

## REGULAR MEETING, JULY 15, 2019

The Regular Session of the Deadwood City Commission convened on Monday, July 15, 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

Martinisko moved, Johnson seconded to approve minutes of July 1, 2019. Roll Call: Aye-All. Motion carried.

### APPROVAL OF DISBURSEMENTS

Struble moved, Todd seconded to approve the July 15, 2019 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS SOLUTIONS	CONTRACT	5,605.14
A - Z SHREDDING	SHREDDING	15.01
ACE INDUSTRIAL	SUPPLIES	2,499.10
ALBERTSON ENGINEERING	PROJECT	4,165.00
AMAZON	SERVICE	584.36
ARLETH LAND SURVEYING	PROJECT	717.50
ARMOUR ROOFING	PROJECT	520.00
BALCO UNIFORM	UNIFORMS	172.33
BERG, DALE	MEETINGS	385.00
BH ENERGY	SERVICE	28,340.50
BH PIONEER	SERVICE	1,255.26
BH SECURITY	SERVICE	1,015.97
BLAIR, THOMAS	MEETINGS	455.00
CAMPBELL SUPPLY	SUPPLIES	197.64
CARMODY, ROBIN	MEETINGS	455.00
COCA COLA	SUPPLIES	920.24
COMPETITIVE MASONRY	PROJECT	3,927.54
CULLIGAN	SUPPLIES	230.00
DAKOTA PLAYGROUND	REPAIR	425.00
DAYS OF '76	ALLOCATION	60,000.00
DEADWOOD ELECTRIC	PROJECT	483.35
DEADWOOD HISTORY	SERVICE	200.00
DONARSKI LAWN CARE	SERVICE	1,620.00
ECOLAB	SERVICE	344.73
ELITE AUTO TOUCH-UP	SERVICE	800.00
EME CORPORATION	SUPPLIES	203.00
EMERY-PRATT	BOOKS	120.65
EPCO ENVIRONMENTAL	SUPPLIES	1,041.46
FERBER ENGINEERING	SERVICE	1,972.20
GOLDEN WEST	SERVICE	3,659.88
GRIMM'S PUMP	SUPPLIES	78.85
GUNDERSON, PALMER, NELSON	SERVICE	6,105.00
HAWKINS	SUPPLIES	1,260.54
HEIMAN FIRE	SUPPLIES	200.10
HILLYARD	SUPPLIES	542.44
HOMETOWN TROLLEY	SUPPLIES	36.70
IVERSON CONSTRUCTION	PROJECT	20,000.00
JACOBS WELDING	SERVICE	1,400.00
JOHNSON, MICHAEL	MEETINGS	420.00
JOSEPH, SHIRLENE	PROJECT	1,020.41
KDSJ	SERVICE	160.00
KNECHT	SUPPLIES	4,469.99
KONE	MAINTANENCE	470.34
LAWLER, JEFFREY	PROJECT	3,691.00
LAWRENCE CO. REGISTER	FEES	90.00
LEAD-DEADWOOD SANITARY	CONSUMPTION	32,013.18
LYNN'S	SUPPLIES	17.86
M&M SANITATION	RENTAL	355.00
MAU, KIP	REIMBURSEMENT	14.01
MID-AMERICAN RESEARCH	SUPPLIES	398.10
MIDWEST TAPE	DVDS	307.35
MITZI'S BOOKS	BOOKS	121.35
MK CONSTRUCTION	PROJECT	1,567.04
MS MAIL	SERVICE	1,984.52
NEIGHBORHOOD HOUSING	CONTRACT	3,367.50
NETWORK SERVICES	SUPPLIES	240.50
NORTHERN HILLS TECHNOLOGY	SERVICE	32.50
NORTHWEST PIPE FITTINGS	SUPPLIES	315.06
OCHSE, ANN	MEETINGS	315.00
OSBORN, JANET	REIMBURSEMENT	238.71
OTIS ELEVATOR	CONTRACT	137.91
PEREZ SMALL REMODEL	PROJECT	2,718.75
PETTY CASH	FINANCE	248.68
PITNEY BOWES	POSTAGE	500.00
PL CARPENTRY	PROJECT	8,189.00
POSEY, BEVERLY	MEETINGS	490.00
PUSH-PEDAL-PULL	REPAIR	86.50
RAMKOTA HOTEL	LODGING	204.00
RAPID DELIVERY	DELIVERY	46.58
RAPID SPA	SUPPLIES	6.06
RASMUSSEN MECHANICAL	CONTROL BOARD	45,328.12
REGIONAL HEALTH	TESTING	603.00

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RUNGE, MIKE	REIMBURSEMENT	320.63
SCHOLASTIC	BOOKS	130.68
SD COMMISSION ON GAMING	CITY SLOTS	109,375.00
SD DEPT. OF CORRECTIONS	FIREWISE	4,387.65
SD DEPT OF REVENUE	TAX	6,801.02
SD LIBRARY ASSOCIATION	MEMBERSHIP	55.00
SERVALL	SUPPLIES	244.44
SILVERNAIL, GEORGEANN	REIMBURSEMENT	19.14
SOUTHSIDE SERVICE	SERVICE	1,029.75
SPLIT ROCK STUDIOS	PROJECT	23,400.00
STEELE, CINDY	REIMBURSEMENT	42.59
STEINLICHT, WILLIE	MEETINGS	70.00
STRAIGHT LINE STRIPING	PROJECT	2,746.57
STRETCH'S	SERVICE	825.25
STURDEVANT'S	SUPPLIES	1,883.30
SUMMIT SIGNS	SIGNS	60.00
SUPPLY HOUSE INDUSTRIAL	SUPPLIES	2,864.41
TALLGRASS LANDSCAPE	PROJECT	5,200.25
TDG COMMUNICATIONS	BANNERS	4,788.00
TEMPERATURE TECHNOLOGY	SERVICE	358.70
TERRONES, LUIS	PROJECT	700.00
THE LORD'S CUPBOARD	ALLOCATION	2,588.96
TOEWS, LYMAN	MEETINGS	490.00
TOMS, DON	PROJECT	600.00
TRUGREEN	SERVICE	406.89
TWILIGHT	SUPPLIES	17.95
TWIN CITY HARDWARE	GRANT	5,140.91
UMENTHUM, KEITH	PROJECT	1,365.00
UNITED METHODIST CHURCH	GRANT	5,000.00
USDA FOREST SERVICE	GRANT	6,850.00
VERIZON CONNECT	SERVICE	109.75
VIEHAUSER ENTERPRISES	SERVICE	14.00
WASTE CONNECTIONS	SERVICE	7,642.20
WESTERN COMMUNICATIONS	SUPPLIES	934.70
WHITE'S CANYON MOTORS	REPAIR	1,024.78
WILLIAMS, ANTHONY	MEETINGS	70.00
		TOTAL \$459,680.03

### Proclamations

The Mayor read a proclamation declaring July 17, 2019 as International J-1 Student Workers Day in the City of Deadwood.

### Stage Run

Joe Schmitz, Resident of Stage Run, thanked Finance Officer McKeown for providing him with information he requested, as well as Police Chief Fuller for providing speed bumps, and speed counter around Deadwood Stage Run. He stated after reviewing all the data received, he wished the City well on the addition of Phase 2 to Stage Run Development.

### CONSENT

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

- A. Approve Special Alcohol License for Cadillac Jacks to serve liquor at Event Complex Saturday, September 7 from 4:00 p.m. to 10:00 p.m. for Deadwoods All In Freestyle Motocross Event. No public hearing necessary since license is on publicly owned property
- B. Allow use of public property at the Event Complex on Tuesday, September 3 through Monday, September 9 for Deadwoods All In Freestyle Motocross Show. Deposit has been received.
- C. Allow use of public property at the Event Complex on September 20 and September 21 for Black Hills Veterans March and Marathon. Deposit has been received.
- D. Permission for Mayor to sign Oakridge Cemetery Certificate of Purchase and Warranty Deed for Stephen N. Brown.
- E. Accept Mayor's appointment of Jeffrey Lawler to the Planning and Zoning Commission for a 5-year term.
- F. Permission to purchase Tommy Lift Gate from Northern Truck Equipment in the amount of \$3890.00. (Parks Budget)
- G. Make 2019 budgeted allocation to the Days of '76, Inc. in the amount of \$10,000 from the Bed & Booze account.
- H. Make 2019 budgeted allocation to Friends of the Twin Cities Animal Shelter in the amount of \$3250.00, for Spay and Neuter funds from Police Professional Services.
- I. Approve updated job description for Transportation and Facilities Director.
- J. Approve updated job description for Zoning Administrator.
- K. Approve updated job description for Historical Preservation Officer.
- L. Approve updated job description for Recreation Center Director.
- M. Approve updated job description for Building Inspector.
- N. Resolution 2019-28 To Declare Emergency due to rain Storm July 4 and 5<sup>th</sup>, 2019.



**REGULAR MEETING, JULY 15, 2019**

**RESOLUTION 2019-28  
FOR DECLARATION OF EMERGENCY**

WHEREAS, the CITY OF DEADWOOD, SOUTH DAKOTA, has suffered severe damage, brought on by a severe thunderstorm which took place on the dates of July 4, 2019 through July 5, 2019; and

WHEREAS, the City of Deadwood has committed all available resources and taken all possible action within the jurisdictional boundaries to combat and to alleviate the emergency, local resources are not adequate to cope with the situation.

NOW, THEREFORE BE IT RESOLVED by the City of Deadwood Commission request that the Governor of South Dakota declare an emergency to exist in the city of Deadwood.

Dated this 15th day of July, 2019

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

O. Resolution 2019-27 Sign Ordinance Bond Fee Schedule.

**RESOLUTION NUMBER 2019-27**

**A RESOLUTION OF THE CITY OF DEADWOOD TO ADD THE FOLLOWING FEE  
SCHEDULE TO RESOLUTION 2019-04 FOR CHAPTER 15.32 SIGNS**

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DEADWOOD,  
SOUTH DAKOTA THAT THE CITY ADDS THE FOLLOWING FINE AND BOND  
SCHEDULE TO THE CITY OF DEADWOOD FEE RESOLUTION, CONTINGENT UPON  
THE ADOPTION BY THE 4<sup>TH</sup> CIRCUIT:**

STATE OF SOUTH DAKOTA

)

IN THE CIRCUIT COURT

)SS

COUNTY OF LAWRENCE

)

FOURTH JUDICIAL CIRCUIT

**FINE/BOND SCHEDULE FOR DEADWOOD, SD  
MUNICIPAL ORDINANCE VIOLATIONS  
JULY, 2019**

Comes now the Presiding Judge of the Fourth Judicial Circuit and makes the following order, superseding all previous such orders and authorizes lay magistrates to fix bond, take fines or taker personal recognizance for Deadwood Municipal Ordinance violations as follows:

Ord.	VIOLATION	FINE	COSTS	TOTAL & BOND / DAY
15.32	Signs	\$100.00 for each day the sign has not been removed following citation	\$0.00	\$100.00

The fines above itemized are only binding upon cases where a power of attorney is issued by the officer and/or when the appearance is made before a lay magistrate. State statutes proved that magistrate judges or circuit judges are not bound by this schedule.

This schedule shall be effective \_\_\_\_\_ and shall continue in  
effect until further order of the Court.

Dated this 15th day of July, 2019

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

- P. Permission for Mayor to sign Loan Agreement with Case Library, Black Hills State University for Lawrence County Tax Records. Replaces the agreement approved June 3, 2019.
- Q. Permission to order new loader arms for Parks department loader in the amount of \$5250.00 (installed) from Butler Machinery. (To be paid from Parks R&M budget.)
- R. Permission to purchase 5500 gallons of gasoline @ \$2.48 per gallon from South Side Service.

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- S. Permission to hire Schmidt Construction, in the amount of \$3,500, to install 532 square feet of concrete in front of Rec Center for brick pavers that were removed for heated sidewalk project. (Paid from Public Buildings budget.)
- T. Permission to hire Schmidt construction to install concrete in creek access that was washed out from storm not to exceed \$3,600, to be paid from Parks R&M budget.

## PUBLIC HEARINGS

### Motocross

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

Struble moved, Todd seconded to approve All in One Motocross at Event Complex on Saturday, September 7, 2019. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to allow relaxation of the open container at the Event Complex on Saturday, September 7, 2019. Roll Call: Aye-All. Motion carried.

### Deadwood Jam

Public hearing was opened at 5:09 p.m. by Mayor Ruth Jr. Lee Harstad, Deadwood Chamber, was present to answer any questions. After discussion concerning location and admission fees not being charged, hearing closed.

Martinisko moved, Struble seconded to allow the relaxation of the open container ordinance on Main Street from the Tin Lizzies 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 4:00 p.m. to 10:00 p.m. on Friday, September 13, 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 September 13, from 12:00 p.m. to 10:00 p.m. on Saturday, September, 14, 2019. Roll Call: Aye-All. Motion carried.

Todd moved, Struble seconded to approve street closure on Main Street from Wall to Deadwood Street from 5:00 a.m. on Friday, September 13 to 3:00 a.m. on Sunday, September 15; waiver of banner fees, and waiver of vendor fees for Deadwood Jam merchandise on September 14 and September 15. Roll Call: Aye-All. Motion carried.

### Set

Martinisko moved, Johnson seconded to set public hearing on July 24 for a special meeting at 4:45 p.m. for Motorcycle Parking. Roll Call: Aye-All. Motion carried.

## NEW BUSINESS

### Outlaw Square Manual

Martinisko moved Johnson seconded to continue Outlaw Square Policies and Procedures for further review. Commissioner Struble asked if events would go through City Event Committee. Mayor Ruth Jr. stated he doesn't believe so, unless open container, or street closures are needed. Roll Call: Aye-All. Motion carried.

### Funding Outlaw Square

Mayor Ruth Jr. stated Commission never approved the budget for Outlaw Square, always was a working budget for Governor. He stated Finance office needs information on file to show approval. Finance Officer McKeown explained the process to receive funds and the changes from previous budget. Commissioner Todd questioned the funds in Bed and Booze. McKeown explained the Bed and Booze budget. Martinisko moved, Johnson seconded to approve funding source for Outlaw Square as presented by Committee. Commissioner Todd asked about sponsorships. Lee Harstad and Bobby Rock, Deadwood Chamber, replied that the requests are still in process, and site visits have been scheduled. Roll Call: Aye-All. Motion carried. Harstad questioned money budgeted from the bed and booze, McKeown stated a written request asking for approved funds have to be approved by Commission, just like other Chamber request reimbursements.



## REGULAR MEETING, JULY 15, 2019

### Ordinance

Commissioner Martinisko asked for a correction. After discussion, Martinisko moved, Struble seconded to approve as amended second reading of Ordinance #1296 Amending Chapter 15.01 International Building Code. Roll Call: Aye-All. Motion carried.

### Easement

Planning and Zoning Administrator Nelson Jr. stated easement is the old highway parcel between Highway 85 and Thunder Cove. Martinisko moved, Johnson seconded to allow Mayor to sign Permanent Access Easement with Steven and Kay French for parking and access. Roll Call: Aye-All. Motion carried.

### Ordinance

Nelson Jr. explained the amendment corrects the construction hours to match noise ordinance. Martinisko moved, Struble seconded to approve first reading of Ordinance 1297 Amending Chapter 12.50 Staging Areas. Roll Call: Aye-All. Motion carried.

### Contracts

Martinisko moved, Johnson seconded to allow Mayor to sign contract with Suez for water tank maintenance of 400,000 gallon McGovern Tank with financial commitments of: years 1-2 \$2,000.00; Years 3-8 \$24,770.00; Year 9 \$10,430.00, with first year due upon execution of contract. Roll Call: Aye-All. Motion carried.

Martinisko moved, Struble seconded to allow Mayor to sign contract with Suez for water tank maintenance of 500,000 gallon McGovern Tank 2 with financial commitments of: Years 1 \$2,000.00; Years 2-7 \$28,953.00, with first year due upon execution of contract. Roll Call: Aye-All. Motion carried.

### Contract

Martinisko moved, Struble seconded to allow Fire Chief, Jason Rakow, to sign contract with South Dakota Department of Agriculture Wildland Fire Division to cooperate in fire prevention and suppression efforts, in pursuant to SD 41-20A and SDCL 1-24. Roll Call: Aye-All. Motion carried.

### Contract

McKeown spoke about the server. Commission thanked McKeown and Kruzel for their time. Martinisko moved, Todd seconded to purchase new server, with installation, for City Hall from Golden West Technologies, in an amount of \$80,297.58. \$75,000.00 to be paid from Data Processing Budget, and remaining will be from Public Buildings. Roll Call: Aye-All. Motion carried.

## INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

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.

## ADJOURNMENT

Todd moved, Struble seconded to adjourn the regular session at 5:39 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, August 5, 2019.

After coming out of executive session at 6:48 p.m. Martinisko moved, Johnson seconded to offer Robert Nelson, Jr. the Public Works Director position. Roll Call: Aye-All. Motion carried.

Martinisko moved, Struble seconded to post Planning and Zoning Administrator/City Planner position in house for 5 days and then official newspaper. Roll Call: Aye-All. Motion carried.

With there being no further business, at 6:52 p.m. Martinisko moved, Struble seconded to adjourn.

ATTEST:

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

DATE: 8/5/19

BY: [Signature]

David Ruth Jr., Mayor

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