

**REGULAR MEETING, DECEMBER 5, 2022**

The Regular Session of the Deadwood City Commission convened on Monday, December 5, 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, Charlie Struble and Gary Todd. All motions passed unanimously unless otherwise stated.

**APPROVAL OF MINUTES**

Martinisko moved, Struble seconded to approve the minutes of November 21, 2022. Roll Call: Aye-All. Motion carried.

**NOVEMBER, 2022 PAYROLL:** COMMISSION, \$2,730.76; FINANCE, \$23,148.55; PUBLIC BUILDINGS, \$13,615.91; POLICE, \$86,211.96; FIRE, \$5,078.52; BUILDING INSPECTION, \$4,498.80; STREETS, \$25,746.22; PARKS, \$24,191.77; PLANNING & ZONING, \$7,463.26; LIBRARY, \$7,479.15; RECREATION CENTER, \$19,548.61; HISTORIC PRESERVATION, \$21,940.16; WATER, \$17,728.88; PARKING METER, \$10,228.72; TROLLEY, \$15,776.27; PARKING RAMP, \$1,937.42. **PAYROLL TOTAL: \$287,324.96.**

**NOVEMBER, 2022 PAYROLL PAYMENTS:**

Internal Revenue Service, \$69,471.66; S.D. Retirement System, \$33,338.86; Delta Dental, \$4,043.08.

**APROVAL OF DISBURSEMENTS**

Martinisko moved, Johnson seconded to approve the December 5, 2022 disbursements as amended. Roll Call: Aye-All. Motion carried.

A & B BUSINESS SOLUTIONS	CONTRACT	508.09
A - Z SHREDDING	SERVICE	32.70
ALPINE IMPRESSIONS	SERVICE	30.00
AMAZON CAPITAL	SUPPLIES	495.75
AMERICAN LIBRARY ASSOCIATION	MEMBERSHIP	199.00
ASSOCIATED SUPPLY	HEATER	13,765.72
ATCO INTERNATIONAL	SUPPLIES	181.25
BARCO PRODUCTS	BENCH	1,327.13
BH CHEMICAL	SUPPLIES	60.35
BH EXTERIORS	PROJECT	15,073.50
BH SECURITY	SERVICE	485.16
BLACKSTRAP	SUPPLIES	10,288.72
BLUEPEAK	SERVICE	4,323.52
BOYS & GIRLS CLUB	ALLOCATION	3,500.00
BUTLER MACHINERY	EQUIPMENT	6,068.70
CAMPBELL, JOHN	REIMBURSEMENT	50.00
CLEMENS, MEGHAN	REIMBURSEMENT	319.50
CONRADs SIGNS	SERVICE	195.00
CORPORATE EDUCATION CENTER	CLASS	2,200.00
CURTIS BLUE LINE	SUPPLIES	118.17
CVD CONSTRUCTION	PROJECT	3,452.50
DEADWOOD ALIVE	SERVICE	4,000.00
DEADWOOD CHAMBER	BILL LIST	137,480.89
DEADWOOD GAMING	BID #8	5,000.00
DEADWOOD GRANITE	SERVICE	2,200.00
DIRKSEN, JOCELYN	REIMBURSEMENT	50.00
EAGLE ENTERPRISES	EQUIPMENT	11,000.00
ENTERPRISE HOLDINGS	REFUND	50.00
ERICKSON, ROBERT	REIMBURSEMENT	361.16
FALL RIVER COUNTY	CONFERENCE	150.00
FASTENAL	SUPPLIES	104.23
FIRST INTERSTATE BANK	TIF #6	256,978.09
FIRST NET	SERVICE	240.24
FLOYD'S TRUCK CENTER	SUPPLIES	58.08
GALLS	SUPPLIES	295.57
GENPRO ENERGY SOLUTIONS	REPAIR	501.13
GOLDEN WEST	SERVICE	450.00
GRIMM'S PUMP	SUPPLIES	44.99
HESS, ETHAN	REIMBURSEMENT	50.00
KNECHT	GRANTS	213.56
KOOIMA, SAMUEL	REIMBURSEMENT	50.00
KUCHENBECKER, KEVIN	REIMBURSEMENT	50.54
LAWRENCE CO. REGISTER	SERVICE	90.00
LEAD-DEADWOOD SANITARY	SERVICE	864.99
LIBERTY NATIONAL BANK	TIF #9	79.40
LYNN'S	SUPPLIES	109.98
MIDWEST TAPE	SUPPLIES	16.49
MDU	SERVICE	14,806.60
MONUMENT HEALTH	TESTING	305.00
MPLA	MEMBERSHIP	65.00
MS MAIL	SERVICE	471.25
MUTUAL OF OMAHA	INSURANCE	266.54
NORTHERN HILLS TECHNOLOGY	SERVICE	32.50
ODP BUSINESS SOLUTIONS	SUPPLIES	710.88
ONE WAY SERVICE PROS	SERVICE	498.45

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OTIS ELEVATOR	MAINTENANCE	814.59
PACTOLA	TIF #11	25,390.94
PETTY CASH	LIBRARY	30.84
PHEASANTLAND INDUSTRIES	SERVICE	31.86
PONDEROSA LAND SURVEYS	SERVICE	300.00
QUADIENT FINANCE USA	POSTAGE	500.00
QUIK SIGNS	SERVICE	60.62
QUILL	SUPPLIES	165.11
RASMUSSEN MECHANICAL	SERVICE	2,567.52
S AND C CLEANERS	CLEANING	9,128.00
SCOTT PETERSON MOTORS	SUPPLIES	22.97
SCOTT PETERSON MOTORS	FORD F350	37,253.52
SD ASSN. OF RURAL WATER	DUES	565.00
SD MUNICIPAL LEAGUE	MEMBERSHIP	2,345.36
SD PUBLIC HEALTH LAB	TESTING	30.00
SD SCHOOL OF MINES	CLASS	550.00
SECO CONSTRUCTION	PROJECT	49,750.00
SIMON CONTRACTORS	PROJECT	138,228.74
STURGIS RESPONDER SUPPLY	UNIFORMS	735.50
TEMPERATURE TECHNOLOGY	SERVICE	537.00
THE CENTER FOR WESTERN	CONFERENCE	1,000.00
THE LORD'S CUPBOARD	RECYCLING	66.90
TOWEY DESIGN GROUP	PROJECT	10,483.00
TRIPLE K	SERVICE	897.00
TWIN CITY HARDWARE	SUPPLIES	2,161.17
TWIN CITY HARDWARE	GRANTS	228.54
TWIN CITY HARDWARE	GRANTS	7.58
VAN TASSEL, ETHAN	REIMBURSEMENT	50.00
VERIZON WIRELESS	SERVICE	748.15
VICTOR STANLEY	SUPPLIES	24,585.62
VIEHAUSER ENTERPRISES	SERVICE	58.00
VIGILANT BUSINESS SOLUTION	SERVICE	254.00
VISIONARY LANDSCAPING	SERVICE	65.00
WELLMARK	INSURANCE	49,804.69
WERLINGER AUTO BODY	REPAIR	2,106.11
WEST RIVER TRAILER SALES	SUPPLIES	675.00
		Total \$562,518.65

**CONSENT**

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

- A. Permission to remove phone allowance for Troy Jassman effective Nov. 14, 2022 and add phone allowance for Cory Percy effective Dec. 25, 2022
- B. Permission to remove Carrie Kappes, para-transit, from payroll.
- C. Remove Seasonal Trolley Driver Randi Coddington from payroll effective November 1, 2022.
- D. Permission to hire Kathryn Larsen as part-time (not to exceed 19 hours per week) Para-Transit Driver at \$14.50 per hour effective December 7, 2022 pending pre-employment screening.
- E. Permission to hire Lornie Stalder as Public Works Director at \$69,444.44 per year effective December 11, 2022.
- F. Permission to hire Randy Adler as Parks, Recreation and Events Director at \$69,444.44 per year effective December 11, 2022.
- G. Permission to hire Justin Lux as Parking and Transportation Director at \$69,444.44 per year effective December 11, 2022, with permission to remain as part-time patrol officer at \$23.22 per hour.
- H. Permission to advertise in-house for 5 days for Police Sergeant II position at \$27.00 per hour. (D17 rank)
- I. Permission to advertise in-house for 5 days and then in official newspaper for one full time patrol officer position. (\$25.79 per hour for Certified and \$23.22 for Non-Certified)
- J. Permission to accept letter of resignation from Kevin Wagner from the Planning & Zoning Commission effective January 1, 2022 and begin accepting applications to fill the position.
- K. Re-appoint Tessa Allen to Library Board with term January 1, 2023 thru December 31, 2026.
- L. Permission to pay Lowe Roofing, Inc. in the amount of \$2,811.23 to install one row of LRI snow bar for the Days of 76 Rodeo Grounds VIP Grandstand Snow Retention. (To be paid by HP Capital Assets)

## **REGULAR MEETING, DECEMBER 5, 2022**

### **PUBLIC HEARINGS**

#### **3-Wheeler Rally**

Public hearing was opened at 5:02 p.m. by Mayor Ruth Jr. Sarah Kryger, Deadwood Chamber, was available to answer questions, hearing closed.

Johnson moved, Martinisko seconded to approve parking on Main Street from Wall to Deadwood Street, (northwest side only) Wednesday, July 12 from 11:15 a.m. to 2:00 p.m.; street closure on Main Street from Lower Main Street at Pioneer Way to Pine Street Thursday, July 13 from 8:30 p.m. until parade ends; open container Sunday, July 9 through Thursday, July 13, 2023 from 11:00 a.m. to 10:00 p.m. each day at Event Complex. Roll Call: Aye-All. Motion carried.

#### **Set**

Todd moved, Struble seconded to set public hearing on December 19 for New Year's Eve Ball Drop. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to set public hearing on December 19 for St. Patrick's Day events. Roll Call: Aye-All. Motion carried.

#### **Zoning Amendment**

Public hearing was opened at 5:04 p.m. by Mayor Ruth Jr. Zoning Administrator Russell gave a brief recap on the request for the Planned Unit Development (PUD) at The Ridge Development, which includes zoning districts, setbacks, parking requirements and use of short-term rentals. Mayor Ruth Jr. stated each item will be addressed individually.

Boundary of the Planned Unit Development (PUD.) No one spoke in favor or against.

Set Back Variances. No one spoke in favor or against.

Parking Requirements be reduced by 20% for R20 Multi-Family Residential District only. No one spoke in favor or against.

Short Term Rentals. Mike Rodman, representing hotels in BID #8 spoke against short term rentals. He stated it is detrimental to the hotels, business improvement districts and city, itself as the city has come to rely on the BID districts for funding. Pat Dringman, resident, spoke against without knowing how many rentals there would be. She is concerned about the current residential areas and future developments. Josh Keehn asked when the Commission approved the TIF, was it a consideration that it would turn into vacation rentals. Mayor Ruth Jr. stated when the TIF was approved it was understood that it was not a housing development TIF, it was an economic development TIF. When development started, it would not be limited or subjected to first time home buyers or work force housing. Commissioner Todd envisioned a family oriented development. Commissioner Martinisko stated we need housing for families and workforce. Commissioner Todd asked how many short-term rentals the developers are wanting. Leah Berg, The Ridge, stated there are potentially 150 lots, but does not mean every home will be a short term rental. Commissioner Struble stated she would be ok moving forward giving the development a higher percentage compared to other neighborhoods in the future. David Knight, Tin Lizzie, believes the number of short term rentals needs to be further defined. Lonnie Burger, resident, is concerned about zoning as R1 and R2, which do not allow short term rentals. Mayor Ruth Jr. stated rentals would be eligible under the PUD. Russell asked if the city would move forward and allow short term rentals, how would the hotel industry feel about having short term rentals pay the same BID taxes as hotels. Rodman stated there has been ongoing discussion concerning the impacts of short term rentals as it applies to all the taxes. After no further discussion, hearing closed.

### **OLD BUSINESS**

#### **Agreement**

Public Works Interim Director Kuchenbecker spoke about the agreement. He stated City of Lead would like to amend section 2 subsection 3 to state; cities agree to split the cost and reimburse Adams Salvage. Discussion was held concerning buildings and landscaping.

Martinisko moved, Struble seconded to approve the Tri-City Rubble Site agreement with Adams Salvage Recycling & Recovery, LLC for operating the rubble site from December 2022 through December 31, 2027. Roll Call: Aye-All. Motion carried.

## **REGULAR MEETING, DECEMBER 5, 2022**

### **NEW BUSINESS**

#### **Zoning Amendment**

Martinisko moved, Johnson seconded to act as Board of Adjustment and approve the boundary of the Planned Unit Development (PUD) at The Ridge Development, legally described as: Preacher Smith Tract; Lot A of Gov't Lots 13 and 19 in Section 11; Lot B of Gov't Lots 19 in Section 11 and Gov't Lot 12 of Section 14 and Lots 1 and 2 in Block 1B of the Ridge Development, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Less Lot A of the Ridge Development. Roll Call: Aye-All. Motion carried.

Martinisko moved, Struble seconded to act as Board of Adjustment and approve the setback variance at The Ridge Development. Roll Call: Aye-All. Motion carried.

Martinisko moved, Johnson seconded to act as Board of Adjustment and approve the parking requirements be reduced by 20% for R2 – Multi-Family Residential District only at The Ridge Development. Roll Call: Aye-All. Motion carried.

Martinisko moved, Struble seconded to act as Board of Adjustment and deny the short-term rentals at The Ridge Development. Commissioner Todd questioned future decisions. Martinisko believes there are other ways to address this issue as we move forward. Mayor Ruth Jr. stated regardless of how this vote turns out, he requests representatives from The Ridge become involved with the task force in terms of short-term rentals. Randy Horner, TRD, stated people want the flexibility for short-term rentals. Roll Call: Aye-All. Motion carried.

#### **Change Order**

Kuchenbecker spoke about the change order due to additional manholes. Struble moved, Martinisko seconded to approve Change Order No. 1 with Simon Contractors in the amount of \$11,438.00 for final unit quantity adjustments and unforeseen matter per contract on Sampson Avenue Mill and Overlay. (To be paid from Street Improvements.) Roll Call: Aye-All. Motion carried.

#### **Ordinance**

Finance Officer McKeown spoke about the funds of the Supplement, which are: General Fund, Bed and Booze, BIDS, Historic Preservation, Water, Mt. Moriah, Parking and Transportation and TIFS. Martinisko moved, Struble seconded to approve first reading of Ordinance #1362 2022 Budget Supplement. Roll Call: Aye-All. Motion carried.

#### **Resolution**

McKeown asked for Resolution to be continued. Martinisko moved, Struble seconded to continue Resolution 2022-22, Permission to make Interfund transfers for 2022. Roll Call: Aye-All. Motion carried.

### **INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS**

Pat Dringman, Resident, asked about the task force for short-term rentals. Russell stated the city is hoping to have the first meeting before Christmas, which people will be notified of.

Russell thanked Kevin Wagner for serving on the Planning and Zoning Commission.

Department Heads and Commissioners welcomed Randy Adler, Justin Lux and Lornie Stalder as new Department Heads.

Mayor Ruth Jr. congratulated city employees Andy Goodwin and Kevin Kuchenbecker on the awards received from the Chamber.

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**ADJOURNMENT**

Struble moved, Martinisko seconded to adjourn the regular session at 5:53 p.m. The next regular meeting will be on Monday, December 19, 2022 at 5:00 p.m.

ATTEST: \_\_\_\_\_ DATE: \_\_\_\_\_

\_\_\_\_\_  
Jessica McKeown, Finance Officer

BY: \_\_\_\_\_  
David Ruth Jr., Mayor

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