

**REGULAR MEETING, March 15, 2021**

The Regular Session of the Deadwood City Commission convened on Monday, March 15, 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 March 1, 2021. Roll Call: Aye-All. Motion carried.

**APPROVAL OF DISBURSEMENTS**

Martinisko moved, Johnson seconded to approve the March 15, 2021 disbursements. Roll Call: Aye-All. Motion carried.

|                            |                    |           |
|----------------------------|--------------------|-----------|
| A & B WELDING              | RENEWAL            | 96.09     |
| A & I DISTRIBUTORS         | SUPPLIES           | 56.52     |
| A & J SUPPLY               | SUPPLIES           | 98.88     |
| AASLH MEMBERSHIP           | MEMBERSHIP         | 118.00    |
| ACE HARDWARE               | SUPPLIES           | 107.89    |
| ALBERTSON ENGINEERING      | PROJECT            | 13,695.00 |
| ALPINE IMPRESSIONS         | SERVICE            | 1,083.12  |
| AMAZON CAPITAL             | SUPPLIES           | 281.83    |
| AMAZON                     | SERVICE            | 716.75    |
| ATCO INTERNATIONAL         | SUPPLIES           | 390.00    |
| AUCA WESTERN FIRST AID     | SUPPLIES           | 289.89    |
| BADGER METER               | SERVICE            | 48.36     |
| BH CHEMICAL                | SUPPLIES           | 423.20    |
| BH ENERGY                  | SERVICE            | 30,480.76 |
| BH PIONEER                 | SERVICE            | 667.93    |
| BH SECURITY                | SERVICE            | 193.88    |
| BLACKSTRAP                 | SUPPLIES           | 3,798.75  |
| CHAINSAW CENTER            | SUPPLIES           | 121.34    |
| COCA COLA                  | SUPPLIES           | 495.00    |
| CULLIGAN                   | SUPPLIES           | 170.25    |
| CVD CONSTRUCTION           | PROJECT            | 41,237.00 |
| DAKOTA TITLE               | SERVICE            | 120.00    |
| DEADWOOD CHAMBER           | BILL LIST          | 19,024.72 |
| DVFD                       | REIMBURSEMENT      | 42.58     |
| DEADWOOD LEAD ECONOMIC     | ALLOCATION         | 48,000.00 |
| EAGLE ENTERPRISES          | SUPPLIES           | 4,770.00  |
| EBSCO                      | SUBSCRIPTION       | 81.65     |
| ECOLAB                     | SERVICE            | 254.73    |
| ESRI                       | RENEWAL            | 16,600.00 |
| FASNACHT, GLENN            | PROJECT            | 522.77    |
| FASTENAL                   | SUPPLIES           | 120.20    |
| FERBER ENGINEERING         | SERVICE            | 1,543.87  |
| FIB CREDIT CARDS           | SUPPLIES           | 3,080.07  |
| FIRST BAPTIST CHURCH       | LEASE              | 3,600.00  |
| FOOTHILLS SEED             | SUPPLIES           | 245.30    |
| GALLS                      | UNIFORMS           | 294.04    |
| GARDNER CONSTRUCTION       | PROJECT            | 2,400.00  |
| GLOBAL EQUIPMENT           | SUPPLIES           | 331.95    |
| GOLDEN WEST                | SERVICE            | 1,780.00  |
| GUNDERSON, PALMER, NELSON  | SERVICE            | 2,520.00  |
| HAWKINS                    | SUPPLIES           | 798.50    |
| HOMETOWN MANUFACTURING     | SUPPLIES           | 64.55     |
| INTERNATIONAL CODE COUNCIL | MEMBERSHIP         | 145.00    |
| IPS GROUP                  | EQUIPMENT          | 78,102.66 |
| IWORQ                      | LICENSE MANAGEMENT | 2,150.00  |
| KNECHT HOME CENTER         | SUPPLIES           | 269.68    |
| KONE                       | MAINTENANCE        | 502.76    |
| KT CONNECTIONS             | PROJECT            | 16,404.50 |
| LAWRENCE CO. REGISTER      | SERVICE            | 30.00     |
| LAWRENCE CO. TREASURER     | TAX                | 44.34     |
| LAWSON PRODUCTS            | SUPPLIES           | 216.98    |
| LEAD-DEADWOOD SANITARY     | SERVICE            | 26,315.39 |
| LIGHT AND SIREN            | SUPPLIES           | 519.00    |
| LYNN'S                     | SUPPLIES           | 74.68     |
| M&M SANITATION             | RENTAL             | 130.00    |
| MIDWEST TAPE               | DVDS               | 8.99      |
| MORSE, MARCIA              | MORTGAGE EXPENSE   | 152.42    |
| MS MAIL                    | SERVICE            | 961.08    |
| NHS OF THE BLACK HILLS     | CONTRACT           | 3,193.75  |
| NORTHERN HILLS CASA        | ALLOCATION         | 3,500.00  |
| NORTHERN HILLS TECHNOLOGY  | SERVICE            | 32.50     |
| NORTHWEST PIPE FITTINGS    | SUPPLIES           | 671.46    |
| OFFICE DEPOT               | SUPPLIES           | 99.39     |
| ONSOLVE                    | CODE RED           | 1,575.00  |
| OTIS ELEVATOR              | MAINTENANCE        | 775.80    |
| PANNIER                    | PANELS             | 1,592.00  |
| PAPOUSEK, SONYA            | REIMBURSEMENT      | 45.35     |
| PASSPORT LABS              | METERS             | 48.75     |
| PITNEY BOWES               | LEASE              | 250.05    |
| PUSH-PEDAL-PULL            | SERVICE            | 867.20    |
| QUICK TROPHY               | SUPPLIES           | 26.67     |
| QUIK SIGNS                 | SIGNS              | 366.88    |
| QUILL                      | SUPPLIES           | 192.76    |

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|                            |               |           |
|----------------------------|---------------|-----------|
| RAPID DELIVERY             | DELIVERIES    | 177.69    |
| RISS & ASSOCIATES CABINETS | SUPPLIES      | 635.00    |
| RUNGE, MIKE                | REIMBURSEMENT | 20.56     |
| S AND C CLEANERS           | CLEANING      | 5,553.00  |
| SANDER SANITATION          | SERVICE       | 11,612.73 |
| SCOTT PETERSON MOTORS      | SUPPLIES      | 88.90     |
| SD COMMISSION ON GAMING    | CITY SLOTS    | 29,829.55 |
| SD DEPT. OF REVENUE        | TRANSFER      | 77.00     |
| SD DEPT. OF REVENUE        | TAXES         | 2,958.60  |
| SD NARCOTICS OFFICERS      | REGISTRATION  | 50.00     |
| SD SHERIFFS' ASSOCIATION   | REGISTRATION  | 170.00    |
| SOUTHSIDE OIL              | FUEL          | 12,439.04 |
| SOUTHSIDE SERVICE          | SERVICE       | 110.75    |
| STRETCH'S                  | SUPPLIES      | 163.88    |
| STURDEVANT'S               | SUPPLIES      | 1,675.54  |
| TALLGRASS LANDSCAPE        | PROJECT       | 4,000.00  |
| THE LORD'S CUPBOARD        | RECYCLING     | 115.04    |
| TOMS, DON                  | PROJECT       | 1,200.00  |
| TOWEY DESIGN GROUP         | PROJECT       | 2,287.25  |
| TRIPLE K                   | SERVICE       | 55.50     |
| TWIN CITY CLOTHING CENTER  | ALLOCATION    | 2,500.00  |
| TWIN CITY HARDWARE         | SUPPLIES      | 610.37    |
| UMENTHUM, KEITH            | PROJECT       | 428.40    |
| US POSTAL SERVICE          | PERMIT        | 245.00    |
| USA BLUEBOOK               | SUPPLIES      | 55.25     |
| VAST                       | SERVICE       | 218.18    |
| VIEHAUSER ENTERPRISES      | SUPPLIES      | 14.00     |
| VIGILANT BUSINESS SOLUTION | SCREENING     | 537.00    |
| WHITE'S CANYON MOTORS      | SERVICE       | 206.40    |
| ZOGICS                     | SUPPLIES      | 599.80    |

Total \$418,664.84

**ITEMS FROM CITIZENS ON AGENDA**

**Years of Service**

Mayor Ruth Jr. recognized Randy Addington for 25 years of service as a volunteer firefighter. Commission thanked him for his years of service.

**CONSENT**

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

- a. Allow use of public property at the Event Complex on Wednesday June 2 through Monday June 7, 2021 for Deadwood All in Freestyle Motocross Show. Deposit has been received.
- b. Approve Special Alcohol License for Cadillac Jacks to serve liquor at Event Complex Saturday June 5, 2021 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.
- c. Allow use of public property for Deadwood Mickelson Trail Marathon: use of Sherman Street Lot Saturday June 5 through Sunday June 6, 2021 and use of Event Center parking area on Sunday June 6, 2021 from 5:00 a.m. to 3:00 p.m. Deposit has been received.
- d. Permission for Mayor to sign and renew parking lease with SD Commission on Gaming for five parking spots in Miller Lot at total of \$250.00 per month plus tax.
- e. Approve Resolution 2021-05 Oakridge Cemeteries Burial Fee Update

**CITY OF DEADWOOD  
RESOLUTION 2021-05**

**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 March 16, 2021:

**REGULAR MEETING, March 15, 2021**

**CEMETERIES:**

Oakridge:

|  |                             |
|--|-----------------------------|
| Adult Plot, Burial Fees Space, excluding recording fee ..... | \$300.00                    |
| For perpetual care (mandatory).....                          | \$150.00                    |
| Baby Plot, Burial Fees Space, excluding recording fee.....   | <del>\$60.00</del> \$150.00 |
| For perpetual care (mandatory).....                          | <del>\$75.00</del> \$150.00 |

Dated this 15th day of March, 2021

ATTEST: CITY OF DEADWOOD  
/s/ Jessica McKeown, Finance Officer /s/ David Ruth Jr., Mayor

- f. Approve Resolution 2021-07 Schedule of Rates for Event Center and Outlaw Square Ticket Surcharge

**CITY OF DEADWOOD  
RESOLUTION 2021-07  
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 fees and other designations effective March 15, 2021;

**Deadwood Event Complex and Outlaw Square Events with Tickets:**

- Facility Use Fee / Ticket Surcharge:  
Applied to sold tickets (Reserved Seating, General Admission) .....**\$1.00/Per Ticket/Per Performance**

Dated this 15th day of March, 2021

ATTEST: CITY OF DEADWOOD  
/s/ Jessica McKeown, Finance Officer /s/ David Ruth Jr., Mayor

- g. Permission to pay Light & Siren in the amount of \$2,628.00 for lightbar installed on new Parking & Transportation vehicle. (To be paid from P & T Equipment budget)
- h. Permission to pay Blackstrap in the amount of \$3,958.70 for salt. (To be paid from Streets Supplies Budget.)
- i. Acknowledge receipt of 2020 Fire Department Annual Report from Chief Rakow. Document on file in Finance Office
- j. Approve 2020 and 2021 abatement request for City of Deadwood on parcel 308100-00200-050-00 (743 Stage Run) purchased on November 18, 2021.
- k. Accept letter of resignation from Police Officer Jason Huber effective March 16, 2021. Permission to advertise for police officer in-house for 5 days and then in official newspaper, if needed.
- l. Remove Jacob Karras from Volunteer Fire Department Roster for workers compensation purposes effective March 1, 2021
- m. Permission for the Mayor to sign the 2021 Land and Water Conservation Fund Inspection Reports
- n. Grant Livery permit to Deadwood Alive for the operations of the Deadwood Stagecoach on Historic Main Street for the 2021 season per recommendation from the Parking and Transportation Committee.
- o. Permission to enter into a contract with Robert Bozell of Lincoln, Nebraska to complete the final faunal analysis for the 2002 Deadwood Chinatown project at a cost not to exceed the amount of \$2,400.00 from the budgeted 2021 HP Archaeological line item.

## REGULAR MEETING, March 15, 2021

### BID ITEMS

Mayor Ruth stated two bids were opened for Rodeo Grounds Neighborhood Mill and Overlay as advertised. Bid bonds were included in the following bid submittals:

Sacrison Paving: \$184,184.84

Simon Construction: \$184,486.75

Public Works Director Nelson Jr. spoke about the project. Martinisko moved, Johnson seconded to award Rodeo Grounds Neighborhood Mill and Overlay Project to Sacrison Paving in the amount of \$184,184.84. Roll Call: Aye-All. Motion carried.

### Set

Historic Preservation Officer Kuchenbecker spoke about the project. Johnson moved, Martinisko seconded to set bid opening for 2:00 p.m. on April 13, 2021 with results to City Commission on April 19, 2021 for repair work at Mt. Moriah Cemetery for necessary repairs around the graves of "Wild Bill" Hickok and Calamity Jane. Roll Call: Aye-All. Motion carried.

### PUBLIC HEARINGS

#### Transfer

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 transfer of Retail (on-off sale) Malt Beverage and SD Farm Wine (RB-25694) transfer from TSG, LLC to Shelby Clarkson dba Pump House at 73 Sherman Street. Roll Call: Aye-All. Motion carried.

#### Deadwood Live

Public hearing was opened at 5:08 p.m. by Mayor Ruth Jr. Bobby Rock, Deadwood Chamber, was available to answer questions. Discussion was held concerning set up, security and open container, hearing closed.

Martinisko moved, Struble seconded to approve open container in zone 3: Outlaw Square, Deadwood Street between Main Street and Pioneer Way and adjacent sidewalk located along 685 Main Street on Saturday, May 29, 2021 from 6:00 p.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to approve open container in zone 3: Outlaw Square, Deadwood Street between Main Street and Pioneer Way and adjacent sidewalk located along 685 Main Street on Sunday, May 30, 2021 from 6:00 p.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Martinisko moved, Struble seconded to approve street closure on Deadwood Street from Main Street to Pioneer Way from 9:00 a.m. Saturday, May 29, to 11:00 p.m. on Sunday, May 30, 2021. Roll Call: Aye-All. Motion carried.

#### Mickelson Trail Marathon Post Party

Public hearing was opened at 5:14 p.m. by Mayor Ruth Jr. Bobby Rock, Deadwood Chamber, was available to answer questions. Discussion was held concerning security, hearing closed.

Martinisko moved, Johnson seconded to approve open container in zone 4: Outlaw Square only from 2:00 p.m. to 5:00 p.m. on Sunday, June 6, 2021. Roll Call: Aye-All. Motion carried.

#### All in One Motocross

Public hearing was opened at 5:16 p.m. by Mayor Ruth Jr. Sarah Kryger, Deadwood Chamber, was available to answer questions, hearing closed.

Todd moved, Struble seconded to allow relaxation of the open container at the Event Complex on Saturday, June 5, 2021 from 4:00 p.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.



**REGULAR MEETING, March 15, 2021**

Wild Bill Days

Public hearing was opened at 5:17 p.m. by Mayor David Ruth Jr. Sarah Kryger, Deadwood Chamber, was available to answer questions, hearing closed.

Martinisko moved, Struble 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 5:00 p.m. to 10:00 p.m. on Thursday, June 17, 2021. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to allow the relaxation of the open container ordinance on 5:00 p.m. to 10:00 p.m. on Friday, June 18, 2021 for same area as approved on June 17. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to allow the relaxation of the open container ordinance on noon to 10:00 p.m. on Saturday, June 19, 2021 for same area as approved on June 17. Roll Call: Aye-All. Motion carried.

Martinisko moved, Struble seconded to approve street closure on Main Street from Deadwood Street to Pine Street, Thursday, June 17 at 9:00 a.m. and remain closed until 10:00 p.m. Saturday, June 19, 2021; Main Street from Wall to Deadwood Street on Thursday, June 17 at 2:00 p.m. and remain closed until 2:00 a.m. Sunday, June 20, 2021, use of public property for Deadwood's Midnight Cowboy 5K Run on Friday, June 18, waiver of vending fee and allow vending on Main Street on Friday and Saturday, June 18 and 19, for Chamber merchandise and Northern Hills Alliance for Children; waiver of banner fees Friday and Saturday, June 18 and 19; Motorcycle parking on Main Street from Wild Bill Bar to Nugget Saloon, and in front of Mineral Palace from 10:00 a.m. to 5:00 p.m. Friday June 18, and from noon to 10:00 p.m. on Saturday, June 19, 2021. Roll Call: Aye-All. Motion carried.

**NEW BUSINESS**

Second Reading

Finance Officer McKeown stated no changes between first and second reading. Martinisko moved, Johnson seconded to approve second reading of Amended Ordinance #1317 Amending Business Improvement District No. 9. Roll Call: Aye-All. Motion carried.

First Reading

Police Chief Mertens explained the Ordinance. Struble moved, Todd seconded to approve first reading of Ordinance #1322 Amending Chapter 5.20 Horse-Drawn Vehicles Permit. Roll Call: Aye-All. Motion carried.

Resolution

McKeown explained the resolution. Martinisko moved, Struble seconded to approve Resolution 2021-06 Establish Cash Designations for 2021. Roll Call: Aye-All. Motion carried.

**Resolution 2021-06**

A RESOLUTION TO ESTABLISH CASH DESIGNATIONS

Be it resolved by the Deadwood City Commission that the City of Deadwood approved the establishment of cash reserves in the following funds for future capital expenditure purposes per SDCL 9-21-14.1 as of December 31, 2020:

|   |                      |
|---|----------------------|
| <b>General Fund Designated for Equipment Replacement-</b>                 |                      |
| <b>Streets Department</b>   | <b>\$ 60,000.00</b>  |
| <b>Parks Department</b>   | <b>\$ 12,000.00</b>  |
| <b>General Fund Designated for Fire Truck:</b>                            | <b>\$ 493,509.00</b> |
| <b>Business Improvement District #7 Designated for Convention Center:</b> | <b>\$ 294,524.70</b> |
| <b>Parking and Transportation Designation for Trolley Replacement:</b>    | <b>\$ 181,168.00</b> |

**REGULAR MEETING, March 15, 2021**

Dated this 15th day of March, 2021

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

**Resolution**

Transportation and Facilities Director Kruzel explained the changes to the resolution. Todd moved, Struble seconded to approve Resolution 2021-08 for Face Coverings in City of Deadwood. Roll Call: Aye-All. Motion carried.

**Resolution 2021-08**

**AN EMERGENCY RESOLUTION REQUIRING THE WEARING OF FACE COVERINGS IN PUBLIC SPACES TO SLOW THE COMMUNITY SPREAD OF THE NOVEL CORONAVIRUS (COVID-19).**

**WHEREAS**, the City of Deadwood has the authority pursuant to SDCL 9-29-1 and 9-32-1 to pass resolution for the purpose of promoting the health, safety, morals, and general welfare, of the community; and

**WHEREAS**, pursuant to SDCL 9-32-1, the City has the power to do what is necessary or expedient for the promotion of health or the suppression of disease; and

**WHEREAS**, an outbreak of the disease COVID-19, which is caused by the novel coronavirus, has been confirmed in more than 100 countries, including the United States; and

**WHEREAS**, COVID-19 is a severe respiratory disease transmitted by person-to-person contact, or by contact with surfaces contaminated by the virus. In some cases, especially among older adults and persons with serious underlying health conditions, COVID-19 can result in serious illness requiring hospitalization, admission to an intensive care unit, and death; and

**WHEREAS**, the World Health Organization (WHO), the Centers for Disease Control and Prevention (CDC), and the Secretary of the U.S. Department of Health and Human Services have declared the outbreak of COVID-19 as a public health emergency; and

**WHEREAS**, in response to the spread of COVID-19 Governor Noem issued Executive Order 2020-34 which declared a state of emergency to exist in all counties in the State of South Dakota through June 30, 2021; and

**WHEREAS**, it is important that control measures be taken to reduce or slow down the spread of COVID-19 in order to protect the health and safety of the City's residents, especially for seniors and those with underlying health conditions that make them particularly vulnerable to COVID-19; and

**WHEREAS**, the CDC and the vast majority of medical professionals are recommending the use of face coverings by the public to slow the spread of COVID-19; and

**WHEREAS**, the City is implementing a mandate that people wear face coverings while being inside properties owned by the City of Deadwood and encourage people to wear face coverings while outdoors on properties owned by City of Deadwood. This continued effort is in hopes of decreasing spread of COVID-19 and avoid the need for future restrictions on businesses and limitations on public gatherings in the City; and

**WHEREAS**, the City of Deadwood Commission has determined that it is in the City's best interests that face coverings be worn in an effort to slow the spread of COVID-19.

**NOW THEREFORE, BE IT RESOLVED**, by the City Commission of the City of Deadwood that:

**I. PRIVATE BUSINESSES**

Private businesses shall have the ability to mandate and enforce mask requirements as they deem fit. Patrons not abiding by posted requirements, as established by the business, can be asked to vacate the premises. Failure to vacate may result in a criminal prosecution under SDCL 22-35-6, Entering and Remaining After Notice.

**II. INDOOR PUBLIC SPACES OWNED AND OPERATED BY CITY OF DEADWOOD.**

Within the City of Deadwood, all persons must wear a face mask/face covering in indoor public places owned and operated by the City of Deadwood. A "face covering" or "mask" must be worn to cover the nose and mouth completely, and can include a paper or disposable face mask, a cloth mask, a scarf, a bandanna, or neck gaiter. The restrictions set forth in the above paragraph shall not apply to an individual:

- a) Under the age of five (5) years old;
- b) Seated at a public place to eat or drink, or while immediately consuming food or beverages;



- c) With a medical condition, mental health condition, or disability that makes it unreasonable for the individual to maintain a face covering;
- d) Individuals who are engaged in swimming or physical activity where the level of exertion makes it difficult to wear a face covering; and
- e) Public safety workers actively engaged in a public safety role, including but not limited to law enforcement personnel, fire fighters, or emergency medical personnel, in situations where wearing a face covering would seriously interfere in the performance of the individual's public safety responsibilities.

### **III. INDOOR PUBLIC SPACES OWNED BY CITY OF DEADWOOD AND OPERATED BY OTHERS.**

Within the City of Deadwood, all persons are encouraged to wear a face mask/face covering in indoor public places owned by City of Deadwood and operated by others. A "face covering" or "mask" must be worn to cover the nose and mouth completely, and can include a paper or disposable face mask, a cloth mask, a scarf, a bandanna, or neck gaiter. The restrictions set forth in the above paragraph shall not apply to an individual:

- a) Under the age of five (5) years old;
- b) Seated at a public place to eat or drink, or while immediately consuming food or beverages;
- c) With a medical condition, mental health condition, or disability that makes it unreasonable for the individual to maintain a face covering;
- d) Individuals who are engaged in swimming or physical activity where the level of exertion makes it difficult to wear a face covering; and
- e) Public safety workers actively engaged in a public safety role, including but not limited to law enforcement personnel, fire fighters, or emergency medical personnel, in situations where wearing a face covering would seriously interfere in the performance of the individual's public safety responsibilities.

### **III. OUTDOOR PUBLIC SPACES OWNED BY CITY OF DEADWOOD**

Within the City of Deadwood, all persons are encouraged to wear a face mask/face covering in outdoor public places when gathering for more than 15 minutes and/or when 6 foot social distancing cannot be achieved or maintained. A "face covering" or "mask" must be worn to cover the nose and mouth completely, and can include a paper or disposable face mask, a cloth mask, a scarf, a bandanna, or neck gaiter. The restrictions set forth in the above paragraph shall not apply to an individual:

- a) Under the age of five (5) years old;
- b) Seated at a public place to eat or drink, or while immediately consuming food or beverages;
- c) With a medical condition, mental health condition, or disability that makes it unreasonable for the individual to maintain a face covering;
- d) Individuals who are engaged in outdoor physical activity where the level of exertion makes it difficult to wear a face covering; and
- e) Public safety workers actively engaged in a public safety role, including but not limited to law enforcement personnel, fire fighters, or emergency medical personnel, in situations where wearing a face covering would seriously interfere in the performance of the individual's public safety responsibilities.

### **IV. PUBLIC TRANSPORTATION OWNED BY CITY OF DEADWOOD**

Within the City of Deadwood, all persons are encouraged to wear a face mask/face covering while utilizing public transportation. A "face covering" or "mask" must be worn to cover the nose and mouth completely, and can include a paper or disposable face mask, a cloth mask, a scarf, a bandanna, or neck gaiter. The restrictions set forth in the above paragraph shall not apply to an individual:

- a) Under the age of five (5) years old;
- b) With a medical condition, mental health condition, or disability that makes it unreasonable for the individual to maintain a face covering;
- c) Public safety workers actively engaged in a public safety role, including but not limited to law enforcement personnel, fire fighters, or emergency medical personnel, in situations where wearing a face covering would seriously interfere in the performance of the individual's public safety responsibilities.



**REGULAR MEETING, March 15, 2021**

**V. EFFECTIVE DATES**

This resolution shall become effectively immediately and remain in effect until May 17, 2021. The City of Deadwood Commission may deem it necessary to repeal or extend this resolution.

**BE IT FURTHER RESOLVED**, that this emergency Resolution requiring the wearing of face coverings indoor city spaces and encouraging the wearing of face coverings in outdoor city owned public spaces is hereby declared necessary for the immediate preservation of the public health, safety, and welfare of the city. Patrons not abiding by posted requirements, as established by the City, can be asked to vacate the premises. Failure to vacate may result in a criminal prosecution under SDCL 22-35-6, Entering and Remaining After Notice.

Dated this 15th day of March, 2021

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

Hire

Kuchenbecker spoke about the project. Struble moved, Martinisko seconded to hire Siouxland Heritage Museum to develop a traveling exhibit of Mount Moriah Cemetery at a cost of \$6,600.00 to be paid from the budgeted 2021 HP Public Education line item. Roll Call: Aye-All. Motion carried.

Pay

Nelson Jr. spoke about the water main break. Martinisko moved, Johnson seconded to pay McDirt Excavation Inc. in the amount of \$6,221.88 for services and materials related to the assistance with a water main break at the intersection of Highway 85 and Calamity Lane on Sunday, February 28 and Monday March 1, 2021. (To be paid from Water budget, Professional Services.) Roll Call: Aye-All. Motion carried.

Hire

Planning and Zoning Administrator Russell spoke about the project. Kruzel spoke about the project for the Parking Ramp. Discussion was held concerning design of the signs. Martinisko moved, Johnson seconded to hire BDT Architects & Designers for design and style guide for all signage related to parking within the City of Deadwood in an amount not to exceed \$12,254.40. (To be paid by Parking and Transportation Professional Service budget.) Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

- a) Starting April 1, 2021 the stop light at Main, Deadwood, and Shine Streets will become a 4-way stop until deemed otherwise per recommendation from the Parking and Transportation Committee. Please contact Chief Mertens with feedback. 605-578-2623 or [ken@cityofdeadwood.com](mailto:ken@cityofdeadwood.com)

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

Struble moved, Todd seconded to adjourn the regular session at 5:44 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, April 5, 2021.

After coming out of executive session at 6:05 p.m., Martinisko moved, Struble seconded to adjourn.

ATTEST:

Jessica McKeown, Finance Officer



DATE: 3/15/21

BY:

David Ruth Jr., Mayor

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