

## REGULAR MEETING, JULY 20, 2020

The Regular Session of the Deadwood City Commission convened on Monday, July 20, 2020 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

Martinisko moved, Struble seconded to approve the minutes of July 6, 2020 as amended. Roll Call: Aye-All. Motion carried.

### APPROVAL OF DISBURSEMENTS

Johnson moved, Todd seconded to approve the July 20, 2020 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS SOLUTIONS	MAINTENANCE	5,556.00
A & B WELDING	SUPPLIES	138.18
A & I DISTRIBUTORS	SUPPLIES	42.93
A & J SUPPLY	SUPPLIES	300.00
ACE HARDWARE	SUPPLIES	25.38
ADAMS SALVAGE	SERVICE	76.56
AFFORDABLY CREATIVE ENGINE	PROJECT	8,060.00
ALBERTSON ENGINEERING	PROJECT	56,459.61
AMANO MCGANN	SUPPLIES	1,542.11
AMAZON CAPITAL	SUPPLIES	87.16
AMAZON	SERVICE	202.25
ATCO INTERNATIONAL	SUPPLIES	350.00
BALCO UNIFORM	UNIFORMS	1,083.48
BERG, DALE	MEETINGS	385.00
BH ASPHALT	SUPPLIES	255.10
BH CHEMICAL	SUPPLIES	1,717.84
BH LIBRARY	SERVICE	559.01
BH PIONEER	SERVICE	628.18
BH SECURITY	SERVICE	872.45
BH TAXI SERVICE	REFUND	25.00
BLAIR, THOMAS	MEETINGS	140.00
BUTLER MACHINERY	SUPPLIES	1,051.22
CARMODY, ROBIN	MEETINGS	385.00
CHAINSAW CENTER	RENTAL	3,038.15
CORE & MAIN	SUPPLIES	74.37
CULLIGAN	SUPPLIES	198.00
DAKOTA TITLE	SERVICE	120.00
DEADWOOD CHAMBER	BILL LIST	40,419.45
DEADWOOD ELECTRIC	SERVICE	863.35
DVFD	REIMBURSEMENT	78.00
DIEDE, LEO	MEETINGS	70.00
DONARSKI LAWN CARE	SERVICE	6,560.00
EAGLE ENTERPRISES	SUPPLIES	450.57
EB COMMUNICATIONS	SERVICE	369.80
ECOLAB	SERVICE	94.05
EPCO ENVIRONMENTAL	SUPPLIES	607.94
FERBER ENGINEERING	SERVICE	3,459.20
FIB CREDIT CARDS	SUPPLIES	2,513.66
GALLS	UNIFORMS	128.44
GAYLORD BROS	SUPPLIES	187.55
GOLDEN WEST	SERVICE	3,895.50
GTI COMPANIES	PROJECT	115,325.28
GUNDERSON, PALMER, NELSON	SERVICE	5,917.46
HOMETOWN MANUFACTURING	SUPPLIES	333.94
INTEGRATED PARKING	MAINTENANCE	450.40
JACOBS WELDING	SERVICE	690.83
KARL'S	SUPPLIES	1,110.00
KEEHN, JOSH	MEETINGS	315.00
KNECHT	SUPPLIES	159.47
KONE	MAINTENANCE	486.80
LAWLER, JEFFREY	MEETINGS	280.00
LEAD-DEADWOOD GIRLS SOFTBALL	REFUND	500.00
LEAD-DEADWOOD SANITARY	SERVICE	10,524.03
LIBBY PRODUCTIONS	BID #8	12,000.00
M&M SANITATION	RENTAL	240.00
MARTINISKO, JOHN	MEETINGS	315.00
MEHLBERG CONSTRUCTION	PROJECT	2,507.20
MS MAIL	SERVICE	1,170.32
NICKLES, KACIE	PROJECT	5,346.25
NORTHERN HILLS TECHNOLOGY	SERVICE	32.50
PASSPORT LABS	METERS	132.00
PETE LIEN & SONS	SUPPLIES	1,038.25
PL CARPENTRY	PROJECT	12,300.00
POSEY, BEVERLY	MEETINGS	420.00
PRESSURE SERVICES	SUPPLIES	239.49
QUIK SIGNS	SIGNS	482.61
RCS CONSTRUCTION	PROJECT	57,574.03
RECREATION SUPPLY	SUPPLIES	172.24
REGIONAL HEALTH	TESTING	210.00
REHAB MART	SUPPLIES	777.15
RICH, BILL	MEETINGS	280.00
RUNGE, BRETT	MEETINGS	210.00
RUNGE, MIKE	REIMBURSEMENT	175.78

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RUNNING SUPPLY	SUPPLIES	165.06
SALOON #10	PLANTERS	91.49
SANTOCHI, TREVOR	MEETINGS	70.00
SCHMIDT, WILLIAM	PROJECT	19,500.00
SCULL CONSTRUCTION	PAY APP	89,035.52
SD COMMISSION ON GAMING	CITY SLOTS	29,829.55
SD DEPT. OF REVENUE	TRANSFER	150.00
SD DEPT. OF REVENUE	TAXES	6,445.46
SD MAGAZINE	SERVICE	7.95
SD ONE CALL	SERVICE	66.08
SIMON CONTRACTORS	PROJECT	63,414.29
SOUTHSIDE OIL	FUEL	9,850.37
SOUTHSIDE SERVICE	SERVICE	251.85
STEINLICHT, WILLIE OR DEE	MEETINGS	105.00
STREICHER'S	AMMUNITION	267.86
STRETCH'S	SERVICE	2,869.03
STURDEVANT'S	SUPPLIES	578.93
SUMMIT SIGNS	SIGNS	81.00
THE LORD'S CUPBOARD	RECYCLING	45.54
TOEWS, LYMAN	MEETINGS	350.00
TOMS, DON	PROJECT	600.00
TRUGREEN	SERVICE	3,969.18
TWILIGHT	SUPPLIES	166.11
TWIN CITY HARDWARE	GRANT	6,796.60
U.S. BANK	SERIES 2019	1,000.00
VANWAY TROPHY	AWARDS	18.55
VERIZON	SERVICE	95.95
VIGILANT BUSINESS	SERVICE	1,108.00
WEBER, JILL	MEETINGS	70.00
WEST, JACQUELINE	PROJECT	10,000.00
WILLIAMS, ANTHONY	MEETINGS	420.00
WINTER CONSTRUCTION	PROJECT	7,414.00
WOLFF'S PLUMBING	PROJECT	8,906.00

Total \$638,515.89

## CONSENT

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

- A. Approve Special Alcohol License for Saloon #10 to serve alcohol at Outlaw Square Event Complex Thursday, July 30 for PBR Mixer from 5:00 p.m. to 9:00 p.m. No public hearing necessary since license is on publicly owned property.
- B. Permission to accept P & T Committee recommendation to transfer ownership of BH Taxi Service's three vehicle stamps to Joanann & Lacey Goeringer.
- C. Permission for Mayor to sign letter of support regarding land transfers of property around Gilt Edge Mine from federal to state ownership for reclamation purposes.
- D. Permission for Mayor to sign 2019 Infrastructure Disaster Recovery Program Agreement for FEMA Storm DSR4467.
- E. Permission to increase wage of Police Officer Aaron McPheeters to \$24.31 per hour retroactive to July 1, 2020 after completing certification and graduating from the Police Academy.
- F. Allow open container in zones 1 and 2 on Friday September 25 from 5:00 p.m. to 10:00 p.m. and Saturday September 26 from noon to 10:00 p.m. for Hops and Hogs. (was approved for May 8 and 9, on March 16, 2020)
- G. Permission to hire Benjamin Wise as a lifeguard at \$12.50 per hour effective July 27, 2020 pending pre-employment screening.
- H. Permission to hire Brandon Snyder as a police officer \$24.31 per hour, plus phone allowance, effective August 4, 2020.
- I. Approve Special Alcohol License for VFW to serve alcohol at History and Interpretive Lot for Kool Deadwood Nites on Friday August 28 and Saturday, August 29 from noon to 10:00 p.m. No public hearing necessary since license is on publicly owned property.
- J. Permission to hire Tanner Ruth for part-time seasonal Mt. Moriah position at \$12.50 per hour effective Thursday July 23 pending pre-employment screening.
- K. Permission to hire Don Toms for part-time seasonal Mt. Moriah position at \$12.50 per hour effective Thursday July 23 pending pre-employment screening.
- L. Approve updated Deadwood Alive's 2020 Operation & Management Plan for stagecoach operations under the Horse Drawn Vehicle ordinance as recommended by Parking & Transportation Committee on July 16, 2020.

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### PUBLIC HEARINGS

#### Transfer

Business Owner asked for the alcohol beverage application transfers to be removed from agenda.

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#### PBR Mixer

Public hearing was opened at 5:03 p.m. by Mayor Ruth Jr. No one spoke in favor or against, hearing closed. Martinisko moved, Struble seconded to approve open container in Outlaw Square, Zone 4 (Outlaw Square only) from 5:00 p.m. to 9:00 p.m. on Thursday, July 30. Roll Call: Aye-All. Motion carried.

#### Transfer

Public hearing was opened at 5:04 p.m. by Mayor Ruth Jr. No one spoke in favor or against, hearing closed. Todd moved, Struble seconded to approve the Retail (on-off sale) Malt Beverage & SD Farm Wine (RB-25948) transfer from Scott and Sharon Jacobs to Jacobs Family International dba Jacobs Gallery at 670 Main Street. Roll Call: Aye-All. Motion carried.

#### Transfer

Public hearing was opened at 5:06 p.m. by Mayor Ruth Jr. No one spoke in favor or against, hearing closed. Struble moved, Todd seconded to approve the Retail (on-off sale) Malt Beverage & SD Farm Wine (RB-2108) transfer from Vaughn Mary Boyd to Deadwood Tobacco Company dba Deadwood Tobacco at 628 Main Street. Roll Call: Aye-All. Motion carried.

#### Kool Deadwood Nites

Public hearing was opened at 5:07 p.m. by Mayor Ruth Jr. Sarah Kryger, Deadwood Chamber was available for questions, hearing closed. Johnson moved, Todd seconded to approve open container in Zones 1 and 2 from 5:00 p.m. to 10:00 p.m. on Wednesday, August 26 for Kool Deadwood Nites. Roll Call: Aye-All. Motion carried.

#### Mustang Rally

Public hearing was opened at 5:08 p.m. by Mayor Ruth Jr. Sarah Kryger, Deadwood Chamber was available for questions, hearing closed. Todd moved, Struble seconded to approve street closure on Main Street from Wall to Deadwood Street, and parking on Main Street from Wild Bill Bar to Nugget Saloon, northwest side only on Thursday, September 2 from 10:00 a.m. to 2:00 p.m. Roll Call: Aye-All. Motion carried.

#### Zone 5

Public hearing was opened at 5:10 p.m. by Mayor Ruth Jr. Sandy Glover, resident, spoke against creation of Zone 5 due to safety and residential area not just businesses. Louie LaLonde, President of Chamber of Commerce, and Mike Rodman, BID 8 spoke in favor of Zone 5. Hearing closed. Martinisko moved, Johnson seconded to deny creation of zone 5 to include west side of Pioneer way from intersection of Lower Main Street and Pioneer Way to the north property boundary of 270 Main Street, First Gold. Commissioner Martinisko stated the reason she moved to deny is Deadwood is not just a town of hotels and businesses but residents as well, and does not see a benefit to residents by creating zone 5. She see's additional enforcement issues to Police Department and safety issues. Commissioners Johnson and Todd agree with Commissioner Martinisko and all have received several calls and emails from residents. Commissioner Struble see's both sides and respects the residents. Mayor Ruth Jr. appreciated comments made by Commissioners and encourages businesses affected by not having zone 5 to continue to work with surrounding neighborhoods to help and explain the plan that was being brought forward for better communication to help with issues. Roll Call: Aye-All. Motion carried.

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### Sidewalk Sales

Public hearing was opened at 5:20 p.m. by Mayor Ruth Jr. Louie LaLonde, MSI, spoke about the sidewalk sales and would encourage people already attending Outlaw Square Farmers Market to visit downtown Main Street for additional sales. Todd Weber, with Lucky Horse; Bobby Rock, with Outlaw Square; and Shawn Dardis, with Bloody Nose Saloon, also spoke in favor of sidewalk sales. Todd moved, Martinisko seconded to allow sidewalk sales on Tuesday's starting July 21 thru October 13, excluding August 11, from 3:00 p.m. to 7:00 p.m. Transportation and Facilities Director Kruzel stated traffic patterns will be watched incase enforcement changes need to be made. Mayor Ruth Jr. requested Main Street Initiative, Deadwood Chamber, Planning and Zoning Office, and Community Service Officers remind businesses about 5 foot public right-of-way for safe travel. Roll Call: Aye-All. Motion carried.

### Set

Todd moved, Struble seconded to set public hearing on August 3, 2020 for possible street closure for Lee Street and Gold Street between Main Street and Broadway Alley from August 4, 2020 to October 15, 2020 for additional public outdoor seating. (Request from Main Street Initiative) Roll Call: Aye-All. Motion carried.

## NEW BUSINESS

### Variance

Planning and Zoning Administer Russell stated this request is coming from the recent dissolved task force committee, similar to Big Dipper request. Shawn Dardis spoke about the variance and COVID situation inside the business. After discussion, Martinisko moved, Struble seconded to grant variance from ordinance chapter 12.16.010 regarding obstruction of streets, sidewalks and public places and allow one table in front of Deadwood Distillery at 645 Main Street that does not encroach upon the five-foot minimum requirement for ADA and must be compliant with CDC spacing until October 1, 2020 due to COVID-19. Roll Call: Aye-All. Motion carried.

### Final Plat

Russell spoke about the plat. Martinisko moved, Johnson seconded to act as Board of Adjustments and approve final plat of 308 McGovern Hill. Planning and Zoning approved on July 15, 2020. Legal Description: Lot E-1 A Revised of Crawford Addition II Located in the NE1/4 of Section 27, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Formerly Lot E-1A of Tract E-1 Revised of Crawford Addition II and a Portion of Probate Lot 299. Roll Call: Aye-All. Motion carried.

### Permission

Kruzel spoke about the purchase. Johnson moved, Struble seconded to pay Stretch's Glass for eleven sneeze guards for various public buildings in the amount of \$2,709.15. (COVID-19 Expense) Roll Call: Aye-All. Motion carried.

### Permission

Police Chief Mertens spoke about the purchase. Todd moved, Struble seconded to pay Wagner Auto for 2020 Dodge Durango Pursuit in the amount of \$32,488.00 (2020 budgeted item in Police Equipment.) Roll Call: Aye-All. Motion carried.

### Allocation

Finance Officer McKeown spoke about the allocation. Struble moved, Todd seconded to make 2020 budgeted allocation to Northern Hills CASA in the amount of \$3,500.00 from Bed and Booze Fund. Roll Call: Aye-All. Motion carried.

### Allocation

McKeown spoke about the allocation. Martinisko moved, Johnson seconded to make 2020 budgeted allocation to Days of '76 Rodeo tin the amount of \$10,000.00 from Bed and Booze Fund. Roll Call: Aye-All. Motion carried.

### Quote

Public Works Director Nelson Jr. spoke about the quote and project. Martinisko moved, Johnson seconded accept time/material quote from Donarski Lawncare & Landscaping in the amount of \$47,500.00 for debris on the embankments cleanup of Whitewood Creek caused from July 4<sup>th</sup>, 2019 storm. (FEMA Funding) Roll Call: Aye-All. Motion carried.

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### Hire

Historic Preservation Officer Kuchenbecker spoke about the project. Struble moved, Martinisko seconded to hire BDT Architects & Designers to perform design development of the Deadwood Event Complex Signage at a cost not to exceed \$6,460.00, to be paid out of the HP Public Education line item. This is the next phase of the comprehensive sign improvements at the complex. Roll Call: Aye-All. Motion carried.

### INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

- A. Historic Preservation Commission budget hearing set for Thursday, July 23, 2020 at 8:00 a.m. at Deadwood City Hall.
- B. July 28<sup>th</sup> - SD DOT will be posting a virtual meeting on their website to update the public on the Deadwood Box Culvert Project.

Todd Weber spoke about the funeral for Wild Bill on August 2 at 1:00 pm. at Outlaw Square. He would like to have an annual Deadwood's Wild Bill Day on August 3 with a procession.

Attorney Riggins requested Executive Session for legal matters per SDCL 1-25-2(3) and personnel matters per SDCL 1-25-2 (1) with possible action.

### ADJOURNMENT

Martinisko moved, Johnson seconded to adjourn the regular session at 5:49 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 3, 2020.

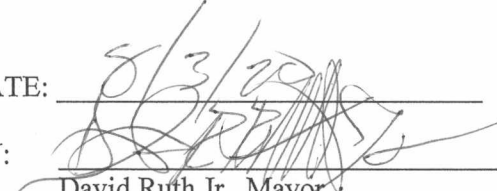
After coming out of executive session at 6:12 p.m. Martinisko moved, Johnson seconded to adjourn.

ATTEST:

  
Jessica McKeown, Finance Officer

DATE:

BY:

  
David Ruth Jr., Mayor

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