

REGULAR MEETING, JANUARY 21, 2025

The Regular Session of the Deadwood City Commission convened on Tuesday, January 21, 2025 at 5:00 p.m. in the Deadwood City Commission Chambers, 102 Sherman Street, Deadwood, South Dakota. Dakota. Mayor David Ruth Jr. called the meeting to order with the following members present: Department Heads, City Attorney Quentin Riggins, and Commissioners Michael Johnson, Blake Joseph, Sharon Martinisko. Commissioner Charlie Struble-Mook was absent. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Martinisko moved, Joseph seconded to approve the minutes of January 6, 2025. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Martinisko moved, Johnson seconded to approve the January 21, 2025 disbursements. Roll Call: Aye-All. Motion carried.

ACE HARDWARE	SUPPLIES	111.54
ALBERTSON ENGINEERING	PROJECT	1,972.72
AMAZON CAPITAL	SUPPLIES	1,501.22
AVID4 ENGINEERING	SERVICE	1,687.50
BH CHEMICAL	SUPPLIES	3,141.42
BH COUNCIL	DUES	630.00
BH ENERGY	SERVICE	31,343.06
BH PIONEER	SERVICE	1,609.75
BH SPECIAL SERVICES	CLEANING	2,400.00
BLACKBURN FOUNDATION	PROJECT	3,172.20
BLACKSTRAP	ROAD SALT	5,215.00
BLUE-JONES, LEAH	REIMBURSEMENT	26.70
BOZELL, JOHN R.	PROJECT	2,500.00
CRAIG MATTSON	LOBBYIST	20,040.00
CULLIGAN	SUPPLIES	163.80
CURTIS BLUE LINE	UNIFORMS	14.68
DARK CANYON COFFEE	SUPPLIES	179.25
DEADWOOD CHAMBER	BILL LIST	93,979.91
DEADWOOD HISTORY	SERVICE	41,069.67
ECOLAB	SERVICE	182.25
FED EX	SHIPPING	18.93
FETTER, CHARLES	REIMBURSEMENT	30.00
FIRST INTERSTATE BANK	TIF #8	1,006.94
GALLS	UNIFORMS	17.69
GOLDEN WEST	SERVICE	28,443.26
GUNDERSON, PALMER, NELSON	SERVICE	3,907.56
HOMETOWN MANUFACTURING	SUPPLIES	107.40
INTERNATIONAL CODE COUNCIL	MEMBERSHIP	170.00
JACOBS WELDING	SERVICE	17.15
KING APPRAISALS	SERVICE	9,000.00
KONE CHICAGO	MAINTENANCE	564.03
KUBOTA LEASING	PAYMENT	5,004.64
LAWRENCE CO. REGISTER	SERVICE	30.00
LEAD-DEADWOOD SANITARY	SERVICE	19,964.93
LITTLE SPEARFISH CONSERVATION	GRANT	1,812.00
LOOKOUT PLAN + CODE	SERVICE	2,883.20
MID-STATES ORGANIZED CRIME	MEMBERSHIP	150.00
MIDWEST CONNECT	SUPPLIES	60.00
MIDWEST TAPE	SUPPLIES	194.31
MORRISON, RONDA	SERVICE	1,730.00
MS MAIL	SERVICE	30.00
NAMMINGA, LYNN	PROJECT	1,057.40
NHS OF THE BLACK HILLS	SERVICE	3,193.85
NORTHERN HILLS SPAS	SUPPLIES	90.00
NORTHERN TRUCK EQUIPMENT	SUPPLIES	1,215.25
QUADIANT FINANCE USA	POSTAGE	500.00
RASMUSSEN MECHANICAL	SERVICE	157.50
RCS CONSTRUCTION	PROJECT	23,450.00
S AND C CLEANERS	CLEANING	8,472.00
SANDER SANITATION	SERVICE	12,857.58
SD COMMISSION ON GAMING	CITY SLOTS	32,386.36
SD DEPT OF REVENUE	TAX	2,836.14
SD MUNICIPAL LEAGUE	SERVICE	210.00
SD PLANNERS ASSOCIATION	MEMBERSHIP	50.00
SD REDBOOK FUND	SUPPLIES	180.00
SDN COMMUNICATIONS	SERVICE	2,646.00
SODAK TITLE	SERVICE	120.00
SOUTH DAKOTA 811	SERVICE	70.56
SOUTHSIDE OIL	FUEL	32,297.12
SOUTHSIDE SERVICE	SERVICE	1,920.00
SQUARE 9 SOFTWARES	RENEWAL	1,069.37
STURGIS RESPONDER SUPPLY	SUPPLIES	138.92
SUMMIT SIGNS AND SUPPLY	SUPPLIES	225.00
SUNSHINE TOWING	SERVICE	1,500.00
TALLGRASS LANDSCAPE	PROJECT	8,070.00
THE CBE GROUP	SERVICE	142.09
THE CROSSINGS AT SPEARFISH	REFUND	800.00
TWIN CITY HARDWARE	SUPPLIES	106.95
TWIN CITY HARDWARE	GRANTS	449.80
TYLER TECHNOLOGIES	RENEWAL	20,158.23
VERIZON CONNECT FLEET USA	SERVICE	538.50
VIGILANT BUSINESS SOLUTION	SERVICE	1,238.10

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VISIONS HOME IMPROVEMENTS	PROJECT	10,000.00
WAREING BELLE FOURCHE	SERVICE	5,197.14
WAREING STURGIS	SUPPLIES	321.34
WELLMARK	INSURANCE	51,754.35
WEST RIVER TRAILER SALES	SUPPLIES	660.00

Total \$512,162.26

CONSENT

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

- A. Permission to hire Olivia Weiler as full-time Parks Technician at \$19.00 per hour (D9 rank) effective January 27, 2025 pending pre-employment screening.
- B. Permission to move Jessica Tolar from half-time Library Assistant II to three-quarter time Library Assistant II remaining at \$17.15 per hour effective January 19, 2025.
- C. Permission to make 2025 budget allocation to Lobbyist Craig Matson in the amount of \$20,040.00. (To be paid by Bed and Booze line item.)
- D. Resolution 2025-05 Designating Black Hills Pioneer as official City of Deadwood newspaper for twelve months per SDCL 9-12-6.

**RESOLUTION NO. 2025-05
DESIGNATING THE OFFICIAL NEWSPAPER FOR THE
CITY OF DEADWOOD.**

BE IT RESOLVED by the Deadwood City Commission that the City of Deadwood approves that the Black Hills Pioneer shall be and the same is hereby designated as the official newspaper of the City of Deadwood for the term of January 1, 2025 to December 31, 2025.

Dated this 21st day of January, 2024

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

- E. Acknowledge refund of \$800.00 for Retail (on-off sale) Malt Beverage and SD Farm Wine and Retail (on-off sale) Wine and Cider Licenses for The Crossings at Spearfish Canyon LLC dba Dave's Deli Delights.
- F. Permission to pay software maintenance renewal with ESRI in an amount of \$19,195.00 for GIS software. (To be split between the departments using software.)
- G. Acknowledge City of Deadwood request to opt out of South Dakota Department of Transportation "Think" sign program under Policy DOT-OS-OT-6.1.
- H. Acknowledge withdrawal of an application for Conditional Use Permit for 20 Cliff Street legally described as Lots 1A, 1B & 1C a replat of Tract A, of vacated portion of Block 78 & part of Tract B of MS 207 all located in the City of Deadwood, Lawrence County, South Dakota and authorize reimbursement of application fees.
- I. Permission to hire the Branding Iron Bistro in Pierre, SD to cater the legislative lunch at the capital on January 24, 2025 in an amount not to exceed \$3,500. (To be paid from HP Public Education.)
- J. Permission for Mayor to sign contract with Kone, Inc. for Broadway Parking Structure Elevator Modernization/Cab-Entrance replacement. (Bid approved January 6, 2025.)
- K. Permission to reserve 50 parking spaces in the Miller Street Parking Lot on January 24, 2025 from 4:00 PM - 8:00 PM for an SDSTA banquet for \$350.00. (Recommendation from the Parking & Transportation Committee.)
- L. Permission to approve Northern Hills Taxi, LLC Taxi Business Application and transfer one (1) taxi license from Deadwood Cab Company, LLC to Northern Hills Taxi, LLC. (Recommendation from the Parking and Transportation Committee.)
- M. Permission to allow Deadwood Volunteer Fire Dept members Charles Fetter, John Beck, Mike Klamm, Sarah and Jeremy Van Tassel, Don Gifford and Anita Knipper to attend SDPA Pipeline Emergency Response Training in Rapid City on February 3, 2025 and Jeff Millard and Mike Runge on February 4, 2025 with use of city vehicles.
- N. Permission to pay Prairie Hill Transit in the amount of \$3,500.00 for annual contract for paratransit services. (To be paid by P & T professional services.)

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PUBLIC HEARINGS

St. Patrick's Day

Public hearing was opened at 5:02 p.m. by Mayor Ruth Jr. No one spoke in favor or against, hearing closed.

Johnson moved, Martinisko seconded to approve open container in zones 1 and 2 on Friday, March 14 from 5:00 p.m. to 10:00 p.m. and Saturday, March 15 from noon to 10:00 p.m.; street closure on Main Street from Lower Main Street at Pioneer Way to Pine Street on Saturday, March 15 from noon until parade ends; street closure on Main Street from Wall Street to Pine Street at noon on Saturday, March 15 to 6:00 a.m. on Sunday, March 16; street closure on Main Street from Wild Bill Bar to Nugget Saloon for pop-up Vendors on Saturday, March 15 from 10:00 a.m. to 6:00 a.m. on Sunday, March 16, one-way traffic will be allowed down Main Street via Wall Street and the Parking Ramp and waiver of banner fees for sponsors on Saturday, March 15, 2025. Roll Call: Aye-All. Motion carried.

Deadwood Blues Festival

Public hearing was opened at 5:04 p.m. by Mayor Ruth Jr. Randy Brown was present to answer questions. Commissioners Martinisko and Joseph thanked Mr. Brown on bringing an event not dependent on the Chamber. Hearing closed.

Joseph moved, Martinisko seconded to approve open container in zones 1 and 2 on Saturday, July 12 from noon to 10:00 p.m.; street closure on Deadwood Street from Main Street to Pioneer Way from 7:00 a.m. on Saturday, July 12 to 2:00 a.m. on Sunday, July 13 and street closure on Siever Street from 12:00 a.m. on Saturday, July 12 to 3:00 a.m. on Sunday, July 13, 2025. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Resolution

Finance Officer McKeown spoke about the resolution. Pam Smith, Burlington Bunkhouse, asked about districts. McKeown spoke about the different districts. Martinisko moved, Johnson seconded to approve Resolution 2025-06 Levy BID 1-6 for 2025.

Planning, Zoning and Historic Preservation Officer Kuchenbecker asked about District 3, bed and breakfast. He believes bed and breakfast should be short term rentals. Joseph moved, Martinisko seconded to approve Resolution 2025-06 Levy BID 1-6 for 2025 and amend District 3. Kris Fenton, VFW, asked about voting. Mayor Ruth stated BID 1-6 is one bid board. Roll Call: Aye-All. Motion carried.

RESOLUTION NO. 2025 - 06

RESOLUTION OF INTENT TO CONTINUE BUSINESS IMPROVEMENT DISTRICTS, AND ESTABLISH RATES FOR 2019 FOR BUSINESS IMPROVEMENT DISTRICTS

WHEREAS, Business Improvement Districts Nos. 1-6 have been created and Business Improvement District Boards appointed since August of 1990 and re-appointed and continued through the current date; and

WHEREAS, such Business Improvement Districts Boards have recommended and the City Commission has accepted plans and occupation tax assessments for the calendar years 1991 through 2025; and

WHEREAS, the Business Improvement District Boards have recommended continuation of Business Improvement Districts Nos. 1, 2, 3, 4, 5, and 6 and have recommended the amount of the Business Improvement Tax Levy; and

NOW, THEREFORE, BE IT RESOLVED by the City of Deadwood that the City hereby declares its intent to continue Business Improvement Districts No. 1, 2, 3, 4, 5, and 6 with the boundaries of the Districts as follows:

Business Improvement District No. 1: All lodging establishments and gaming establishments located within the city limits of Deadwood, applied to all gaming devices and lodging rooms located within the city limits of Deadwood, applied to all gaming

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devices and lodging rooms located in the city limits and affiliated with or have common ownership with any gaming establishments or property.

Business Improvement District No. 2: All other lodging establishments located within the City of Deadwood applied to all gaming devices located in a business with common or unrestricted access within the business premises, excepting the first fifty (50) such gaming devices, including any business existing as of the date of this ordinance and any future similar businesses meeting the same criteria.

Business Improvement District No. 3: All lodging establishments, and short term rentals within the City of Deadwood which do not have gaming devices.

Business Improvement District No. 4: Each gaming establishment leasing a city slot machine as determined by sealed bid or auction conducted by the City of Deadwood.

Business Improvement District No. 5: Gaming establishment known as the VFW located at 10 Pine Street.

Business Improvement District No. 6: inactive

BE IT FURTHER RESOLVED that the City of Deadwood declares its intent to establish 2019 Occupation Tax Levies as follows:

1) The estimated monies to be raised by the Business Improvement Districts in 2025 is \$511,495.00; the estimated costs for the expenses, improvements, activities, and promotions within the Business Improvement Districts are as follows:

A. Business Improvement Districts No. 1, 2, 3, 4, 5, and 6:

Administrative and legal expenses	\$ 15,000.00
Deadwood Chamber of Commerce and Visitors Bureau - Marketing	\$ 440,495.00
Contingency	<u>\$ 56,000.00</u>
TOTAL	\$ 511,495.00

2) The imposition of the General Occupation Tax for the six Districts for 2025 shall be as follows:

- A. District No. 1: Tax at the rate of \$125.00 per year or \$6.25 per year per square foot for 20 square feet for each gaming device, slot machine, 21 table or poker table, or video lottery machine, excepting municipal slot machines. Lodging establishments shall pay \$75.00 per year per room or \$.25 per square foot per lodging units using three hundred (300) square feet for each room.
- B. District No. 2: Tax at the rate of \$50.00 per year or \$2.50 per square foot on twenty (20) square feet for each gaming device, slot machine, or table game, excepting municipal slot machines which shall be applied to all gaming devices located in a business with common or unrestricted access within the business premises, excepting the first fifty (50) such gaming devices, including any business existing as of the date of this ordinance and any future similar businesses meeting the same criteria.
- C. District No. 3: Tax at the rate of \$75.00 per year per room or \$.25 per square foot per year for lodging establishments using three hundred (300) square feet for each room.
- D. District No. 4: Tax at the rate of \$2,000.00 per year or \$100.00 per square foot for

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twenty (20) square feet for each city or municipal slot machine as determined by sealed bid or auction conducted by the city of Deadwood.

- E. District No. 5: Tax at the rate of \$75.00 per year or \$3.75 per square foot on twenty (20) square feet for each gaming device, slot machine, 21 table or poker table, or video lottery machine, excepting municipal slot machines.
- F. District No. 6: inactive.

3) That the levies shall be billed and collected monthly by the City Finance Officer with the annual levy to be paid in monthly installments due on the 10th day of each month beginning with the first installment due in the Finance Office on January 10, 2025 with a fifteen (15%) percent late charge to be added for all past due charges.

4) That the taxes as set forth in paragraph 2 above shall be determined by the number of games and video lottery machines licensed by the South Dakota Commission on Gaming and the South Dakota Lottery Commission as of the first day of January, 2025 for the first six months of 2025, and as of the first day of July, 2025, for the second six months of 2025, with adjustments to be made for the licenses added or deleted on the first day of the month following the addition or deletion.

BE IT FURTHER RESOLVED that amounts raised from the imposition of the occupation taxes set forth above are projected to be in the amount of five hundred eleven thousand, four hundred ninety-five dollars (\$511,495.00)

BE IT FURTHER RESOLVED that first reading of an Ordinance #1415 will be before the City Commission of the City of Deadwood, South Dakota, on January 21 2205 at 102 Sherman Street in the City of Deadwood, South Dakota, to consider the business occupation tax levy for 2025. The Deadwood Chamber of Commerce has given notice of the hearing to each occupant or user of space or property owner located in the proposed Districts.

Dated this 21st day of January, 2024

ATTEST:
/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD
/s/ David Ruth Jr., Mayor

Second Reading

McKeown stated no changes between first and second reading. Martinisko moved, Johnson seconded to continue second reading of Ordinance #1415 Amending Chapter 3.16 Business Occupation Tax Bid 1-6. Roll Call: Aye-All. Motion carried.

Second Reading

Parking and Transportation Director Lux stated no changes between first and second reading. Martinisko moved, Joseph seconded to approve second reading of Ordinance #1316 Amending Chapter 13.04 Water Service System. Roll Call: Aye-All. Motion carried.

First Reading

McKeown stated ordinance is in conjunction with resolution 2025-06. Joseph moved, Johnson seconded to amend district 3 to state short term rentals. Joseph moved, Martinisko seconded to approve first reading of Ordinance #1415 Amending Chapter 3.16 Business Occupation Tax BID 1-6 as amended. (Continued from January 6, 2025.) Roll Call: Aye-All. Motion carried.

First Reading

McKeown spoke about the ordinance. Martinisko moved, Johnson seconded to approve first reading of Ordinance #1418 Budget Supplement #1 for 2025. Roll Call: Aye-All. Motion carried.

Permission

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McKeown spoke about the project. Joseph moved, Johnson seconded to expend \$46,000.00 to the Deadwood Volunteer Fire Department for pay-per-call project. (To be paid from 2024 Fire Department Recruitment/Retention line item.) Roll Call: Aye-All. Motion carried.

Purchase

Public Works Director Stalder spoke about the purchase. Martinisko moved, Johnson seconded to purchase up to 180 tons of Black Magic treated road salt at state bid of \$175.00 per ton from BlackStrap Inc. (To be paid by Streets supply budget.) Roll Call: Aye-All. Motion carried.

Agreement

Staler spoke about the service. Martinisko moved, Joseph seconded to renew the annual service agreement with Rasmussen Mechanical in the amount of \$69,136.00 for preventative HVAC maintenance for the City of Deadwood public buildings. (To be paid by Public Buildings professional services line item.) Roll Call: Aye-All. Motion carried.

Permission

McKeown spoke about the purchase. Martinisko moved, Joseph seconded to allow fire department to order a 2025 Red Ford 550 on state bid pricing from White’s Canyon in an amount not to exceed \$60,000.00. (To be paid by Fire Truck reserve account. Budget supplement will be needed.) Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

- A. Raffle permit received from Deadwood History. Drawing will be held October 15, 2025.
- B. Raffle permit received from American Legion, Homestake Post 31, Lead and VFW Post 5969. Drawing will be held May 26, 2025.
- C. Holiday Parking Donations - Letters to request funding must be received by the Finance Officer no later than noon on January 30, 2025.

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

Joseph moved, Martinisko seconded to adjourn the regular session at 5:27 p.m. and convene into Executive Session for personnel matters per SDCL 1-25-2(1) with possible action. The next regular meeting will be on Monday, February 3, 2025 at 5:00 p.m.

After coming out of executive session at 5:XX p.m., seconded to adjourn.

ATTEST: _____ DATE: _____

Jessica McKeown, Finance Officer BY: _____
David Ruth Jr., Mayor

Published once at the total approximate cost of _____