

REGULAR MEETING, January 21, 2020

The Regular Session of the Deadwood City Commission convened on Tuesday, January 21, 2020 at 5:00 p.m. in the Deadwood City Commission Chambers, 102 Sherman Street, Deadwood, South Dakota. Mayor 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 available via conference call. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Johnson moved, Martinisko seconded to approve the minutes of January 6, 2019. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Martinisko moved, Johnson seconded to approve the January 21, 2020 disbursements. Roll Call: Aye-All. Motion carried.

ALL ASPECTS	SERVICE	467.50
AMANO MCGANN	SUPPLIES	2,258.95
AMAZON	SERVICE	682.03
AMERICAN ENGINEERING	PROJECT	1,155.15
BALCO UNIFORM	UNIFORMS	160.89
BERG, DALE	MEETINGS	420.00
BIG TEX TRAILER WORLD	SUPPLIES	927.74
BH CHEMICAL	SUPPLIES	3,130.25
BH PIONEER	SUBSCRIPTION	1,094.09
BH WINDOW CLEANING	CLEANING	477.00
BLAIR, LINDA	REIMBURSEMENT	129.56
BLAIR, THOMAS	MEETINGS	315.00
BOUCHER, DAVID	PROJECT	2,350.20
BUTLER MACHINERY	SERVICE	1,034.43
CARMODY, ROBIN	MEETINGS	420.00
CHAINSAW CENTER	SUPPLIES	522.73
COCA COLA	SUPPLIES	50.00
COLORADO CHAPTER ICBO	CONFERENCE	180.00
COMPETITIVE MASONRY	PROJECT	5,538.46
CRAMER MARKETING	SUPPLIES	482.14
CREATIVE PRODUCT SOURCING	SUPPLIES	507.84
CULLIGAN	SUPPLIES	246.50
DAKOTA LUMBER	PROJECT	7,212.34
DAKOTA TITLE	SERVICE	480.00
DEADWOOD CHAMBER	BILL LIST	49,950.37
DEADWOOD ELECTRIC	PROJECT	446.42
EAGLE ENTERPRISES	SUPPLIES	119.70
FOWLS, JENNELEA M.	REIMBURSEMENT	13.02
GALLS	SUPPLIES	42.79
GARDNER CONSTRUCTION	PROJECT	557.50
GOLDEN WEST	SERVICE	1,604.00
GUNDERSON, PALMER, NELSON	SERVICE	5,370.00
HAUFF MID-AMERICA SPORTS	SUPPLIES	23.70
HI-VIZ SAFETY WEAR	UNIFORMS	2,221.56
HOMETOWN TROLLEY	SUPPLIES	690.75
IVERSON CONSTRUCTION	PROJECT	3,550.00
IWORQ	LICENSING	2,150.00
JANKE AND SONS TRUCKING	SERVICE	2,950.00
JS CONSTRUCTION	PROJECT	7,778.49
KEEHN, JOSH	MEETINGS	280.00
KNECHT HOME CENTER	SUPPLIES	85.44
KONE	MAINTANENCE	470.34
KTM DESIGN SOLUTIONS	SERVICE	2,161.00
LAWLER, JEFFREY	MEETINGS	280.00
LAWSON PRODUCTS	SUPPLIES	107.37
LEAD-DEADWOOD SANITARY	CONSUMPTION	26,854.21
LUX, JUSTIN	REIMBURSEMENT	24.85
M&M SANITATION	RENTAL	120.00
MARTINISKO, JOHN	MEETINGS	280.00
MENARD'S	SUPPLIES	865.30
MIDCONTINENT TESTING	TESTING	22.25
MORSE, MARCIA E.	MORTGAGE EXPENSE	412.13
MS MAIL	SERVICE	969.79
NARTEC	SUPPLIES	187.50
NATIONAL TRUST	DUES	250.00
NEBRASKA SALT & GRAIN	SUPPLIES	470.00
NELSON, MARY JO	CONSULTING	187.50
NETWORK SERVICES	SUPPLIES	259.62
NORTHERN HILLS TECHNOLOGY	SERVICE	32.50
NORTHWEST PIPE FITTINGS	SUPPLIES	461.94
ONSOLVE	CODE RED	1,500.00
PEARSON, JACI	PROJECT	2,700.00
PEDERSON EXCAVATING	PROJECT	1,316.00
PITNEY BOWES	POSTAGE	500.00
PL CARPENTRY	PROJECT	6,297.60
POSEY, BEVERLY	MEETINGS	455.00
QUIK SIGNS	SIGNS	56.61
QUILL	SUPPLIES	17.59
RASMUSSEN MECHANICAL	SERVICE	1,214.73
RCS CONSTRUCTION	PROJECT	39,158.50
REGIONAL HEALTH	TESTING	539.00
RICH, BILL	MEETINGS	280.00
RUNGE, BRETT	MEETINGS	210.00

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RUSSELL, JERAMY	REIMBURSEMENT	250.60
SCOTT PETERSON MOTORS	SUPPLIES	69.96
SD COMMISSION ON GAMING	CITY SLOTS	29,829.55
SD DENR	RENEWAL	60.00
SD DEPT. OF CORRECTIONS	FIREWISE	779.31
SD DEPT. OF LABOR	SERVICE	620.00
SD DEPT. OF PUBLIC SAFETY	SERVICE	2,340.00
SD DEPT. OF REVENUE	LICENSE	150.00
SD DEPT. OF REVENUE	TAX	2,224.54
SD FEDERAL PROPERTY AGENCY	HOPPER	850.00
SD ONE CALL	SERVICE	6.72
SD WATER & WASTEWATER	SEMINAR	120.00
SOUTHSIDE SERVICE	SERVICE	435.70
SPEIRS, MARK	PROJECT	3,248.41
STEELE, CINDY	REIMBURSEMENT	29.22
STEINLICHT, WILLIE	MEETINGS	245.00
STRETCH'S	SERVICE	379.87
STURDEVANT'S	SUPPLIES	593.13
SUMMIT SIGNS	SUPPLIES	360.00
TDG COMMUNICATIONS	WEBSITE	450.00
THE LORD'S CUPBOARD	RECYCLING	55.10
TOEWS, LYMAN	MEETINGS	455.00
TOMS, DON	PROJECT	600.00
TWILIGHT	SUPPLIES	241.81
TWIN CITY HARDWARE	SUPPLIES	96.94
TWIN CITY HARDWARE	GRANT	10,274.99
UMENTHUM, KEITH	PROJECT	115.00
UNITED CHURCH OF CHRIST	GRANT	8,000.00
VERIZON CONNECT NWF	SERVICE	109.75
VIGILANT BUSINESS SOLUTION	SERVICE	222.00
WASTE CONNECTIONS	SERVICE	7,642.20
WESTENDORF, RANDY	PROJECT	16,927.63
WILLIAMS, ANTHONY	PROJECT	4,051.61

Total \$288,571.91

ITEMS FROM CITIZENS ON AGENDA

Update

Michael Runge on behalf of the Deadwood Volunteer Fire Department gave an update on the Fuel Reduction project. He stated Community Planning Assistance for Wildfire or CPAW is a federal grant-funded program that provides communities with professional assistance to integrate wildfire mitigation into the development planning process. He also stated upon being accepted into the CPAW program, Deadwood received assistance in developing an action plan on wildfire that was incorporated into the 2018 City Comprehensive plan and contained nineteen goals to help the municipality and citizens of Deadwood to plan for the next wildfire. He further stated the successes of this program include: the development of a core group of city official and employees to discuss how to prepare for the next wildfire, Wayfinding project will aide I developing an evacuation plan for Deadwood, Educating the public about the threat of wildfire and the WUI (Wildland-Urban Interface) in the citywide newsletter and continual reduction of ladder fuels and development of three mile defendable perimeter around Deadwood. Commission thanked him for his time.

Project

LeRoy Stuen, TIF 12 Stage Run Project, asked permission to exclude sidewalks within the project due to liability on private property. Stuen stated roads that are going to be created for project will be privately owned and maintained. Martinisko asked if the TIF was approved with sidewalks. Mayor Ruth Jr. stated the engineers are trying to develop the plans to be approved by Planning and Zoning. Stuen stated plans are ready to go before P&Z without the sidewalks, but in order to proceed, the sidewalks have to be addressed. Commissioner Johnson stated with construction standards within the city there are certain things we need to follow and be cautious. Mayor Ruth Jr. stated wants the development to be pedestrian friendly, and gave an example of a project already within the city. Mayor also stated if a change in city services happen, we need to have sidewalks, but as of now city has nothing outlined in the ordinances. After discussion, Commission thanked Stuen for his time.

Approval

After discussion concerning floor plan, Martinisko moved, Johnson seconded to allow staff to follow up with Celebrity in regards to floor plan. Roll Call: Aye-All. Motion carried.

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CONSENT

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

- A. Permission to renew GIS maintenance contract with ESRI in the amount of \$16,600.00 (Budgeted item thru various departments.)
- B. Permission to hire Hansen Wheel and Wagon Shop to repair the Historic Preservation chuck wagon at a cost not to exceed \$3,251.68. (To be paid from HP Capital Assets General Maintenance budget.)
- C. Permission to purchase 100 recycle totes (50 for residents and 50 for downtown events) from Toter in the amount not to exceed \$6,814.70. (To be paid from Parks and Sanitation Supplies budget.)
- D. Permission to hire Troy Jassman as Maintenance Technician for Public Buildings at a rate of \$20.01 effective 1/22/2020, pending pre-employment testing.
- E. Permission to terminate parking agreement (2 spaces) with Rachetto & Peterson effective 1/31/2020, due to the building being sold.
- F. Permission to pay Central Square Technologies (Zuercher) \$13,500.00 for the data conversion for the Police Department software upgrade. (To be paid from Police Professional Services budget.)
- G. Permission to pay Lawrence County \$5,937.00 for our portion of Central Square Implementation Fee for Police software upgrade. (To be paid from Police Professional Services budget.)
- H. Deadwood History Inc. request approval to serve beer and wine at Homestake Adams Research and Cultural Center February 7 from 6:00 p.m. to 9:00 p.m. for Calamity's Shindig.
- I. Acknowledge purchase of a hopper for the Streets Department, in the amount of \$850.00 from SD Federal Surplus Property Agency.
- J. Amend Resolution 2020-04 Schedule of Fees to correct error in Garbage/Recycling fees to note the \$21.50 fee excludes applicable taxes.
- K. Permission to obtain quotes for Juso Brothers Grandstand ADA Access Project.
- L. Permission for Rhonda McGrath to travel out of state to attend Building Permit Tech training in Loveland, CO on March 1st- 4th.
- M. Permission for Mayor to sign amended Renewable Ready Subscriber Agreement with Black Hills Energy.
- N. Permission for Mayor to sign agreement with Tallgrass Landscape Architecture for phase 4 (Bidding and Construction Management) and phase 5 (Rehabilitation and Restoration Design) of Whitewood Creek in the amount of \$23,150.00. (To be Whitewood Creek CIP budget.)
- O. Permission to negotiate with Donarski Lawncare & Landscaping for regular mowing and trimming of Mt. Moriah and St. Ambrose Cemeteries (2020 budgeted Historic Cemeteries expense.)
- P. Permission to pay Amazon Web Services annual fee of \$5,226.00 for Mt. Moriah and Historical Preservation online mapping services and Trolley Tracker. (To be paid from HP, P&T and Mt. Moriah Prof. Service budget.)
- Q. Permission to advertise for two part-time Trolley Positions in-house for 5 days.

BID ITEMS

Mayor Ruth stated four bids were opened for Whitewood Creek Improvement Project – Phase 4 as advertised. Bid bond or cashier's check were included in the following bid submittals:

CAI Construction - \$147,775.00; Additional Service Planting in Phase 1-\$15,850.00; Unit Price Item 1- \$488.00; Unit Price Item 2-\$61.00; Unit Price Item 3-\$130.00 and Unit Price Item 4-\$130.00

Donarski Lawncare and Landscaping - \$51,664.00; Additional Service Planting in Phase 1-\$1,320.00; Unit Price Item 1- \$550.00; Unit Price Item 2-\$35.00; Unit Price Item 3-\$75.00 and Unit Price Item 4-\$75.00

Quinns Landscaping and Excavating - \$169,894.00; Additional Service Planting in Phase 1-\$7,500.00; Unit Price Item 1- \$1,500.00; Unit Price Item 2-\$35.00; Unit Price Item 3-\$45.00 and Unit Price Item 4-\$45.00

RCS Construction - \$88,225.00; Additional Service Planting in Phase 1-\$3,000.00; Unit Price Item 1- \$4,300.00; Unit Price Item 2-\$70.00; Unit Price Item 3-\$105.00 and Unit Price Item 4-\$110.00

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Public Works Director Nelson Jr. stated Donarski Lawncare was the low bidder but no bid bond was included, the other bidders were over budget and recommended to reject all bids.

Martinisko moved, Johnson seconded to reject all bids at staff's recommendation. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS

St. Patrick's Day

Public hearing was opened at 5:27 p.m. by Mayor Ruth Jr. Sarah Kryger, Deadwood Chamber of Commerce, was available to answer questions, hearing closed.

Martinisko moved, Johnson 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 Sherman Street on Friday, March 13, 2020 from 5:00 p.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Martinisko moved, Todd seconded to allow the relaxation of the open container ordinance for same area as approved on March 13 for Saturday, March 14, 2020 from 12:00 p.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Martinisko moved, Struble seconded to approve the waiver of banner fees and street closure on Main Street from Wall Street to Deadwood Street on Saturday March 14, 2020 from noon to midnight or possibility of 3:00 a.m. for Pub Crawl, and from Tin Lizzie Gaming Resort to Masonic Temple from noon until parade ends. Roll Call: Aye-All. Motion carried.

Mardi Gras

Public hearing was opened at 5:30 p.m. by Mayor Ruth Jr. Sarah Kryger, Deadwood Chamber of Commerce, was available to answer questions, hearing closed.

Todd moved, Martinisko seconded to allow the relaxation of the open container ordinance on Main Street from Tin Lizzie Gaming Complex 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 on Friday, February 21, 2020 from 5:00 p.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Todd moved, Martinisko seconded to relax the open container ordinance for same area as approved on Friday February 21 for Saturday, February 22, 2020 from 12:00 p.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Todd moved, Martinisko seconded to approve waiver of banner fees and street closure on Main Street from Tin Lizzie Gaming Resort to the Masonic Temple from 6:45 p.m. to 8:00 p.m. or until parade ends on Saturday, February 22, 2020. Roll Call: Aye-All. Motion carried.

Shrine Circus

Public Hearing was opened at 5:33 p.m. by Mayor Ruth Jr. No one spoke in favor or against, hearing closed.

Martinisko moved, Johnson seconded to waive user fees for Event Complex for the NAJA Shrine Circus event on Saturday, June 27, 2020. Roll Call: Aye-All. Motion carried.

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3 Wheeler Rally

Public hearing was opened at 5:34 p.m. by Mayor Ruth Jr. Teresa Schanzenbach, First Gold Representative, was available to answer questions. Hearing closed.

Martinisko moved, Johnson seconded to approve street closure on Main Street from Wall Street to Deadwood Street from 11:00 a.m. to 2:00 p.m. on Wednesday, July 15, 2020. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson to approve street closure on Main Street from Tin Lizzies Gaming Resort to the Masonic Temple from 8:30 p.m. until parade ends on Thursday, July 16, 2020. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to allow the relaxation of the open container at the Event Complex on Sunday, July 12, 2020 from 12:00 p.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to allow the relaxation of the open container at the Event Complex on Monday, July 13, 2020 from 12:00 p.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to allow the relaxation of the open container at the Event Complex on Tuesday, July 14, 2020 from 12:00 p.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to allow the relaxation of the open container at the Event Complex on Wednesday, July 15, 2020 from 2:00 p.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to allow the relaxation of the open container at the Event Complex on Thursday, July 16, 2020 from 2:00 p.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

After comments from Commissioners concerning fees, Martinisko moved, Johnson seconded to deny the waiver of user fees on public property at Event Complex Sunday, July 12 through Friday, July 17, 2020. Roll Call: Aye-All. Motion carried.

Polar Plunge

Public hearing was opened at 5:43 p.m. by Mayor Ruth. Bobby Rock, Outlaw Square Director, was available to answer questions, hearing closed.

Martinisko moved, Johnson seconded to approve street closure on Deadwood Street from Main Street to Pioneer Way from 9:00 a.m. to 6:00 p.m., waiver of banner fees, and use of Interpretive Lot at no charge for Polar Plunge participants from 6:00 a.m. to 3:00 p.m. on Saturday, March 28, 2020. Roll Call: Aye-All. Motion carried.

Licenses

Public hearing was opened at 5:47 p.m. by Mayor Ruth Jr. No one spoke in favor or against, hearing closed.

Todd moved, Martinisko seconded to approve Retail (on-off sale) Malt Beverage, and Retail (on-off sale) Wine Licenses for Celebrity Hotel at 629 Main Street. Roll Call: Aye-All. Motion carried.

Set

Todd moved, Martinisko seconded to set public hearing on February 3 for Retail (on-sale) Liquor License (RL-5995) transfer from Midnight Star Enterprises to Lamar Feed and Grain at 677 Main Street. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to set public hearing on February 3 for Retail (on-off sale) Malt Beverage License, and Retail (on-off sale) Wine Licenses for Jacobs Brewhouse at 79 Sherman Street. Roll Call: Aye-All. Motion carried.

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OLD BUSINESS

Property

Martinisko moved, Johnson to table with no action with the understanding SD Department of Transportation may bring forward again, the notification of surplus property, which is the 2.07 acres located southwest of Deadwood city limits and north of the Hwy 85/385 intersection. (aka skate park) (continued from December 16) Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Second Reading

Martinisko moved, Johnson seconded to approve second reading of Ordinance #1304 Amending BID 9 Creation. Roll Call: Aye-All. Motion carried.

Second Reading

Martinisko moved, Johnson seconded to approve second reading of Ordinance #1305 Amending Chapter 3.28 Standardized Fee Schedule. Roll Call: Aye-All. Motion carried.

Second Reading

Martinisko moved, Johnson seconded to approve second reading of Ordinance #1306 Amending Chapter 5.08.10 Bingo. Roll Call: Aye-All. Motion carried.

Second Reading

Martinisko moved, Johnson seconded to approve second reading of Ordinance #1307 Amending Chapter 16.09.010 Fees for Plats. Roll Call: Aye-All. Motion carried.

Second Reading

Nelson Jr. stated Harrison Street from Sherman Street to Van Buren Street has been added since first reading. Martinisko moved, Johnson seconded to approve second reading as amended of Ordinance #1308 Amending Chapter 12.22.010 Snow Routes. Roll Call: Aye-All. Motion carried.

Agreement

Mayor Ruth Jr, stated this agreement came forward with the request from Police Department. Martinisko moved, Johnson seconded to allow Mayor to sign agreement with ZCN, LLC for eight spaces for parking of City of Deadwood Police vehicles. Roll Call: Aye-All. Motion carried.

Retirement

Todd moved, Martinisko seconded with regret to accept the letter of retirement from Chief Kelly Fuller effective April 3, 2020 and permission to advertise for Police Chief position in-house for 5 days and then in official newspaper, if needed. Mayor Ruth Jr. stated Chief Fuller is the longest standing Chief of Police within the City of Deadwood. Roll: Aye-All. Motion carried.

Commission Meeting

Todd moved, Martinisko seconded to move March 2, 2020 City Commission Meeting to 1:00 p.m. to accommodate Government Day for Lead Deadwood High School. Roll Call: Aye-All. Motion carried.

Purchase

Martinisko moved, Johnson seconded to allow Historic Preservation Department to purchase 2020 Dodge 1500 St Crew Cab 4x4 based on state bid in the amount of \$28,899.00. (2020 budgeted HP Expense.) Roll Call: Aye-All. Motion carried.

Agreement

Nelson Jr. stated explained the amendment to agreement. Martinisko moved, Johnson seconded to approve the First Amendment to Land Lease Agreement from December 7, 2009 between City of Deadwood, a South Dakota municipal corporation ("Landlord") and CommNet Cellular Inc. dba Verizon Wireless ("Tenant"), Cell Tower Site located above the Mt. Moriah Cemetery. Roll Call: Aye-All. Motion carried.

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INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

- A. A quorum of City Commissioners and Historic Preservation Commissioners may be present at the South Dakota Governor's Conference on Tourism in Pierre January 22-23, 2020 and the Deadwood Day at the Capital in Pierre on January 23, 2020. No official action or meeting will take place.
- B. Historical Preservation Meeting will be moved from January 22nd to January 29th @ 5:00 p.m.
- C. Petitions may be taken out and circulation may begin on January 31, 2020 for two City Commission seats, each 3-year terms. Petitions must be returned no later than February 28, 2020 at 5:00 pm.
- D. The City of Deadwood is soliciting Deadwood residents interested in serving on the Deadwood Historic Preservation Commission to submit letter of interest and complete application form with the Mayor's Office by April 15, 2020. There will be three commission seats available beginning June 1, 2020.

Chief Fuller thanked the Commission for their kind words. He stated he has had the honor to work with amazing co-workers within the city. Fuller thanked all Commissioners past and present and all residents for all their support throughout the years.

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

Johnson moved, Martinisko seconded to adjourn the regular session at 6:08 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, February 3, 2020.

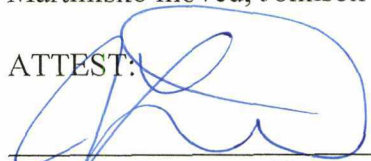
After coming out of executive session at 7:12 p.m. Martinisko moved, Struble seconded to accept the recommendation of the Library Board to terminate employment of Jeanette Chaney-Moodie effective January 21, 2020. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to adjourn regular session at 7:14 p.m. and convene into Executive Session.

After coming out of executive session at 8:11 p.m. Martinisko moved, Todd seconded to accept the recommendation of the Library Board to terminate employment of Elizabeth Smith effective January 21, 2020. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to adjourn meeting at 8:13 p.m.

ATTEST:



Jessica McKeown, Finance Officer

DATE: 2/3/20

BY: 

David Ruth Jr., Mayor

Published once at the total approximate cost of _____

