

REGULAR MEETING, SEPTEMBER 20, 2021

The Regular Session of the Deadwood City Commission convened on Tuesday, September 7, 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 September 7, 2021. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Commissioner Martinisko read corrections to the bill list. Martinisko moved, Struble seconded to approve the September 20, 2021 disbursements as corrected. Roll Call: Aye-All. Motion carried.

A & B BUSINESS SOLUTIONS	CONTRACT	57.36
ACE HARDWARE	SUPPLIES	196.92
ALBERTSON ENGINEERING	PROJECT	10,284.34
ALSCO	SUPPLIES	1,255.91
AMAZON CAPITAL	SUPPLIES	1,421.08
AMAZON	SERVICE	203.92
AMERICAN LEGION EMBLEM	SUPPLIES	1,123.90
ATCO INTERNATIONAL	SUPPLIES	378.00
BH ASPHALT	SERVICE	19,623.03
BH CHEMICAL	SUPPLIES	787.82
BH ENERGY	SERVICE	34,581.23
BH PIONEER	SERVICE	671.45
BLOOMERS	SUPPLIES	155.88
BRANDON INDUSTRIES	SUPPLIES	492.00
BUTLER MACHINERY	REPAIRS	39,313.74
CHAINSAW CENTER	SERVICE	1,983.03
COCA COLA	SUPPLIES	1,628.64
CONVERGINT TECHNOLOGIES	SERVICE	2,839.03
CULLIGAN	SUPPLIES	27.00
DEADWOOD ALIVE	AUGUST	20,000.00
DEADWOOD ELECTRIC	REPAIRS	504.79
DONARSKI LAWN CARE	SERVICE	2,805.30
EAGLE ENTERPRISES	SUPPLIES	1,026.70
ECOLAB	SERVICE	347.88
EXTREME FOUNDATION	REPAIRS	1,020.00
FASSBENDER COLLECTION	FUNDING	5,000.00
FIB CREDIT CARDS	SUPPLIES	3,258.34
GLOBAL EQUIPMENT	SUPPLIES	292.94
GOLDEN WEST	SERVICE	1,794.75
GUNDERSON, PALMER, NELSON	SERVICE	4,642.50
HEIMAN	SUPPLIES	1,523.91
IDENTISYS	SUPPLIES	616.21
IPS GROUP	SERVICE	5,022.31
KUBOTA LEASING	PAYMENT	1,378.88
LAWRENCE CO. REGISTER	SERVICE	90.00
LAWSON PRODUCTS	SUPPLIES	385.00
LEAD-DEADWOOD SANITARY	SERVICE	36,813.38
LYNN'S	SUPPLIES	81.42
M&M SANITATION	RENTAL	240.00
MAC CONSTRUCTION	PROJECT	48,044.50
MENARD'S	SUPPLIES	348.00
MID-AMERICAN RESEARCH	SUPPLIES	566.89
MIDWEST TAPE	SUPPLIES	272.38
MODERN MARKETING	SUPPLIES	279.33
MUTUAL OF OMAHA	INSURANCE	197.50
NORTHWEST PIPE FITTINGS	SUPPLIES	351.54
OFFICE DEPOT	SUPPLIES	112.95
POWERPLAN	SUPPLIES	1,623.05
QUIK SIGNS	SERVICE	3,001.42
RAPID DELIVERY	SERVICE	13.80
RAPID SPA	SUPPLIES	139.98
RECREATION SUPPLY	SUPPLIES	3,166.23
SANDER SANITATION	SERVICE	12,087.73
SCOTT PETERSON MOTORS	SERVICE	813.48
SD COMMISSION ON GAMING	CITY SLOTS	29,829.55
SD DEPT. OF CORRECTIONS	FIREWISE	3,611.35
SD DEPT. OF REVENUE	LICENSE	150.00
SD DEPT. OF REVENUE	TAX	9,518.86
SD PUBLIC ASSURANCE ALLIANCE	RENEWAL	178,342.68
SIMON MATERIALS	SERVICE	142.12
SJOMELING, DAN & SHAUNNA	PROJECT	599.22
SOUTHSIDE SERVICE	REPAIR	487.20
SPEARFISH AUTO SUPPLY	SUPPLIES	429.43
STATION AUTOMATION	RENEWALS	1,230.00
STRAIGHT LINE STRIPING	SERVICE	1,326.00
STRETCH'S	SUPPLIES	52.07
STURDEVANT'S	SUPPLIES	1,178.28
SUMMIT SIGNS	SERVICE	554.00
THE LIBRARY STORE	SUPPLIES	130.71
THE LORD'S CUPBOARD	RECYCLING	144.41
TRUGREEN	SERVICE	3,210.21

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VAN DIEST SUPPLY	SUPPLIES	999.00
VERIZON CONNECT	SERVICE	215.93
VERIZON CONNECT	SERVICE	95.95
VIGILANT BUSINESS SOLUTION	SCREENING	506.00
VISIONARY LANDSCAPING	PROJECT	1,785.00
WELLMARK	INSURANCE	60,930.80
WESTERN STATES FIRE	INSPECTION	225.00
WILEY, TRACY	REFUND	25.00

Total \$570,606.14

ITEMS FROM CITIZENS ON AGENDA

Proclamations

Mayor Ruth Jr. read a proclamation declaring September 17 through September 23, 2021 as Constitution Week in Deadwood.

Mayor read a proclamation declaring September 19 through September 25, 2021 as Responsible Gaming Education Week in Deadwood.

Mayor read a proclamation declaring September, 2021 as Library Card Sign-up Month in Deadwood.

CONSENT

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

- A. Approve Special Alcohol License for Deadwood Chamber to serve liquor at Event Complex from 2:00 p.m. to 10:00 p.m. Saturday, September 25, and noon to 6:00 p.m. Sunday, September 26, 2021 for PBR Unleash the Beast Event. No public hearing necessary since license is on publicly owned property.
- B. Allow use of public property at the Event Complex on Thursday, September 24 through Monday, September 27, 2021 for PBR Unleash the Beast Event. Deposit has been received.
- C. Permission to increase wage of Trolley Driver Reece Beck from \$13.11 per hour to \$13.84 per hour retroactive to August 21, 2021 after one year of service.
- D. Permission for Mayor to sign Oakridge Cemetery Certificate of Purchase and Warranty Deed for Donna Kirkpatrick.
- E. Remove the following Rec Center employees from payroll effective September 20, 2021. Benjamin Wise, Bridger Janvrin, Rebecca Groeger and Brock Pentheny.
- F. Permission to hire Tylissa Geffre as lifeguard/swim instructor at the Recreation Center at \$12.88 per hour effective Sept. 27, 2021, pending pre-employment screening.
- G. Permission to pay Butler Machinery Company 2nd installment on the 2019 CAT140-13A AWD N9500265 motor grader in the amount of \$20,558.83. To be paid out of the Streets Equipment Budget
- H. Permission to pay Butler Machinery Company 2nd installment on the 2019 CAT140-13A AWD N9500258 motor grader in the amount of \$18,520.79. To be paid out of the Streets Equipment Budget

PUBLIC HEARINGS

PBR Unleash the Beast

Public hearing was opened at 5:11 p.m. by Mayor Ruth Jr. Sarah Kryger, Deadwood Chamber was available to answer questions, hearing closed.

Johnson moved, Todd seconded to approve open container from 2:00 p.m. to 10:00 p.m. on Saturday, September 25, and noon to 6:00 p.m. on Sunday, September 26, 2021 at Event Complex. Roll Call: Aye-All. Motion carried.

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Malt Beverage License

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

Todd moved, Struble seconded to approve Retail (on-off sale) Malt Beverage license for Historic Deadwood Convention facility dba Wooden Nickel, Iron Horse Inn, Martin-Mason Hotel at 5-9 Lee Street. Roll Call: Aye-All. Motion carried.

Open Container

Public hearing was opened at 5:14 p.m. by Mayor Ruth Jr., Commission spoke against due to being too close to rec center and park. Chief Mertens stated the more resources would have to be used, hearing closed.

Martinisko moved, Struble seconded to deny extending Zone 2 open container area to include Deadwood Day Spa at 93 Sherman Street. Roll Call: Aye-All. Motion carried.

Set

Struble moved, Todd seconded waive 45-day requirement and set public hearing on October 4 for Lead Deadwood High School Homecoming Parade. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Ordinance

Finance Officer McKeown stated no changes between first and second readings. Struble moved, Johnson seconded to approve second reading of Ordinance #1330 – 2021 Historic Preservation Budget Supplement #2. Roll Call: Aye-All. Motion carried.

Ordinance

McKeown stated no changes between first and second reading. Department heads understand that expenditures may be deducted if not approved by commission. Mayor Ruth Jr. stated justification or explanation for each expenditure will be given to Commission for approval. Martinisko moved, Johnson seconded to approve second reading of Ordinance #1331 – 2022 Budget Appropriation. Commission thanked staff for their work. Roll Call: Aye-All. Motion carried.

Pay

Public Works Director Nelson Jr. spoke about the project. Struble moved, Todd seconded to pay Extreme Foundation Repair and Concrete Lifting \$5,180.00 for repairs to the sidewalk and curb on Sherman Street and Pine Street. To be paid from Street Division Sidewalks Budget. Roll Call: Aye-All. Motion carried.

Agreement

Nelson Jr. spoke about the agreement. Johnson moved, Todd seconded to allow Mayor to sign Master Installment Purchase Agreement with Mercedes-Benz Financial Services USA LLC and all associated documents relating to the lease of one 2021 Freightliner 109SD Dump Truck in the amount of \$148,005.00. Lease commencing on September 7, 2021 with first installment payment on September 7, 2022 in the amount of \$27,740.43. Truck bid was October 13, 2020. To be paid from the Street Division of Public Works Equipment Budget. Roll Call: Aye-All. Motion carried.

Resolution

Attorney Riggins spoke about the deadline of Medical Cannabis Ordinances. He spoke about a moratorium in place until December 1 to allow city additional time for review. Martinisko moved, Struble seconded to approve Resolution 2021-21 Extending the Temporary Ordinance regarding Issuance of Medical Cannabis. Roll Call: Aye-All. Motion carried.

RESOLUTION 2021 – 21

RESOLUTION EXTENDING THE TEMPORARY ORDINANCE REGARDING THIS ISSUANCE OF LOCAL MEDICAL CANNABIS ESTABLISHMENT PERMITS AND/OR LICENSES, ORINANCE 1327 AND DELAYING IMPLEMENTATION OF

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ORDINANCE 1329 CREATING ZONING REGULATIONS FOR CANNABIS ESTABLISHMENTS

WHEREAS, the City of Deadwood previously adopted Ordinance 1327 on June 10, 2021 regarding the temporary issuance of local medical cannabis establishment permits and/or licenses;

WHEREAS, Ordinance 1327 made a preliminary finding that the city's current regulations and controls may not adequately address the unique needs and impact of medical cannabis establishments as defined in SDCL 34-20G-1;

WHEREAS, Ordinance 1327 recognized that because the Department of Regulations had not yet adopted the final standards for medical cannabis the City would not be able to adequately assess the local zoning and licensing requirements necessary to approval local permits and to better ensure applicants have a more predictable permitting process to avoid stranded investments;

WHEREAS, Ordinance 1327 recognized that because the Department of Regulations had not yet adopted the final standards for medical cannabis the City would not be able to adequately assess the local zoning and licensing requirements necessary to approval local permits and to better ensure applicants have a more predictable permitting process to avoid stranded investments;

WHEREAS, Ordinance 1327 was adopted to ensure that more comprehensive zoning ordinance and building permit changes, licensing permits, and any proposed amendments to the City's Comprehensive Plan could be completely examined with adequate public input from citizens, business interests, and medical cannabis industry representatives;

WHEREAS, Ordinance 1327 was adopted to preserve the status quo and to prevent significant investment pending the passage of the final State Department of Regulations final standards;

WHEREAS, Ordinance 1327 was adopted to protect and immediately preserve the public health, safety, welfare, peace and support of the municipal government and its existing public institutions;

WHEREAS, the City adopted Ordinance 1329 to create zoning regulations for cannabis establishments on September 8, 2021;

WHEREAS, the City believes it is still unable to adequately assess the impact of Ordinance 1329 as well as the licensing requirements necessary to approval local permits and determines that any license application received on or before December cannot be adequately assessed under the current zoning ordinances and therefore cannot be accepted for consideration.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF DEADWOOD, SD:

Ordinance Number 1327 Entitled A Temporary Ordinance Regarding the Issuance of Local Medical Cannabis Establishment Permits and / or Licenses shall be extended until December 1, 2021. In accordance with this Resolution and Ordinance Number 1327, no licenses or permits regarding Medical Cannabis Establishments shall be issued by the City of Deadwood until December 1, 2021.

This resolution shall become effectively immediately and remain in effect until December 1, 2021. The City of Deadwood Commission may deem it necessary to repeal or extend this resolution.

Dated this 20th day of September, 2021

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

Ordinance

Todd moved, Struble seconded to approve first reading of Ordinance #1332, Extending Cannabis Moratorium. Roll Call: Aye-All. Motion carried.

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Contract

Nelson Jr. spoke about the project. Struble moved, Johnson seconded to enter into contract with McDirt Construction to inspect and repair five water valves at the intersection of Lee Street and Main Street in the amount of \$11,500.00. City staff will assist with this project. To be paid from the Water Division Improvements Budget. Roll Call: Aye-All. Motion carried.

Final Plat

Planning and Zoning Administrator Russel spoke about the plat. Leah Berg, ACES, was available to answer questions. Struble moved, Johnson seconded to act as Board of Adjustments and approve final plat of Lots 1 & 2, Block 1B. of The Ridge Development. Formerly A Portion of Preacher Smith Tract Located in Gov't Lots 10 and 12 of Section 11, Township 5 North, Range 3 East, Black Hills Meridian, City of Deadwood, Lawrence County, South Dakota. Approved by Planning and Zoning Commission on September 15, 2021. Roll Call: Aye-All. Motion carried.

Final Plat

Russell spoke about the plat. Johnson moved, Todd seconded to act as Board of Adjustments and approve final plat of Lots 1, 2, and 3, Block 3A of palisades Tract of Deadwood Stage Run Addition to the City of Deadwood Located in the SW1/4 of Section 14, the SE1/4 of Section 15, the NE1/4NE1/4 of Section 22 and the N1/2NW1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence South, South Dakota. Approved by Planning and Zoning Commission on September 15, 2021.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

- A. A special meeting will be held Monday, September 27, 2021 at 5:00 p.m. for second reading of Ordinance #1322, Extending Cannabis Moratorium

Discussion was held concerning importance of Preacher Smith Monument.

Facilities and Transportation Director Kruzel extended condolences to the family of trolley driver Roger Brooks.

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

Todd moved, Johnson seconded to adjourn the regular session at 5:47 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, October 4, 2021.

After coming out of executive session at 5:55 p.m., Todd moved, Johnson seconded to adjourn.

ATTEST:

Jessicca McKeown, Finance Officer



DATE:

BY:

David Ruth Jr., Mayor

Published once at the total approximate cost of _____