

REGULAR MEETING, JULY 6, 2020

The Regular Session of the Deadwood City Commission convened on Monday, July 6, 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, and Charlie Struble, and Gary Todd. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Struble moved, Todd seconded to approve the minutes of June 15 and June 26, 2020 as amended. Roll Call: Aye-All. Motion carried.

JUNE, 2020 PAYROLL: COMMISSION, \$2,730.76; FINANCE, \$18,786.90; PUBLIC BUILDINGS, \$10,584.25; POLICE, \$70,267.43; FIRE, \$5,679.60; BUILDING INSPECTION, \$4,381.37; STREETS, \$29,892.04; PARKS, \$31,950.76; PLANNING & ZONING, \$4,418.08; LIBRARY, \$4,293.87; RECREATION CENTER, \$11,232.74; HISTORIC PRESERVATION, \$17,383.71; WATER, \$15,597.81; PARKING METER, \$6,376.62; TROLLEY, \$17,787.79; PARKING RAMP, \$1,118.75. **PAYROLL TOTAL: \$252,482.48.**

JUNE, 2020 PAYROLL PAYMENTS:

Internal Revenue Service, \$59,340.75; S.D. Retirement System, \$28,054.36; Delta Dental, \$4,401.50.

APPROVAL OF DISBURSEMENTS

Commissioner Martinisko asked for Baseline Surveying Inc. bill be pulled in the amount of \$4907.00. Martinisko moved, Johnson seconded to approve the July 6, 2020 disbursements minus Baseline Surveying. Roll Call: Aye-All. Motion carried.

A & B BUSINESS SOLUTIONS	CONTRACT	357.89
A & J SUPPLY	SUPPLIES	1,588.07
A - Z SHREDDING	SERVICE	33.35
ACE HARDWARE	SUPPLIES	233.90
ACE INDUSTRIAL SUPPLY	SUPPLIES	1,926.36
ALL ASPECTS	SERVICE	2,341.50
ALSCO	SUPPLIES	49.83
AMAZON CAPITAL	SUPPLIES	272.71
AMERICAN ENGINEERING	TESTING	121.10
ASSOCIATION OF S D MUSEUMS	MEMBERSHIP	100.00
BAUDVILLE	AWARDS	114.19
BECK-BRONIKOWSKI, JOHN	EASEMENT	54,572.00
BIDWELL, MARK	REFUND	53.25
BH CHEMICAL	SUPPLIES	5,348.38
BH ENERGY	SERVICE	24,148.36
BH SECURITY	SERVICE	3,031.85
BOMGAARS	SUPPLIES	932.52
BROWN, KEVIN	REFUND	70.00
BUTLER MACHINERY	SERVICE	161.93
CENTURY BUSINESS	CONTRACT	360.89
CERTIFIED LABORATORIES	SUPPLIES	170.35
CHAINSAW CENTER	SUPPLIES	4,390.04
CONVERGINT TECHNOLOGIES	REPAIR	46.43
DAYS OF '76	RODEO	10,000.00
DEADWOOD ELECTRIC	SERVICE	4,191.35
DEADWOOD GAMING	BID #8	10,000.00
DEADWOOD GRANITE	SERVICE	1,400.00
DONARSKI LAWN CARE	SERVICE	3,307.50
ECOLAB	SERVICE	90.00
FASTENAL	SUPPLIES	439.83
FENTON, KRIS & MELANIE	REIMBURSEMENT	42.96
FIRST GOLD HOTEL	3 WHEELER RALLY	30,000.00
FIRST INTERSTATE BANK	TIF PYMT	3,184.70
FMG ENGINEERING	TESTING	481.30
FRANKLIN BRONZE PLAQUES	PLAQUE	1,045.00
GAGE'S GARDENS	SUPPLIES	1,987.83
GALLS	UNIFORMS	305.24
GOLDEN WEST	SERVICE	159.38
GRIMM'S PUMP	SUPPLIES	178.20
HAWKINS	SUPPLIES	538.65
INNOVATIVE OFFICE SOLUTION	BOOK	454.60
JACOBS WELDING	SERVICE	6,515.45
JANKE AND SONS TRUCKING	SERVICE	627.22
KARL'S TV	SUPPLIES	59.96
KNECHT	SUPPLIES	674.74
KTM DESIGN SOLUTIONS	SERVICE	1,182.62
KUBOTA LEASING	PAYMENT	1,504.00
LAWRENCE CO. REGISTER	FEE	150.00
LAWSON PRODUCTS	SUPPLIES	1,020.31
LEAD DEADWOOD ARTS CENTER	SERVICE	917.68
LEAD-DEADWOOD SCHOOL	SUPPLIES	768.50
LIBERTY NATIONAL BANK	TIF PAYMENT	177.35
LOCK, SONJA COPIC	REFUND	95.00
LOWE ROOFING	PROJECT	58,955.00
M&M SANITATION	RENTAL	240.00
MERCHANT, ERICA	PROJECT	7,934.58
MID-AMERICAN RESEARCH CHEM	SUPPLIES	148.31
MDU	SERVICE	2,660.72
MORSE, MARCIA E.	MORTGAGE EXPENSE	240.83
MS MAIL	SERVICE	455.00

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MUNCE, TRACY	PROJECT	12,700.00
MUTUAL OF OMAHA	INSURANCE	224.12
NETWORK SERVICES	SERVICE	322.92
NHS OF THE BLACK HILLS	CONTRACT	4,448.75
NICKLES, KACIE	PROJECT	4,212.50
NORTHWEST PIPE FITTINGS	SUPPLIES	379.20
ODD JOB CONSTRUCTION	PROJECT	3,069.90
OTIS ELEVATOR	MAINTENANCE	4,376.18
PANNIER	SERVICE	1,350.00
PASSPORT LABS	METERS	58.00
PL CARPENTRY	PROJECT	6,553.85
QUIK SIGNS	SIGNS	2,381.04
QUILL	SUPPLIES	16.16
REMLINGER MANUFACTURING	SUPPLIES	1,043.80
ROBITAILLE, PAUL	REIMBURSEMENT	140.85
S AND C CLEANERS	CLEANING	6,678.50
SANDER SANITATION	SERVICE	11,589.37
SANITATION PRODUCTS	SUPPLIES	346.93
SCHMIDT, WILLIAM	PROJECT	1,485.00
SCHREIER ENGINEERING	PROJECT	1,100.00
SD DEPT. OF CORRECTIONS	FIREWISE	457.53
SD MAGAZINE	RENEWAL	50.00
SD ONE CALL	SERVICE	76.16
SD PUBLIC HEALTH LAB	TESTING	30.00
SERVALL	SUPPLIES	1,875.25
SPEARFISH HUSKY	SUPPLIES	50.00
STRAIGHT LINE STRIPING	SERVICE	6,553.34
STRETCH'S	SERVICE	1,558.41
SYMBOL ARTS	UNIFORMS	125.00
TCF EQUIPMENT FINANCE	TROLLEYS	9,400.86
THE LORD'S CUPBOARD	RECYCLING	42.90
TOMS, DON	PROJECT	600.00
TRAFFIC LOGIX	SIGN	2,649.00
TRIPLE K	SERVICE	744.93
TRUGREEN	SERVICE	410.85
TWIN CITY HARDWARE	SUPPLIES	5,813.97
TYLER TECHNOLOGIES	MAINTENANCE	5,506.68
U.S. BANK	TRUSTEE FEE SERIES 2019	1,000.00
VANWAY TROPHY	SUPPLIES	112.50
VAST	SERVICE	3,412.49
VERIZON WIRELESS	SERVICE	186.34
VIEHAUSER ENTERPRISES	SERVICE	606.72
WELMARK	INSURANCE	54,503.56
WINTER & COMPANY	PROJECT	40,800.00
ZCN	BID 7 PAYMENT	487,954.20

Total \$939,556.47

ITEMS FROM CITIZENS ON AGENDA

Award

Mayor Ruth Jr. stated Deadwood received SD Dept. of Environment and Natural Resources award for Drinking Water Excellence for Nineteen consecutive years of supplying safe drinking water to the public. Mayor thanked Public Works Director Nelson Jr., Superintendent Pfarr and all employees in Water Department for their work.

Proposal

Adam Libby, Bacteria Busters, spoke about disinfectant spraying on City owned properties killing 99.999% bacteria. Phil Swanson spoke about the service Bacteria Busters will provide. Clay Taylor provided a short demo. Clay stated the company actually started for indoor playgrounds and since expanded due to COVID-19. Taylor explained how the disinfectant spray works. Libby explained the properties and service that will be provided on a weekly basis. Mayor Ruth Jr. asked how City would come up with the necessary funds. Commission thanked them for coming.

Request

Ryan Brunner, SD Commissioner of School and Public Lands, gave an update on Gilt Edge Mine. He spoke about when the mine got put into the Federal EPA SuperFund Site, where the EPA pays 90% of the ongoing cost of cleanup and State pays the other 10%. He stated the state owns 970 acres of property, but has spoken with the National Forest Service about an additional land exchange inside the boundary to continue to be able to be in the EPA SuperFund Site. He asked the City of Deadwoods support stating city has no concerns regarding land transfers from federal to state ownership for reclamation purposes. Commission Martinisko asked if the acquisition goes through would it be final or needing to expand. Brunner replied there are still some private land holders. Commissioner Todd asked if an appraisal has been done. Brunner stated no, but talked with Forest Service and they mentioned not knowing the time line of the Legislative process, it could possible get done in a year to three years. Mayor Ruth Jr. stated a decision will be made at the next Commission meeting on July 20. Commission thanked him for his time.

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CONSENT

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

- A. Permission to remove Rec Center employee Sage Forsting from payroll effective June 1, 2020.
- B. Deadwood History Inc. request approval to serve beer and wine at Adams Museum on Wednesday September 23 from 5:00 p.m. to 7:00 p.m. for Thank You Event.
- C. Permission to purchase 5500 gallons of gas at \$1.85 per gallon from Southside Oil.
- D. Acknowledge annual check from BID #7 Fund to ZCN, LLC (Deadwood Mountain Grand) in the amount of \$487,954.20.
- E. Accept resignation from Police Officer Barry Rodgers effective July 2, 2020.
- F. Permission to advertise for a full time police officer in-house for 5 days and then in newspaper.
- G. Permission to hire (up to 5) police officers for Rally at \$21.88 per hour.
- H. Acknowledge police grant proceeds from OCDETF (Organized Crime Drug Enforcement Task Force) in the amount of \$896.05.
- I. Permission to refund Recreation center membership to Kevin Brown in the amount of \$70.00.
- J. Permission to refund Recreation center membership to Sonya Copic Lock in the amount of \$95.00.
- K. Permission to advertise for 3 vacant Trolley driver position in house for 5 days and then in newspaper (and other means necessary until filled) at a rate of \$12.73 per hour.
- L. Permission to increase wage of Historic Preservation Administrative Assistant Cynthia Schneringer to \$19.29 per hour effective July 15, 2020 after 1 year of service; 95% of prevailing wage.
- M. Permission to hire Christin Sjomeling for part-time seasonal finance office assistant at \$12.50 per hour effective 7/7/2020 pending pre-employment screening.
- N. Permission to hire Judith Lawton for part-time seasonal Mt. Moriah position at \$12.50 per hour effective 7/8/2020 pending pre-employment screening.
- O. Accept resignation from seasonal employee Colt Bradley effective July 7, 2020.
- P. Approve Special Alcohol License for Saloon #10 to serve liquor at Outlaw Square Thursday, July 30 from 5:00 p.m. to 9:00 p.m. and Event Complex Friday, July 31 and Saturday, August 1 from 12:00 p.m. to 10:00 p.m. for PBR Event. No public hearing necessary since license is on publicly owned property.
- Q. Acknowledge FEMA grant check received in the amount of \$65,440.59 for reimbursement of expenses associated with the debris cleanup in Whitewood Creek, Storm # 4467-2019 Flood.
- R. Permission to hire Tom Riley as trolley driver at \$14.15 per hour effective July 6, 2020 pending pre-employment screening.

BID ITEMS

Set

Martinisko moved, Johnson seconded to advertise and set bid opening for retaining wall at 30 Adams for 2:00 p.m. on July 28 with results presented to City Commission on August 3. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS

PBR

Public hearing was opened at 5:27 p.m. by Mayor Ruth Jr. No one spoke in favor or against, hearing closed.

Todd moved, Struble seconded to allow the relaxation of the open container ordinance at the Event Complex from noon to 10:00 p.m. on Friday, July 31, 2020. Roll Call: Aye-All. Motion carried.

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PBR Continued

Todd moved, Struble seconded to allow the relaxation of the open container ordinance at the Event Complex from noon to 10:00 p.m. on Saturday, August 1, 2020. Roll Call: Aye-All. Motion carried.

Creation of Zone 4

Public hearing was opened at 5:29 p.m. by Mayor Ruth Jr. No one spoke in favor or against. Mayor explained the purpose is to not close Deadwood Street. Hearing closed. Johnson moved, Martinisko seconded to approve the creation of Zone 4 for Open Container for Outlaw Square located at 703 Main Street. (Zone 4 to include Outlaw Square only, between Main Street, Deadwood Street, and Pioneer Way) Roll Call: Aye-All. Motion carried.

Public Space

Public hearing was opened at 5:31 p.m. by Mayor Ruth Jr. No one spoke in favor or against, hearing closed. Struble moved, Todd seconded to approve SDN Communications to occupy 60 sf of public space in City Hall mechanical room. Roll Call: Aye-All. Motion carried.

Set

Todd moved, Struble seconded to set public hearing on July 20 for Retail (on-off sale) Malt Beverage (RB-2445) and Retail (on sale) Liquor (RL-5542) License transfers from Bullock Hospitality LLC to SRK Development, LLC dba Bullock Hotel at 633 Main Street. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to set public hearing on July 20 for Retail (on-off sale) Malt Beverage (RB-21688) and Convention Center (on sale) Liquor (CL-0508) License transfers from NMD Venture LLC to SRK Development dba Hickok's Hotel and Casino at 685 Main Street. Roll Call: Aye-All. Motion carried.

Todd moved, Struble seconded to waive 45-day requirement and set public hearing on July 20 for PBR Mixer: open container in Outlaw Square from 5:00 p.m. to 9:00 p.m. on Thursday July 30. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to set public hearing on July 20 for 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.

Todd moved, Struble seconded to set public hearing on July 20 for 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.

Martinisko moved, Johnson seconded to set public hearing on July 20 for additional Kool Deadwood Nites: open container on Wednesday August 26 from 5:00 p.m. to 10:00 p.m. in zones 1-3. Roll Call: Aye-All. Motion carried.

Struble moved, Todd seconded to set public hearing on July 20 for Mustang Rally: street closure and parking on Main Street on Thursday, September 2 from 10:00 a.m. to 2:00 p.m. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to set public hearing on July 20 for creation of Zone 5 for open container. 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.) Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to set public hearing on July 20 to allow for sidewalk sales on Tuesday's starting July 21 thru October 13, excluding August 11, from 3:00 p.m. to 7:00 p.m. Roll Call: Aye-All. Motion carried.

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OLD BUSINESS

Recommendation

Chief Mertens stated city employees met with Original Deadwood Tours, and Mr. Van Tassel is in agreement with the recommendations from Parking and Transportation. Martinisko moved, Johnson seconded to approve Parking & Transportation recommendation to allow Original Deadwood Tours to remain at 675 Main Street, allowing one vehicle in space not to exceed the delineated space that is marked on curb line, which is 55' in length. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Agreement

Martinisko moved, Struble seconded to allow Mayor to sign agreement with SDN Communications to lease space at City Hall for equipment. Roll Call: Aye-All. Motion carried.

Resolution 2020-18

Finance Officer McKeown stated this is step one in submitting the Care Act Funds. Martinisko moved, Johnson seconded to approve Resolution 2020-18 Authorizing the Execution of Contractual Documents with the State of South Dakota for the Receipt of CARES Act Funds to Address the Covid-19 Public Health Crisis. Roll Call: Aye-All. Motion carried.

City of Deadwood Resolution Number 2020-18

A RESOLUTION AUTHORIZING THE EXECUTION OF CONTRACTUAL DOCUMENTS WITH THE STATE OF SOUTH DAKOTA FOR THE RECIEPT OF CARES ACT FUNDS TO ADDRESS THE COVID-19 PUBLIC HEALTH CRISIS

WHEREAS, pursuant to section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, div. A, Title V (Mar. 27, 2020) (the "CARES Act"), the State of South Dakota has received federal funds that may only be used to cover costs that: (a) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); (b) were not accounted for in the budget most recently approved as of March 27, 2020, for the State of South Dakota; and (c) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020; and

WHEREAS, the City of Deadwood acknowledges that the State of South Dakota, in its sole discretion, may retain full use of these funds for the purposes delineated in the CARES Act; and

WHEREAS, the City of Deadwood acknowledges that in order to provide financial assistance to counties and municipalities in South Dakota, the State of South Dakota, in its sole discretion, may allocate CARES Act funds Act on a statewide basis to reimburse counties and municipalities as delineated herein; and

WHEREAS, the City of Deadwood seeks funding to reimburse eligible expenditures incurred due to the public health emergency with respect to COVID-19; and

WHEREAS, the City of Deadwood acknowledges that any request for reimbursement of expenditures will only be for expenditures that were not accounted for in the budget for the City of Deadwood most recently approved as of March 27, 2020; and

WHEREAS, the City of Deadwood acknowledges that it will only seek reimbursement for costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020;

NOW, THEREFORE BE IT RESOLVED by the City Commission of the City of Deadwood that the mayor of Deadwood may execute any and all documents as required by the State in order to receive CARES Act funds.

It is further

RESOLVED that any request for reimbursement will be only for those costs authorized by the State that: (1) Are necessary expenditures incurred due to the public health emergency with respect to COVID-19; (2) Were not accounted for in the City budget most recently approved as of March 27, 2020; and (3) Were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

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It is further

RESOLVED that the City will not request reimbursement from the State under the CARES Act for costs for which the City previously received reimbursement, or for which the City has a reimbursement request pending before another source.

Dated this 6th day of July, 2020

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

Agreement

McKeown stated this agreement is with who manages money and does disbursements, allows City to set up a separate fund within our government. Commissioner Todd questioned why sign contract if not going to get reimbursed. Discussion was held concerning additional funds. Martinisko moved, Todd seconded to allow Mayor to sign COVID Recovery Fund reimbursement agreement with Bureau of Finance and Management, state agency. Roll Call: Aye-All. Motion carried.

Hire

Public Works Director Nelson Jr. spoke about the boiler system. Martinisko moved, Johnson seconded to hire Rasmussen Mechanical, in an amount not to exceed \$9,000.00, to replace and abandon unnecessary old plumbing from hot water boiler system and move water to new location. (To be paid from Public Buildings Improvements budget line item.) Roll Call: Aye-All. Motion carried.

Permission

Nelson Jr. explained the elevator was damaged during a storm. Martinisko moved, Johnson seconded to pay Otis in the amount of \$4,243.00 for emergency repair of the elevator at Adams Museum. Roll Call: Aye-All. Motion carried.

Variance

Zoning Administrator Russell stated a task force was created to look at certain ordinances, and a recommendation from the task force for a variance has been requested to the obstruction of sidewalk ordinance. Mayor Ruth Jr. stated the task force has since disbanded due to possible legal issues and redirected the efforts onto Main Street Initiative to continue. He stated City Attorney Riggins recommends any variance considered be for the summer due to the pandemic. Commissioner Martinisko is concerned about other businesses coming to ask for a variance if we grant this variance, and at what point are the streets going to be lined with tables potentially. Mayor Ruth Jr. stated research has been done concerning required space on sidewalk to allow two wheelchairs to cross at the same time. Discussion was held concerning public access, safety, and types of tables. 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 two tables with chairs in front of Main Street Espresso/Big Dipper at 652 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 final plat. Martinisko moved, Johnson seconded to act as Board of Adjustments and approve final plat of Outlaw Square: Approved by Planning and Zoning Commission on July 1, 2020. Legal Description: Formerly Lots 3 and 4A1 Block 20, the remainder of Lot A Block 20, Lot A in Lot H1 of Lot 17 Block 20 M.S. 72, Lot H-1 of Lot 4 Block 20 M.S. 72, and a portion of Deadwood Street Right-of-Way, Original Townsite, City of Deadwood, in Section 22, T5N, R3E, BHM, Lawrence County, South Dakota. Roll Call: Aye-All. Motion carried.

Proposal

Nelson Jr. spoke about the drainage issue. Struble moved, Martinisko seconded to approve and allow Mayor to sign proposal with TDG for construction documents and administration, for a portion of McKinley Street to resolve drainage issue, in the amount not to exceed \$8,090.00. (To be paid from Streets repair budget line item) Roll Call: Aye-All. Motion carried.

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Agreements

Martinisko moved, Struble seconded to allow Mayor to sign municipal lease agreements with CapFirst Equipment Finance for the two 2019 CAT 938 loaders. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

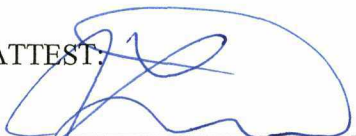
Attorney Riggins requested Executive Session for legal matters per SDCL 1-25-2(3) and personnel matters per SDCL 1-25-2 (1) with possible action.

ADJOURNMENT

Martinisko moved, Struble seconded to adjourn the regular session at 6:37 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, July 20, 2020.

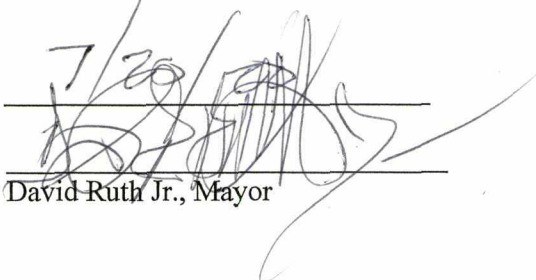
After coming out of executive session at 7:02 p.m. Martinisko moved, Johnson seconded to adjourn.

ATTEST:


Jessica McKeown, Finance Officer

DATE:

BY:


David Ruth Jr., Mayor

Published once at the total approximate cost of _____

