

## REGULAR MEETING, SEPTEMBER 8, 2020

The Regular Session of the Deadwood City Commission convened on Tuesday, September 8, 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, Johnson seconded to approve the minutes of August 17, and special meeting minutes of August 19, 2020. Roll Call: Aye-All. Motion carried.

AUGUST, 2020 PAYROLL: COMMISSION, \$2,730.76; FINANCE, \$19,845.47; PUBLIC BUILDINGS, \$10,194.03; POLICE, \$91,296.65; FIRE, \$5,679.60; BUILDING INSPECTION, \$4,459.65; STREETS, \$30,444.83; PARKS, \$31,072.23; PLANNING & ZONING, \$4,418.08; LIBRARY, \$4,743.87; RECREATION CENTER, \$22,976.51; HISTORIC PRESERVATION, \$17,623.82; WATER, \$15,430.96; MT. MORIAH, \$3,025.01; PARKING METER, \$11,388.91; TROLLEY, \$20,027.03; PARKING RAMP, \$3,337.50. **PAYROLL TOTAL: \$298,694.91.**

### AUGUST, 2020 PAYROLL PAYMENTS:

Internal Revenue Service, \$71,279.96; S.D. Retirement System, \$31,041.22; Delta Dental, \$4,401.50.

### APPROVAL OF DISBURSEMENTS

Commission Todd questioned Vast Broadband for Days of '76 Museum and Werlinger Auto Body for repair. Transportation and Facilities Director Kruzel stated Vast is the controls for fire and security alarm and Werlinger is covered under insurance for 2019 just didn't get repaired till now. Martinisko moved, Struble seconded to approve the September 8, 2020 disbursements. Roll Call: Aye-All. Motion carried.

|                           |               |           |
|---------------------------|---------------|-----------|
| A & B BUSINESS SOLUTIONS  | CONTRACT      | 357.62    |
| A & B WELDING             | SUPPLIES      | 84.77     |
| ACE HARDWARE              | SUPPLIES      | 136.26    |
| ALBERTSON ENGINEERING     | PROJECT       | 41,370.72 |
| ALBRIGHT CONSTRUCTION     | PROJECT       | 13,500.00 |
| ALL ASPECTS               | SERVICE       | 175.00    |
| ALSCO                     | SUPPLIES      | 462.81    |
| AMANO MCGANN              | SUPPLIES      | 635.00    |
| AMAZON CAPITAL            | SUPPLIES      | 276.49    |
| AMERICAN ENGINEERING      | PROJECT       | 1,661.75  |
| ARMOUR ROOFING            | PROJECT       | 976.32    |
| ASSOCIATED SUPPLY         | SUPPLIES      | 1,793.07  |
| ATCO INTERNATIONAL        | SUPPLIES      | 472.78    |
| AXON ENTERPRISE           | SERVICE       | 2,193.12  |
| BALCO UNIFORM             | UNIFORMS      | 480.86    |
| BH CHEMICAL               | SUPPLIES      | 5,697.40  |
| BH DOORS                  | PROJECT       | 6,514.00  |
| BH ENERGY                 | SERVICE       | 30,029.30 |
| BOMGAARS                  | SUPPLIES      | 327.55    |
| BRANDON INDUSTRIES        | SUPPLIES      | 4,689.00  |
| BUTLER MACHINERY          | SUPPLIES      | 173.67    |
| CAI CONSTRUCTION          | PROJECT       | 11,744.85 |
| CARTER FMX                | BID #8        | 4,000.00  |
| CERTIFIED LABORATORIES    | SUPPLIES      | 346.53    |
| CHAINSaw CENTER           | RENTAL        | 95.00     |
| CHAMBERLIN ARCHITECTS     | SERVICE       | 250.00    |
| CHRONICLE OF THE OLD WEST | SUBSCRIPTION  | 30.00     |
| CONVERGINT TECHNOLOGIES   | MONITORING    | 786.33    |
| DAKOTA TITLE              | SERVICE       | 120.00    |
| DAYS OF '76               | ALLOCATION    | 67,400.00 |
| DEADWOOD CHAMBER - OUTLAW | BID #9        | 30,000.00 |
| DEADWOOD ELECTRIC         | SERVICE       | 2,664.88  |
| DVFD                      | REIMBURSEMENT | 4,478.45  |
| DEADWOOD GAMING           | BID #8        | 10,000.00 |
| DEADWOOD GRANITE          | SERVICE       | 800.00    |
| DEADWOOD HISTORY          | SERVICE       | 425.00    |
| DIAMOND YARDS BRICKS      | SUPPLIES      | 136.00    |
| DONARSKI LAWN CARE        | SERVICES      | 1,140.00  |
| EAGLE ENTERPRISES         | SUPPLIES      | 2,580.00  |
| EB COMMUNICATIONS         | SERVICE       | 75.00     |
| FASTENAL COMPANY          | SUPPLIES      | 320.15    |
| FIREFLY BUILDERS          | PROJECT       | 12,986.17 |
| GALLS                     | SUPPLIES      | 14.95     |
| GARDNER CONSTRUCTION      | PROJECT       | 3,123.60  |
| GENPRO ENERGY SOLUTIONS   | SERVICE       | 1,425.00  |
| GOLDEN WEST               | SERVICE       | 2,045.64  |
| HALL, MIKE                | PROJECT       | 9,606.49  |
| HAWKINS                   | SUPPLIES      | 1,147.60  |
| HEIMAN FIRE EQUIPMENT     | SUPPLIES      | 88.80     |
| INTEGRATED PARKING        | MAINTENANCE   | 864.00    |
| INTERSTATE BATTERY        | SUPPLIES      | 174.20    |
| INTERSTATE ENGINEERING    | PROJECT       | 1,067.50  |
| JACOBS WELDING            | SERVICE       | 642.77    |
| JS CONSTRUCTION           | PROJECT       | 10,000.00 |
| KNECHT HOME CENTER        | SUPPLIES      | 160.09    |

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|                            |                     |           |
|----------------------------|---------------------|-----------|
| KONE                       | MAINTENANCE         | 486.80    |
| L-D YOUTH SOCCER           | REFUND              | 500.00    |
| LAWRENCE CO. REGISTER      | SERVICE             | 240.00    |
| LAWSON PRODUCTS            | SUPPLIES            | 83.17     |
| LUX, JUSTIN                | REIMBURSEMENT       | 15.10     |
| LYNN'S                     | SUPPLIES            | 137.55    |
| M&M SANITATION             | SERVICE             | 275.60    |
| MEHLBERG CONSTRUCTION      | PROJECT             | 2,500.00  |
| MENARD'S                   | SUPPLIES            | 451.37    |
| MERTENS, NANCY             | REIMBURSEMENT       | 816.74    |
| MID-AMERICAN RESEARCH      | SUPPLIES            | 550.39    |
| MDU                        | SERVICE             | 1,930.87  |
| MS MAIL                    | SERVICE             | 1,601.99  |
| MUTUAL OF OMAHA            | INSURANCE           | 204.05    |
| NETWORK SERVICES           | SUPPLIES            | 138.37    |
| NHS OF THE BLACK HILLS     | CONTRACT            | 3,697.50  |
| NICKLES, KACIE             | PROJECT             | 5,187.91  |
| NORTHERN HILLS RECREATION  | BID #8              | 23,000.00 |
| NORTHERN HILLS TECHNOLOGY  | SERVICE             | 32.50     |
| NORTHWEST PIPE FITTINGS    | SUPPLIES            | 1,279.04  |
| NUGGET SALOON              | PROJECT             | 12,712.06 |
| OFFICE DEPOT               | SUPPLIES            | 50.96     |
| ONE WAY SERVICE PROS       | PROJECT             | 4,751.85  |
| OTIS ELEVATOR              | MAINTENANCE         | 748.86    |
| OUR SAVIOR'S LUTHERAN      | GRANT               | 5,000.00  |
| OVERDRIVE                  | MAINTENANCE         | 1,500.00  |
| PASSPORT LABS              | METERS              | 185.25    |
| PERFORMANCE AUTOMATICS     | SUPPLIES            | 599.96    |
| PETE LIEN & SONS           | SUPPLIES            | 220.00    |
| QUIK SIGNS                 | SUPPLIES            | 845.95    |
| RASMUSSEN MECHANICAL       | SERVICE             | 973.38    |
| ROBITAILLE, PAUL           | REIMBURSEMENT       | 439.24    |
| ROCHELLE CONSTRUCTION      | PROJECT             | 26,666.00 |
| ROCKINGTREE LANDSCAPES     | SUPPLIES            | 398.40    |
| RODIAK, JOHN               | PROJECT             | 11,106.00 |
| RUSHMORE COMMUNICATIONS    | RADIO SYSTEM        | 2,857.57  |
| S AND C CLEANERS           | CLEANING            | 9,985.50  |
| SD DEPT. OF MOTOR VEHICLES | SERVICE             | 21.20     |
| SD PUBLIC HEALTH LAB       | TESTING             | 30.00     |
| SERVALL                    | SUPPLIES            | 1,307.06  |
| SHARKEY PLUMBING           | PROJECT             | 1,070.33  |
| SIMON MATERIALS            | ROADSTONE           | 654.00    |
| SOCIETY OF BLACK HILLS     | PUBLICATION         | 3,000.00  |
| SOUTHSIDE OIL              | DIESEL              | 19,199.10 |
| SPEARFISH HUSKY            | REPAIR              | 223.00    |
| ST AMBROSE CATHOLIC CHURCH | EASEMENT            | 90,000.00 |
| STRETCH'S                  | SERVICE             | 117.75    |
| TCF EQUIPMENT FINANCE      | TROLLEYS            | 9,400.86  |
| TEAM LABORATORY CHEMICAL   | SUPPLIES            | 804.00    |
| THE LORD'S CUPBOARD        | RECYCLING           | 52.20     |
| TOWEY DESIGN GROUP         | SERVICE             | 1,833.75  |
| TRIPLE K                   | REPAIR              | 30.00     |
| TRUGREEN                   | SERVICE             | 2,546.46  |
| TWIN CITY ANIMAL SHELTER   | SPAY & NEUTER FUNDS | 3,250.00  |
| TWIN CITY CONSTRUCTION     | PROJECT             | 14,635.40 |
| TWIN CITY HARDWARE         | SUPPLIES            | 5,862.36  |
| USIQ                       | SUPPLIES            | 125.00    |
| VAN DIEST SUPPLY           | SUPPLIES            | 405.00    |
| VAST BROADBAND             | SERVICE             | 3,698.12  |
| VERIZON WIRELESS           | SERVICE             | 187.87    |
| WELLMARK                   | INSURANCE           | 56,680.68 |
| WERLINGER AUTO BODY        | SERVICE             | 4,129.26  |
| WESTERN STATES FIRE PROTEC | INSPECTION          | 225.00    |
| WINTER & COMPANY           | PROJECT             | 21,834.73 |

Total \$656,239.55

## ITEMS FROM CITIZENS ON AGENDA

### Proclamations

Mayor Ruth Jr. read a proclamation declaring September 25 as "Disabled American Veterans Day" in the City of Deadwood. Dick Turnwall, Senior Vice Director of the State of South Dakota, thanked the City of Deadwood.

Mayor Ruth Jr. read a proclamation declaring September 17 through September 23 as constitution week in the City of Deadwood.



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### CONSENT

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

- A. Permission for Mayor to sign Oakridge Cemetery Certificate of Purchase and Warranty Deed for Joseph and Karen Ward.
- B. Permission to accept letter of resignation from Jeff Lawler from the Planning & Zoning Commission & accept applications to fill the position.
- C. Permission to rescind purchase approval of Snow Box for dump truck from Fair Manufacturing, Inc. in the amount of \$12,213.00 approved on 6/1/2020.
- D. Permission to enter into contact with Jacob's Welding to build and purchase a Snow Box (for dump truck) in the amount of \$9,172.26. (To be paid from Streets Equipment.)
- E. Permission to increase wage of Community Service Officer Marie Vansickel from \$19.29 per hour to \$20.31 per hour effective August 29, 2020 after two years of service, which is 100% of prevailing wage.
- F. Permission for the Mayor to sign letter of acknowledgement and support of a proposed 14-acre land transfer from the Bureau of Land Management to the City of Deadwood for possible shooting range.
- G. Permission to purchase 6,500 gallons of diesel at \$1.63 per/gal and 4,500 gallons of gasoline at \$1.95 per/gal from South Side Oil.
- H. Permission to approve renewal of Livery Vehicle Permit for Todd & Jill Weber (dba Lucky Horse) for the second half of 2020, with the condition of only one horse-drawn vehicle operating on Main Street at a time and proof of two (2) million-dollar insurance policy.
- I. Acknowledge FEMA grant check received in the amount of \$57,703.10 for reimbursement of expenses associated with engineering of project # 1 Sherman Street bulkhead, Storm # 4467-2019 Flood.
- J. Permission to increase hours for Kathy McKillip, Library Assistant II, from 19 hrs. per week to 25 hrs. per week.
- K. Permission for Mayor to sign two easements for the locations of 650 Main Street (Bergs Jewelry) and 644 Main Street (Century Link) for purpose of installing lights above Gold Street.
- L. Permission for Mayor to sign Temporary Construction Easement for the purpose of surveying, excavating and preserving U.S. location Marker #1 on Tim and Trinity Conrad's property legally describes as: Lot D-1, A Subdivision of Tract D of the McGovern Hill Addition, located in the NE1/4 of Section 27, T5N, R3E, B.H.M, City of Deadwood, Lawrence County, South Dakota.
- M. Permission to expend up to \$5,000.00 with Motion Fitness Company for fitness equipment at Rec Center. (To be paid from BH Energy grant received on 8/10/2020.)
- N. Permission to hire Jim Phillips, Bridger Janvrin and Cole Herrmann as lifeguards at \$12.50 per hour effective September 18, 2020 pending pre-employment screening.

### BID ITEMS

#### Set

Kruzel spoke about the budgeted purchase. Struble moved, Todd seconded to advertise and set bid opening for four-wheel drive dump truck on October 13 with results presented to City Commission on October 19. Roll Call: Aye-All. Motion carried.

### PUBLIC HEARINGS

#### Deadwood Jam

Public hearing was opened at 5:13 by Mayor Ruth Jr. No one spoke in favor or against, hearing closed.

Todd moved, Martinisko seconded to approve special malt beverage license for Deadwood Jam Committee on Friday, September 18 from 5:00 p.m. to 10:00 p.m. and Saturday, September 19 from noon to 10:00 p.m. Roll Call: Aye-All. Motion carried.

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Set

Martinisko moved, Johnson seconded to waive 45-day requirement and set public hearing on September 21 for Homecoming Parade: street closure for parade on September 25 from 2:00 p.m. until parade ends. Roll Call: Aye-All. Motion carried.

Struble moved, Todd seconded to set public hearing on Sept. 21<sup>st</sup> for City’s intention to lease a portion of public property (approximately 1000 sq. ft. located along Miller St. & adjacent to the structure located at 79 Sherman St.) to Jacob’s Brewhouse. Roll Call: Aye-All. Motion carried.

**NEW BUSINESS**

First Reading

Finance Officer McKeown spoke about the budget and asked for approval of first reading. Commissioner Martinisko thanked department heads for their time. Martinisko moved, Johnson seconded to approve first reading of 2021 Budget Appropriation Ordinance #1314. Roll Call: Aye-All. Motion carried.

Resolution

Planning and Zoning Administrator Russell spoke about the fees, and fees with surrounding municipalities. Johnson moved, Martinisko seconded to approve Resolution 2020-21 Contractor License Fees. McKeown stated effective date should be January 1, 2021 instead of November 1. Johnson and Martinisko amended the motion with correction. Roll Call: Aye-All. Motion carried.

**CITY OF DEADWOOD  
RESOLUTION 2020-21  
A RESOLUTION SETTING FORTH A SCHEDULE OF RATES FOR USE BY THE  
CITY OF DEADWOOD**

WHEREAS, City Ordinances require certain use fees, charges for services and other designations to be established by resolution;

NOW THEREFORE BE IT RESOLVED THAT the City of Deadwood hereby establishes the following fee(s) and other designations effective January 1, 2021:

**Contractor License Fees:**

New.....\$100.00  
Renewal before February 15 .....\$75.00

Dated this 8th day of September, 2020

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

Final Plat

Russel spoke about the plat. Struble moved, Todd seconded to act as Board of Adjustment and consider Final Plat of 771 Stage Run. Legal Described as: Lot 18A, Block 2 of Palisades Tract of Deadwood Stage Run Addition, all located in the SW ¼ of Section 14, the SE ¼ of Section 15, the NE 1/4NE1/4 of Section 22 and the N1/2NW1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Planning & Zoning Commission approved on August 19, 2020. Roll Call: Aye-All. Motion carried.

Permit

Russell read the conditions which are: 1: Permit runs with the applicant and not the land, 2: Bed and Breakfast must be owner occupied, 3: Proof of a state excise number shall be provided, 4: Proof the building has been inspected and meets all building codes, 5: BID taxes are filed with Finance office, 6: Proof of City of Deadwood Business License, and 7: all parking shall be off-street. Steven Flaigg, resident, spoke about the parking issue in the area. Mayor Ruth Jr. stated during the P&Z meeting off street parking was addressed and he reminded everyone off-street parking does not mean on-site parking. Martinisko moved, Struble seconded to act as Board of Adjustment and approve Conditional Use Permit with conditions for 21 Lincoln Avenue. (Approved with conditions by P&Z Commission on September 2, 2020) Roll Call: Aye-All. Motion carried.



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### Agreement

Attorney Riggins spoke about the agreement with Hickok's to lease outdoor space on Deadwood Street next to Outlaw Square. Commissioner Martinisko questioned section 4 which states agreement is transferrable, she would like it non-transferrable. Riggins stated this was requested by owner. Mike Trucano, owner, stated there is a clause that either party can terminate with a 30-day notice. Todd moved, Martinisko seconded to allow Mayor to sign lease agreement with Hickok's Hotel & Suites, LLC for the use of approximately 884 square feet of common area located at the southwest corner of Main and Deadwood Streets. Ken Gienger, Celebrity, questioned the purpose of the fence. Mayor Ruth Jr. stated fence is required for the boundaries of serving alcohol. Roll Call: Aye-All. Motion carried.

### Banner

Russell spoke about the project and exception to Ordinance. He stated staff is working on an amendment to the ordinance to allow 60 to 90 day exception. Brittany Jones, Tin Lizzie/Fourpoints, spoke about the banner and project. Todd moved, Struble seconded to grant Tin Lizzie/Fourpoints by Sheridan, located at 575 Main Street, an exception from Deadwood City Ordinance 15.32.150 (Allowed signs subject to permit) to allow three (3) 2.5ft X 12ft "Coming Soon" banners on the construction fence effective Sept. 9<sup>th</sup> through the removal of construction fencing. Roll Call: Aye-All. Motion carried.

### Hire

Kruzel spoke about the project. Johnson moved, Struble seconded to hire Black Hills Asphalt to perform asphalt maintenance and crack seal on Forest Avenue in the amount of \$5,121.00. Roll Call: Aye-All. Motion carried.

### Contract

Kruzel spoke about contract which is required by state. Struble moved, Martinisko seconded to enter into contract with Midco Diving and Marine Services Inc. to clean and inspect Pluma Water Reservoir #2 and the Deadwood Hill Water Reservoir in the amount of \$2,898.00 which includes a full written report with the EPA and the State. (Work to be done in 2021 and budgeted Water Dept. Professional Services.) Roll Call: Aye-All. Motion carried.

### Contract

Historic Preservation Officer Kuchenbecker spoke about the project. Johnson moved, Martinisko seconded to enter into contract with Warne Chemical in the amount of \$5,200.00 for weed spraying along Whitewood Creek. Commissioner Todd believes the City needs to have qualified staff for weed spraying. Commissioner Martinisko stated due to COVID all certifications opportunities have been canceled for 2020. Roll Call: Aye-All. Motion carried.

### Proposal

Russell spoke about the proposal. McKeown spoke about other departments that will use this software as well as Public Works. Martinisko moved, Todd seconded to enter into contract and sign proposal with iWorQ in an amount not to exceed \$4,100 for the Public Works Extension & Fleet Management Extension. No Funds to be expended until 2021. Roll Call: Aye-All. Motion carried.

### Contract

Kruzel spoke about the project to repair the valves. Struble moved, Martinisko seconded to enter into contract with McDirt Excavation Inc. in the amount of \$10,550.00 for the repair of five water valves in the intersection of Shine Street and Main Street. Roll Call: Aye-All. Motion carried.

### Purchase

Martinisko moved, Johnson seconded to allow fire department to purchase five SCBA 4500 psi/45-minute spare bottles from Allegiant Emergency in the amount not to exceed \$4,966.00. (To be paid from Fire Dept Equipment line item.) Roll Call: Aye-All. Motion carried.

### Permission

Todd moved, Martinisko seconded to pay Scott Peterson Motors for 2020 Pro-Master 1500 van in the amount of \$23,179.00. (To be paid from Public Buildings equipment budget. Approved on Feb. 3<sup>rd</sup>, 2020.) Roll Call: Aye-All. Motion carried.

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Purchase

Commission Martinisko thanked Librarian Brown for her research. Martinisko moved, Struble seconded to purchase new library book drop from The Library Store in an amount not to exceed \$4,969.32, including shipping. (\$3,000.00 will be paid from library budget and \$1,969.32 from HP Capital Assets.)

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

- A. The 2020 Community Picnic sponsored by the Neighborhood Block Council and the Deadwood Historic Preservation Commission which was scheduled for September 13, 2020 has been cancelled.
- B. A quorum of Historic Preservation & City Commissioners may be present at the SD State Historical Society Board meeting Sept. 11, 2020 in Pierre.
- C. Anyone interested in serving on the Planning and Zoning Commission is encouraged to submit a letter of interest to Jeramy Russell.
- D. Anyone interested in serving on Library Board is encouraged to submit a letter of interest to Patricia Brown.


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 6:05 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, September 21, 2020.

After coming out of executive session at 6:22 p.m. Martinisko moved, Johnson seconded to adjourn.

ATTEST:

  
Jessica McKeown, Finance Officer

DATE: 9/21/20

BY: 

David Ruth Jr., Mayor

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