

REGULAR MEETING, JUNE 17, 2019

The Regular Session of the Deadwood City Commission convened on Monday, June 17, 2019 at 17:00 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 the minutes of June 3, 2019. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Todd moved, Struble seconded to approve the June 17, 2019 disbursements. Roll Call: Aye-All. Motion carried.

ABSOLUTE LOG HOMES	PROJECT	474.23
AFFORDABLY CREATIVE ENGINEERING	PROJECT	4,140.00
ALBERTSON ENGINEERING	SERVICE	8,527.98
ALSCO	SUPPLIES	94.90
AMAZON	SERVICE	671.02
ANCESTOR CONCRETE	PROJECT	15,150.00
ARLETH LAND SURVEYING	SERVICE	425.00
BARCO PRODUCTS	BENCH	1,016.13
BIESIOT, TONY	MEETINGS	280.00
BH ASPHALT	PREOJCT	4,734.71
BH CHEMICAL	SUPPLIES	684.63
BH ENERGY	SERVICE	25,980.69
BH LIBRARY	FEES	559.01
BH PIONEER	ADS	160.50
BH SECURITY	SERVICE	184.13
BH SPECIAL SERVICES	CLEANING	1,505.00
BRIGHT IDEA SHOPS	SIGNAGE	1,768.00
CAI CONSTRUCTION	PROJECT	950.00
CENTURY BUSINESS	CONTRACT	270.33
COMPETITIVE MASONRY	PROJECT	10,000.00
CONNECTING POINT	ACTIVEPANEL	6,796.64
CONOVER, MICHAEL	PROJECT	3,477.31
CULLIGAN	SUPPLIES	129.35
DAYS OF '76 MUSEUM	FUNDING	80,000.00
DEADWOOD ELECTRIC	SERVICE	4,586.15
DEPARTMENT OF THE TREASURY	ARBITRAGE REBATE DEFEASANCE	5,289.48
DITCH WITCH OF SD	SUPPLIES	5,252.40
DRINGMAN, PAT	REIMBURSEMENT	110.49
EMERY-PRATT	BOOK	15.60
ESRI	MAINTENANCE	4,210.82
FAST BREAK SCREEN PRINTING	LOGO	170.00
FAULK COUNTY HISTORICAL	GRANT	4,080.63
FERBER ENGINEERING	SERVICE	1,816.40
FIRST NATIONAL BANK	TRUSTEE FEES	500.00
FLOYD'S TRUCK CENTER	HANDLE	15.17
FMG ENGINEERING	PROJECT	6,728.30
FULLER, KELLY	REIMBURSEMENT	29.55
GALLS	UNIFORMS	68.43
GODFREY BRAKE SERVICE	SUPPLIES	50.84
GOLDEN WEST	SERVICE	4,040.76
GRIMM'S PUMP	SUPPLIES	138.94
HEINZERLING CONCRETE	PROJECT	22,316.83
HERBARIUM SUPPLY	SUPPLIES	149.64
JACOBS WELDING	SERVICE	2,834.33
JOHNSON, TRACIE	GRANT	3,571.42
KIMBALL MIDWEST	SUPPLIES	434.94
KONE	SERVICE	2,882.64
KTM DESIGN SOLUTIONS	MONITORING	800.00
LARIVE, ANDREW	REIMBURSEMENT	29.75
LEAD-DEADWOOD SANITARY	USAGE	28,979.42
LIBERTY MUTUAL	POLICY	750.00
LIGHT AND SIREN	SUPPLIES	4,243.00
LYNN'S	SUPPLIES	85.16
M&M SANITATION	RENTAL	355.00
MANUFACTURING SYSTEMS	SERVICE	1,365.66
MARCO	CONTRACT	449.13
MARIAH PRESS	PRINTING	4,693.00
MARTINISKO, JOHN	MEETINGS	175.00
MIDWEST TAPE	DVDS	37.48
MS MAIL	SERVICE	5,049.20
MUTUAL OF OMAHA	INSURANCE	255.55
NEIGHBORHOOD HOUSING	SERVICE	2,287.50
NETWORK SERVICES	SUPPLIES	393.34
NORTHERN HILLS TECHNOLOGY	SERVICE	32.50
OLSON, KARA	REIMBURSEMENT	27.92
PITNEY BOWES	LEASE	250.05
POLICEONE.COM	CERTIFICATION	495.00
QUICK TROPHY	NAME PLATE	67.83
QUIK SIGNS	SIGNS	543.40
QUILL CORPORATION	SUPPLIES	596.62
RAPID DELIVERY	DELIVERY	13.23
RASMUSSEN MECHANICAL SERVI	PROJECT	1,046.76
RICH, BILL	MEETINGS	210.00

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ROBERT THOMAS CPA	SERVICES	2,500.00
ROCKINGTREE LANDSCAPES	SUPPLIES	176.08
RUNGE, BRETT	MEETINGS	245.00
SCULL CONSTRUCTION	PAY APP#5	291,447.89
SD COMMISSION ON GAMING	CITY SLOTS	29,829.55
SD DEPT. OF CORRECTIONS	FIREWISE	5,267.71
SD DEPT. OF REVENUE	LICENSE	150.00
SD DEPT. OF REVENUE	TAX	3,889.78
SD FEDERAL PROPERTY AGENCY	SUPPLIES	23.50
SD MUNICIPAL LEAGUE	WORKSHOP	100.00
SHEDD, JIM	MEETINGS	210.00
SMITH, ELIZABETH	REIMBURSEMENT	593.56
SOUTHSIDE SERVICE	SERVICE	448.45
SPLIT ROCK STUDIOS	PROJECT	3,000.00
SPRIGLER, SALLY	REIMBURSEMENT	120.94
STREICHER'S	SUPPLIES	30.99
STURDEVANT'S	SUPPLIES	1,122.99
SUMMIT SIGNS	SIGNS	210.00
SUPPLY HOUSE INDUSTRIAL	SUPPLIES	1,878.50
TALLGRASS LANDSCAPE	PROJECT	385.50
TOM'S T'S	SUPPLIES	646.00
TOMS, DON	PROJECT	600.00
TRIPLE K	SERVICE	324.99
TRUGREEN	SERVICE	1,442.61
TWILIGHT	SUPPLIES	611.96
UMENTHUM, KEITH	INSPECTIONS	500.00
VERBA, DIANNE	REIMBURSEMENT	399.18
VIGILANT BUSINESS	INVESTIGATIONS	596.00
VISIONARY LANDSCAPING	PROJECT	1,987.87
WASTE CONNECTIONS	SERVICE	435.90
WELLS PLUMBING	PUMP	850.16
WESTERN STATES FIRE	INSPECTION	645.00
WINSELL CONSTRUCTION	PROJECT	10,000.00

TOTAL \$651,174.93

## ITEMS FROM CITIZENS ON AGENDA

### Billing Dispute

Commissioner Martinisko stated she was contacted by Jason Mook, Deadwood Custom Cycle, concerning the work order for sidewalk snow removal. After discussion, Martinisko moved, Johnson seconded to dismiss the charge of \$86.50. Mayor Ruth Jr. apologized for the miscommunication. Roll Call: Aye -Johnson, Martinisko, Todd, Ruth. Abstain - Struble. Motion carried.

### Request

Mayor Ruth Jr. stated this will be addressed when the Commission approves the budget for Outlaw Square.

### CONSENT

Struble moved, Todd seconded to omit item C for separate consideration and approve the following consent items. Roll Call: Aye-All. Motion carried.

- A. Add Justin Vought to Volunteer Fire Department Roster for worker's compensation purposes effective May 9, 2019.
- B. Acknowledgment of refund check from Black Hills Power in the amount of \$10,584.32, refund from contract #18529 executed in 2015. Money receipted to HP revenue from previous year(s).
- C. Removed for separate consideration in New Business
- D. Accept Mayor's Appointment of Josh Keehn to the Planning and Zoning Commission, effective July 2019 with term ending December 31, 2023.
- E. Accept applications for Planning & Zoning Commission, open until filled.
- F. Permission to hire Donarski Lawn and Landscaping on a time and materials basis in the amount not to exceed \$20,000 for clean-up efforts of Whitewood Creek as result of the May storms. (Budgeted in Capital Improvement Project.)
- G. Permission to surplus property located along Peck Street, Lot A of Peck's Garden Subdivision.
- H. Acknowledge payment of \$5289.48 for Form 8038-T Arbitrage Rebate for Defeasance of Bond Series 2012 and 2015, payable to IRS,
- I. Permission to increase wage of Trolley Driver Don Luckie from \$12.42 to \$13.11 per hr. effective June 12, 2019 after one year of service, and Library Assistant Elizabeth Smith from \$16.34 to \$16.94 effective June 25, 2019 after one year of service.
- J. Permission to rescind contract with Bricher Construction, landscaping maintenance at Mt. Moriah at contractors request
- K. Permission for Mayor to sign contract with Donarski Lawn and Landscaping for Mt. Moriah maintenance in an amount not to exceed \$12,960.00. Funding from Historic Cemeteries



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- L. Permission for Mayor to sign Oakridge Cemetery Certificates of Purchase and Warranty Deeds for Tom & Rebecca Meade, Bill & Amy Reiser and Joe Reiser.
- M. Remove the following employees from payroll: Kevin Donnelly, Trolley, effective May 1, 2019; and Zak Mau, Public Buildings, effective May 20, 2019.
- N. Approve Bill Schmidt to do concrete work at top of Burnham, also a couple panels on Dakota Street, in an amount not to exceed \$5,000.00. Funds coming from Streets budget
- O. Allow Lead-Deadwood High School Reunion Committee to use and have City staff set-up city –owned tents at Mountain Top Field in Lead for 125<sup>th</sup> All School Reunion on June 26 and 27<sup>th</sup>, 2020
- P. Permission to purchase 750 lineal feet fencing from Wheeler Lumber for Gordon Park and Crescent Street in the amount of \$8,500.00, \$4,000.00 from Street Supplies budget and \$4,500.00 from Parks Supplies Budget

## PUBLIC HEARINGS

### Licenses

Public hearing was opened at 5:05 p.m. by Mayor Ruth Jr. No one spoke in favor or against, hearing closed. Todd moved, Struble seconded to approve Retail (on-off sale) Malt Beverage License for Gold Run LLC, Super 8, and transfer of Retail (on-off sale) Wine (RW-6447) License from Princeton, Deadwood Super 8/Lucky 8 Gaming to Gold Run LLC, Super 8 at 196 Cliff Street. Roll Call: Aye-All. Motion carried.

### Bev's B's Poker Run

Public hearing was opened at 5:06 p.m. by Mayor Ruth Jr. No one spoke in favor or against, hearing closed. Martinisko moved, Johnson seconded to approve parking on Main Street from Wall to Lee Street (southwest side only) from 5:00 p.m. to 9:00 p.m. on Sunday, June 23, 2019. Roll Call: Aye-All. Motion carried.

### Legends Ride

Public hearing was opened at 5:07 p.m. by Mayor Ruth Jr. Sarah Kryger, Deadwood Chamber, was available to answer questions. Hearing closed.

Johnson moved, Struble seconded to allow street closure on Main Street from Pine to Deadwood Street from 9:00 a.m. to 3:30 p.m. for Legends Ride, use of north end of Interpretive Lot for overflow, and waiver of banner fees for directional signage on Monday August 5, 2019. Roll Call: Aye-All. Motion carried.

Sarah Kryger thanked the Commission and City staff for their assistance with Wild Bill Days.

### Set

Todd moved, Struble seconded to set public hearing on July 1 for Retail (on-off sale) Malt Beverage License, and Retail (on-off sale) Wine License for Ashely Eaklor, Adventure Pizza Works at 65 Sherman Street. Roll Call: Aye-All. Motion carried.

## OLD BUSINESS

### Resolution

Attorney Riggins stated after review of Ordinance and Resolution, he concluded this will be brought forward as an Ordinance change. Martinisko moved, Struble seconded to continue. Roll Call: Aye-All. Motion carried.

## NEW BUSINESS

### Resignation (item 6C)

Commissioner Johnson recognized Mr. Shedd for all the service he provided within the community and city government. Johnson moved, Martinisko seconded to accept with regrets Jim Shedd's resignation from Planning and Zoning Commission, effective June 5, 2019.

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### Change Order

Planning and Zoning Administrator Nelson Jr. explained the five changes within the change order, which are: conversion of historic lights, installation of gate valve at Dunlop, future water service at 424 Main Street, issue with steel casing across highway, and soil compaction correction. Martinisko moved, Johnson seconded to approve Change Order #1 from Simon Contractors for Main Street Utility Improvement project in the amount of \$12,648.72, bringing total contract to \$1,248,244.39. Roll Call: Aye-All. Motion carried.

### Agreement

Commissioner Struble stated originally the lease was \$1000.00 per month for use of facility. Mayor Ruth Jr. stated other entities that lease from city pay \$1000.00 per month and should be consistent. Martinisko moved, Struble seconded to allow Mayor to sign amended contract with Deadwood Chamber for operations and management of Outlaw Square. Roll Call: Aye-All. Motion carried.

### Contract

Historic Preservation Officer Kuchenbecker spoke about the project. Kuchenbecker stated phase 2 would be identification and phase 3 will be design. Martinisko moved, Johnson seconded to allow Mayor to sign Master Plan contract, (Phase 2 and 3) with Winter and Company, in an amount not to exceed \$300,000.00, payable from Outlaw Square Capital Project, bond proceeds. Roll Call: Aye-All. Motion carried.

### Agreement

Planning and Zoning Administrator Nelson Jr. stated two requests are commercial highway zoning, infrastructure and recommends negotiations with developer. Commissioner Todd stated past developments, city has requested plans, and designs for infrastructure. Commissioner Martinisko moved, Johnson seconded to continue annexation and development agreement with Petitioners David Winer, Jon and Barbara Mattson for further discussion. Roll Call: Aye-All. Motion carried.

### Negotiations

Planning and Zoning Administrator Nelson Jr. stated only two proposals were received, and need permission to start negotiations. Nelson Jr. also stated the contract will be annually but Suez Advanced Solutions will provide the city with a 10 year plan, and existing contract will be incorporated. He stated McGuire Iron Inc. did not acknowledge the existing contract. Chad Edwards, McGuire Iron Inc. spoke about the existing agreement and stated they acknowledged the contract. After discussion, Martinisko moved, Johnson seconded to continue negotiations and get further information. Mr. Edwards spoke about the existing business McGuire Iron has had with the City. Mayor Ruth encouraged Edwards to work with Nelson Jr. Roll Call: Aye-All. Motion carried.

### Purchase

Transportation and Facilities Director Kruzel spoke about the purchase, A/C system and funding. Martinisko moved Johnson seconded to purchase A/C System, including installation, from Rasmussen Mechanical Services in the amount of \$44,000.00 for Adams Museum, to be paid from HP Capital Assets. Roll Call: Aye-All. Motion carried.

### Contract

Historic Preservation Officer Kuchenbecker spoke about wayfinding sign, and moving trolley stop location. He feels Sherman Street Lot is underutilized and the new sign will acknowledge Mickelson Trailhead. Struble moved, Martinisko seconded to contract the fabrication and installation of an additional wayfinding sign at Sherman Street parking lot near Charles Street entrance in an amount not to exceed \$5,000.00 with a qualified contractor, funding split between HP Commission and P&T budgets. Roll Call: Aye-All. Motion carried.



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### INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

- Raffle permit received from First Gold Gaming Resort, Deadwood 3 Wheeler Rally, proceeds to benefit Ellsworth AFB Operation WarmHeart. Drawing to be held on Saturday, July 13, 2019.
- Raffle permit received from First Gold Gaming Resort, Deadwood 3 Wheeler Rally, proceeds to benefit Road Warriors Foundation. Drawing to be held on Saturday, July 13, 2019.
- U.S. Department of Agriculture is planning on closing Boxelder Job Corp. Please contact your congress staff members and governor on the negative impact it would leave on their students and community.

Denver Street Resident, Mike Klamm, addressed issues concerning intersection of Shrine and Main Street. He stated on Thursday the intersection was blocked since Main Street was closed to Wild Bill Days, Deadwood Street was not opened as of then, and the other portion of Main Street was blocked because of Deadwood Alive. Mayor Ruth Jr. stated with the construction of Outlaw Square, Wild Bill Days was the first major event, street closure and city is aware of the issues and concerns. Mayor thanked Klamm for addressing the concerns.

Todd Weber discussed building and recreating the Cricket Saloon at the Celebrity parking lot. Weber stated instead of a beer garden, make a root beer garden for kids, focusing on kids. Mayor Ruth Jr. is encouraged with the direction Weber is heading, asked him to have discussion with staff and wished him luck. Discussion was held concerning restrooms.

Lee Harstad handed magazines to the Commissioners and presented a thank you picture for all their support with SnoCross.

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

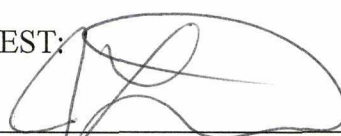
Mayor read thank you letters from Northern Hills Area CASA program and Mickelson Trail Marathon


Finance Officer McKeown recognized Ronda Morrison, who has been with the city for 33 years.

### ADJOURNMENT

Martinisko moved, Struble seconded to adjourn the regular session at 5:51 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3), personnel matter per SDCL 1-25-2(1) and contractual matters per SDCL 1-25-2 (2) with possible action. The next regular meeting will be on Monday July 1, 2019.

After coming out of executive session, Martinisko moved, Struble seconded to temporarily increase the following superintendent's: Bill Burleson, Scott Reif and Randy Pharr's current wage \$1.00 per hour, effective June 7, 2019 until new Public Works Director is hired. Roll Call: Aye-All. Motion carried. Johnson moved, Struble seconded to adjourn at 7:12 p.m.

ATTEST:   
\_\_\_\_\_  
Jessica McKeown, Finance Officer

DATE: 7-13-19  
BY:   
\_\_\_\_\_  
David Ruth Jr., Mayor

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