

## REGULAR MEETING, FEBRUARY 16, 2021

The Regular Session of the Deadwood City Commission convened on Monday, February 16, 2021 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

Struble moved, Todd seconded to approve the minutes of February 1, 2021. Roll Call: Aye-All. Motion carried.

### APPROVAL OF DISBURSEMENTS

Martinisko moved, Johnson seconded to approve the February 16, 2021 disbursements. Roll Call: Aye-All. Motion carried.

A & B WELDING	SUPPLIES	6,186.37
A & I DISTRIBUTORS	SUPPLIES	72.23
ACE HARDWARE	SUPPLIES	181.61
ACE INDUSTRIAL SUPPLY	SUPPLIES	2,282.47
ALBERTSON ENGINEERING	PROJECT	14,151.95
AMAZON CAPITAL	SUPPLIES	139.60
AMAZON	SERVICE	232.07
AMERICAN LEGION EMBLEM	SUPPLIES	145.70
ARMOUR ROOFING	PROJECT	7,247.54
ATCO INTERNATIONAL	SUPPLIES	270.20
BADGER METER	SUPPLIES	48.36
BALCO UNIFORM	UNIFORMS	147.36
BDTAID	PROJECT	2,901.75
BH ENERGY	SERVICE	31,661.04
BH PIONEER	SERVICE	1,926.47
BLACKSTRAP	SUPPLIES	8,022.05
BUTLER MACHINERY	SUPPLIES	973.36
CHAINSAW CENTER	RENTAL	1,140.34
CODE WORKS	SERVICE	573.20
CREATIVE PRODUCT SOURCING	SUPPLIES	515.90
CULLIGAN	SUPPLIES	110.25
DAKOTA FLUID POWER	SUPPLIES	1,390.71
DVFD	REIMBURSEMENT	197.05
DRIVERS LICENSE GUIDE	SUPPLIES	108.50
EAGLE ENTERPRISES	SUPPLIES	3,414.76
FED EX	SHIPPING	15.73
FERBER ENGINEERING	SERVICE	600.00
FIB CREDIT CARDS	SUPPLIES	2,511.42
GALLS	UNIFORMS	237.21
GAYLORD BROS	SUPPLIES	127.43
GOLDEN WEST	SERVICE	2,009.50
GRIMM'S PUMP	SUPPLIES	337.99
HAWKI, KEN	REIMBURSEMENT	43.69
HAWKINS	SUPPLIES	947.50
IDENTISYS	SUPPLIES	600.00
INLAND TRUCK PARTS	SUPPLIES	273.49
INTERSTATE BATTERY	SUPPLIES	61.80
IPS GROUP	SERVICE	391.01
KNECHT	SUPPLIES	390.19
KONE	SERVICE	502.76
LAWRENCE CO. REGISTER	SERVICE	30.00
LAWSON PRODUCTS	SUPPLIES	374.64
LEAD-DEADWOOD SANITARY	SERVICE	26,370.00
LYNN'S	SUPPLIES	77.26
M&M SANITATION	RENTAL	130.00
MS MAIL	SERVICE	1,199.98
MUTH ELECTRIC	SUPPLIES	928.06
NHS OF THE BLACK HILLS	CONTRACT	3,227.50
NORTHERN HILLS TECHNOLOGY	SERVICE	32.50
NORTHWEST PIPE FITTINGS	SUPPLIES	56.16
O'CONNOR COMPANY	SUPPLIES	174.16
OFFICE DEPOT	SUPPLIES	53.47
OVERDRIVE	SERVICE	1,500.00
QUILL	SUPPLIES	121.88
RAPID DELIVERY	SERVICE	34.50
RASMUSSEN MECHANICAL	PROJECT	1,559.67
ROBITAILLE, PAUL	REIMBURSEMENT	68.49
SANDER SANITATION	SERVICE	11,612.73
SCOTT PETERSON MOTORS	SUPPLIES	88.90
SD BUILDING OFFICIALS	SERVICE	187.00
SD COMMISSION ON GAMING	CITY SLOTS	29,829.55
SD DEPT. OF CORRECTIONS	FIREWISE	510.41
SD DEPT. OF MOTOR VEHICLES	SERVICE	21.20
SD DEPT. OF REVENUE	TAXES	3,135.99
SD HUMANITIES COUNCIL	SHIPPING	10.00
SD STATE HISTORICAL SOCIETY	FUNDING	60,000.00
SERVALL	SUPPLIES	137.36
SJOMELING, DAN & SHAUNNA	PROJECT	14,827.47
SOUTHSIDE SERVICE	SERVICE	1,593.59
STARTZ & STARTZ LANDSCAPING	SERVICE	75.00
STURDEVANT'S	SUPPLIES	1,207.56
THE LORD'S CUPBOARD	RECYCLING	54.72
TOWEY DESIGN GROUP	PROJECT	2,393.36

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TRAILS WEST FINE ART	SERVICE	80.00
TRITECH SOFTWARE SYSTEMS	SERVICE	5,600.15
TTG ENTERPRISES	PROJECT	3,000.00
TWIN CITY HARDWARE	GRANT	183.96
VIEHAUSER ENTERPRISES	SERVICE	299.94
VIGILANT BUSINESS SOLUTION	SERVICE	468.00
WESTERN COMMUNICATIONS	SUPPLIES	724.30
WESTERN FIRST AID AND SAFE	SUPPLIES	216.42

Total \$265,286.44

### Officer of the Year

Police Chief Mertens presented Erik Jandt a plaque for being named 2020 Officer of the Year. Commission thanked him for his service. Jandt thanked the Commission and Police Department.

### Years of Service

Mayor Ruth Jr. recognized former fire chiefs in attendance including: Jerry Pontius, Trent Mohr, Jeff Millard, Mike Klamm, Ken Hawki, Bill Glover, and Jason Rakow for a total of 260 years of service to the community. Former Fire Chief Glover presented certificate to Jason Rakow for 10 years of service as a volunteer firefighter. Commission thanked him for his years of service.

### PBR Presentation

Adam Libby with Libby Productions stated Deadwood PBR won event of the year for 2020 throughout the nation. Libby thanked City of Deadwood and sponsors. Libby presented a plaque to the City of Deadwood. Mayor Ruth Jr. thanked and congratulated Libby. Ruth Jr. said this award doesn't happen on its own, it happens with all the hard work that Libby Productions in conjunction with city crews.

### CONSENT

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

- A. Add Cassidy Lemons to Volunteer Fire Department Roster for workers compensation purposes effective January 6, 2021
- B. Permission for Mayor to sign contract with Don Toms for the Ledger Indexing Project in an amount not to exceed \$8,000.00. (Approved February 1, 2021)
- C. Permission for Mayor to sign contract with Jaci Pearson for oral histories, focusing on subject related to the history of Deadwood not to exceed \$6,750.00.
- D. Permission to advertise for 2021 seasonal employees for Mt. Moriah Cemetery Ticket Booth Attendants.
- E. Acknowledge the 2020 annual payment to the State Historic Preservation Office for timely and expedited review of projects per contract in the amount of \$60,000.00. (2020 budgeted item)
- F. Approve Convention Center (on-sale) Liquor (CL-15404), Package (off sale) Liquor (PL-4522) and Retail (on-off sale) Wine (RW-6401) for Deadwood Gulch Resort at 304 Cliff Street. Transfer was approved November 2, 2020.
- G. Permission to pay Metering & Technology Solutions in the amount of \$6,791.97. (To be paid from Water Supplies Budget.)
- H. Approve changes to Employee Policy; Sections 5.2 and 5.10 and 7.3.2
- I. Permission to purchase 2500 gallons of #1 diesel fuel at \$2.29 per gallon from Southside Oil.
- J. Permission for Mayor to sign contract with Quinns Landscaping and Excavating for Whitewood Creek Phase #5.
- K. Permission to hire Allison Mollman as a lifeguard effective February 22, 2021 at \$12.88 per hour pending pre-employment screening
- L. Permission to hire Rasmussen Mechanical for emergency repairs to the Welcome Center boiler system in an amount not to exceed \$8,851.00. Two quotes received. To be paid from Public Buildings repair budget.



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### BID ITEMS

#### Set

Nelson Jr. spoke about the project. Martinisko moved, Struble seconded to advertise for bids for Rodeo Grounds Neighborhood Mill and Overlay Project and set bid opening for March 9, 2021 at 2:00 p.m. with results to City Commission On March 15, 2021. Roll Call: Aye-All. Motion carried.

### PUBLIC HEARINGS

#### License

Public Hearing was opened at 5:13 p.m. by Mayor Ruth Jr. Planning and Zoning Administrator Russell stated Planning and Zoning received preliminary plans which building inspector Mohr was able to investigate which determined there would be thirty (30) rooms and convention center space. Historic Preservation Officer Kuchenbecker stated consultation was had between Architect and State Historic Preservation Office, and state law and codified ordinances require this type of license to meet the Secretary of Interior Standards for rehabilitation. Mayor Ruth Jr. stated this evening city would reserve this license with the understanding the first half of the payment would be deposited now and the second half of payment would be deposited when the Certificate of Occupancy is issued by the City. Commissioner Martinisko stated for clarification, criteria will be met prior to Certificate of Occupancy. Kuchenbecker stated the applicant must meet the Secretary of Interior Standards for the exterior through the Historic Preservation Commission then the State would certify the inside of building to meet the Interior Standards as codified in C.F.R. 67. Finance Officer McKeown stated finance office would need an updated application and check. Commissioner Todd asked if a timeframe of completion has been given. Brad Burns, Chamberlain Architects, stated the plan was to have design completed in May and start construction in June with completion by Thanksgiving. Hearing closed. Martinisko moved, Johnson seconded to approve reserving convention facility on-sale liquor license for Keating Acquisitions, LLC for the historic rehabilitation pursuant to Deadwood Codified Ordinance 5.04 and South Dakota Codified Law 35.4 with the following stipulations:

- Completion of thirty (30) rooms suitable for lodging accommodations;
- Completion of a convention facility with seating for at least one-hundred fifty (150) persons;
- Certified rehabilitation by the State Historic Preservation Office according the US. Department of the Interior standards as codified in C.F.R. 67;
- A Certificate of Appropriateness issued by the Historic Preservation Commission for exterior work following the guidelines and ordinances adopted by the City of Deadwood; and
- A certificate of occupancy for said lodging accommodations and convention facility by the building inspector.

At which time the license may be issued to Keating Acquisitions, LLC. Burns questioned if there is an actual certification by State Historic Preservation Office. He stated there were some questions concerning whether they should be reviewing interior work for a liquor license. Kuchenbecker stated the State Historic Preservation Office would approve plans for meeting the interior standards as codified in C.F.R. 67. Roll Call: Aye-All. Motion carried.

#### Wednesday Night Concert

Public Hearing was opened at 5:23 p.m. by Mayor Ruth Jr. Bobby Rock, Deadwood Chamber was available to answer questions. Hearing closed.

Martinisko moved, Todd 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 6:30 p.m. to 10:00 p.m. on Wednesday, May 26, 2021. Roll Call: Aye-All. Motion carried.

Martinisko moved, Struble seconded to allow the relaxation of the open container ordinance on Wednesday, June 2, 2021 from 6:30 p.m. to 10:00 p.m. for same area as approved on May 26. Roll Call: Aye-All. Motion carried.



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Martinisko moved, Johnson seconded to allow the relaxation of the open container ordinance on Wednesday, June 9, 2021 from 6:30 p.m. to 10:00 p.m. for same area as approved on May 26. Roll Call: Aye-All. Motion carried.

Martinisko moved, Struble seconded to allow the relaxation of the open container ordinance on Wednesday, June 16, 2021 from 6:30 p.m. to 10:00 p.m. for same area as approved on May 26. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to allow the relaxation of the open container ordinance on Wednesday, June 23, 2021 from 6:30 p.m. to 10:00 p.m. for same area as approved on May 26. Roll Call: Aye-All. Motion carried.

Martinisko moved, Struble seconded to allow the relaxation of the open container ordinance on Wednesday, June 30, 2021 from 6:30 p.m. to 10:00 p.m. for same area as approved on May 26. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to allow the relaxation of the open container ordinance on Wednesday, July 7, 2021 from 6:30 p.m. to 10:00 p.m. for same area as approved on May 26. Roll Call: Aye-All. Motion carried.

Martinisko moved, Struble seconded to allow the relaxation of the open container ordinance on Wednesday, July 14, 2021 from 6:30 p.m. to 10:00 p.m. for same area as approved on May 26. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to allow the relaxation of the open container ordinance on Wednesday, July 21, 2021 from 6:30 p.m. to 10:00 p.m. for same area as approved on May 26. Roll Call: Aye-All. Motion carried.

Martinisko moved, Struble seconded to allow the relaxation of the open container ordinance on Wednesday, July 28, 2021 from 6:30 p.m. to 10:00 p.m. for same area as approved on May 26. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to allow the relaxation of the open container ordinance on Wednesday, August 4, 2021 from 6:30 p.m. to 10:00 p.m. for same area as approved on May 26. Roll Call: Aye-All. Motion carried.

Martinisko moved, Struble seconded to allow the relaxation of the open container ordinance on Wednesday, August 18, 2021 from 6:30 p.m. to 10:00 p.m. for same area as approved on May 26. Roll Call: Aye-All. Motion carried.

Martinisko moved, Struble seconded to allow the relaxation of the open container ordinance on Wednesday, September 1, 2021 from 6:30 p.m. to 10:00 p.m. for same area as approved on May 26. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to approve Street Closure on Deadwood Street from Main Street to Pioneer Way from 6:30 p.m. to 11:00 p.m. on the following Wednesdays: May 26, June 2, June 9, June 16, June 23, June 30, July 7, July 14, July 21, July 28, August 4, August 18, and September 1, 2021. Roll Call: Aye-All. Motion carried.

### Shrine Circus

Public Hearing was opened at 5:33 p.m. by Mayor Ruth Jr. No one spoke in favor or against, hearing closed.

Todd moved, Struble seconded to waive user fees for Event Complex for the NAJA Shrine Circus event on Saturday, June 26, 2021. Roll Call: Aye-All. Motion carried.

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### NEW BUSINESS

#### Hiring

Kuchenbecker spoke about the contract. Martinisko asked about issues with noise complaints. Kuchenbecker has not heard of any complaints received. Martinisko moved, Johnson seconded to hire Donarski Lawncare and Landscaping to provide landscape maintenance for Mt. Moriah and St. Ambrose cemeteries in an amount of \$30.00 per hour per person for two (2) hours daily to be paid from the budgeted Historic Cemeteries Professional Services line item and allow Mayor to sign attached contract. Roll Call: Aye-All. Motion carried.

#### Second Reading

Martinisko moved, Struble seconded to approve second reading of Ordinance #1321, Amending Chapter 10.12.046, Restrictions on parking for snow removal and street cleaning Roll Call: Aye-All. Motion carried.

#### Donations

McKeown spoke about the parking donations collected from November 25th through December 26th which totaled \$17,795.00 and allocation of disbursement of funds. Ruth Jr. thanked everyone for their involvement not just city staff but visitors and employees of Deadwood, thank them for their contributions knowing this money was going to charities in Deadwood area. Martinisko moved, Todd seconded to approve allocations for funds collected from Holiday Parking Donation Fund in the amount of \$17,795.00. Roll Call: Aye-All. Motion carried.

Black Hills Auxiliary Post 5969 - \$ 1000.00	Deadwood History - \$1,000.00
Digger Track and Field Team \$ 500.00	DL Swim Team \$ 1,000.00
Feeding Deadwood - \$5,045.00	LD Clothe-A-Kid - \$1,000.00
LDHS Class of 2024 - \$500.00	LD Lions Club - \$1,000.00
LDHS Post Class of 2022 -\$500.00	LD Youth Football & Cheer Team - \$500.00
Northern Hills Alliance for Children - \$1,500.00	PEO - \$500.00
SD Kids Belong - \$500.00	Twin City Animal Shelter - \$750.00
Twin City Clothing Center - \$1,000.00	Twin City Senior Center - \$1,500.00

#### Hire

Nelson Jr. spoke about the project. Martinisko moved, Struble seconded to hire Straight Line Striping to paint all curbs and crosswalks from Highway 14A/85 going south to the Intersection of Sherman and Charles Street in the amount of \$3,943.44. To be paid from Streets Professional Services Budgeted. Roll Call: Aye-All. Motion carried.

#### First Reading

McKeown spoke about the change to BID #9 to include Midnight Star. Martinisko moved, Struble seconded to approve First Reading of Amended Ordinance #1317 Amending Business Improvement District No. 9. Roll Call: Aye-All. Motion carried.

#### Pay

Nelson Jr. spoke about the purchase and reimbursement. Struble moved, Todd seconded to pay Metering & Technology Solutions in the amount of \$4,721.00 for the water meter for Four Points Hotel. (To be paid from Water Supplies Budget and reimbursed by Deadwood Hotels LLC) Roll Call: Aye-All. Motion carried.

### INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

- A. A special meeting of the City Commission, Planning & Zoning Commission and Historic Preservation Commission is scheduled for Wednesday, February 24, 2021 at 4:00 p.m. to review the current status of the Main Street Master Plan with the Design Team of Winter & Co.

David Thompson, resident, presented the Commission with a layout of property that himself and Rick Conrad own and would offer to City for potential parking. Thompson explained the boundaries. Mayor Ruth Jr. thanked him for coming and to visit with Planning and Zoning moving forward.



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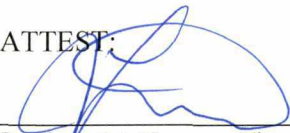
Attorney Riggins requested Executive Session for legal matters per SDCL 1-25-2(3) with possible action.

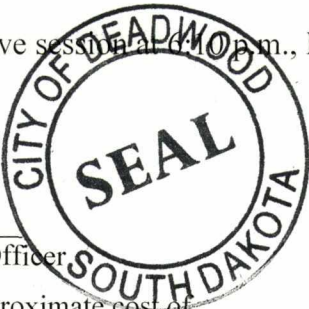
**ADJOURNMENT**

Struble moved, Todd seconded to adjourn the regular session at 5:56 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3) with possible action. The next regular meeting will be on Monday, March 2, 2021.

After coming out of executive session at 6:10 p.m., Martinisko moved, Struble seconded to adjourn.

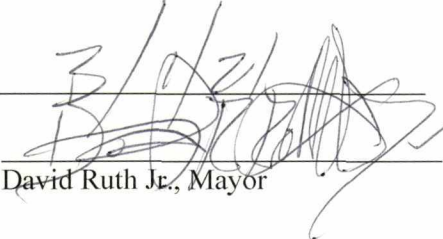
ATTEST:

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



DATE:

BY:

  
\_\_\_\_\_  
David Ruth Jr., Mayor

Published once at the total approximate cost of \_\_\_\_\_