

**REGULAR MEETING, APRIL 21, 2025**

The Regular Session of the Deadwood City Commission convened on Monday, April 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 and Charlie Struble-Mook. All motions passed unanimously unless otherwise stated.

**APPROVAL OF MINUTES**

Martinisko moved, Joseph seconded to approve the minutes of April 7, 2025. Roll Call: Aye-All. Motion carried.

Martinisko moved, Struble-Mook seconded to approve the minutes of April 14, 2025 special meeting. Roll Call: Aye-All. Motion carried.

**APROVAL OF DISBURSEMENTS**

Martinisko moved, Struble-Mook seconded to approve the April 7, 2025 disbursements as amended. Roll Call: Aye-All. Motion carried.

ACE HARDWARE	SUPPLIES	516.19
ALBERTSON ENGINEERING	PROJECT	2,839.80
ALTEC CAPITAL	LEASE	30,615.24
AMAZON CAPITAL	SUPPLIES	1,250.78
AMERICAN ASSN. FOR STATE	MEMBERSHIP	118.00
ANDERSON, GERTRUDE	ELECTION	235.00
ATCO INTERNATIONAL	SUPPLIES	266.00
AVID4 ENGINEERING	SERVICE	3,010.00
AXON ENTERPRISE	CAMERAS	37,959.95
BARCO MUNICIPAL PRODUCTS	SUPPLIES	992.30
BARCO PRODUCTS	BENCH	2,529.38
BH CHEMICAL	SUPPLIES	777.14
BH DOORS	SERVICE	1,032.63
BH PIONEER	SERVICE	1,002.88
BH SPECIAL SERVICES	CLEANING	2,650.00
BLOOMERS	LILY	136.99
BRITE IDEAS	SUPPLIES	772.40
BROWN, PATRICIA	REIMBURSEMENT	55.61
CED SPEARFISH	SUPPLIES	105.76
CENTURY BUSINESS PRODUCTS	COPIER	569.67
COCA COLA	SUPPLIES	109.44
DEADWOOD ALIVE	APRIL	20,000.00
DEADWOOD CHAMBER	BILL LIST	145,604.13
DEADWOOD ELECTRIC	SUPPLIES	101.70
DVFD	REIMBURSEMENT	975.00
DEADWOOD MOUNTAIN GRAND	LODGING	111.00
FEEDING DEADWOOD	RECYCLING	311.25
FIB CREDIT CARDS	SUPPLIES	3,577.35
GALLS	UNIFORMS	270.95
GOLDEN WEST	SERVICE	3,726.48
GROSS, ELLEN	ELECTION	210.00
GUNDERSON, PALMER, NELSON	SERVICE	4,015.48
HOMESTAKE OPERA HOUSE	GRANT	10,000.00
INLAND TRUCK PARTS	SERVICE	476.39
KETEL THORSTENSON	SERVICE	2,500.00
LAWRENCE CO. REGISTER	SERVICE	30.00
LEAD-DEADWOOD BASEBALL	SPONSORSHIP	300.00
LEAD-DEADWOOD SANITARY	SERVICE	22,424.71
LODGE AT DEADWOOD	MEETING	200.00
LOOKOUT PLAN + CODE CONSUL	SERVICE	752.80
LYNN'S	SUPPLIES	43.31
M & T FIRE AND SAFETY	SUPPLIES	60.00
MCKEOWN, JESSICCA	REIMBURSEMENT	209.07
MENARD'S	SUPPLIES	947.66
MIDCONTINENT TESTING LABOR	TESTING	23.50
MOHR, TRENT	REIMBURSEMENT	14.00
MS MAIL	SERVICE	225.00
NHS OF THE BLACK HILLS	SERVICE	4,150.63
NORTHWEST PIPE FITTINGS	SUPPLIES	808.76
ONSITE FIRST AID	SUPPLIES	171.25
RAPID ROOTER	SERVICE	607.00
SANDER SANITATION	SERVICE	13,307.76
SD ASSN. OF RURAL WATER	REGISTRATION	135.00
SD COMMISSION ON GAMING	CITY SLOTS	32,386.36
SDN COMMUNICATIONS	SERVICE	2,646.00
SERVALL	SUPPLIES	1,868.60
SHERWIN WILLIAMS	SUPPLIES	182.96
SOUTH DAKOTA 811	SERVICE	17.92
STONE LAND SERVICES	PROJECT	4,664.00
STRETCH'S	SERVICE	479.66
STURGIS RESPONDER SUPPLY	UNIFORMS	172.23
TALLGRASS LANDSCAPE	PROJECT	1,342.00
TEAM LABORATORY CHEMICAL	SUPPLIES	806.00
TECHNOLOGY	SERVICE	8,275.94
THE JUNK DRAWER	SERVICE	858.50
TOMS, DON	PROJECT	600.00
TOWEY DESIGN GROUP	PROJECT	616.25
UNITED LABORATORIES	SUPPLIES	1,042.86

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USA BLUEBOOK	SUPPLIES	69.54
VIEHAUSER ENTERPRISES	SERVICE	20.00
WAREING STURGIS	SUPPLIES	27.84
WELLMARK	INSURANCE	49,083.53
WEST TIRE ALIGNMENT	SERVICE	89.95
WESTERN STATES FIRE	MAINTENANCE	595.00
WHITE'S CANYON MOTORS	FORD F550	60,000.00
WILLIAMS, DIANA	ELECTION	210.00
		Total \$489,890.48

**CONSENT**

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

- A. Permission to update retirement date of Library Director, Patricia Brown, to June 22, 2025
- B. Permission to hire Cammie Schmidt as Planning, Zoning and Historic Preservation Administrative Assistant at \$21.00 per hour effective May 1, 2025, pending pre-employment screening.
- C. Permission to hire Patrick Butler as part-time trolley driver at \$17.15 per hour effective June 12, 2025 pending pre-employment screening.
- D. Permission to hire Greg Nelson as Parks Seasonal Technician at \$18.10 per hour effective April 28, 2025 pending pre-employment screening.
- E. Permission to hire Thomas Erickson as full-time Parks Technician at \$19.00 per hour (D9 rank) effective April 24, 2025 pending pre-employment screening.
- F. Permission to hire Billy Fritze, Douglas White, Gertrude Anderson, Barbara Hughes, Sandra Parsons and Ruth Durst as seasonal ticket booth attendants for Mt Moriah at \$16.50 per hour effective May 14, 2025 pending pre-employment screening.
- G. Permission to advertise in-house for 5 days and then in outside sources for seasonal Library Assistant I position at \$16.00 per hour.
- H. Permission to hire Kevin Derby as Seasonal Parks Technician at \$17.00 per hour effective April 24, 2025 pending pre-employment screening.
- I. Permission to remove Kelsey Keith, Louis Longmore and Anne Wieringa from Deadwood Volunteer Fire Department roster for worker's compensation purposes effective April 10, 2025.
- J. Resolution 2025-12 in Support of an Application for Financial Assistance to the South Dakota Housing and Development Authority by Deadwood Ridge Apartments, LLC for the Benefit of Multifamily Development.

**RESOLUTION NO. 2025-12**

**Resolution in Support of an Application for Financial Assistance to the South Dakota Housing and Development Authority by Deadwood Ridge Apartments, LLC, and / or its Affiliates, Agents, or Assigns, for the Benefit of Multifamily Development**

Whereas, Deadwood Ridge Apartments, LLC have determined it is necessary to proceed with improvements to connect to the existing City infrastructure, thus enabling additional multifamily housing to be constructed in the city limits of Deadwood which the City of Deadwood supports; and

Whereas, the City and Developer have determined financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Housing and Development Authority shall be prepared by Deadwood Ridge Apartments, LLC (Developer) for the proposed development; and

Whereas, the City does not imply nor commit to any guarantee or acceptance of the project infrastructure now or in the future, especially if the plans do not meet the City's requirements for adequate drinking water, water treatment capacity and distribution, storm sewer, curb, gutter and sidewalk, and all other necessary improvements as needed; and

Whereas, the City has access to adequate treatment facilities and water supply to accommodate the proposed development through the Lead-Deadwood Sanitary District; and

Whereas, the 2022 Deadwood / Lead Housing Study identified the need for additional multifamily housing in the moderate to market price range; and

Whereas, the City acknowledges that there is a significant housing shortage in the City of Deadwood and this proposed multifamily development will help but not resolve the housing shortage.

Now Therefore, Be It Resolved by the City of Deadwood as follows:

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1. The City hereby supports the submission of an Application for financial assistance by Deadwood Ridge Apartments, LLC, to the South Dakota Housing and Development Authority.
2. City officials of the City of Deadwood are hereby authorized to deliver such other documents as necessary, to assist with the Application

Dated this 21st day of April, 2025

ATTEST:

/s/ Jessica McKeown, Finance Officer

CITY OF DEADWOOD

/s/ David Ruth Jr., Mayor

- K. Permission for Mayor to sign Warranty Deed for Deadwood Resort Lot 1-A, being a portion of the Replat of Deadwood Resort Lots 1 and 2, City of Deadwood, Lawrence County, South Dakota all located in the NE1/4 & SE1/4 of Section 14, T5N, R3E, BHM, City of Deadwood, L/C, SD.
- L. Permission to expend up to \$6,787.52 to Convergent for upgrade to city door lock system to include new Dell Inspiron desktop computer. (To be paid by Public Buildings Professional Service and Equipment line items.)
- M. Permission to pay Tree Wise Men in the amount of \$2,600.00 to trim tree between sidewalk and Lincoln Avenue. (To be paid by Streets Professional Services line item.)
- N. Permission to pay Ponderosa Land Surveys, LLC in the amount of \$3,441.25 for plat creation of 171 Charles Street. (To be paid by P&Z Professional Services line item.)
- O. Permission for Mayor to sign contract with Key City Landscapes for final phase of Library Garden landscaping project at a cost of \$28,300.00. (Approved by commission on 04-07-2025)
- P. Permission to purchase twelve meters and endpoints from Metering & Technology Solutions in the amount not to exceed \$3,456.00. (To be paid by Water Supplies line item.)
- Q. Permission to pay Straight Line Striping to paint curb and stripe brick pavers in the amount not to exceed \$10,715.80. (To be paid by Streets Professional Services line item.)
- R. Permission to purchase additional technology equipment and installation from Golden West Technology (for networking of City properties with new SDN fiber) at an amount not to exceed \$6,387.88. (To be paid by Public Buildings Improvements line item.)
- S. Permission to approve use of public property and waiver of fees at Rec Center for the Deadwood Lead 76ers Swim team through August 9, 2025. They will communicate with Rec Center manager when needed. (Recommendation from Event Committee on March 27.)

### **BID ITEMS**

#### **Results**

Mayor Ruth Jr. stated 5 bids were received for the Deadwood Hill Trailhead Parking Lot on April 17, 2025 at 2:00 as advertised. Bid Bond and Acknowledgement of Addendum 1 and 2 were included:

Heavy Construction - \$1,376,610.99

Johner and Sons - \$1,260,378.58

Rogers Construction - \$1,223,751.12, Alternate \$50,000.00

Simon Contractors - \$1,497,794.00, Alternate \$33,000.00

Western Construction - \$1,006,911.00

Parking and Transportation Director Lux spoke about the project and recommends approval. Johnson moved, Martinisko seconded to award bid to Western Construction in the amount of \$1,006,911.00 for Deadwood Hill Trailhead Parking Lot. Roll Call: Aye-All. Motion carried.

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### **Results**

Mayor Ruth Jr. stated 1 bid was received for the ATM on City Properties on April 17, 2025 at 2:00 as advertised.

Alpha 6, Inc. - \$1.00 per transaction.

Public Works Director Stalder spoke about the RFP and recommends approval. Martinisko moved, Johnson seconded to award bid to Alpha 6, Inc. for \$1.00 per transaction for the ATM on City Properties. Roll Call: Aye-All. Motion carried.

### **PUBLIC HEARINGS**

#### **Wall Street Closure**

Public hearing was opened at 5:06 p.m. by Mayor Ruth Jr. Planning, Zoning and Historic Preservation Officer Kuchenbecker stated Historic Preservation Commission and Parking and Transportation Committee have approved. Hearing closed. Johnson moved, Martinisko seconded to approve Wall Street Closure from Main Street to Pioneer Way for April 28-30, May 5-7, 12-14, 19-21, 2025 from 6:00 am - 8:00 pm and May 1, 2, 8, 9, 15, 16, 21, 22 2025 from 6:00 am - 5:00 pm for masonry work at 633 Main Street. Pedestrian access will be maintained. This is an Historic Preservation Façade Program Project. Roll Call: Aye-All. Motion carried.

#### **Malt Beverage License**

Public hearing was opened at 5:08 p.m. by Mayor Ruth Jr. No one spoke in favor or against, hearing closed. Struble-Mook moved, Martinisko seconded to approve Retail (on-off sale) Malt Beverage and SD Farm Wine License for Deadwood Ice Cream Company LLC, Deadwood Ice Cream Company, 673 Main Street. Roll Call: Aye-All. Motion carried.

#### **Community Concert**

Public hearing was opened at 5:09 p.m. by Mayor Ruth Jr. Bobby Rock, Outlaw Square, was available to answer questions, hearing closed. Martinisko moved, Struble-Mook seconded to approve open container in zone 1 and 2 from 5:00 p.m. to 10:00 p.m. and street closure on Deadwood Street from Main Street to Pioneer Way from 6:00 p.m. to 10:00 p.m. on Tuesday, June 17, 2025. Roll Call: Aye-All. Motion carried.

#### **Farmers Market**

Public hearing was opened at 5:10 p.m. by Mayor Ruth Jr. No one spoke in favor or against, hearing closed. Joesph moved, Struble-Mook seconded to approve waiver of banner and vending fees and allow vending on public property on Fridays beginning June 20 through September 12, 2025 at Gordon Park from 1:00 p.m. to 8:00 p.m. Roll Call: Aye-All. Motion carried.

#### **Bev's Poker Run**

Public hearing was opened at 5:11 p.m. by Mayor Ruth Jr. No one spoke in favor or against, hearing closed. Martinisko moved, Johnson seconded to approve Main Street Parking from Wall to Lee Street (east side only) from 5:00 p.m. to 10:00 p.m. on Sunday, June 22, 2025. Roll Call: Aye-All. Motion carried.

#### **Mr. Wu's Wong Weekend**

Public hearing was opened at 5:12 p.m. by Mayor Ruth Jr. Jesse Allen, Deadwood Chamber, was available to answer questions, hearing closed. Martinisko moved, Johnsons seconded to approve street closure of a portion of Main Street from Lower Main Street at Pioneer Way to Wall Street for a period of 15 minutes, 3 times a day between the hours of 2:00 p.m. and 7:00 p.m. on June 26, June 27 and June 28, 2025. Roll Call: Aye-All. Motion carried.

#### **Park West/Jacobs Gallery Concert**

Item was removed from agenda.

#### **July 4<sup>th</sup> Parade**

Public hearing was opened at 5:13 p.m. by Mayor Ruth Jr. Jesse Allen, Deadwood Chamber, was available to answer questions, hearing closed.

Struble-Mook moved, Martinisko seconded to approve street closure on Main Street from Lower Main at Pioneer Way to Pine from 3:00 p.m. till parade ends on Friday, July 4, 2025. Roll Call: Aye-All. Motion carried.

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### Weekend Freedom Concert

Public hearing was opened at 5:14 p.m. by Mayor Ruth Jr. Bobby Rock, Outlaw Square, was available to answer questions, hearing closed. Johnson moved, Martinisko seconded to approve open container in zone 1 and 2 from 5:00 p.m. until 10:00 p.m. on Saturday, July 5; street closure on Deadwood Street from Main Street to Pioneer Way from 7:00 a.m. on Saturday, July 5 to 1:00 a.m. on Sunday, July 6; and closure of Siever Street (if needed) from 6:00 a.m. on Saturday, July 5 to 1:00 a.m. on Sunday, July 6, 2025. Roll Call: Aye-All. Motion carried.

### AAU Wrestling

Public hearing was opened at 5:15 p.m. by Mayor Ruth Jr. Bobby Rock, Outlaw Square, was available to answer questions, hearing closed. Struble-Mook moved, Martinisko seconded to approve street closure on Deadwood Street from Main Street to Pioneer Way from 6:00 a.m. on July 19 to 1:00 a.m. on Sunday, July 20, 2025. Roll Call: Aye-All. Motion carried.

### Set

Martinisko moved, Struble-Mook seconded to set public hearing on May 5 for Retail (on-off sale) Malt Beverage License transfer from TJ Gear Inc to Madame Peacock's LLC dba Madame Peacock's at 638 Main Street. Roll Call: Aye-All. Motion carried.

## **NEW BUSINESS**

### Second Reading

Finance Officer McKeown stated no changes between first and second reading. Martinisko moved, Joseph seconded to approve second reading of Ordinance #1421, Addendum to Ordinance #1208, Cable Franchise with Midcontinent Communications. Roll Call: Aye-All. Motion carried.

### Second Reading

McKeown stated no changes between first and second reading. Martinisko moved, Struble-Mook seconded to approve second reading of Ordinance #1422 Budget Supplement #2 for 2025. Roll Call: Aye-All. Motion carried.

### First Reading

Lux spoke about Beekeeping. Mayor Ruth Jr. stated this is to make sure residents do it responsibly and respectfully. Martinisko moved, Struble-Mook seconded to approve first reading of Ordinance #1423 Adopting Chapter 6.16 Beekeeping. Roll Call: Aye-All. Motion carried.

### First Reading

Kuchenbecker spoke about the amendment. Martinisko moved, Struble-Mook seconded to approve first reading of Ordinance #1424 Amending Chapter 17.32.030 Conditional Uses for C1-Commercial zoning district. Roll Call: Aye-All. Motion carried.

### Permit

Kuchenbecker spoke about the permit. Struble-Mook moved, Martinisko seconded to Act as Board of Adjustment and approve Conditional Use Permit – Vacation Home Establishment. Struble-Mook moved, Martinisko seconded to rescind motion.

Public Hearing was opened at 5:25. Gertrude Anderson, Resident, is concerned about parking and snow removal. Kuchenbecker stated there is a nuisance ordinance. Hearing closed.

Joseph moved to deny, motion died due lack of second.

Struble-Mook moved, Martinisko seconded to Act as Board of Adjustment and approve Application for Conditional Use Permit - Vacation Home Establishment - 9 Shine Street (Emrick Real Estate Group, LLC) with the following conditions: permit runs with the applicant and not the land, obtain and maintain a City of Deadwood business license, obtain a sales tax number from SD Dept. of Revenue, participate in BID taxes, change City water service from residential to commercial, City of Deadwood Building Official inspect the building and all parking shall be off street. Legally described as Lots 2B and 2D of Block 23, Original Town, City of Deadwood, Lawrence County, South Dakota. (Approved with conditions by P & Z Commission April 2, 2025.) Commissioner Martinisko encouraged residents to reach out to the city if issues continue. Commissioner Struble-Mook stated permit is reviewed annually. Roll Call: Aye-Johnson, Martinisko, Ruth, Struble-Mook. Nay-Joseph. Motion carried.

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### **Plat**

Kuchenbecker spoke about the Plat. Martinisko moved, Johnson seconded to Act as Board of Adjustment and approve Application for Plat - New Lot and Public Right of Way - Stage Run Addition with the following conditions: No permits (building or otherwise) will be issued to any party for this parcel by the City until all street and associated infrastructure has been completed and accepted by the City of Deadwood per Chapter 16.08.010; A bond shall be submitted to the City from the developer for the completion of the street and associated infrastructure equal to the cost of such to the parcel per Chapter 16.03.030; The developer discloses these stipulations and/or conditions to any potential buyer; The developer signs a legal document from the City of Deadwood acknowledging the stipulations and/or conditions set forth in any approval of this plat; Upon completion of the above stipulations and/or conditions, the City will execute the necessary signatures for the plat to release for recording with the Lawrence County Register of Deeds. Legally described as Plat of Lot 27, Block 4 and dedicated Public Right of Way of Palisades Tract of Deadwood Stage Run addition to the City of Deadwood and a portion of Tract B of Palisades Stone Placer, M.S. 696 all located in the SW 1/4 of Section 14, the SE 1/4 of Section 15, the NE 1/4 NE 1/4 of Section 22 and the N 1/2 NW 1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. (Approved with conditions by P & Z Commission April 16, 2025.) Roll Call: Aye-All. Motion carried.

### **Transfer**

Kuchenbecker spoke about the transfer. Joseph moved, Martinisko seconded to transfer property to KR Deadwood Sherman Street 2020 (previously declared surplus and appraised) legally described as Plat of Tract 1A of the Miller Street subdivision, formerly a portion of Tract 1 of the Miller Street subdivision, Original Town of Deadwood per P.L. Rogers Map, all located in the SW 1/4 of Section 23, TN, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Roll Call: Aye-All. Motion carried.

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

- A. Open House / Public Meeting for Project to Reconstruct US Highway 85 from Pluma to Lead on Thursday, April 24, 2025 from 5:30 to 6:30 p.m. at Deadwood City Hall.
- B. Spring Clean Up Week - May 5 - 10, 2025. Any questions, please contact Public Works at 605-578-3082.
- C. Raffle permit received from Deadwood Volunteer Fire Department. Drawing will be held May 2, 2026.
- D. Raffle permit received from Lead Deadwood Area Lions Club. Drawing will be held Monday, September 1, 2025.

Stalder thanked Mayor Ruth Jr. for his time and dedication to the city.

Commissioner Johnson thanked trolley driver Sam Semingson for returning a gaming voucher to a couple riding on the trolley.

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.

Mayor Ruth thanked everyone and said he has one more meeting but will still be around.

## **ADJOURNMENT**

Martinisko moved, Struble-Mook seconded to adjourn the regular session at 5:37 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, April 21, 2025 at 5:00 p.m.

After coming out of executive session at 6:06 p.m.,

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Martinisko moved, Johnson seconded to accept appraisal from King Appraisals in the amount of \$950,000 as part of the South Dakota Department of Transportation purchase agreement approved at the February 3, 2025 Commission meeting for the Railroad Lot, legally described as Outlots 3, 4, and 5 of M.S. 38, City of Deadwood, Lawrence County, South Dakota.  
EXCEPTING therefrom Lot H-1, as shown on plat filed in Plat Book 4 on Page 383;  
EXCEPTING therefrom Lot H-2, as shown on the plat filed in Plat Book 5 on Page 38;  
EXCEPTING therefrom Lot H-3, as shown on the plat filed in Plat Book 5 on Page 53. Roll  
Call: Aye-All. Motion carried.

Martinisko moved, Struble-Mook seconded to adjourn.

ATTEST:	DATE: _____
_____ Jessicca McKeown, Finance Officer	BY: _____ David Ruth Jr., Mayor

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