

REGULAR MEETING, JUNE 21, 2021

The Regular Session of the Deadwood City Commission convened on Monday, June 21, 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, Johnson seconded to approve the minutes of June 7, 2021. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Struble moved, Martinisko seconded to approve the June 21, 2021 disbursements. Roll Call: Aye-All. Motion carried.

ACE HARDWARE	SUPPLIES	374.31
AMAZON CAPITAL	SUPPLIES	118.56
AMAZON	SERVICE	440.50
ASERMELY, MISTY	PROJECT	75,494.51
AUCA WESTERN FIRST AID	SUPPLIES	194.74
BALCO UNIFORM	UNIFORMS	61.96
BARCO PRODUCTS	SUPPLIES	1,050.88
BHSS FOUNDATION	REFUND	1,100.00
BH ASPHALT	SUPPLIES	8,794.09
BH CHEMICAL	SUPPLIES	1,914.26
BH ENERGY	SERVICE	26,368.15
BH HYDROSEEDING	SERVICE	1,350.00
BH LIBRARY	SUPPORT	575.51
BH PIONEER	SERVICE	1,355.71
BLAIR, LINDA	REIMBURSEMENT	100.11
BLOOMERS	SERVICE	127.00
BUSH, ALEXANDRA	REFUND	500.00
BUTTE COUNTY EQUIPMENT	SERVICE	210.00
CARTER FMX	REFUND	1,100.00
CHAINSAW CENTER	SERVICE	1,331.54
CNA SURETY	NOTARY	50.00
CODE WORKS	PROJECT	236.24
CULLIGAN	SUPPLIES	106.50
DALES TIRE	SUPPLIES	714.80
DEADWOOD CHAMBER	BILL LIST	22,034.63
DEADWOOD HISTORY	ALLOCATION	110,000.00
DONARSKI LAWN CARE	SERVICES	2,839.70
FASNACHT, GLENN	PROJECT	1,064.87
FERBER ENGINEERING	PROJECT	8,500.00
FIB CREDIT CARDS	SUPPLIES	1,162.45
GAGE'S GARDENS	SUPPLIES	46.93
GALLS	UNIFORMS	28.79
GENERAL TRAFFIC CONTROLS	SUPPLIES	1,671.00
GLOVER, SANDY	REIMBURSEMENT	135.60
GREAT WESTERN TIRE	SUPPLIES	266.90
GUNDERSON, PALMER, NELSON	SERVICE	3,858.96
HAVERBERG FAMILY	PROJECT	1,596.81
IPS GROUP	KIOSKS	56,906.12
JACOBS WELDING	SERVICE	45.60
JANKE AND SONS TRUCKING	SERVICE	2,876.24
JASMAN, TROY	REIMBURSEMENT	60.00
KDSJ	ADVERTISING	255.00
KNECHT	SUPPLIES	93.28
L-D YOUTH SOCCER	REFUND	500.00
LAWRENCE CO. EQUALIZATION	SERVICE	10,030.13
LAWRENCE CO. REGISTER	SERVICE	90.00
LAWSON PRODUCTS	SUPPLIES	10.47
LIBBY PRODUCTIONS	REFUND	1,100.00
LIBERTY MUTUAL INSURANCE	COVERAGE	750.00
LYNN'S	SUPPLIES	55.98
M&M SANITATION	RENTAL	240.00
MARCO	CONTRACT	270.55
MCKEOWN, JESSICCA	REIMBURSEMENT	218.40
MENARD'S	SUPPLIES	772.49
MIDLAND PIONEER MUSEUM	GRANT	10,000.00
MIDWEST TAPE	DVDS	235.90
MONUMENT HEALTH	TESTING	280.00
MS MAIL	SERVICE	15,773.04
NALCO COMPANY	SERVICE	855.73
NHS OF THE BLACK HILLS	CONTRACT	4,137.50
NORTHERN HILLS ALLIANCE	ALLOCATION	3,500.00
NORTHWEST PIPE FITTINGS	SUPPLIES	1,108.97
PASSPORT LABS	METERS	159.75
PETTY CASH	HP/ZONING	106.00
PITNEY BOWES	LEASE	250.05
PITNEY BOWES	POSTAGE	500.00
PROAMPAC	SUPPLIES	923.79
QUIK SIGNS	SUPPLIES	662.56
RAMKOTA HOTEL	CONFERENCE	318.00
RAPID DELIVERY	SERVICES	26.46
REDWOOD TOXICOLOGY LABORAT	TESTING	53.05
RUSHMORE COMMUNICATIONS	SUPPLIES	2,648.80
SANDER SANITATION	SERVICE	11,734.72

REGULAR MEETING, JUNE 21, 2021

SCHULTZ, BAYLEE	REIMBURSEMENT	528.95
SD COMMISSION ON GAMING	CITY SLOTS	29,829.55
SD DEPT. OF CORRECTIONS	FIREWISE	4,831.27
SD DEPT. OF MOTOR VEHICLES	SERVICE	42.40
SD DEPT. OF REVENUE	LICENSE	150.00
SOUTHSIDE OIL	FUEL	14,792.31
SOUTHSIDE SERVICE	SERVICE	206.10
STRAIGHT LINE STRIPING	SERVICE	9,819.23
STURDEVANT'S	SUPPLIES	408.07
STURGIS AUTO PARTS	SUPPLIES	56.98
THE LORD'S CUPBOARD	RECYCLING	105.65
TRUGREEN CHEM-LAWN	SERVICE	892.50
TWIN CITY HARDWARE	SUPPLIES	273.23
UMENTHUM, KEITH	MORTGAGE EXPENSE	288.80
VANWAY TROPHY	SUPPLIES	111.00
VAST	SERVICE	304.66
VERBA, DIANNE	REIMBURSEMENT	414.86
VERIZON CONNECT	SERVICE	95.95
VIGILANT BUSINESS SOLUTION	SERVICE	117.00
WEM	REFUND	500.00
WESTERN COMMUNICATIONS	SUPPLIES	102.70
WHEELER LUMBER OPERATIONS	SUPPLIES	750.08
WILD WEST HISTORY	MEMEBERSHIP	75.00
ZEP SALES	SUPPLIES	164.25

Total \$469,285.13

ITEMS FROM CITIZENS FROM AGENDA

Noise Ordinance

David Herdt, Deadwood resident, spoke about the noise coming Dahl's Chainsaw from Main Street. He spoke about decimal readings, phone calls and visits with city, police reports, visits to Dahl's Chainsaw location, calls to OSHA, and read some of the noise Ordinance and the Powers and Duties of Zoning Director. Herdt believes the chainsaw artwork is not beneficial to the City of Deadwood, and is causing a nuisance and safety hazard. Herdt thanked Commission for their time. Mayor Ruth Jr. stated City is aware of the concerns in regards to noise ordinance and measurements were done, which did not exceed the violations of the ordinance. Ruth Jr. disagrees with Herdt about not being beneficial to community since he is a business owner that generates sales. Jordan Dahl, owner of Dahl's Chainsaw, spoke and apologized for the early mornings and late night's noise. Commissioner Martinisko stated the business is an attribute to the City and owner has come to the City to address issues. Discussion was held concerning possible solutions to the noise. Commissioner thanked Herdt for his time.

CONSENT

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

- A. Correct starting date for Patrol Officer Branden Hester from June 16, 2021 to June 23, 2021.
- B. Permission to pay \$5,860.00 to Norton Mobile Welding, LLC for the manufacturing and installation of new arena gates as part of the budgeted and approved \$65,000.00 enhancement project to be paid by HP Capital Assets line item.
- C. Permission to purchase 5500 gallons of fuel at \$2.69 per gallon from Southside Oil.
- D. Permission for Mayor sign a Permanent Easement for drop inlet, Partial Release of Easement to eliminate vehicular traffic crossing the property line per plat, Partial Release of Easement to eliminate vehicular traffic crossing property line from the additional easement granted in 2014 and Temporary Construction Easement. All for the Construction of the City Hall Parking Lot.
- E. Make 2021 budgeted allocation to SD Humanities Council (Festival of Books) in the amount of \$10,000 from Bed and Booze Fund.
- F. Make 2021 budgeted allocation to Boys & Girls Club of the Black Hills in the amount of \$3500 from Bed and Booze Fund.
- G. Make 2021 budgeted allocation to Teen Court in the amount of \$8,500. (\$4,500 from Bed and Booze Fund and \$4,000 from Police Fund.)
- H. Permission to purchase and pay Rasmussen Mechanical for HVAC circulation pump at Adams Museum in the amount of \$5,273.96. (To be paid from Public Buildings repair budget.)
- I. Permission to hire and pay Rasmussen for emergency HVAC repairs to include compressor and condenser replacement at Adams house, amount not to exceed \$4,000.00. (To be paid from Public Buildings repairs budget.)

REGULAR MEETING, JUNE 21, 2021

- J. Accept letter from The Lodge requesting three year extension on city slot machine lease (10 devices) as allowed by contract. Letter received in Finance Office May 5, 2021.

BID ITEMS

Results

Finance Officer McKeown stated auction was held on June 16 as advertised, with five bidders. McKeown thanked Rick Olesen with Dakota Plains Auctions for being the auctioneer. Martinisko moved, Struble seconded to enter into three-year city slot machine lease (with one option to renew) with the following entities: Cadillac Jack's – 15 devices - \$130,000.00 annually; Silverado Franklin – 10 devices - \$92,500.00 annually; Tin Lizzie – 15 devices - \$117,500.00. Roll Call: Aye-All. Motion carried.

Results

Mayor Ruth stated two bids were opened for Crow's Nest Project as advertised. Historic Preservation Officer Kuchenbecker stated two bids were received and due to price of materials, bids were higher than the engineers estimate but staff recommends approval. Bid bonds were included in the following bid submittal:

Mac Construction: \$848,000.00
SECO Construction: \$805,000.00

Martinisko moved, Johnson seconded to approve recommendation and award Crows Next Project to Construction SECO Construction in the amount of \$805,000.00. Roll Call: Aye-All. Motion carried.

Results

Mayor Ruth stated bids were opened for 49 Centennial Retaining Wall project as advertised. Kuchenbecker stated two bids were received and staff recommends approval. Bid bonds were included in the following bid submittal:

CAI 2 Construction: \$259,250.00
RCS Construction: \$119,000.00

Todd moved, Martinisko seconded to approve recommendation and award 49 Centennial Retaining Wall project to RCS Construction in the amount of \$119,000.00. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS

License

Public hearing was opened at 5:41 p.m. by Mayor Ruth Jr., no one spoke in favor or against, hearing closed.

Martinisko moved, Struble seconded to approve Retail (on-off sale) Malt Beverage and Retail (on-off sale) Wine License for Deadwood DDG, LLC dba KOA at 11484 US HWY 14A. Roll Call: Aye-All. Motion carried.

Road Grub Throw Down

Public hearing was opened at 5:42 p.m. by Mayor Ruth Jr., Sarah Kryger, Deadwood Chamber, was available to answer questions, hearing closed.

Martinisko moved, Johnson seconded to approve special liquor license for Deadwood Chamber, Friday, August 6 through Tuesday, August 10, 2021 from 9:00 a.m. to 9:00 p.m. Roll Call: Aye-All. Motion carried.

Harley Davidson

Public hearing was opened at 5:44 p.m. by Mayor Ruth Jr., Lee Harstad, Deadwood Chamber, was available to answer questions, hearing closed.

Martinisko moved, Struble seconded to approve open container Saturday, August 7 through Saturday, August 14, in Zone 4, Outlaw Square only, from noon to 9:00 p.m. with exemption of Monday, August 9, 2021 from 3:00 p.m. to 9:00 p.m. Roll Call: Aye-All. Motion carried.

REGULAR MEETING, JUNE 21, 2021

Sidewalk Sales

Public hearing was opened at 5:47 p.m. by Mayor Ruth Jr., Louie LaLonde was available to answer questions, hearing closed.

Struble moved, Martinisko seconded to allow for sidewalk sales on Tuesday's in conjunction with the Outlaw Square Farmer's Market from 3:00 p.m. to 7:00 p.m. beginning June 29 through October 26, 2021. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Variance

Planning and Zoning Administrator Russell spoke about the variance. Discussion was held concerning soil testing and concerns from residents. Martinisko moved, Johnson seconded to act as Board of Adjustment and approve the variance request of a reduced setback of 10' at 19 Centennial Avenue for Robb and Wendy Nelson. Variance was approved by the Planning and Zoning Commission on June 16, 2021. Roll Call: Aye-All. Motion carried.

Memorandum of Understanding

Deadwood Lead Economic Development Director Wagner spoke about the development. Toby Morris and Leah Berg were available to answer questions. Martinisko questioned the amounts about project cost and reimbursable cost. Morris corrected the amounts. McKeown asked if any other changes have been made. Morris said no additional changes were made. Commissioner Todd questioned the recommendation from Morris about a moratorium on TIFS. Mayor Ruth Jr. recommended addressing this TIF then following with direction for staff to prepare documentation on TIF fatigue. Martinisko moved, Struble seconded to allow Mayor to sign Memorandum of Understanding as corrected with TRD LLC for Preacher Smith Property AKA 'The Ridge' development in regards to proposed Annual Appropriation Tax Increment Financing as corrected. Mayor Ruth Jr. asked staff to start preparing documentation addressing TIF status. Roll Call: Aye-All. Motion carried.

Pay Apps

Leah Berg, Affordably Creative Engineering Services, spoke about the Utility Project. Martinisko moved, Johnson seconded to approve and allow Mayor to sign pay application #11 in the amount of \$41,571.72, pay application #12 in the amount of \$126,090.54 and accept Certificate of Completion for the Lower Main Street Utility Improvement Project. One year warranty on the project began June 6, 2021. McKeown thanked Berg for working directly with City Auditor. Roll Call: Aye-All. Motion carried.

Resolution 2021-16

Kuchenbecker spoke about the surplus property. Martinisko moved, Struble seconded to approve Resolution 2021-16 to Surplus City Owned Real Estate, Lot B of Probate Lot 227, parcel of land and associated structure located at 227 Williams Street. (Parcel ID: 30050-00227-000-00.) Roll Call: Aye-All. Motion carried.

RESOLUTION 2021 – 16 RESOLUTION TO SURPLUS CITY OWNED REAL ESTATE

WHEREAS, the Deadwood City Commission desires to designate certain City owned real property as surplus land and transfer said real property to Deadwood-Lead Economic Development Corporation, pursuant to SDCL § 6-5-3 and 6-5-4,

AND WHEREAS, the public interest will be better served by transferring the following described real property to the Deadwood-Lead Economic Development Corporation;

Lot B of Probate Lot 227, City of Deadwood, Lawrence County, South Dakota, according to Plat Document No. 2015-5499.

AND WHEREAS, the land to be designated as surplus and then transferred encourages the development of said property.

NOW THEREFORE IT IS HEREBY RESOLVED, pursuant to SDCL 6-5-4, the public interest will be better served by the proposed designation of surplus property and transfer of land to the Deadwood-Lead Economic Development Corporation.

REGULAR MEETING, JUNE 21, 2021

IT IS FURTHER RESOLVED, that the Deadwood City Commission shall further follow all mandates of SDCL 6-5-4, as statutorily provided.

Dated this 21st day of June, 2021

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

Quit Claim Deed

Struble moved, Todd seconded to allow Mayor to sign Quit Claim Deed to Deadwood-Lead Economic Development and Certificate of Real Estate Value. Roll Call: Aye-All. Motion carried.

Pay

Martinisko moved, Struble seconded to pay CapFirst Equipment Finance in the amount of \$36,882.10 for annual lease payments for two CAT 938M loaders. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Kevin Wagner, Stage Run Resident, thanked Public Works Department for their support during the annual clean up.

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.

Commissioner Todd questioned the rodeo grounds mill and overlay project.

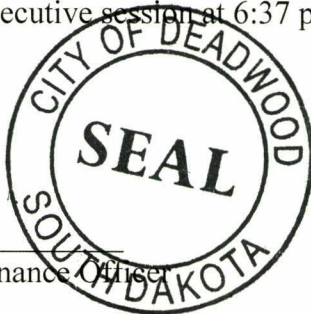
ADJOURNMENT

Martinisko moved, Struble seconded to adjourn the regular session at 6:12 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 Tuesday, July 6, 2021.

After coming out of executive session at 6:37 p.m., Martinisko moved, Struble seconded to adjourn.

ATTEST:


Jessica McKeown, Finance Officer



DATE: July 6, 2021

BY: David Todd / Pres
David Ruth Jr., Mayor

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