



# City Commission Special Meeting Agenda

Monday, July 12, 2021 at 1:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

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1. **Call to Order and Pledge of Allegiance**

2. **Roll Call**

3. **New Business**

- a. First Reading of Ordinance # 1328 Creating Zoning Regulations for Cannabis Establishments
- b. Resolution 2021-17 Support of the Community Access Grant Request
- c. Permission to approve change order # 1 with Heiman Inc. in the amount of \$4,471.00 for modifications to custom built 2022 International Fire Truck, bringing total contact amount to \$518,437.00. (To be paid from Fire Dept. Truck Reserves.)

4. **Informational Items and Items from Citizens**

5. **Adjournment**

This will be a public Meeting conducted through Zoom. To participate, join Zoom Meeting

URL: <https://us02web.zoom.us/j/6055782082?pwd=Z1QrRXhXaXp4eStPSjg2YjVTNUtZQT09>

Meeting ID: 605 578 2082

Password: 1876

One tap mobile: 669-900-9128

*Please practice the CDC's social distancing recommendations.*

*Please be considerate of others and if you no longer have business activities during the meeting, do not feel obligated to remain.*

**ORDINANCE NO. 1328**

**AN ORDINANCE CREATING ZONING REGULATIONS FOR  
CANNABIS ESTABLISHMENTS**

**BE IT ORDAINED** by the City Commission of the City of Deadwood that Title 17 . Zoning Regulations of the City of Deadwood is hereby amended—with ~~striketrough~~ indicating text to be deleted, underline indicating text to be added, and the remainder of the Article left unaffected—as follows:

**Section 17.16. A1 Agricultural District.**

17.16.020 Uses permitted by right.

Property in the A1 agriculture district shall be used for the following purposes or any use which the planning commission considers comparable to another use which is directly listed under this section.

1. Day care, small;
2. Dwelling unit, single-family;
3. Farming, ranching and general agriculture crops;
4. Nurseries and green houses;
5. Parks, recreation lands;
6. Ranch offices;
7. Roadside stands;
8. Wildlife preserves;
9. Cannabis Cultivation Facilities
10. Cannabis Testing Facilities
11. Cannabis Product Manufacturing Facilities

**Chapter 17.36. CE Commercial Enterprise District.**

17.36.020 Uses permitted by right.

Property in the CE commercial enterprise district shall be used for the following purposes or any use which the planning commission considers comparable to another use which is directly listed

under this section.

1. Adult education facility;
2. Auditorium, indoor theaters;
3. Auto accessory part and repair;
4. Bakery;
5. Banks;
6. Barber shops, beauty shops;
7. Books, hobby, toy, music stores;
8. Bowling alley;
9. Chiropractic office;
10. Civic youth social/fraternal organization;
11. College and university buildings;
12. Convenience stores;
13. Delicatessen;
14. Department, dry goods and variety stores;
15. Dwelling unit, for hired personnel only;
16. Electrical and household appliance stores, sales and service;
17. Florist;
18. Frozen food lockers, not including slaughtering on the premises;
19. Fuel storage tanks - above and below;
20. Furniture stores;
21. Gasoline service station;
22. Hardware stores;

23. Hotels and motels;
24. Indoor amusement establishment;
25. Insurance, real estate, investment offices;
26. Libraries and museums;
27. Liquor stores;
28. Mail order;
29. Medical and dental clinics;
30. Music, radio and television stores;
31. Novelty, curio, antique and souvenir shops;
32. Paint stores;
33. Parks, recreation land;
34. Pet shops;
35. Photographic equipment sales and service;
36. Pre-school care/educational centers;
37. Printing, photocopying, blueprint service;
38. Professional/accounting service offices;
39. Radio and television studios;
40. Restaurant, bar and lounge;
41. Schools, vocational-technical;
42. Second-hand stores;
43. Shoe repair;
44. Shoe stores;
45. Sporting goods store;

46. Travel bureaus;
47. Wildlife preserves; and
48. Recreational Cannabis dispensaries.
- 49 Medical Cannabis dispensaries

#### **Chapter 17.40. CH Commerical Highway District.**

##### 17.40.020 Uses permitted by right.

Property in the CH commercial highway district shall be used for the following purposes or any use which the planning commission considers comparable to another use which is directly listed under this section.

1. Adult education facility;
2. Animal clinic;
3. Auditorium, indoor theaters;
4. Auto parking lots (commercial);
5. Auto sales and service;
6. Auto service station and garage;
7. Auto accessory part and repair;
8. Auto wash and polish service;
9. Bakery;
10. Banks;
11. Barber shops and beauty shops;
12. Book, hobby, toy and music stores;
13. Bowling alley;
14. Chiropractic office;
15. Civic youth social/fraternal organization;
16. Convenience stores;

17. Delicatessen;
18. Department, dry goods and variety stores;
19. Drive-in restaurants;
20. Dwelling unit, for hired personnel only;
21. Electrical and household appliance stores, sales and service;
22. Florist;
23. Frozen food lockers, not including slaughtering on the premises;
24. Fuel storage tanks, above and below ground;
25. Furniture stores;
26. Gaming (within city boundaries as of November 1, 1989);
27. Gasoline service station;
28. Hardware stores;
29. Hotels and motels;
30. Indoor amusement establishment;
31. Insurance, real estate, investment offices;
32. Laundromat;
33. Libraries and museums;
34. Liquor stores;
35. Mail order;
36. Medical and dental clinics;
37. Miniature golf;
38. Music, radio and television stores;
39. Novelty, curio, antique and souvenir shops;

40. Paint stores;
41. Parks, recreation land;
42. Pet shops;
43. Photographic equipment sales and service;
44. Printing, photocopying, blueprint service;
45. Professional/accounting service offices;
46. Radio and television studios;
47. Restaurant, bar and lounge;
48. Schools, vocational and technical;
49. Second-hand stores;
50. Shoe stores;
51. Shoe repair;
52. Sporting goods stores;
53. Travel bureaus;
54. Wildlife preserves; and
55. Recreational Cannabis dispensaries.
56. Medical Cannabis dispensaries

#### **Chapter 17.77. Cannabis establishments**

(A) In order to balance the various interests and manage the effects cannabis establishments have on adjacent land uses and to promote the public health, safety, and general welfare of the city, the Deadwood City Commission adopts the following regulations, recognizing that it has a great interest in the present and future character of the city's residential and commercial neighborhoods. Adoption of these regulations is not intended to unreasonably restrict the opportunity of cannabis establishments to locate in the city but is for the purpose of preventing a concentration of certain cannabis establishments in any one area.

(B) Definitions:

Unless an alternative definition is explicitly stated in this section, this chapter utilizes the definitions for cannabis related terms which are defined by SDCL 34-20G-1. The definitions contained herein apply only to this section of the Deadwood Municipal Ordinances.

*Cannabis (or Marijuana):* all parts of any plant of the genus cannabis, whether growing or not, in its natural and unaltered state, except for drying or curing and crushing or crumbling. The term includes an altered state of marijuana absorbed into the human body. The term does not include fiber produced from the mature stalks of such plant, or oil or cake made from the seeds of such plant. The term does not include the plant Cannabis sativa L. (hemp) and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis.

*Cannabis Cultivation Facility:* in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a cannabis establishment.

*Cannabis Dispensary:* in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that is a retail type 1 setting and acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials.

*Cannabis Establishment:* a cannabis cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a cannabis dispensary.

*Cannabis Product Manufacturing Facility:* in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a cannabis dispensary.

*Cannabis Products:* any concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof, and are intended for use or consumption by humans. The term includes edible cannabis products, beverages, topical products, ointments, oils, and tinctures.

*Cannabis Testing Facility:* in addition to the definition in SDCL 34-20G-1, this term is further defined as a legally licensed entity legally authorized to analyze the safety and potency of cannabis.

*Park:* A public green space located within the City of Deadwood used for recreation which contains equipment designated for children's play such as seesaws and swings.

*Place of Worship:* A church, synagogue, mosque, temple of any other building where congregations gather for prayer.

*Public or private school.* Any preschool, elementary school, middle school, secondary school, or high school. The term also includes any daycare or childcare center.



Unlicensed Cannabis Establishment: an entity that would otherwise meet the definition of a cannabis establishment, but which is not legally licensed by the City of Deadwood and does not have a current and valid registration certificate issued by the South Dakota Department of Health.

(C) Regulations Relating to Cannabis Cultivation Facilities. No cannabis cultivation facility may be located or operate at a location within the city's zoning jurisdiction except as provided in this section. A cannabis cultivation facility is a permitted use in the following zoning districts: Ag (Agriculture)

No cannabis cultivation facility may be located or operate within one thousand (1,000) feet of a public or private school.

(D) Regulations Relating to Cannabis Testing Facilities. No cannabis testing facility may be located or operate at a location within the city's zoning jurisdiction except as provided in this section. A cannabis testing facility is a permitted use in the following zoning districts: Ag (Agriculture)

No cannabis testing facility may be located or operate within one thousand (1000) feet of a public or private school.

(E) Regulations Relating to Cannabis Product Manufacturing Facilities. No cannabis product manufacturing facility may be located or operate at a location within the city's zoning jurisdiction except as provided in this section. A cannabis product manufacturing facility is a permitted use in the following zoning districts: Ag (Agriculture)

No cannabis product manufacturing facility may be located or operate within one thousand (1000) feet of a public or private school.

(F) Regulations Relating to Cannabis Dispensaries. No cannabis dispensary may be located or operate at a location within the city's zoning jurisdiction except as provided in this section. A cannabis dispensary is a permitted use in the following zoning districts: CE Commercial Enterprise District and CH Commercial Highway.

No cannabis dispensary may be located or operate within one thousand (1000) feet of a public or private school or within 500 feet of any park, as defined herein, or place of worship.

(G) Unlicensed cannabis establishments are prohibited from being located or operating in any zoning district.

(H) For the purposes of this section, measurements shall be made in a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing a cannabis establishment to the nearest point on the property line of a parcel containing a use listed in Sections 15(C) through (F).

(I) A cannabis establishment lawfully operating in conformity with this section does not violate this section if any of the uses in Sections 15(C) through (F) subsequently locates within one thousand (1000) feet of the cannabis establishment.

(j) Violations of sections 8.17.77 of this chapter are deemed and declared to be a nuisance, and as such may be subject to summary abatement by means of a restraining order or injunction issued by a court of competent jurisdiction. In addition to the imposition of civil penalties, criminal citations for a class 2 misdemeanor may be issued to any person who violates this title or any amendment hereto. The citation for a class 2 misdemeanor is punishable by the maximum punishment set forth by the laws of the state of South Dakota pursuant to SDCL § 22-6-2. Each day that any violation of this title are in effect shall constitute a separate offense.

\* \* \*

**Severability.** The provisions of this ordinance are severable. If any provision of this ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application.

**Effective Date.** This Ordinance will become effective 20 days following publication, which will occur after the ordinance receives second and final reading by the City Council and is signed by the Mayor.

Dated this 12<sup>th</sup> day of July, 2021.

**CITY OF DEADWOOD**

By: \_\_\_\_\_  
Dave Ruth Jr., Its Mayor

(Seal)

Attest:

\_\_\_\_\_  
Jessica McKeown, Finance Officer

- First Reading:
- Second Reading:
- Public Hearing:
- Published:
- Effective:

**RESOLUTION 2021-17**

**A RESOLUTION IN SUPPORT OF THE  
COMMUNITY ACCESS GRANT REQUEST**

**WHEREAS**, The City of Deadwood is applying for a Community Access Grant from the South Dakota Department of Transportation; and

**WHEREAS**, this grant will be used to improve the safety and accessibility of Crescent Drive,

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Deadwood hereby supports the submission of the Community Access Grant application;

**AND BE IT FURTHER RESOLVED**, that the City of Deadwood will comply with all local zoning and planning regulations, will support and encourage the submission of the grant application, will maintain the finished project and will pay the required match for the grant.

Dated this 12th day of July, 2021.

CITY OF DEADWOOD

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David Ruth, Jr., Mayor

ATTEST:

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Jessica McKeown, Finance Officer

# Change Order HEIMAN INC. (BODY)

Fire Department: City of Deadwood / Deadwood Fire Department  
Attention: Chief Rakow  
102 Sherman Street  
Deadwood, SD 57732

06/07/2021  
Date: 06/21/2021

Change Order Requested From XX Fire Dept.    Dealer    Central Change Order No. (1A)

We Hereby Agree to Make the change(s) specified below:

<p><b>#1 CLARIFY that in the chassis specification that it is noted that the batteries will be located under the cab on the Driver's side.</b></p> <p><b>Note: A relocation of the batteries will NOT be needed and the batteries will be accessible through the lid of the battery box mounted to the frame rails.</b></p> <p style="text-align: right;"><b>No Charge</b></p>
<p><b>#2 CLARIFY that the Production Specification will get noted to install the Shore Inlet inside the cab next to the Driver's seat and on the floor next to the "Master Switch".</b></p> <p style="text-align: right;"><b>No Charge</b></p>
<p><b>#3 CHANGE the air horn control from a single foot switch on the floor to a switch on the center console (towards the officer's side).</b></p> <p style="text-align: right;"><b>No Charge</b></p>
<p><b>#4 CLARIFY that the images viewed through the screen inside the cab for the backup camera system are in color.</b></p> <p style="text-align: right;"><b>No Charge</b></p>
<p><b>#5 ADD a GoLight LED spotlight with wireless remote to the roof of the crew module.</b></p> <p style="text-align: right;"><b>Add: \$849.00</b></p>

**#6 CLARIFY the Emergency Lighting Colors. The perimeter warning lights and colors will be installed as follows:**

	Driver's Side	(center)	Officer's Side
◊ Lightbar	RED	CLEAR	BLUE
◊ Upper Rear Side	BLUE		RED
◊ Upper Rear	RED		BLUE
◊ Low Front	BLUE		RED
◊ Intersection	RED		BLUE
◊ Low Mid-Body	BLUE		RED
◊ Low Rear Side	BLUE		RED
◊ Low Rear	BLUE		RED

Add: \$160.00

**#7 ADD a high priority, multi-mode GTT OptiCom (792HM) installed on the cab roof by the lightbar.**

Add: \$2,068.00

**#8 CHANGE the storage area at the front of the crew area from a single to one (1) compartment each side below the talk through.**

Add: \$395.00

**#9 ADD a fuel gauge that shows tank levels in 1/4 tank increments at the Operator's Panel in L-3.**

Add: \$481.00

**#10 CLARIFY that the Production Specification will get noted for installation of the Deck Gun at the rearward most outboard side (driver's) of the upper body as discussed at your Pre-Construction Conference.**

**Note:** In addition to the location of the monitor it will get noted to hold the aluminum cover back on that side for a landing centered around the monitor.

No Charge

**#11 ADD a wireless remote control for the monitor up in the hosebed in addition to the tethered remote already noted for installation in the pumphouse.**

**Note:** The bracket for the wireless remote will get installed in L-3 also.

Add: \$1,789.00

**#12 CLARIFY that it is a standard that when there is an electric monitor discharge on top of an extenda-gun (electric), the controls for the telescopic pipe are included in the handheld remote specified for the monitor.**

No Charge

**#13 CLARIFY** that the Production Specification will get edited to read "Hinged" doors in lieu of roll-up for L-3 (pumphouse door).

No Charge

**#14 CLARIFY** the left (Driver's) side body compartment tray and shelf installations. The LH side body compartments will have the following equipment installed:

- ◁ L-1: Two (2) adjustable shelves (mid-upper portion)
- ◁ L-2: One (1) roll-out tray (floor mounted) and two (2) roll-out/tilt-down trays (mid/upper)
- ◁ L-3: One (1) roll-out tray (floor mounted)

Note: Turtle Tile will be provided in each tray installed.

Note: Two (2) adjustable shelves, one (1) roll-out tray, one (1) pull-out/drop-down tray, and more Turtle Tile has been added from what was originally specified.

Add: \$1,930.00

**#15 CLARIFY** the right (Officer's) side body compartment tray and shelf installations. The RH side body compartments will have the following equipment installed:

- ◁ R-1: One (1) roll-out tray (floor mounted) and one (1) adjustable shelf (mid-upper portion)
- ◁ R-2: One (1) roll-out tray (floor mounted) and two (2) roll-out/tilt-down trays (mid/upper)
- ◁ R-3: Two (2) adjustable shelves
- ◁ R-4: One (1) roll-out tray (floor mounted) and one (1) adjustable shelf (mid-upper portion)

Note: Turtle Tile will be provided in each tray installed.

Note: The compartment divider originally specified for R-4 will be deleted and the shelf and tray will be full-width inside the compartment.

Note: Two (2) adjustable shelves, one (1) roll-out tray, and more Turtle Tile has been added from what was originally specified.

Add: \$1,034.00

**#16 ADD** another set of Duplex receptacles for the crew area. Two (2) sets of receptacles will get installed as follows:

- ◁ one (1) Driver's forward wall, below the talk through, near the entry door
- ◁ one (1) Officer's forward wall, below the talk through, near the entry door

Note: Both outlets will be powered through shoreline and the generator, in addition they will be wired through the auto-matic transfer switch.

Add: \$578.00

**#17 CLARIFY** the lettering instructions for completed apparatus, Goldleaf Letters outlined in Black will be applied the rear (center) roll-up doors as follows:

**HISTORIC PRESERVATION  
THRU FIRE PREVENTION  
& SUPPRESSION**

**4" Straight  
3" Straight  
3" Straight and Center on the Rear Door**

Note: All lettering to be "Sized-to-Fit".

No Charge

#18 CLARIFY that it will get noted that the BLACK Reflective Perimeter Stripe will need to Reflect WHITE when illuminated at dark.

No Charge

#19 ADD another set of wheel chocks and brackets for the officer's side, to match the drivers.

Note: The wheel chocks for the officer's side will get installed below Compartment R-1.

Add: \$1,064.00

#20 CHANGE the couplings for the three (3) suction hoses that are to be provided from LHFH x RLM to 5" Storz on both ends.

Add: \$764.00

#21 DELETE the three (3) hard suction hoses completely from the specifications

DEDUCT \$ 2,745.00

WE AGREE hereby to make change(s) specified above at this price \$4,471.00

(Body) PREVIOUS CONTRACT AMOUNT \$ 404,666.00

(Body) REVISED CONTRACT TOTAL \$ 409,137.00 +

Chassis 109,300

Due to lead times of components and in fabrication this change order may delay delivery.

ACCEPTED -The above price and specifications of the Change Order are satisfactory and are hereby accepted. All work to be performed under same terms and conditions as specified in original contract unless otherwise stipulated.

Total

\$ 518,437.00

Authorized Signature (contractor)

Date of acceptance / /

Authorized Signature (Fire Department)

Date of acceptance / /