

REGULAR MEETING, JANUARY 18, 2022

The Regular Session of the Deadwood City Commission convened on Tuesday, January 18, 2022 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 and Gary Todd. Commissioner Charlie Struble was absent. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Martinisko moved, Johnson seconded to approve the minutes of January 3, 2022. Roll Call: Aye-All. Motion carried.

DECEMBER 2021 PAYROLL: COMMISSION, \$4,096.14; FINANCE, \$29,560.91; PUBLIC BUILDINGS, \$21,299.62; POLICE, \$123,987.28; FIRE, \$8,776.32; BUILDING INSPECTION, \$7,501.10; STREETS, \$47,593.12; PARKS, \$34,190.38; PLANNING & ZONING, \$6,822.27; LIBRARY, \$9,899.72; RECREATION CENTER, \$27,568.30; HISTORIC PRESERVATION, \$28,049.72; WATER, \$25,318.91; PARKING METER, \$14,842.66; TROLLEY, \$30,931.80; PARKING RAMP, \$2,157.40. **PAYROLL TOTAL: \$422,595.65.**

DECEMBER 2021 PAYROLL PAYMENTS:

Internal Revenue Service, \$103,959.58; S.D. Retirement System, \$49,969.72; Delta Dental, \$4,508.00.

APPROVAL OF DISBURSEMENTS

Johnson moved, Todd seconded to approve the January 18, 2022 disbursements as corrected. Roll Call: Aye-All. Motion carried.

ACE HARDWARE	SUPPLIES	143.99
ACE INDUSTRIAL SUPPLY	SUPPLIES	1,106.00
ADAMS SALVAGE RECYCLING	SERVICE	160.01
ALBERTSON ENGINEERING	PROJECT	1,005.92
ALL ASPECTS	PROJECT	1,330.00
AMAZON CAPITAL	SUPPLIES	871.27
AMAZON	SERVICE	197.89
AMERICAN ENGINEERING TESTING	PROJECT	330.10
AMERICAN RED CROSS TRAINING	SUPPLIES	164.28
ASSOCIATION OF STATE FLOOD	MEMBERSHIP	300.00
ATCO INTERNATIONAL	SUPPLIES	846.20
BADGER METER	SERVICE	49.26
BH CHEMICAL	SUPPLIES	948.28
BH ENERGY	SERVICE	30,313.02
BH HARLEY DAVIDSON	SERVOCE	179.04
BH PIONEER	SERVICE	1,171.68
BH SPECIAL SERVICE	SERVICE	2,050.00
BH WINDOW CLEANING	SERVICE	2,948.00
BLACKSTRAP	SUPPLIES	8,435.10
BSN SPORTS	SUPPLIES	276.00
BUTLER MACHINERY	SUPPLIES	455.77
CAI CONSTRUCTION	PROJECT	64,830.00
CHAINSAW CENTER	SUPPLIES	16.10
COCA COLA	SUPPLIES	614.72
CODE WORKS	SERVICE	3,506.20
CRAMER MARKETING	SUPPLIES	165.42
CULLIGAN	SUPPLIES	166.10
CVD CONSTRUCTION	PROJECT	126,287.25
DEADWOOD ELECTRIC	SERVICE	66.33
DEADWOOD GAMING	BID #8	5,000.00
DEADWOOD HISTORY	PROGRAMS	15,000.00
ECOLAB	SERVICE	254.73
FASSBENDER COLLECTION	OPERATIONS	20,000.00
FERBER ENGINEERING	PROJECT	2,082.90
FIB CREDIT CARDS	SUPPLIES	6,256.86
G&H DISTRIBUTING	PROJECT	9,696.86
GALLS	UNIFORMS	284.44
GLOVER, SANDY	REIMBURSEMENT	262.04
GLOVER, WILLIAM	REIMBURSEMENT	68.00
GOLDEN WEST	SERVICE	1,939.81
HAWKI, KEN	REIMBURSEMENT	154.83
HILLYARD	SUPPLIES	1,239.56
IPS GROUP	SERVICE	3,777.71
IWORQ	SERVICE	2,150.00
J.P. TOWING	SERVICE	125.00
JACOBS WELDING	SERVICE	38.00
KEY CITY GLASS	SUPPLIES	185.00
KNECHT	SUPPLIES	1,313.56
KNECHT	GRANTS	59.26
KONE CHICAGO	MAINTENANCE	502.76
LAKOTA CONTRACTING	UNIFORMS	77.35
LAWRENCE CO. REGISTER	SERVICE	30.00
LEAD-DEADWOOD SANITARY	SERVICE	25,972.09
M&M SANITATION	RENTAL	140.00
MARCO	CONTRACT	158.18
MENARD'S	SUPPLIES	4,676.36

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MIDWEST TAPE	SUPPLIES	107.94
MS MAIL	SERVICE	1,230.07
NHS OF THE BLACK HILLS	SERVICE	3,296.03
O'CONNOR	SUPPLIES	1,603.14
ONE WAY SERVICE PROS	PROJECT	8,821.76
OTIS ELEVATOR	MAINTENANCE	151.95
PANNIER	SERVICE	3,588.00
PITNEY BOWES	POSTAGE	300.00
POWERPLAN	SUPPLIES	117.02
QUICK TROPHY	SUPPLIES	45.16
QUIK SIGNS	SERVICE	391.34
QUILL	SUPPLIES	117.75
RAPID DELIVERY	SERVICE	15.30
RASMUSSEN MECHANICAL	PROJECT	7,991.94
RECREATION SUPPLY	SUPPLIES	71.31
S AND C CLEANERS	CLEANING	10,485.50
SANDER SANITATION	SERVICE	11,612.73
SD COMMISSION ON GAMING	CITY SLOTS	29,829.55
SD DEPT. OF CORRECTIONS	FIREWISE	20.40
SD DEPT. OF REVENUE	TAXES	2,662.09
SD DEPT. OF TOURISM	CONFERENCE	2,300.00
SETON	SUPPLIES	1,999.79
SJOMELING, DAN & SHAUNNA	PROJECT	206.60
SOUTH DAKOTA 811	SERVICE	146.72
SOUTHSIDE SERVICE	SERVICE	800.00
SPEARFISH AUTO SUPPLY	SUPPLIES	94.88
STAN HOUSTON EQUIP.	SUPPLIES	328.00
STURDEVANT'S	SUPPLIES	1,156.48
THE LORD'S CUPBOARD	RECYCLING	70.95
TOMS, DON	PROJECT	600.00
TOWEY DESIGN GROUP	PROJECT	1,424.00
TWIN CITY HARDWARE	SUPPLIES	76.87
VERIZON CONNECT	SERVICE	171.60
VIEHAUSER ENTERPRISES	SERVICE	194.94
VIGILANT BUSINESS SOLUTION	SERVICE	185.00
VISIONARY LANDSCAPING	PROJECT	2,270.00
WEST RIVER TRAILER SALES	SUPPLIES	99.99

Total \$444,964.03

CONSENT

Martinisko moved, Johnson seconded to omit item H for separate consideration and approve the following consent items. Roll Call: Aye-All. Motion carried.

- A. Renew software maintenance with ESRI for \$16,600.00 and allow Mayor to sign. Cost will be shared between departments using the software.
- B. Add Jackso Grangaard and Brandon Wallin and remove Pat Eastman, Cassidy LeMons and Toby Edstrom from the Volunteer Fire Department roster for workers compensation purposes effective January 4, 2022
- C. Enter into contract with Donald Toms for the 2022 Ledger Indexing Project in the amount of \$8,000.00 to be paid through the 2022 HP Archives budget.
- D. Enter into contract with Jaci Conrad Pearson to conduct the 2022 Oral History Projects at cost of \$6,750.00 to be paid from the 2022 HP Archives Budget.
- E. Request from Days of 76 and Deadwood History, Inc. for financial support in the amount of \$4,000.00 to maintain and repair various carriage in the collection. (To be paid from HP Public Education line item).
- F. Permission for Mayor to sign contract with Robert Warren in the amount not to exceed \$1,500.00 for the Specimen Analysis of mollusks and shells recovered during the Chinatown archaeological investigations to be paid from the 2022 HP Archaeology Budget.
- G. Permission for the Mayor to sign contract with Benjamin Shreves in the amount not to exceed \$1,500.00 for the Floral Analysis of specimens recovered during the 40 Taylor Avenue archaeological investigations to be paid from the 2022 HP Archaeology Budget.
- H. Removed for separate consideration in New Business.
- I. Permission to promote Kathy McKillip to Library Assistant I at \$14.42 per hour effective January 23, 2022.
- J. Permission to increase wage of Maintenance Technician Troy Jassman from \$22.41 per hour to \$23.59 per hour effective January 22, 2022 after completing two years of service. (This is 100% of prevailing wage)
- K. Permission to grant Marie Vansickel up to 80 additional hours from the sick bank.
- L. Permission to allow Ken Mertens to extend 40 hours of vacation time thru Feb 28, 2022.
- M. Permission to advertise in-house for 5 days and then in official newspaper for two full time patrol officer positions. (\$25.79 per hour for Certified and \$23.22 for Non-Certified)

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- N. Permission to pay Invoice #S00122048 in the amount of \$4,713.06 to SD Dept of Transportation for share costs in connection with Project NH014A(15)41 04FA - US14A - Fm Railroad Ave to E of the Jct. of US85 in Deadwood. 2019 SDDOT and City of Deadwood Combined Bid Letting Project completed in 2021.
- O. Permission to close out Outlaw Square Fund (0517) in City's accounting system. (Bond payments are paid from Historic Preservation.)
- P. Permission to purchase 5,500 gallons of fuel at \$2.78 per gallon from Southside Oil to be paid out of the Streets Supply budget
- Q. Permission for Mayor to sign Oakridge Cemetery Certificates of Purchase and Warranty Deeds for Lawrence and Charlotte Lesmeister
- R. Permission to pay Gardner Construction, LLC for hauling 10 loads (142.23 ton) of base for repair/improvements to a city retaining wall holding up the street on Spring Street in the amount of \$2,583.44 to be paid from the 2021 HP Capital Assets Retaining Wall.
- S. Permission to pay Menards for an Ideal garage door for the Days of '76 crowd's nest project in the amount of \$3,907.98 to be paid from the 2021 HP Capital Assets rodeo grounds line item.
- T. Permission for Mayor to sign proposal from Ferber Engineer to complete surveying services related to Miller Street Parking Garage, amount not to exceed \$15,000.00. (2022 budgeted item recommended by Parking and Transportation on January 30, 2021.)
- U. Acknowledge receipt of letter from Deadwood Tobacco Company and approve the relocation of their business to Masonic Center.

NEW BUSINESS

Resignation

Martinisko moved, Todd seconded with regret to accept resignation of Tom Kruzel, Transportation and Facilities Director, effective January 13, 2022. Commission thanked him for his time and wished him the best. Roll Call: Aye-All. Motion carried.

Second Reading

Planning and Zoning Administrator Russell stated no comment received between first and second reading. Martinisko moved, Johnson seconded to approve second reading of Ordinance #1348 Amending Ordinance #1328 Creating Zoning Regulations for Cannabis Establishments. Roll Call: Aye-All. Motion carried.

Second Reading

Russell stated no comment received between first and second reading. Attorney Riggins spoke about the changes made between first and second reading. Commissioner Martinisko asked to omit "if eligible, the City shall deposit the application fee of \$10,000.00 from section 5.56.05 D which conflicts with procedure of application fee. Martinisko moved, Johnson seconded to approve as amended second reading of Ordinance #1349 Amending Chapter 5.56 the Revised Ordinances for Creating Licensing Provisions for Medical Cannabis Establishments including Dispensaries, Cultivation, Product Manufacturing and Testing Facilities.

Todd Weber, resident, questioned the \$5000.00 for social programs. He asked, where will the monies come from and how will it be funded? Finance Officer McKeown stated the initial application fee will be held in a separate account and additional discussion document will come forward for the Commission to decide allocation procedures. Steve Olson, resident, questioned the discount for multiply licenses. Mayor Ruth Jr. stated the fee is for additional licenses that are owned by the same owner of adjacent plats. Olsen also asked if there is a limit on number of licenses. Mayor Ruth Jr. stated no, it is based on fair market, zoning map and ordinance, knowing there are only certain locations available by zone. Commissioner Martinisko spoke about the zoning map. Roll Call: Aye-All. Motion carried.

First Reading

Building Inspector Mohr spoke about updating the building code from 2018. Johnson moved, Todd seconded to approve first reading of Ordinance #1350 Amending Chapter 15.01 International Building Code. Roll Call: Aye-All. Motion carried.

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Agreement

McKeown spoke about the agreement. Martinisko moved, Johnson seconded to allow Mayor to sign Development Agreement for The Ridge (TRD LLC) for Tax Increment District #14. Commission thanked Tobin Morris and Leah Berg for the work. Roll Call: Aye-All. Motion carried.

Purchase

McKeown spoke about the purchase. Martinisko moved, Johnson seconded to purchase one eight-foot service body and one aluminum lift gate for the 2017 Public Building pickup from Custom Truck equipment in the amount of \$11,295.00 to be installed by city staff. (To be paid by Water Dept. equipment budget.) Roll Call: Aye-All. Motion carried.

Application

Martinisko moved, Todd seconded to fill out application with the South Dakota Department of Agricultural and Natural Resources to amend the Restricted Use Site Permit for the Tri-City Rubble Site to change the boundary of the current rubble site to allow for an auto salvage yard on public property. All expenses incurred to amend the permit shall be paid by Adams Salvage and Recycling LLC. Roll Call: Aye-All. Motion carried.

Change Order

Historic Preservation Officer Kuchenbecker spoke about the change order. Martinisko moved, Todd seconded to approve change order #1 with CAI2 for Denver Avenue Retaining Wall to reduce contract by \$8,100.00 and extend completion date to May 30, 2022, bringing total contract to \$278,400.00. Roll Call: Aye-All. Motion carried.

Agreement

McKeown spoke about the agreement. Martinisko moved, Johnson seconded to allow city staff to sign agreement with Golden West Technology for managed IT services, security and upgraded storage. (Approved in 2022 IT budget contracted services line item.) Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

- A. Petitions may be taken out and circulation may begin on January 28, 2022 for Mayor, a 3-year term. Petitions must be returned no later than February 25, 2022 at 5:00 p.m.

Todd Weber, resident, expressed concern about being the only town to have unlimited number of medical licenses available. He believes the visitors that come to town as well as the residents are not the kind that want to associate with cannabis facilities.

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

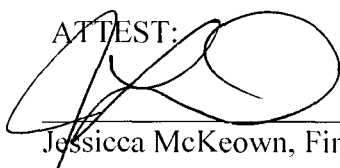
ADJOURNMENT

Martinisko moved Johnson seconded to adjourn the regular session at 5:33 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, February 7, 2022.

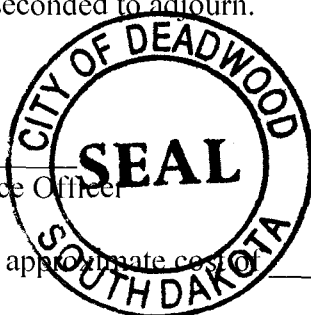
After coming out of executive session at 6:41 p.m., Martinisko moved, Johnson seconded to hire Tom Riley as part-time/temporary trolley driver at \$15.01 per hour plus the weighted average rate of pay, effective January 31, 2022

Martinisko moved, Todd seconded to adjourn.

ATTEST:



Jessicca McKeown, Finance Officer



DATE:

BY:

David Ruth Jr., Mayor

Published once at the total approximate cost of _____