

## REGULAR MEETING, JULY 17, 2023

The Regular Session of the Deadwood City Commission convened on Monday, July 17, 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 and Sharon Martinisko. Commissioners Charlie Struble and Gary Todd were absent. All motions passed unanimously unless otherwise stated.

### APPROVAL OF MINUTES

Martinisko move, Johnson seconded to approve the minutes July 3 and July 10, 2023. Roll Call: Aye-All. Motion carried.

### APPROVAL OF DISBURSEMENTS

Martinisko moved, Johnson seconded to approve the July 17, 2023 disbursements. Johnson moved, Martinisko seconded to approve the additional bill. Roll Call: Aye-All. Motion carried.

ACE HARDWARE	SUPPLIES	118.04
ADAMS SALVAGE RECYCLING	SERVICE	106.22
ALBERTSON ENGINEERING	PROJECT	13,572.17
AMAZON CAPITAL	SUPPLIES	1,089.62
ANIMAL CARE EQUIPMENT	SUPPLIES	116.81
AVID4 ENGINEERING	SERVICE	2,820.00
BARRY'S ELECTRIC	PROJECT	1,376.80
BERBERICH DESIGN	PROJECT	1,800.38
BH CHEMICAL	SUPPLIES	7,785.91
BH ENERGY	SERVICE	27,757.50
BH PIONEER	SERVICE	1,914.69
BRUCE, DAVID	MEETINGS	280.00
CAPFIRST EQUIPMENT FINANCE	PAYMENT	13,365.43
CARMODY, ROBIN	REIMBURSEMENT	435.74
CENTURY BUSINESS PRODUCTS	CONTRACT	318.33
CHAINSAW CENTER	SUPPLIES	294.03
CHIPLAB	TOKENS	5,880.00
COCA COLA	SUPPLIES	533.92
COLLABORATIVE SUMMER LIBRARY	SUPPLIES	222.94
CULLIGAN	SUPPLIES	110.75
DAR, VICKI	MEETINGS	350.00
DAYS OF '76	BID #8	5,000.00
DEADWOOD ALIVE	ALLOCATION	10,000.00
DEADWOOD CHAMBER	BILL LIST	313,678.85
DVFD	REIMBURSEMENT	311.97
DEADWOOD GRANITE	SERVICE	2,300.00
DIEDE, LEO	MEETINGS	420.00
DRINGMAN, PAT	REIMBURSEMENT	82.97
EAGLESON, CHARLES	MEETINGS	280.00
ECCO RENOVATIONS	SERVICE	2,389.50
FETTER, CHARLES	REIMBURSEMENT	74.00
FIB CREDIT CARDS	SUPPLIES	2,178.37
FIRST INTERSTATE BANK	TIF #8	24,113.42
GALLS	SUPPLIES	19.02
GLOVER, WILLIAM	REIMBURSEMENT	74.00
GOLDEN WEST	SERVICE	10,196.50
HAMPTON INN	LODGING	235.12
HILLS TOILET SERVICE	SERVICE	224.00
HILLYARD	SUPPLIES	868.20
INTERSTATE BATTERY	SUPPLIES	27.50
IPS GROUP	SERVICE	13,319.29
JLG ARCHITECTS	PROJECT	14,795.00
KEEHN, JOSH	MEETINGS	350.00
KNECHT	SUPPLIES	142.06
KONE CHICAGO	MAINTENANCE	537.17
KT CONSTRUCTION	PROJECT	2,601.87
LAWRENCE CO. REGISTER	SERVICE	300.00
LAWSON PRODUCTS	SUPPLIES	380.56
LEAD-DEADWOOD SANITARY	SERVICE	29,794.00
LIBERTY NATIONAL BANK	TIF #9	381.42
MARTINISKO, JOHN	MEETINGS	350.00
MENARD'S	SUPPLIES	677.54
METERING & TECHNOLOGY	SUPPLIES	3,042.99
MIDWEST ART CONSERVATION	MEMBERSHIP	50.00
MORRISON, RONDA	CONSULTING	680.00
NHS OF THE BLACK HILLS	SERVICE	4,056.03
ONSITE FIRST AID	SUPPLIES	638.15
OTIS ELEVATOR	MAINTENANCE	157.26
OWENS, MELVIN	MEETINGS	315.00
PANNIER	SERVICE	784.00
PFARR, RANDY	CONSULTING	80.00
PIONEER RESEARCH	SUPPLIES	1,160.69
POSEY, BEVERLY	MEETINGS	420.00
RAPID CITY JOURNAL	SUBSCRIPTION	124.39
RIVERFRONT BROADCASTING	SERVICE	255.00
RIVERSIDE TECHNOLOGIES	SUPPLIES	829.00
ROBITAILLE, PAUL	REIMBURSEMENT	612.56
RUNGE, MIKE	REIMBURSEMENT	79.78
SANDER SANITATION	SERVICE	14,348.90
SANTOCHI, TREVOR	MEETINGS	420.00
SCOTT PETERSON MOTORS	SUPPLIES	798.15
SD COMMISSION ON GAMING	CITY SLOTS	109,375.00

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SD DEPT. OF REVENUE	TAX	2,593.15
SD STATE HISTORICAL SOCIETY	FUNDING	70,000.00
SERVALL	SUPPLIES	1,363.29
SOUTH DAKOTA 811	SERVICE	269.92
SOUTHSIDE OIL	GASONLINE	18,095.00
SOUTHSIDE SERVICE	SERVICE	347.75
SPEARFISH BUILDING	SUPPLIES	1,000.89
STURDEVANT'S	SUPPLIES	708.68
STURGIS RESPONDER SUPPLY	UNIFORMS	1,133.80
SUMMIT SIGNS	SERVICE	60.00
THE LORD'S CUPBOARD	ALLOCATION	2,500.00
TOMS, DON	PROJECT	600.00
TRAFFIC LOGIX CORP	SUPPLIES	270.00
TRUGREEN	SERVICE	3,731.94
TWIN CITY HARDWARE	GRANTS	40.99
UNITED LABORATORIES	SUPPLIES	1,338.90
UTILITY SERVICE	SERVICE	53,723.00
VERIZON CONNECT	SERVICE	171.60
VERIZON CONNECT NWF	SERVICE	92.95
WEBER, JILL	MEETINGS	350.00
WILLIAMS, ANTHONY	MEETINGS	280.00
		Total \$813,250.37

## CONSENT

Martinisko moved, Johnson seconded to omit Item R for separate consideration and approve the following consent items. Roll Call: Aye-All. Motion carried.

- A. Permission to hire Marvin Maynard as a part-time Trolley Driver at \$15.66 per hour effective July 18, 2023, pending pre-employment screening.
- B. Permission to hire Amy Klein-Greba as Administrative Assistant for the Planning, Zoning and Historic Preservation Office at \$22.00 per hour (D12 rank) effective July 19, 2023 pending pre-employment screening.
- C. Permission to increase wage of trolley driver Joseph Royall-McKeown from \$15.66 to \$16.48 per hour after 1 year of service, effective July 6, 2023.
- D. Permission to allow phone allowance to James Lee effective June 1, 2023 and Jeramy Russell effective June 6, 2023.
- E. Renew Wellmark health insurance for employees from August 1, 2023 through July 31, 2024. Allow Finance officer to sign all associated documents.
- F. Permission for Mayor to sign Oakridge Cemetery Certificate of Purchases and Warranty Deeds for Sam Namminga, Virginia Poling and Denise McGrath.
- G. Acknowledge payment to Days of '76 in the amount of \$5,000.00 for use of the slag pile for overflow parking during Days of '76 rodeo. (Paid per BID 8 board approval.)
- H. Permission to make 2023 budget allocation to Lawrence County Teen Court in the amount of \$8,500.00. (\$4,500.00 from Bed and Booze fund and \$4,000.00 from Police Dept.)
- I. Acknowledge grant money received from SD DANR in the amount of \$70,202.00 for Streets Department.
- J. Permission for Mayor to sign Quitclaim Deed and Certificate of Real Estate Value for the property located along Freemont Street from David H. Wilkinson and Laori May Wilkinson Revocable Trust to the City of Deadwood [Matter addresses retaining wall holding up Freemont Street].
- K. Permission for Mayor to sign contract with Schlosser Construction for the reconstruction of the stone retaining wall holding up Jackson Street alongside 26 Washington. (Approved by City Commission on July 3, 2023)
- L. Permission to pay Triple H Performance in the amount of \$2,820.00 for work performed to Rescue #3 fire truck. (To be paid from Fire Dept. Repair budget.)
- M. Permission to pay Barry's Electric in the amount of \$4,200.10 for electrical upgrades at City Hall. (To be paid by Public Buildings Professional Service budget.)
- N. Permission to purchase office furniture from Modern Office for the new Zoning Coordinator office in the amount of \$3,199.00 including shipping. (To be paid from the HP supplies budget.)
- O. Approve recommendation from the Parking & Transportation Committee to waive parking fees for the Outlaw Square Shootout AAU Wrestling Tournament participants on July 22, 2023 from 12:00 pm to the end of the event in all areas except the Broadway Parking Ramp. AAU Wrestling will be responsible for providing proof of participation to assist enforcement staff.
- P. Permission to award 2023 Outside-of-Deadwood Grants (Round 2) in the amount of \$41,550.00.
- Q. Permission to adopt Deadwood Recreation and Aquatic Lightning Storm Closure Policy to be effective immediately.
- R. Removed for separate consideration in new business.



## REGULAR MEETING, JULY 17, 2023

### ITEMS FROM CITIZENS ON AGENDA

#### Awards

Fire Chief Hamann presented the VFW Post #5969 awards to Paul Robitaille for 2022 State Volunteer Firefighter of the year and Michael Runge for the 2021 Local Firefighter of the Year. Commissioner thanked them for their service.

### PUBLIC HEARINGS

#### Deadwood Redemption Day

Public hearing was opened at 5:06 p.m. by Mayor David Ruth Jr. No one spoke in favor or against, hearing closed.

Martinisko moved, Johnson seconded to approve street closure on Deadwood Street from Main Street to Pioneer Way from 10:00 a.m. on Saturday, August 19 to 1:00 a.m. on Sunday, August 20, 2023. Deadwood Street will reopen for the Deadwood Alive performance at 2:00 p.m. and close at 2:30 p.m. Roll Call: Aye-All. Motion carried.

#### HOGS Passport Run

Public hearing was opened at 5:07 p.m. by Mayor David Ruth Jr. No one spoke in favor or against, hearing closed.

Johnson moved, Martinisko seconded to approve Main Street Parking, southwest side only, from 681 to 677 Main Street (Harley Davidson and Midnight Star) from 1:00 p.m. to 3:00 p.m. on Saturday, July 22, 2023. Roll Call: Aye-All. Motion carried.

#### Steer Roping

Public hearing was opened at 5:07 p.m. by Mayor David Ruth Jr. No one spoke in favor or against, hearing closed.

Johnson moved, Martinisko seconded to approve waiver of user fees Friday, August 18 through Monday, August 21, open container Friday, August 18 from 11:00 a.m. to 2:00 a.m. on Saturday, August 19; Saturday, August 19 from 11:00 a.m. to 2:00 a.m. on Sunday, August 20; Sunday, August 20 from 11:00 a.m. to 2:00 a.m. on Monday, August 21; and Monday, August 21 at 11:00 a.m. to 2:00 a.m. on Tuesday, August 22; and special liquor license to Days of '76 Committee from Saturday, August 19 through Monday, August 21, 2023 from 10:00 a.m. to 6:00 p.m. daily at the Event Complex. Roll Call: Aye-All. Motion carried.

#### Set Hearings

Martinisko moved, Johnson to set public hearing on August 7, 2023 for Retail (on sale) Liquor - Restaurant License for Door 4 LLC, dba Fairmont Hotel/Oyster Bay at 628 Main Street. Roll Call: Aye-All. Motion carried.

Johnson moved, Martinisko seconded to set public hearing on August 7, 2023 for Gold Street, permanently close Gold Street between Main Street and Broadway Alley. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to set public hearing on August 7 for Hops and Hogs event. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to set public hearing on August 7 for Oktoberfest event. Roll Call: Aye-All. Motion carried.

Johnson moved, Martinisko seconded to set public hearing on August 7 for Wild West Songwriters Festival event. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to set public hearing on August 7 for Deadweird event. Roll Call: Aye-All. Motion carried.

## REGULAR MEETING, JULY 17, 2023

### Bed and Breakfast – 5 Burlington Street

Public hearing was opened at 5:12 p.m. by Mayor David Ruth Jr. Zoning Coordinator Schneringer spoke about the stipulations which are: must be owner occupied, provide proof of sales tax, proof of inspection by building inspector, BID taxes, proof of Deadwood Business license, obtain lodging license for SD Dept. of Health and provide off street parking. Owners Jay and Pam Smith were available for questions. Hearing closed.

Johnson moved, Martinisko seconded to Act as Board of Adjustment and approve Conditional Use Permit – Bed and Breakfast – Jay and Pam Smith – 5 Burlington Street. 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. Roll Call: Aye-All. Motion carried.

### NEW BUSINESS

#### Contract (Item R)

Martinisko moved, Johnson seconded to continue contract with RCS Construction for work associated with Whitewood Creek Restoration - Bid Package 1 - Sites 1C, 2A, 2B, 3A, 3B for FEMA Project #123107. (Accepted bid of 07-10-2023)

#### Conditional Use Permit

Approved under Public Hearings.

#### Final Plat

Schneringer spoke about the plat. Martinisko moved, Johnson seconded to Act as Board of Adjustment and approve Final Plat of Lots 21A and 22A - Adjusting Property Lines - Stage Run Addition - Hueners Living Trust and John & Sharon Martin. Legally described as: Plat of Lots 21A and 22A, Block 2 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 NE1/4/NE1/4 of Section 22 and the N1/2NW1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota Formerly Lots 20 Revised, 21 and 22, Block 2 of Palisades Tract of Deadwood Stage Run Addition. Roll Call: Aye-All. Motion carried.

#### Second Reading

Finance Officer McKeown stated no changes between first and second reading. Martinisko moved, Johnson seconded to approve second reading of Ordinance #1374 Amending Chapter 17.60.100 Fire and Life Safety to match adopted Building Codes of the City of Deadwood. Roll Call: Aye-All. Motion carried.

#### Second Reading

McKeown stated no changes between first and second reading. Martinisko moved, Johnson seconded to approve second reading of Ordinance #1375 Amending Chapter 15.01.020 Exceptions and Amendments regarding language under Subsection I. Roll Call: Aye-All. Motion carried.

#### Second Reading

McKeown stated no changes between first and second reading. Johnson moved, Martinisko seconded to approve second reading of Ordinance #1376 repealing Chapter 15.20.020 Life Safety Code-Adopted. Roll Call: Aye-All. Motion carried.

#### First Reading

McKeown spoke about the ordinance. Martinisko moved, Johnson seconded to approve first reading of Ordinance #1377 Budget Supplement #4 for 2023. Roll Call: Aye-All. Motion carried.

#### First Reading

McKeown spoke about the ordinance. Martinisko moved, Johnson seconded to approve first reading of Ordinance #1378 Amending Chapter 5.04 Alcoholic Beverages. Roll Call: Aye-All. Motion carried.



## REGULAR MEETING, JULY 17, 2023

### First Reading

McKeown spoke about the ordinance. Johnson moved, Martinisko seconded to approve first reading of Ordinance #1379 Amending Chapter 12.20 Snow Removal. Roll Call: Aye-All. Motion carried.

### First Reading

Schneringer spoke about the ordinance. Johnson moved, Martinisko seconded to approve first reading of Ordinance #1380 Amending Chapter 17.53.040 Exception to Transient Commercial Use of Property. Roll Call: Aye-All. Motion carried.

### First Reading

McKeown and Parking and Transportation Director Lux spoke about the ordinance. Martinisko moved, Johnson seconded to approve first reading of Ordinance #1381 Amending Chapter 12.24.025 Event Committee. Roll Call: Aye-All. Motion carried.

### Pay

Parks, Recreation & Events Director Adler spoke about the lease. Martinisko moved, Johnson seconded to pay Connell Equipment Leasing Company in the amount of \$16,787.65 for 1st of 4 lease payments (7/1/2023 - 6/30/2024) on 2023 S30 Sweeper. (To be paid by Parks Equipment budget.) Roll Call: Aye-All. Motion carried.

### Contract

McKeown spoke about the contract. Johnson moved, Martinisko seconded to enter into contract with the State Archaeological Research Center for additional archaeological investigations required as part of the Deadwood FEMA project in the amount of \$14,548.44. (To be paid as part of the FEMA project.) Roll Call: Aye-All. Motion carried.

### Addendum

McKeown spoke about the project. Martinisko moved, Johnson seconded to accept Contract Addendum #5 at a cost of \$28,600.00 with Albertson Engineering for additional services required for the completion of the FEMA project. (A portion reimbursable from FEMA.) Roll Call: Aye-All. Motion carried.

### Hire

Public Works Director spoke about the hire. Martinisko moved, Johnson seconded to hire Black Hills Asphalt at a price not to exceed \$22,121.70 for sealing, crack fill and striping of the following parking lots: Gateway, City Hall, Centennial, Library, and the front half of the Sherman Street Lot. (To be paid by Parking and Transportation repair budget.) Roll Call: Aye-All. Motion carried.

## INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

- A. Dedication of interpretation marker for the conservation easement donated by ZCN, LLC (Aka Deadwood Mountain Grand) at the beginning of the Homestake Trail in Deadwood at 11:00 a.m. on Tuesday, July 18, 2023.
- B. Raffle permit received from Lead-Deadwood AAU Wrestling Club. Drawing will be held July 22, 2023.
- C. 2024 HPC Budget Meeting – 8:00 a.m. July 25, 2023 – Deadwood City Hall

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

Martinisko moved, Johnson seconded to adjourn the regular session at 5:35 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, August 7, 2023 at 5:00 p.m.

**REGULAR MEETING, JULY 17, 2023**

After coming out of executive session at 6:43 p.m.

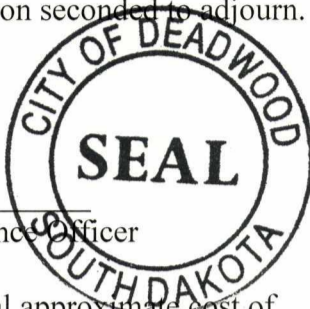
Martinisko moved, Johnson seconded to approve changes to Employee Policy 6.4 Benefits effective August 1, 2023. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to adjourn.

ATTEST:



Jessicca McKeown, Finance Officer



DATE:

8/7/23

BY:

David Ruth Jr., Mayor

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