

## REGULAR MEETING, MAY 18, 2020

The Regular Session of the Deadwood City Commission convened on Monday, May 18, 2020 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 Charlie Struble, and Gary Todd. All motions passed unanimously unless otherwise stated.

### APPROVAL OF MINUTES

Struble moved, Martinisko seconded to approve the minutes of May 4, 2020. Roll Call: Aye-All. Motion carried.

### APPROVAL OF DISBURSEMENTS

Todd moved, Johnson seconded to approve the May 18, 2020 disbursements. Roll Call: Aye-All. Motion carried.

A-1 CONSTRUCTION	PROJECT	49,604.01
ACE HARDWARE	SUPPLIES	75.93
ADAMS SALVAGE	TIRE	3.00
ALBERTSON ENGINEERING	PROJECT	8,067.84
ANCESTOR CONCRETE	PROJECT	10,000.00
ATCO INTERNATIONAL	SUPPLIES	1,116.30
BALCO UNIFORM	UNIFORMS	523.75
BDAID	SIGNAGE	8,249.28
BH ASPHALT	SUPPLIES	5,739.81
BH CHEMICAL	SUPPLIES	4,106.19
BH ENERGY	SERVICE	25,783.09
BH HYDROSEEDING	HYDROSEEDING	2,500.00
BH PIONEER	RENEWAL	21,432.25
BH WINDOW CLEANING	CLEANING	1,359.00
BUTTE COUNTY EQUIPMENT	SUPPLIES	314.26
CENTURY BUSINESS PRODUCTS,	CONTRACT	181.80
CHAINSAW CENTER	SUPPLIES	74.86
CULLIGAN	SUPPLIES	115.00
DAKOTA ELECTRIC	PROJECT	1,565.52
DAKOTA TITLE	SERVICE	240.00
DALES TIRE	SUPPLIES	480.04
DEADWOOD ALIVE	MAY	20,000.00
DEADWOOD CHAMBER	BILL LIST	13,081.27
DVFD	REIMBURSEMENT	486.02
DEADWOOD HISTORY	ALLOCATION	110,423.00
DONARSKI LAWN CARE	PROJECT	5,863.37
FERBER ENGINEERING	SERVICE	840.00
FIB CREDIT CARDS	SUPPLIES	3,600.43
GALLS	UNIFORMS	202.98
GENPRO ENERGY SOLUTIONS	SUPPLIES	162.43
GOLDEN WEST	SERVICE	448.80
GTI COMPANIES	PROJECT	12,426.41
GUNDERSON, PALMER, NELSON	SERVICE	7,613.55
INTERSTATE ENGINEERING	PROJECT	1,614.50
JACOBS WELDING	SERVICE	2,879.51
KNECHT	SUPPLIES	8,299.66
KONE	MAINTENANCE	486.80
LAWRENCE CO. REGISTER	SERVICE	60.00
LOUDEN, BRYAN	PROJECT	536.08
LOWE ROOFING	PROJECT	7,485.00
LYNN'S	SUPPLIES	51.47
M&M SANITATION	RENTAL	120.00
MENARD'S	SUPPLIES	1,251.67
MODA STONE	SUPPLIES	3,543.75
MONTANA HISTORICAL SOCIETY	RENEWAL	55.00
MORSE, MARCIA E.	EXPENSE	252.42
MOSHER, ANDREW	REIMBURSEMENT	34.00
MOTION FITNESS	EXERBIKE SYSTEMS	23,785.00
MS MAIL	SUPPLIES	950.65
NCL GOVERNMENT CAPITAL	SERVICE	32,207.32
NETWORK SERVICES	SUPPLIES	19.95
NICKLES, KACIE	PROJECT	4,403.10
NORTHERN HILLS TECHNOLOGY	SERVICE	71.50
PETE LIEN & SONS	SUPPLIES	150.50
PREMIER POLICE TRAINING	SUPPLIES	168.00
PRESSURE SERVICES	SUPPLIES	132.41
QUILL	SUPPLIES	1,388.21
REGIONAL HEALTH	TESTING	244.00
RITZ, JODY	PROJECT	622.69
ROBITAILLE, PAUL	REIMBURSEMENT	202.19
RUNGE, MIKE	REIMBURSEMENT	153.19
SAFEANDVAULTSTORE.COM	SUPPLIES	1,023.00
SALSBURY INDUSTRIES	SUPPLIES	21.15
SANDER SANITATION	SERVICE	11,220.03
SCOTT PETERSON MOTORS	SERVICE	300.00
SD COMMISSION ON GAMING	CITY SLOTS	29,829.55
SD DEPT. OF REVENUE	LICENSES	6,900.00
SD DEPT. OF REVENUE	TAXES	972.32
SD ONE CALL	SERVICE	38.08
SD STATE HISTORICAL SOCIETY	MEMBERSHIP	50.00
STRETCH'S	SERVICE	319.99
STURDEVANT'S	SUPPLIES	1,717.98
TALLGRASS LANDSCAPE	PROJECT	1,100.00

## REGULAR MEETING, MAY 18, 2020

THE LORD'S CUPBOARD	RECYCLING	30.14
TOMS, DON	PROJECT	600.00
TREE WISE MEN	PROJECT	16,450.00
TWIN CITY HARDWARE	GRANT	839.60
UMENTHUM, KEITH	PROJECT	595.00
USA BLUEBOOK	SUPPLIES	38.83
VANWAY TROPHY	PLAQUES	229.00
VIGILANT BUSINESS SOLUTION	SCREENING	788.00
WEBER, JILL	REIMBURSEMENT	34.00
WEBER, TODD	REIMBURSEMENT	181.66
WINTER CONSTRUCTION	PROJECT	5,770.00
ZEP SALES	SUPPLIES	164.25

Total \$487,061.34

## CONSENT

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

- A. Permission for Mayor to sign Memorandum of Understanding for mutual and automatic aid between the Lawrence County Fire Entities.
- B. Renew 2020-2021 Malt Beverage Licenses, pending payment of property tax and BID taxes.

## 2020-2021 RETAIL (ON-OFF SALE) MALT BEVERAGE

Vaughn Mary Boyd, Deadwood Tobacco Co. & Cigar Bar, 628 Main St., RB-2108  
Gold Dust Lodging Group, LLC, Holiday inn Express Hotel & Suites 22 Lee St., RB-2391  
Mustang Sally's Inc., Mustang Sally's, 634 Main St., RB-2405  
Aces Full Inc. Mr. Wu's, 560 Main St, RB-2416  
Black Diamond Capital LLC, Gold Dust, 688 Main St., RB-2418,  
Bullock Hospitality LLC, Bullock Hotel, 633 Main St., RB-2445  
Mary Larson, Deadwood Dicks Restaurant, 51 Sherman St., RB-2449  
Willy's Wild West, Deadwood Station, 68 Main St., RB-2453  
Old Style Saloon #10, Inc., Saloon #10, 657 Main St., RB-2466  
Super G Investment Corporation, Silverado, 709 Main St., RB-2512  
WWW LLC, Gold Country Inn, 801 Main St., RB-2521  
TJ Gear, Madame Peacock's Accessory Lounge, 638 Main St., RB-2527  
Midwest Motels of Deadwood II, Buffalo Bodega, 658 Main St., RB-2576  
First Gold, Inc., First Gold Hotel, 270 Main St., RB-2584  
GR Deadwood LLC, Mineral Palace Hotel & Gaming, 607 Main St., RB-2593  
Fairmont Hotel Corporation, Fairmont Hotel, 628 Main St., RB-2597  
Deadwood Hospitality Resort LLC, Deadwood Gulch Resort, 304 Cliff St., RB-2609  
Hotel Franklin Inc., Historic Franklin Hotel, 700 Main St., RB-2659  
Blue Sky Gaming, Inc., Tin Lizzie Gaming Resort, 555 Main St., RB-2831  
Cliff Street LLC, Comfort Inn Deadwood, 225 Cliff St., RB-3536,  
B.Y. Development, Inc., Cadillac Jack's Gaming Resort, 360 Main St., RB-3894  
Deadwood Resort, LLC, The Lodge at Deadwood, 100 Pine Crest Lane, RB-19227  
Dakota Gunslingers LLC, Dakota Gunslingers, 669 Main St., RB-21255  
ZCN, LLC Deadwood Mountain Grand, 1906 Deadwood Mountain Drive, RB-21329  
H&H Deadwood LLC, His and Hers Ale House and Wine Bar, 696 Main St, RB-21478  
NMD Venture LLC, Hickok's Hotel & Casino, 685 Main St, RB-21688  
Apex 1996 LLC, Apex 1996 LLC, 612 Main St, RB-21693  
Pandora's Box, Pam's Purple Door, 637 Main St, RB-21725  
Jackson Winery & Vineyards, Belle Joli Winery, 594 Main St, RB-21771  
Richard & Marguerite Olesen, Wild Bill Old West Trading Post, 624 Main St, RB-21772  
Winery Hill City, LLC, Naked Winery Deadwood, 692 Main St., RB-24024  
Big D Oil Co., Big D Oil #11, 402 Main St., RB-25530  
Optima LLC, SpringHill Suites by Marriot, 360 Main St., RB-25531  
Chip Shot Golf LLC, Chip Shot Golf, 306 Cliff St., RB-25532  
Deadwood Land Holdings, LLC, Tatanka: Story of the Bison, 100 Tatanka Drive, RB-25533  
Virginia A Tice-Poseley, Dakota Sky Stone, 671 Main St., RB-25535  
Boondocks LLC, Happy Days, 639 Main St., RB-25536  
The Gallows Tavern LLC, The Gallows Tavern, 8 Lee St., RB-25693  
TSG, LLC, Pump House Mind Blown Studio, 73 Sherman St., RB-25694  
Chocolates LLC, Chubby Chipmunk Hand Dipped Chocolates, 420 Cliff St., RB-25696  
Broken Arrow Trading Company, Broken Arrow Trading, 604/606 Main St., RB-25908  
Scott & Sharon Jacobs, Jacobs Gallery, 670 Main St., RB-25948  
Family Dollar Stores of SD, Family Dollar, 124 Sherman St., RB-26389  
Gold Run LLC, Super 8, 196 Cliff St., RB-26486  
Adventure Pizza Works, Burnouts Pizza, 65 Sherman St, RB-26524  
Celebrity Hotels, Celebrity Hotel, 629 Main St., RB-26808



## REGULAR MEETING, MAY 18, 2020

- C. Allow use of use of public property at Event Complex on Monday, August 31 through Monday, September 7, alcohol license for Cadillac Jacks to serve liquor, open container at Event Complex from 4:00 p.m. to 10:00 p.m. for Deadwoods All In Freestyle Motocross Event on Saturday, September 5. (Previously approved for June 6, 2020)
- D. Remove Seasonal Ordinance Officer Teresa Tomford from payroll effective May 18, 2020.
- E. Permission for Mayor to sign contract with Black Hills Special Service for cleaning trolley and city vehicles
- F. Permission for Mayor to sign contract with Lind-Exco for Stage Run Apartment Project-Infrastructure TIF 12 in the amount of \$222,060.44
- G. Permission to hire Sunset Regall to reproduce ghost mural "J. Hattenbach The Grocer" not to exceed \$5,350.00 at 79 Sherman Street.
- H. Permission to expend up to \$11,052.00 for equipping new police vehicle. (Budgeted in Police Equipment.)
- I. Permission to hire Mathew Johnson, Kadden Dillman and Gage Mau for Public Works Seasonal positions at \$12.50 per hour effective 5/20/2020, pending pre-employment screening.
- J. Permission for Mayor to sign amended loan agreement with North Dakota Historical Society – Chateau de Mores State Historic Site for traveling baseball exhibit from May 18 through September 11, 2020.
- K. Make 2020 budgeted allocation to Northern Hills Alliance for Children in the Amount of \$3,500.00 from Bed and Booze Fund.
- L. Extend 47 hours of vacation time for Kevin Kuchenbecker until July 15, 2020.
- M. Permission for Chief Rakow to sign Volunteer Assistance Grant Award.

### BID ITEMS

#### 11 Lincoln

Mayor Ruth Jr. stated bids were opened for 11 Lincoln Retaining Wall at 2:00 p.m. as advertised. Historic Preservation Officer Kuchenbecker stated 3 bids were received and requested Commission continue for review. Martinisko moved, Johnson seconded to continue until June 1. Roll Call: Aye-All. Motion carried.

CAI Construction - \$225,000.00, Alternate #1 - \$10,000.00, Alternate #2 - \$14,500.00  
Donarski Lawncare & Landscaping - \$377,688.54, \$10,000.00, Alternate #2 - \$6,000.00  
RCS Construction - \$387,000.00, Alternate #1 - \$0.00, Alternate #2 - \$8,000.00

#### 56 Taylor

Mayor Ruth Jr. stated bids were opened for 56 Taylor Retaining Wall at 2:00 p.m. as advertised. Historic Preservation Officer Kuchenbecker stated 3 bids were received and requested Commission continue for review. Martinisko moved, Johnson seconded to continue until June 1. Roll Call: Aye-All. Motion carried.

CAI Construction - \$265,000.00  
Eagle Construction - \$141,400.00  
RCS Construction - \$178,000.00

### PUBLIC HEARINGS

Public hearing was opened at 5:07 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, and Retail (on-off sale) Wine Licenses for Midnight Star at 677 Main Street. Roll Call: Aye-All. Motion carried.

### NEW BUSINESS

#### Appoint

Martinisko moved, Struble seconded to reappoint Mike Albertson, Jenn Johnson and appoint Vaughn Smith to Board of Appeals with terms to expire May 31, 2023. Roll Call: Aye-All. Motion carried.

## REGULAR MEETING, MAY 18, 2020

### Easements

Planning and Zoning Administrator Russell spoke about the easements in regards to Emergency construction work at 30 Adams Street. Kuchenbecker gave an update on the construction. Martinisko moved, Johnson seconded to allow Mayor to sign temporary construction easements with the following addresses: 38 & 40 Jefferson Street, 26, 29 & 30 Adams Street. Roll Call: Aye-All. Motion carried.

### Recommendation

Police Chief Mertens spoke about the agreement. Martinisko moved, Todd seconded to approve recommendation from Parking & Transportation to reduce Hickok's payment for 12 parking spaces in Broadway Ramp from \$1278.00 to \$639.99 for the month of May due to COVID-19. Martinisko moved, Todd seconded to amend motion for month of April instead of May. Roll Call: Aye-All. Motion carried.

### Purchase

Kuchenbecker spoke about the purchase. He stated the city in partnership with the City of Lead, Northern Hills Recreation Association, and the Main Street Initiative has been working on the creation of an urban trail system and Deadwood Trail System will consist of nine trails. Discussion was held concerning trails and cost of signage. Johnson moved, Martinisko seconded to purchase 75 posts from Wheeler Lumber in the amount not to exceed \$8,400.00 for trail system. (Budgeted in HP Capital Assets) Roll Call: Aye-All. Motion carried.

## INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Mayor Ruth Jr. directed the Commission to the email they received from Jesse Peck and Sarah Bailey. Jesse Peck, casino employee, spoke to the Commission concerning the opening of Deadwood and would like to see three things happen, which are: Commission to recognize the COVID -19 pandemic has been difficult for workers; Commission to promise they will do everything within their powers to elevate these difficulties; and as solutions present themselves, clearly communicate the course of action adopting and the reasoning behind the course. Peck stated several casino workers feel they cannot voice the opinions for fear of retaliation from supervisors or termination. Mayor Ruth Jr. thanked Peck for the questions. He has forward email to the City Attorney due to the majority of the questions are issues that the city would not necessarily address, but would encourage you to speak to labor department in regards to employee protection, Department of Health, or the Governor. He stated there are three questions the city would have direct response to, which are:

If businesses are not following the guidelines city set forth. He stated the city has a nuisance ordinance which is enforced. Anyone is welcome to call and voice concerns. Police has ability to issue citations, and ability to correct onsite.

Is anything being done to provide social distancing for families, for example Deadwood Alive. He stated Deadwood Alive will hold shoot-outs at Outlaw Square where social distancing can be maintained.

What are the plans in regards to Sturgis Rally. He stated city will visit and put forth a plan but not until Sturgis makes their decision.

Mayor Ruth Jr. stated he takes this seriously because the front line employees are the heartbeat of Deadwood, and as a front line employee, he knows a vast majority of employees and so it becomes personal for him as well. Commission Martinisko thanked Peck for attending. She stated every employee should have the right to go to their employer, and hopes employees understand some of the situations the employers are going through. Peck stated we are looking for leadership from the City. Attorney Riggins stated Governor Noem's executive order states we shall follow her plan. He stated there is significant concerns on what city is limited to and the more city varies from Governor's plan the more concerns from a liability standpoint of possibly being sued by business owner. Peck stated he understands about liability but is there any indication what the city might be on the hook for making those changes. Riggins said the Governor stated "you shall follow these guidelines" and those guidelines say that businesses have the responsibility to use their innovation and creativity for safety measures. Peck asked what ability city has to push back on the guidelines and what financial ramifications of that might be. Riggins stated the ability to push back is limited to conversations that need to be had with the Governor. Governor has had meetings with Mayors and municipalities to try to give them an opportunity to provide her with input and she has taken the input and told us that this is the plan that we shall follow. Commission Todd stated the city is concerned for residents and front line workers and are doing everything we can do. Edward Hacker, casino employee, stated the email is a collection of questions and concerns employees have around town, who have



REGULAR MEETING, MAY 18, 2020

talked to their employer but nothing has been addressed, and is looking for a direction to go. Riggins stated he has spoken with concerned citizens and welcomed anyone to call him with questions. Commissioner Todd believes communication is needed between Deadwood Gaming Association as well. Mayor Ruth Jr said the Commissions parameters and abilities only go so far. Suggestions, recommendations, but mandating gets tricky and that is where city attorney gets concerned, then tax payers should be worried where tax dollars are going in terms of litigation and things of that nature. Ruth stated Commission is on your side, we understand the importance of visitor industry, we understand the importance of employees and are doing as much as we can and encourage the proper measures that need to be taken. Commissioner Johnson appreciates the email received and has visited some locations and appreciates all that has been done. Commissioner Struble thanked Peck and Hacker for attending and believes we need to keep a line of communication. Mayor Ruth Jr. thanked them for attending.

On behalf of the Commission, Mayor Ruth Jr. extended condolences to the family of Historic Preservation Commissioner Willie Steinlicht.

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

Martinisko moved, Johnson seconded to adjourn the regular session at 5:52 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, June 1, 2020.

After coming out of executive session at 6:36 p.m.

Martinisko moved, Johnson seconded to acknowledge updates on the opening of City buildings/facilities: Roll call: Aye-All.

Mt Moriah – Open to the public as of May 18<sup>th</sup>

Library – Offering curb-side services as of May 18<sup>th</sup>

City Public Restrooms – Staggered openings starting May 18<sup>th</sup> and all open by May 22<sup>nd</sup>

Welcome Center – Open to public with limited access as of May 22<sup>nd</sup>

History and Information Center - Open to public with limited access as of May 22<sup>nd</sup>

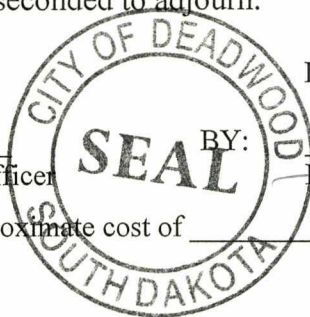
City Hall – Open to the public as of May 26<sup>th</sup>

Recreation Center – Anticipated open date of June 15<sup>th</sup> (with restrictions)

Martinisko moved, Johnson seconded to adjourn.

ATTEST:

Jessica McKeown, Finance Officer



DATE:

David Ruth Jr., Mayor

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