

REGULAR MEETING, OCTOBER 7, 2019

The Regular Session of the Deadwood City Commission convened on Monday, October 7, 2019 at 5:00 p.m. in the Deadwood City Commission Chambers, 102 Sherman Street, Deadwood, South Dakota. Mayor 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 MINUTE

Struble, Johnson seconded to approve the minutes of September 16, 2019. Roll Call: Aye-All. Motion carried.

SEPTEMBER, 2019 PAYROLL: COMMISSION, \$2,730.76; FINANCE, \$18,080.44; PUBLIC BUILDINGS, \$8,625.42; POLICE, \$66,626.58; FIRE, \$4,994.02; BUILDING INSPECTION, \$4,142.00; STREETS, \$31,895.68; PARKS, \$27,113.54; PLANNING & ZONING, \$4,312.30; LIBRARY, \$6,366.88; RECREATION CENTER, \$12,998.34; HISTORIC PRESERVATION, \$16,886.32; WATER, \$16,023.11; MT. MORIAH, \$6,025.97; PARKING METER, \$7,450.92; TROLLEY, \$22,478.38; PARKING RAMP, \$1,794.00. **PAYROLL TOTAL: \$258,544.66.**

SEPTEMBER, 2019 PAYROLL PAYMENTS:

Internal Revenue Service, \$60,082.68; S.D. Retirement System, \$27,417.04; Delta Dental, \$4,270.50.

APPROVAL OF DISBURSEMENTS

Martinisko moved, Todd seconded to approve the October 7, 2019 disbursements. Roll Call: Aye-All. Motion carried.

A & B WELDING	SUPPLIES	84.77
A - Z SHREDDING	SHREDDING	15.01
A&B BUSINESS SOLUTIONS	CONTRACT	346.33
ACE HARDWARE	SUPPLIES	35.98
ACE INDUSTRIAL SUPPLY	SUPPLIES	1,799.19
ALSCO	SUPPLIES	346.20
AMERICAN LIBRARY ASSOCIATION	MEMBERSHIP	225.00
ARLETH LAND SURVEYING	SERVICE	1,565.00
ATCO INTERNATIONAL	SUPPLIES	128.25
AUSTIN-HEALY CONCLAVE	REFUND	500.00
BH ASPHALT	SERVICE	2,218.78
BH ENERGY	SERVICE	27,039.94
BH SECURITY	SERVICE	2,644.09
BH SPECIAL SERVICES	CLEANING	6,335.00
BH VETERANS MARCH	REFUND	500.00
BLACKBURN BASEMENT SYSTEMS	PROJECT	19,279.25
BLACKSTRAP	ROAD SALT	4,917.44
BOMGAARS	SUPPLIES	119.98
BURR, RENEE	PROJECT	118.18
BUTLER MACHINERY	SUPPLIES	95.11
CAI CONSTRUCTION	PROJECT	3,840.00
CARTER FMX	REFUND	1,100.00
CHAINSAW CENTER	SERVICE	4,281.35
CHANEY-MOODIE, JEANETTE	REIMBURSEMENT	224.90
COMPUTER SUPPORT SERVICES	MEETING	1,293.75
COPY COUNTRY	SERVICE	82.08
CORE & MAIN	SUPPLIES	576.52
DAKOTA LUMBER	WINDOWS	21,000.00
DAKOTA PLAYGROUND	SUPPLIES	2,285.00
DAYS OF '76	REFUND	1,000.00
DEADWOOD ALIVE	OCTOBER	1,500.00
DEADWOOD CHAMBER	REFUND	62,165.91
DEADWOOD GAMING	BID#8	15,910.00
DEADWOOD HISTORY	SERVICE	35.00
DEMCO	SUPPLIES	313.19
DIAMOND YARDS BRICKS	PAVERS	42.00
DONARSKI LAWN CARE	SERVICE	3,060.00
EB COMMUNICATIONS	SERVICE	182.00
ECOLAB	SERVICE	344.73
EMERY-PRATT	BOOKS	194.40
FASTENAL	SUPPLIES	3.94
FED EX	SHIPPING	91.73
FIRST INTERSTATE BANK	TIF PAYMENT	350.44
FIRST NATIONAL CREDIT CARD	SUPPLIES	1,939.74
FOOTHILLS SEED	SUPPLIES	205.00
GOLDEN WEST	SERVER	81,254.97
HAVERBERG FAMILY	PROJECT	4,478.89
HAWKINS	SUPPLIES	1,002.10
HOMETOWN TROLLEY	SUPPLIES	93.05
INTERSTATE BATTERY	SUPPLIES	12.48
JACOBS WELDING	SERVICE	916.78
JEEP JAMBOREE	REFUND	500.00
KAPUST, VICKI	OVERPAYMENT	10.00
KINKLER, BRIAN	PROJECT	2,184.05
KNECHT	SUPPLIES	876.97
LAMB PAINTING	PROJECT	7,399.25
LAWRENCE CO. REGISTER	RECORD	30.00
LOWE ROOFING	PROJECT	116,542.00
LUX, JUSTIN	REIMBURSEMENT	181.04
LYNN'S	SUPPLIES	78.30

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MACROVISION	SERVICE	625.00
MARCO	CONTRACT	484.78
MCDIRT EXCAVATION	REPAIR	3,150.00
MED-TECH RESOURCE	SUPPLIES	75.87
MICHAEL TODD & COMPANY	SUPPLIES	2,834.87
MIDWEST TAPE	DVDS	39.73
MODERN OFFICE	SUPPLIES	2,567.00
MDU	SERVICE	2,435.45
MS MAIL	SERVICE	1,288.39
MUTUAL OF OMAHA	INSURANCE	245.65
NETWORK SERVICES	SUPPLIES	381.03
NORTHERN HILLS RECREATION	TRAIL GROOMER	9,405.75
OFFICE DEPOT	SUPPLIES	480.49
OTIS ELEVATOR	CONTRACT	137.91
PASSPORT LABS	METERS	123.00
PITNEY BOWES	POSTAGE	500.00
POWERPLAN	SUPPLIES	456.20
QUILL	SUPPLIES	91.99
RANDY & SON'S WELDING	SERVICE	2,429.38
RAPID SPA	SUPPLIES	124.00
RASMUSSEN MECHANICAL	PROJECT	71,338.00
RECREATION SUPPLY	SUPPLIES	123.46
REDWOOD TOXICOLOGY	PANEL	127.75
REGIONAL HEALTH	TESTING	85.00
ROEBUCK-PEARSON, JO	PROJECT	8,868.99
RUSHMORE OFFICE	SUPPLIES	21.71
S AND C CLEANERS	CLEANING	10,583.00
SD DEPT. OF CORRECTIONS	FIREWISE	3,314.96
SD DEPT. OF REVENUE	TAX	7,668.91
SD HISTORICAL SOCIETY FOUN	PROJECT	21,457.22
SD PUBLIC ASSURANCE ALLIANCE	RENEWAL	236,049.03
SD PUBLIC HEALTH LAB	TESTING	30.00
SERVALL	SUPPLIES	1,263.12
SIMON CONTRACTORS	PROJECT	143,972.51
SIMON MATERIALS	SUPPLIES	624.78
SOUTHSIDE OIL	FUEL	13,445.16
SOUTHSIDE SERVICE	SERVICE	738.40
STRETCH'S	SUPPLIES	144.72
STURGIS AUTO PARTS	SUPPLIES	134.24
SULENTIC, MARGARET	PROJECT	4,050.00
SUMMIT COMPANIES	SERVICE	2,664.47
SUMMIT SIGNS	SIGNS	37.50
TALLGRASS LANDSCAPE	PROJECT	4,875.00
TCF EQUIPMENT FINANCE	TROLLEYS	9,400.86
THE LORD'S CUPBOARD	RECYCLING	80.48
TRIPLE K	SERVICE	370.39
TRUGREEN	SERVICE	3,708.20
TWILIGHT	SUPPLIES	435.38
TWIN CITY HARDWARE	SUPPLIES	4,639.39
TWIN CITY HARDWARE	GRANT	773.53
VAN DIEST SUPPLY	SUPPLIES	1,058.10
VAST	SERVICE	3,454.77
VERIZON CONNECT	SERVICE	109.75
VERIZON WIRELESS	SERVICE	187.06
VIGILANT BUSINESS SOLUTION	INVESTIGATION	393.00
WELLMARK	INSURNACE	48,926.06
WESTERN COMMUNICATIONS	SUPPLIES	149.40
WL CONSTRUCTION SUPPLY	SUPPLIES	1,319.89
ZUREY, DAVID	PROJECT	1,635.00

TOTAL \$1,042,030.74

ITEMS FROM CITIZENS ON AGENDA

Proclamation

Mayor Ruth Jr. read a proclamation declaring October 7, as World Habitat Day in the City of Deadwood. Chad Davis spoke briefly about World Habitat

Proclamation

Mayor Ruth Jr. read a proclamation declaring October 6 through October 12, as Fire Prevention Week in the City of Deadwood.

Street Closure

Mike Klammm, Deadwood Resident, questioned the street closure for Deadweird, October 26. Mayor Ruth Jr. stated the closure can change within the next couple weeks depending on construction of Outlaw Square. Transportation and Facilities Director Kruzel said in event Deadwood Street would be open, the street closure would be Main Street from Pine to Deadwood 5:00 p.m. to 10:15 p.m. and Wall to Deadwood from 5:00 p.m. to 4:00 a.m. Kruzel stated if Deadwood Street is closed, street closure would be as follows: Main Street, Pine to Deadwood Street 5:00 p.m. to 10:15 p.m. and Wall to Deadwood 10:15 to 4:00 a.m., Lee street would be exit only for traffic leaving Shine Street. Commission thanked Klammm for attending.

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CONSENT

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

- A. Parking and Transportation recommendation – approve residential no parking sign for Teresa Hamilton at 458 Williams Street
- B. Remove the following seasonal employees from payroll: Rachel Geier and Peter Morris effective September 1, 2019. Owen Wisser, Kaitlyn Meade, Jacob Schlinkert, Linda Kottke, Ken Elliott and Phil Arellano effective October 1, 2019.
- C. Permission to hire Barb Foshier as a special project coordinator for four (4) hours per week at \$11.76 per hour to assist in the data processing and collections management of the Chinatown archaeological collection effective October 8, 2019.
- D. Acknowledge payment to South Dakota Public Assurance Alliance (SDPAA) in the amount of \$236,049.03 for 2020 insurance renewal effective Sept. 27, 2019.
- E. Permission to extend 130 hours of vacation for Kelly Fuller to November 30, 2019.
- F. Permission to allow phone allowance of \$35.00 a pay period for Community Service Officers effective October 1, 2019. Currently Marie Vansickel and Andrew Larive.
- G. Permission for Deadwood Alive to do a special performance for the History Conference on Saturday, October 12, 2019 and to close Deadwood Street between Siever Street and Sherman Street at noon for approximately 10 minutes.
- H. Permission to hire Barry Rodgers as a Police Officer at \$21.35 per hour effective October 8, 2019 pending pre-employment testing.
- I. Acknowledge contracts with Butler Machinery for two 2019 CAT 140-13A Motor Graders.
- J. Permission to hire Temperature Technologies (Tem Tech) to install automated controls on new HVAC system at History and Interpretive center in the amount of \$7,978.00 (Public Buildings budgeted item)
- K. Permission to pay Temperature Technologies (Tem Tech) in the amount of \$4,394.06 for repairs to heating control system that was damaged by lightning strike. (To be paid from Public Buildings budget.)
- L. Permission to pay Otis Elevator in the amount of \$8,604.50 for repairs to elevator at Library that was damaged by lightning strike. (To be paid from Public Buildings budget.)
- M. Acknowledge Amendment to Agreement #L15AC00018 with Bureau of Land Management for additional \$40,000 of funding for Hazardous Fuel Reduction for Rural Communities (Fire Wise) bringing total agreement to \$80,000.00.
- N. Permission to expend \$4,481.15 to Butler Machinery for repairs needed to 938H Loader. (To be paid from Streets Repair and Maintenance budget.)
- O. Permission for Mayor to sign renewal agreement with Terry Peak Ski Resort for billboard lease from November 1, 2019 to October 31, 2020 at rate of \$220.00 per month
- P. Permission for Mayor to sign contract with Lead-Deadwood Regional Hospital for use of swimming pool from November 1, 2019 to October 31, 2020.
- Q. Permission for the Mayor to sign Permanent Access Easement and Temporary Construction Easement with St. John's Episcopal Church for the installation of an interpretive panel by the Historic Preservation Office.
- R. Permission for the Mayor to sign loan agreement with Hot Springs Public Library for the display of the Historic Preservation Commission's "Deadwood Baseball Traveling Exhibit" from October 16, 2019 until November 30, 2019.
- S. Rescind previously approved contract from 9/16/19 Item 6I. Allow permission for Mayor to sign updated agreement with Lawrence County for Deadwood Police Dept. to share Public Safety Resources for communications, public safety operations and law enforcement services with the County and City. Permission to expend up to budgeted amount of \$26,049.16 for first year of software and data transfer.
- T. Montana-Dakota Utilities (MDU) plans of installing gas line along Nevada Gulch Road from US Highway 14A to the Lost Camp Subdivision Wharf Mine. Request to sign consent of Entry and Survey document.
- U. Removed for separate consideration in New Business

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BID ITEMS

Set

Public Works Director, Nelson Jr. stated current contractor has decided not to renew for a year. Nelson stated this RFP does include a single stream recycling as an alternate bid. Martinisko moved, Struble seconded to advertise RFP's for collection of garbage and rubbish in the City of Deadwood from residences, as well as provide recycle services and yard waste disposal. Bids due November 14th at 2:00 p.m. with results to Commission on December 2. Roll Call: Aye-All. Motion carried.

PUBLIC BUILDINGS

Songwriters

Mayor Ruth Jr. opened the public hearing 5:18 p.m. Sarah Kryger, Deadwood Chamber, was present to answer questions, hearing closed.

Martinisko moved, Struble seconded to allow the relaxation of the open container ordinance on Main Street from the Tin Lizzie Gaming Resort to Masonic Temple, Broadway Street from Wall to Shine, Sherman Street from Pioneer Way to the south side of Pine Street, Deadwood Street from Pioneer Way to Sherman Street, Siever Street, Pine Street from Main Street to Sherman Street and Lee Street from Pioneer Way to 83 Sherman Street from 5:00 p.m. to 10:00 p.m. on Thursday, October 10, 2019. Roll Call: Aye-All. Motion carried.

Martinisko moved, Struble seconded to allow the relaxation of the open container ordinance for same area as approved on October 10 from 5:00 p.m. to 10:00 p.m. on Friday, October 11, 2019. Roll Call: Aye-All. Motion carried.

Martinisko moved, Struble seconded to allow the relaxation of the open container ordinance for same area as approved on October 10 from noon to 10:00 p.m. on Saturday, October 12, 2019. Roll Call: Aye-All. Motion carried.

Set

Todd moved, Johnson seconded to set public hearing on October 21 for Special Alcohol License request from Deadwood Elks Lodge for event at Masonic Temple on November 2 from 5:00 p.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Management

After discussion concerning rates and hours of operation, Martinisko moved, Todd seconded to allow Adams Salvage to continue management of the Tri-City Rubble site for the next one-year term, as outlined in the previous contract with updated rates as provided. Finance Officer McKeown stated communication between the three cities have started for the new Request for Proposals. Roll Call: Aye-All. Motion carried

Ordinances

Attorney Riggins stated discussion was held concerning striking the "any public street" and adding "the public street containing the numerical address for a residence or business." Riggins stated this would allow properties to have dumpsters behind property if another public street was behind the property.

Struble moved, Todd seconded to approve second reading as amended of Ordinance #1301 Amending Chapter 12.50 Staging Areas. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to approve second reading as amended of Ordinance #1302 Amending Chapter 17.60 Special Uses. Roll Call: Aye-All. Motion carried.

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RFQ

Nelson Jr. stated this request is to potentially enter into contract with a design firm to extend water and sewer into Boulder Canyon between city limits and Oakridge Cemetery, with a partnership with Lead Deadwood Sanitary District. Commissioner Todd questioned cost, and does not want to supplement the budget. McKeown mention this project may be part of the Capital Improvement Plan in the future. Bill Pearson suggested city do an annexation study with residents of Boulder Canyon for input. After discussion, Martinisko moved, Johnson seconded to advertise for Request for Qualifications to develop a plan to extend water and sewer infrastructure Ease of Deadwood into Boulder Canyon for the City of Deadwood with submittals due on December 3, 2019 at 2:00 p.m. with final selection presented on December 16 at City Commission meeting. Roll Call: Aye-All. Motion carried.

Agreement

Historic Preservation Officer Kuchenbecker explained ownership of artifacts. Commissioner Martinisko questioned the artifacts with a value of more than \$25,000.00 shall remain the property of Developer with City retaining first right of refusal. Attorney Riggins asked for continuation of agreement to allow for clarification with Developer. After discussion concerning cataloging, Martinisko moved, Struble seconded to continue Programmatic Agreement with Deadwood Hotels for artifacts found during TIF 11 project for archaeology investigation. Roll Call: Aye-All. Motion carried.

Contract

Nelson Jr. stated this is the next step in Firewise, Community Wide Assessment. Todd moved, Struble seconded to enter into contract with Black Hills Land Analysis LLC to develop a Community Assessment for Wildland Fire Mitigation planning in an amount not to exceed \$22,800.00. To be paid from additional BLM grant, consent item 6M. Roll Call: Aye-All. Motion carried.

Change Order

Kuchenbecker stated this changer order will provide service tie-in for sewer and water to both 334 and 336 Williams, add vapor barrier, water line casing pipe, and rigid insulation. Johnson moved, Struble seconded to approve Change Order #2 for 336 Williams Street retaining wall project in the amount of \$7,874.89, bringing total contract to \$115,929.83. Roll Call: Aye-All. Motion carried.

Easement

Ruth Jr recused himself, but will continue to conduct meeting. Commissioner Martinisko questioned the paragraph dealing with "Grantee shall not place snow or ice from the adjacent property onto the subject property involved in this easement." Attorney Riggins stated he will amend the easement. Kuchenbecker explained the deck would sit on top of the retaining wall, and maintains eighteen feet of opening to access the historic foundation of the theater. Commissioner Todd questioned if the retaining wall would be able to handle the deck. Martinisko moved, Johnson seconded to allow Mayor to sign amended Permanent Access Easement with Super G Investment Corporation for construction of covered patio adjacent to Outlaw Square. Roll Call: Aye-Johnson, Martinisko, Struble, Todd. Abstain-Ruth Jr. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

- Williams Street will be impacted with a partial street closure for 21 days starting Monday, October 14, 2019 for construction of retaining wall at 291 Williams Street.
- Tri-City Clean Up – November 14 through 16.

Martinisko thanked Chamber for Oktoberfest event as well as the Parks Department for their help with event.

Bill Pearson, on behalf of Deadwood Jam board, thanked the City for their support with Deadwood Jam.

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


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ADJOURNMENT

Martinisko moved, Struble seconded to adjourn the regular session at 5:54 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3), and personnel matter per SDCL 1-25-2(1) with possible action. The next regular meeting will be on Monday, October 21, 2019.

After coming out of executive session at 6:47 p.m. Martinisko moved, Johnson seconded to adjourn.

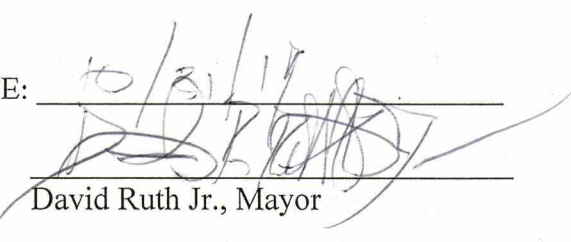
ATTEST:



Jessica McKeown, Finance Officer

DATE:

BY:



David Ruth Jr., Mayor

Published once at the total approximate cost of _____

