

REGULAR MEETING, JUNE 5, 2023

The Regular Session of the Deadwood City Commission convened on Monday, June 5, 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 Matthew Naasz, 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 May 15, 2023. Roll Call: Aye-All. Motion carried.

MAY, 2023 PAYROLL: COMMISSION, \$3,692.28; FINANCE, \$24,431.29; PUBLIC BUILDINGS, \$6,464.14; POLICE, \$68,186.07; FIRE, \$5,479.08; BUILDING INSPECTION, \$4,852.40; STREETS, \$33,789.65; PARKS, \$31,641.05; LIBRARY, \$8,273.79; RECREATION CENTER, \$20,115.38; HISTORIC PRESERVATION, \$24,377.81; WATER, \$18,470.50; MT. MORIAH, \$229.28; PARKING METER, \$12,668.65; TROLLEY, \$15,395.18; PARKING RAMP, \$3,097.00. **PAYROLL TOTAL: \$281,163.55.**

MAY, 2023 PAYROLL PAYMENTS:

Internal Revenue Service, \$67,962.24; S.D. Retirement System, \$31,417.96; Delta Dental, \$3,478.68.

APPROVAL OF DISBURSEMENTS

Martinisko moved, Johnson seconded to approve the June 5, 2023 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS SOLUTIONS	CONTRACT	553.81
A & I DISTRIBUTORS	SUPPLIES	334.47
A & J SUPPLY	SUPPLIES	655.00
ABI ATTACHMENTS	SUPPLIES	3,896.80
ACE HARDWARE	SUPPLIES	72.81
ADAMS MUSEUM & HOUSE	OPERATING	95,000.00
AMAZON CAPITAL	SUPPLIES	1,979.08
AMERICAN RED CROSS	SUPPLIES	204.00
ANCESTOR CONCRETE	PROJECT	6,150.00
ATCO INTERNATIONAL	SUPPLIES	255.00
BIG STATE INDUSTRIAL SUPPLY	SUPPLIES	339.20
BITTING, JEFF	REIMBURSEMENT	30.10
BH CHEMICAL	SUPPLIES	3,206.74
BH LIBRARY	FEE	11.84
BH SPECIAL SERVICE	CLEANING	5,000.00
BH WINDOW CLEANING	CLEANING	345.00
BLUEPEAK	SERVICE	4,247.80
BOMGAARS	SUPPLIES	55.98
BUTLER MACHINERY	SUPPLIES	12,533.24
CAPFIRST EQUIPMENT FINANCE	PAYMENT	36,882.10
CENTURY BUSINESS PRODUCTS	CONTRACT	554.38
CHAINSAW CENTER	SUPPLIES	1,993.00
CULLIGAN	SUPPLIES	144.75
CURTIS BLUE LINE	SUPPLIES	85.25
DEADWOOD ALIVE	MAY	20,000.00
DEADWOOD CHAMBER	BILL LIST	187,990.34
DEADWOOD CHAMBER - OUTLAW	BID #9	86,853.58
DEADWOOD GAMING	BID #8	10,000.00
DEADWOOD HISTORY	MAGAZINE	1,071.05
FIRST INTERSTATE BANK	TIF #6	280,835.72
FIRST NET	SERVICE	240.24
GALLS	SUPPLIES	256.99
GENPRO ENERGY SOLUTIONS	SERVICE	1,238.30
GOLDEN WEST	SERVICE	262.50
HAWKINS	SUPPLIES	1,167.08
HOMETOWN MANUFACTURING	SUPPLIES	572.41
IDENTISYS	SUPPLIES	673.40
JACOBS WELDING	SERVICE	1,883.02
JAKE'S COLLISION REPAIR	REPAIR	3,697.08
JOHN REID & ASSOCIATES	SERVICE	630.00
JOHNSON, KATE	TOPSOIL	3,000.00
KUBOTA LEASING	PAYMENT	1,629.12
KUCHENBECKER, KEVIN	REIMBURSEMENT	54.00
LANDSCAPE FORMS	SUPPLIES	592.00
LIBERTY NATIONAL BANK	TIF #9	221.88
LOOKOUT PLAN + CODE	SERVICE	1,563.20
LOU LOU'S BOMBDIGGITIES	SUPPLIES	14.00
MARCO	CONTRACT	164.98
MCGRATH, RHONDA	REIMBURSEMENT	100.00
MEGUIRE CHEMICAL SOLUTIONS	SUPPLIES	1,360.00
MERCEDES-BENZ FINANCIAL	PAYMENT	131,145.72
MICROSOFT	SERVICE	738.09
MIDWEST TAPE	SUPPLIES	26.24
MILE UP MARKETING SOLUTION	BID 8	489.90
MOBOTREX	SUPPLIES	800.00
MOHR, TRENT	REIMBURSEMENT	54.00

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MONSTERS OF DESTRUCTION	BID #8	25,000.00
MDU	SERVICE	7,285.96
MS MAIL	SERVICE	1,293.89
MUTUAL OF OMAHA	INSURANCE	240.30
NELSON, GREG	REIMBURSEMENT	104.90
NORTHERN HILLS ALLIANCE	ALLOCATION	3,000.00
NORTHERN HILLS TECHNOLOGY	SERVICE	32.50
NORTHWEST PIPE FITTINGS	SUPPLIES	551.80
OSWALD ENTERTAINMENT GROUP	BID #8	25,000.00
OTIS ELEVATOR	MAINTENANCE	835.05
PACTOLA	BID #11	68,951.67
PETTY CASH	FINANCE	155.19
QUADIENT LEASING USA	PAYMENT	245.46
QUIK SIGNS	SUPPLIES	767.25
RAPID SPA	SERVICE	597.99
RASMUSSEN	SERVICE	21,259.07
REISER, JOHN	REIMBURSEMENT	54.00
S AND C CLEANERS	CLEANING	9,473.00
SCHLOSSER CONSTRUCTION	PROJECT	8,670.00
SCHMIDT, WILLIAM	PROJECT	2,470.00
SCHNERINGER, CINDY	REIMBURSEMENT	321.94
SCOTT PETERSON MOTORS	REPAIR	1,289.35
SD PUBLIC HEALTH LAB	TESTING	15.00
SD SCHOOL OF MINES	SCHOLARSHIP	1,000.00
SOUTHSIDE OIL	ANTIFREEZE	18,282.00
STURDEVANT'S	SUPPLIES	1,359.16
STURGIS RESPONDER SUPPLY	UNIFORMS	6,567.34
SUMMIT SIGNS	SUPPLIES	315.00
TEAM LABORATORY CHEMICAL	SUPPLIES	246.50
THE LORD'S CUPBOARD	RECYCLING	256.16
TOMS, DON	PROJECT	600.00
TWIN CITY HARDWARE	SUPPLIES	1,574.98
TWIN CITY HARDWARE	GRANTS	755.70
ULINE	SUPPLIES	298.58
UNIVERSITY OF DENVER	SCHOLARSHIP	1,000.00
VANWAY TROPHY	SUPPLIES	117.50
VERIZON CONNECT	SERVICE	92.95
VERIZON WIRELESS	SERVICE	747.65
VIEHAUSER ENTERPRISES	SERVICE	80.00
WATER GEAR	SUPPLIES	206.39
WELLMARK	INSURANCE	41,691.03
WEM	BID #8	6,000.00
WESTERN DAKOTA TECH	SCHOLARSHIP	500.00
WHEELS	CLAIM	170.20

Total \$ 1,173,330.65

ITESMS FROM CITIZENS ON AGENDA

Proclamation

The Mayor read a proclamation declaring June 9, 2023 as Ronda Morrison Day in the City of Deadwood. Commission and Dept. Heads thanked her for her years of service to the City.

Recognition

Mayor Ruth Jr. stated Deadwood received SD Dept. of Environment and natural Resources award for Drinking Water Excellence for twenty-two (22) consecutive years of supplying safe drinking water to the public and thanked the following system operation specialists: Cory Percy and Steven Henderson.

Service Awards

Asst. Finance Officer Morrison presented certificates to the following employees: John Tridle for 20 years of service; Sonya Papousek for 10 years of service. Commission thanked each of them for their time.

CONSENT

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

- A. Permission to approve consulting services from Ronda Morrison at \$40.00 per hour, as needed. (To be paid from Finance Professional Services.)
- B. Permission to hire Jeramy Russell as full time Rec Center Director at \$27.00 (D17 rank) per hour effective June 6, 2023 pending pre-employment screening.
- C. Permission to hire Mckenzi Kossan as Community Service Officer at \$19.00 per hour (D9 rank) effective June 19, 2023 pending pre-employment screening.
- D. Permission to increase pay for Police Officer Trevor Houska from \$25.08 to \$27.85 per hour effective June 2, 2023, after graduating and becoming certified from the Police Academy.
- E. Permission to accept resignation from police officer Kurt Nolan effective May 26, 2023.

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- F. Permission to advertise in-house for 5 days and in official newspaper for one full-time police officer position. (\$25.79 per hour for Certified and \$23.22 for Non-Certified.)
- G. Permission to accept resignation from Rec Center employee Tanner Ruth effective April 29, 2023
- H. Accept resignation from Archives Intern Nick Melius effective May 25, 2023
- I. Permission to move John Reiser from Community Service Officer to Police Officer at \$23.22 per hour, effective June 11, 2023 but allow time for training new CSO's.
- J. Permission to advertise in-house for 5 days and in official newspaper for one community service officer position. (\$19.00 per hour.)
- K. Approve updated position descriptions for Building Official, Preservation Coordinator, Archivist Collections Manager, and HP Administrative Assistant.
- L. Permission to approve new job description for Library Education/Program Coordinator.
- M. Permission to advertise in-house for 5 days and then in official newspaper for Library Education/Program coordinator for 25 hours per week at \$15.57 per hour with 1/2 time benefits.
- N. Permission for the Mayor to appoint James Lee, Streets Superintendent, to the Parking and Transportation Committee and Events Committee. (recommendation from Events Committee)
- O. Resolution 2023-15 Surplus 2004 Ford and sell to Outlaw Square.

**RESOLUTION NO. 2023-15
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 or donated to the following non-profit agencies, allowable under SDCL 6-5-2.

2004 Ford F250 - VIN#1FTNF21S44EC51922 (Sell to Outlaw Square for \$250.00)

Dated this 15th day of May, 2023

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

- P. Proclamation declaring Tuesday, May 23, 2023 as Ron Burns Day in the City of Deadwood.
- Q. Permission to approve 2022 and 2023 abatement request for Lawrence County parcels 30970-00030-025-00 and 30970-00030-025-00. (Claim Jumper's Lot 25)
- R. Permission for Mayor to sign annual agreement with South Dakota School of the Deaf for office space at History and Info Center at cost of \$400.00 per month.
- S. Permission for Mayor to sign annual agreement with Red Road, Inc. (Sean Covell) for office space at History and Info Center at cost of \$350.00 per month, excluding parking.
- T. Permission for Mayor to sign annual parking lease with Conrad Companies for two (2) parking spots located on Siever Street for a total of \$150.00 per month plus tax.
- U. Permission for Mayor to sign agreement with S&C Cleaners for cleaning services for thirteen City municipal facilities as listed in agreement.
- V. Permission for Mayor to sign agreement with Deadwood Chamber for use of Welcome Center.
- W. Permission for Mayor to sign agreement with Deadwood Chamber for Event Center Management.
- X. Permission for Mayor to sign agreement with Deadwood Chamber for operations and management of Outlaw Square.
- Y. Permission to accept Change Order #1 from Corr Construction Services, Inc. for Timm Lane Bridge Project at no cost and no additional time to use temporary steel bridge vs. temporary 60" culverts for temporary creek crossing.
- Z. Acknowledge Mayor's signature on electric easement with Black Hills Power, Inc. for overhead / underground power for work associated with the Timm Lane Bridge project.
- AA. Acknowledge annual check from BID #7 Fund to ZCN, LLC (Deadwood Mountain Grand) per contract in the amount of \$550,000.00.
- BB. Recommendation from Event Committee to adopt updated Special Event Permit Application to include section for open container and updated insurance information.
- CC. Renew Grant Software Subscription with Foundant Technologies 2023/2024 in the Amount of \$10,800.00 to be paid out of the Professional Services Revolving Loan Line item

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PUBLIC HEARINGS

Shell Rotella Calendar Photo and Filming

Public hearing was opened at 5:11 p.m. by Mayor Ruth Jr. No one spoke in favor or against, hearing closed.

Martinisko moved, Johnson seconded to approve street closure on Main Street from intersection of Volin Street and Lower Main Street (archway) from 6:15 a.m. to 7:30 a.m. and Wall to Deadwood from 7:45 a.m. to 9:15 a.m. and use of the Gateway Park parking lot from 9:15 a.m. to 11:15 a.m. on Sunday, June 11, 2023. The Parking and Transportation Committee recommended approval on May 25, 2023. Roll Call: Aye-All. Motion carried.

Set

Struble moved, Martinisko seconded to Set public hearing on June 19 for Retail (on-off sale) Malt Beverage and SD Farm Wine License for Jacobs Restaurant, Inc. at 79 Sherman Street. Roll Call: Aye-All. Motion carried.

Struble moved, Todd seconded to set public hearing on June 19 for Outlaw Square Concert. Roll Call: Aye-All. Motion carried.

Johnson moved, Martinisko seconded to set public hearing on June 19 for Outlaw Square Shoutout. Roll Call: Aye-All. Motion carried.

Todd moved, Struble seconded to set public hearing on June 19 for Brule. Roll Call: Aye-All. Motion carried.

Johnson moved, Martinisko seconded to set public hearing on June 19 for Farmers Market. Roll Call: Aye-All. Motion carried.

Martinisko moved, Struble seconded to set public hearing on June 19 for Harley Davidson Rally Point. Roll Call: Aye-All. Motion carried.

Struble moved, Todd seconded to set public hearing on June 19 for Deadwood Live Concert. Roll Call: Aye-All. Motion carried.

Todd moved, Struble seconded to set public hearing on June 19 for Deadwood Live Concert. Roll Call: Aye-All. Motion carried.

OLD BUSINESS

Amendment

Requested to move to new business.

NEW BUSINESS

Public Art

Historic Preservation Officer Kuchenbecker stated this is a request from Rocksino by Hard Rock to put public artwork on the corner of Main Street and Deadwood Street. Marc Oswald, Partner of Rocksino, presented artwork of the mandolin and spoke about Rocksino. Resident and business owner Jill Weber asked why the jail cell is not going in that location. Commissioner Johnson spoke about the Public Art Committee, and they would like to put historical people on Main Street and Sherman Street, such as Seth Bullock, Calamity Jane. Commissioner Martinisko encourages Oswald to work with the Public Art Committee. Teresa Hamilton, Todd Weber and Ken Gienger spoke against. Commissioner Todd has concerns such as safety and cannot support this request. Commissioner Struble agrees with fellow Commissioners. Mayor Ruth Jr. believes everyone will agree that music is part of Deadwood's history, but it would become a safety issue if there were that many people standing in front taking pictures. He encourages Oswald to utilize the artwork in his property or find another location. After discussion, Martinisko moved, Johnson second to deny request for placing public art in the form of a mandolin from Rocksino by Hardrock on City owned property on the corner of Main Street and Deadwood Street near 685 Main Street. Roll Call: Aye-All. Motion carried.

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First Reading

Historic Preservation Officer Kuchenbecker spoke about the Ordinance rescinding the moratorium. Martinisko moved, Struble seconded to approve first reading of Ordinance #1372 to Rescind Ordinance #1364 and #1355, Ordinance regarding the use of property as Short-Term Rentals in all Residential (R1), Residential Multi-Family (R2), Planned Unit Development (P.U.D.), Public Use and park Forest Zoning Districts of the City of Deadwood. Roll Call: Aye-All. Motion carried.

First Reading

Finance Officer McKeown spoke about the supplement to pay off the freightliner to apply for the rebate with SD DENT-AQ Program, which was approved at the last meeting. Martinisko moved, Johnson seconded to approve first reading of Ordinance #1373 Budget Supplement #3 for 2023. Roll Call: Aye-All. Motion carried.

Pay

Public Works Director Stalder spoke about the project. Struble moved, Todd seconded to pay Towey Design Group for Task 2 of City of Deadwood Water Modeling Study in the amount of \$10,976.17. (To be paid by Water Professional Services Budget.) Roll Call: Aye-All. Motion carried.

Hire

Parking and Transportation Director Lux spoke about the project. Johnson moved, Martinisko seconded to hire Straight Line Striping to stripe designated parking lots and city streets in the amount not to exceed \$22,446.12. (To be paid split from Streets and P&T budgets based on project.) Roll Call: Aye-All. Motion carried.

Purchase

Police Chief Shafer spoke about the purchase. Struble moved, Todd seconded to allow police department to purchase 3 radios (2 portable and 1 mobile) from Rushmore Communications Inc. in amount not to exceed \$5,521.44, state bid pricing. (To be paid from Police Equipment.) Roll Call: Aye-All. Motion carried.

Amendment

McKeown spoke about the amendment. Martinisko moved, Johnson seconded to allow Mayor to sign Amendment to the Professional Services Agreement with JLG Architects for the Walker Consultants Parking Study. (Originally approved by Commission on October 17, 2022.) Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

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

Struble moved, Martinisko seconded to adjourn the regular session at 6:01 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, June 19, 2023 at 5:00 p.m.

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

Martinisko moved, Johnson seconded to hire Cindy Schneringer as Zoning Coordinator at \$24.00 per hour (D14 rank) effective June 11, 2023. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to advertise in-house for 5 days and in official newspaper for Administrator Assistant at \$20.00-\$22.00 per hour (D10-D12 rank) depending on education, experience and qualifications. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to increase pay for Paxton Witt from \$19.00 to \$20.50 per hour (D10++ rank) effective June 11, 2023 due to welding certification. Roll Call: Aye-All. Motion carried.

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Martinisko moved, Johnson seconded to advertise in-house for 5 days and in official newspaper for Equipment Mechanic at \$24.00-\$26.00 per hour (D14-D16 rank) depending on education, experience and qualifications. Roll Call: Aye-All. Motion carried.

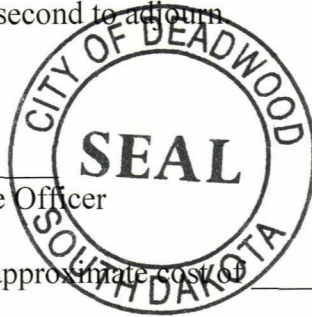
Martinisko moved, Johnson seconded to advertise in-house for 5 days and in official newspaper for Streets Operator/Laborer at \$21.00-\$23.00 per hour (D11-D13 rank) depending on education, experience and qualifications. Roll Call: Aye-All. Motion carried.

Martinisko moved, Struble second to adjourn

ATTEST:



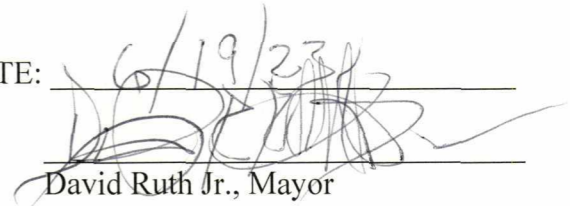
Jessicca McKeown, Finance Officer



DATE:

6/19/23

BY:



David Ruth Jr., Mayor

Published once at the total approximate cost of _____