGENDA**

Proclamations

The Mayor read a proclamation declaring May 14 – May 20, 2023 as Police Week in City of Deadwood.

The Mayor read a proclamation declaring May 15 – May 21, 2023 as Law Enforcement Torch Run for Special Olympics South Dakota Week.

The Mayor read a proclamation declaring Friday, May 12, 2023 as Arbor Day in the City of Deadwood.

**CONSENT**

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

- A. Permission for the Mayor to reappoint Mike Albertson (engineer); Jenn Johnson (architect); and Vaughn Smith (contractor) to the Board of Appeals with the term expiring on May 31, 2026.
- B. Permission to advertise in-house for 5 days and then in official newspaper for Parks Technician position at \$19.00 per hour. (D9 rank)
- C. Permission to accept resignation from part-time police officer, Brandon Snyder, effective April 13, 2023.
- D. Permission to hire Tashon Clark as full-time (non-certified) police officer at \$23.22 per hour effective May 7, 2023 and Keegan Holzapfel as full-time (non-certified) police officer at \$23.22 per hour effective May 14, 2023. Both pending pre-employment screening.
- E. Permission to hire Erica Hansen, James Burke, Jonas Runge and Maeve Campbell as part-time lifeguards at the rate of \$14.33 per hour effective May 10, 2023 pending pre-employment screening.
- F. Permission to hire Douglas White as seasonal Mt Moriah ticket booth attendant at \$14.33 per hour effective May 8, 2023 pending pre-employment screening.
- G. Permission to advertise in-house for 5 days and then in official newspaper for Rec Center Director position at \$25.00-\$27.00 per hour (D15-17 rank) depending on education, experience and qualifications.
- H. Permission to adopt updated position description for Historic Preservation Officer.
- I. Permission to adopt updated position description for Zoning Administrator.
- J. Permission to adopt updated position description for the City Planner.
- K. Removed from agenda.
- L. Permission for Mayor to sign Oakridge Cemetery Certificates of Purchase and Warranty Deeds for Tyler Rachetto and Joshua Taylor, and Corrected Warranty Deed for Gregg Maynard.
- M. Permission to waive City pet licensing fees on May 25th, 2023 for City-sponsored Pet Licensing Day at Welcome Center. Veterinarian will be on onsite to offer discounted pet vaccinations, as well.
- N. Acknowledge Deadwood Public Library 2022 Annual report which was submitted to SD State Library.



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- O. Permission for Mayor to sign City Five Cent Slot Machine Lease and Operating Agreement transfer from Super G to SGM SD LLC.

### BID ITEMS

#### Set Bid

Historic Preservation Officer Kuchenbecker spoke about the project. Martinisko moved, Johnson seconded to advertise and set bid opening for June 15, 2023 at 2:00 p.m. with results to the City Commission on June 19, 2023 for Whitewood Creek Restoration Bid Package 1 Sites 1C, 2A, 2B, 3A, 3B for FEMA Project #123108. Roll Call: Aye-All. Motion carried.

#### Days of '76 VIP Grandstand

Mayor Ruth stated three bids were opened for Days of '76 VIP Grandstand Concession building as advertised. Bid bonds and acknowledge of Addendums 1 & 2 were included in the following bid submittals:

Ainsworth Benning - \$1,259,846.00  
Rangel Construction - \$1,332,800.00  
Complete Concrete - \$1,568,700.00

Kuchenbecker asked to reject all bids due to budget. Martinisko moved, Johnsons seconded to reject all bids for Days of '76 VIP Grandstand Concession building. Commissioner Martinisko asked about possible grants to support this. Kuchenbecker stated he will review. Roll Call: Aye-All. Motion carried.

#### City Wall adjacent to "Berg Jewelry Stair Enclosure"

Mayor Ruth stated one bid was opened for the City wall adjacent to "Berg Jewelry Stair Enclosure" as advertised. Bid bond was included in the following bid submittals:

Complete Concrete - \$498,254.00

Kuchenbecker spoke about the project and recommends approval. Johnson moved, Struble seconded to award bid to Complete Concrete in the amount of \$498,254.00 for City wall adjacent to "Berg Jewelry Stair Enclosure." Commissioner Todd asked about the completion date. Kuchenbecker stated contract will state the date and believes it is a 90-day time frame. Roll Call: Aye-All. Motion carried.

#### 5 Harrison Street

Mayor Ruth stated two bids were opened for Retaining Wall at 5 Harrison Street as advertised. Bid bonds were included in the following bid submittals:

RCS Construction - \$197,000.00  
Complete Concrete - \$286,795.00

Kuchenbecker asked to continue for review. Struble moved, Martinisko seconded to continue results of bid opening for 5 Harrison Street Retaining Wall. Roll Call: Aye-All. Motion carried.

### PUBLIC HEARINGS

#### Conditional Use Permit

Public hearing was opened at 5:22 p.m. by Mayor Ruth Jr. Kuchenbecker spoke about the permit. He stated they have limitations set by The Department of Health. Hearing closed. Martinisko moved, Johnson seconded to act as Board of Adjustment and approve Conditional Use Permit for Home Occupation at 63 Stewart Street for Carson Witt with conditions, which are: Conditional Use Permit runs with the application and not the land; therefore should the property be sold, the Conditional Use Permit is null and void and the non-conforming status could be voided from the property, Proof of City of Deadwood Business License, and the Conditional Use Permit shall be reviewed annually by the Planning and Zoning Commission as required under 17.76.060. Roll Call: Aye-All. Motion carried.

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### Transfer

Public hearing was opened at 5:26 p.m. by Mayor Ruth Jr. Faith Lewis, Lewis Reality, was available to answer questions. Hearing closed. Todd moved, Struble seconded to approve Convention Center (on-sale) Liquor and Retail (on-off sale) Malt Beverage & SD Farm Wine License transfers from Cliff Street, LLC to Deadwood Gaming BHCI, LLC dba Deadwood Comfort Inn. Roll Call: Aye-All. Motion carried.

### Set

Struble moved, Martinisko seconded to set public hearing on May 15 for Convention Center (on-sale) Liquor (CL-0506), Retail (on-off sale) Malt Beverage & SD Farm Wine (RB-2659) and Retail (on-off sale) Wine and Cider (RW-6643) License transfers from Hotel Franklin Inc. to SGMSD, LLC dba Franklin Hotel. Roll Call: Aye-All. Motion carried.

### Set

Martinisko moved, Johnson seconded to set public hearing on May 15 for Retail (on-sale) Liquor (RL-5538), Retail (on-off sale) Malt Beverage & SD Farm Wine (RB-2512) and Retail (on-off sale) Wine and Cider (RW-6436) License transfers from Super G Investments, Inc. to SGMSD, LLC dba Silverado Gaming Establishment and Restaurant. Roll Call: Aye-All. Motion carried.

### Set

Todd moved, Struble seconded to waive 45-day requirement for Summer Kick Off Concert special event application. Roll Call: Aye-All. Motion carried.  
Martinisko moved, Johnson seconded to set public hearing on May 15 for Summer Kick Off Concert. Roll Call: Aye-All. Motion carried.

### Set

Struble moved, Martinisko seconded to set public hearing on May 15 for Deadwood Moto Show Event. Roll Call: Aye-All. Motion carried.

### Set

Johnson moved, Martinisko seconded to set public hearing on May 15 for NAJA Shriners Circus Event. Roll Call: Aye-All. Motion carried.

### Set

Todd moved, Struble seconded to set public hearing on May 15 for Holistic Fair. Roll Call: Aye-All. Motion carried.

### Set

Martinisko moved, Johnson seconded to set public hearing on May 15 for Bev's Poker Run. Roll Call: Aye-All. Motion carried.

### Set

Johnson moved, Struble seconded to set public hearing on May 15 for NAJA Shriners Beer-A-Thon and Craft Beer Tasting. Roll Call: Aye-All. Motion carried.

## NEW BUSINESS

### Second Reading

Historic Preservation Officer Kuchenbecker stated no chances except staff recommends two instead of three dwelling units, multiply-family because it conflicts with building code. Martinisko moved, Johnson seconded to approve second reading of Ordinance #1367 Amending Chapter 17.08 Definitions within Title 17 Zoning dealing with Short-Term Rentals. Roll Call: Aye-All. Motion carried.

### Second Reading

Kuchenbecker stated no changes between first and second reading. Struble moved, Todd seconded to approve second reading of Ordinance #1368 Amending Chapter 17.32 C1 Commercial District under Title 17 Zoning dealing with Short-Term Rentals. Roll Call: Aye-All. Motion carried.



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### Second Reading

Kuchenbecker stated no changes between first and second reading. Martinisko moved, Struble seconded to approve second reading of Ordinance #1369 Amending Chapter 17.40 CH Commercial Highway District under Title 17 Zoning dealing with Short-Term Rentals. Commissioner Martinisko stated this now will require a conditional use permit. Roll Call: Aye-All. Motion carried.

### Second Reading

Kuchenbecker reviewed the changes. Martinisko moved, Todd seconded to approve second reading of Ordinance #1370 Amending Chapter 17.53 Transient Use of Property under Title 17 Zoning dealing with Short-Term Rentals. Nyla Griffith, 1899 Inn, asked for clarification of being subjected to the grandfather clause if she were to sell, the new owners could obtain a conditional use permit if they meet all requirements. Mayor Ruth stated new owners would not be prohibited for applying. Kuchenbecker thanked everyone who took part in the task force. Roll Call: Aye-All. Motion carried.

### First Reading

Finance Officer McKeown spoke about the changes to the Ordinance. Martinisko moved, Johnson seconded to approve first reading of Ordinance #1371 Chapter 2.08 City Officers. Roll Call: Aye-All. Motion carried.

### Permission

McKeown stated this is part of a rebate process with SD DENR environmental program. Martinisko moved, Struble seconded to payoff 2021 Mack Dump truck Vin #2317 in the amount of \$63,592.36 to KS State Bank. (2023 and 2024 lease payments.) Roll Call: Aye-All. Motion carried.

Martinisko moved, Struble seconded to allow Finance Officer to complete paperwork for City to receive \$70,202.00 rebate from SD DENR – AQ Program. Roll Call: Aye-All. Motion carried.

### Resolution

Martinisko moved, Johnson seconded to approve Resolution 2023-12 to Surplus 1995 International 4800 dump truck. Roll Call: Aye-All. Motion carried.

### **RESOLUTION NO. 2023-12 TO DECLARE THE FOLLOWING SURPLUS PROPERTY**

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

1995 International 4800  
VIN#1HTSEAANOSH216531

Dated this 1st day of May, 2023

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

### Resolution

McKeown spoke about the fees. Discussion was held concerning fees. Martinisko moved, Johnson seconded to approve Resolution 2023-13 Set fees for 8 inch water tap. Roll Call: Aye-All. Motion carried.

### **CITY OF DEADWOOD RESOLUTION 2023-13 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 May 1, 2023 :

**Commercial** accounts: Monthly minimum (demand) charge for all accounts, whether on or off, based upon meter size, per meter, as follows:

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| Meter Size | Cost     |
|------------|----------|
| 8 inch     | \$456.00 |

**Water Distribution Tap Fee:**

Both Residential and Commercial fees are the same, as the fee is based on the size of the water service to the property.

8" Tap.....\$24,000.00

Dated this 1st day of May, 2023

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

**Contract**

Kuchenbecker spoke about the services with Avid4 Engineering. Struble moved, Todd seconded to allow Mayor to sign contract with Avid4 Engineering for 2023 GIS Services in an amount not to exceed \$30,000.00. (To be paid through professional services of departments using services.) Roll Call: Aye-All. Motion carried.

**Contract**

Public Works Director spoke about the water plan. Martinisko moved, Johnson seconded to continue contract with Towey Design Group for Phase 3 of the Deadwood Water Facility Plan in an amount not to exceed \$24,280.00. Phase 3 will give the City the documentation needed to get on the State Water Plan and apply for funding. (to be paid by Water Professional Services.) Roll Call: Aye-All. Motion carried.

**Hire**

Kuchenbecker spoke about the project. Struble moved, Todd seconded to hire Julie Stone as an independent contractor in an amount no to exceed \$15,000.00 to conduct records research for M.S. 72 and M.S. 86 to be incorporated into a GIS Layer. (To be paid from HP Public Education Budget.) Roll Call: Aye-All. Motion carried.

**Purchase**

Kuchenbecker spoke about the purchase. Johnson moved, Martinisko seconded to purchase and pay for large format scanner from Large Document Solutions in the amount not to exceed \$7,700.00, including trade-in of two existing scanners. (To be paid from HP Machinery & Equipment line item.) 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, Martinisko seconded to adjourn the regular session at 6:03 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, May 15, 2023 at 5:00 p.m.

After coming out of executive session at 6:34 p.m.,

Martinisko, Johnson seconded to hire Laura Linn as Assistant Finance Officer at \$29.00 per hour (D19 rank) effective May 15, 2023 pending pre-employment screening.

Martinisko moved, Struble seconded to adjourn.

ATTEST:

  
Jessica McKeown, Finance Officer



DATE: 5-15-23

BY: 

David Ruth Jr., Mayor

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