

REGULAR MEETING, September 21, 2015

The Regular Session of the Deadwood City Commission convened on September 21, 2015 at 5:00 p.m. in the Deadwood City Commission Chambers, 102 Sherman Street, Deadwood, South Dakota. Mayor Turbiville called the meeting to order with the following members present: Department Heads, City Attorney Quentin L. Riggins and Commissioners David Ruth Jr., Mark Speirs, and Jim Van Den Eykel. Commissioner Gary Todd was absent. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Ruth moved, Speirs seconded to approve the minutes of September 8, 2015. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Speirs moved, Ruth seconded to approve the September 21, 2015 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	MAINTENANCE	128.92
ABC BUSINESS	SUPPLIES	344.97
ALBERTSON ENGINEERING	PROJECT	2,027.60
ALSCO	SUPPLIES	81.97
AMAZON WEB	SERVICE	229.26
ATCO INTERNATIONAL	SUPPLIES	252.00
BH CHEMICAL	SUPPLIES	497.78
BH DIGITAL MAPPING	SPONSOR	100.00
BH DISPOSAL	DUMPSTERS	800.00
BH LIBRARY	SUPPORT	552.70
BH PEST CONTROL	SERVICE	195.00
BH PIONEER	ADS	879.33
BH POWER	ELECTRICITY	3,371.80
BH SECURITY	MONITORING	709.70
BH URGENT CARE	TESTING	469.76
BH WINDOW CLEANING	CLEANING	424.00
BUTLER MACHINERY	SUPPLIES	59.00
CAI CONSTRUCTION	PROJECT	52,203.17
CHAINSAW CENTER	SUPPLIES	420.90
CHAMBERLIN ARCHITECTS	PROJECT	113,356.23
COCA COLA	SUPPLIES	126.70
CULLIGAN	SUPPLIES	80.15
DAKOTA BUSINESS	MAINTENANCE	155.88
DAKOTA SECURITY	TESTING	31.89
DEADWOOD ALIVE	SERVICE	1,500.00
DEADWOOD CHAMBER	BILL LIST	257,995.29
DEADWOOD TRUST	GRANT	4,622.07
DEMCO	SUPPLIES	327.06
E.T. SPORTS	SUPPLIES	346.36
EDDIE'S TRUCK	SUPPLIES	92.33
ELEVATE DESIGN	PROJECT	467.12
EMERY-PRATT	BOOKS	429.35
FANCIES FLOWERS	FLOWERS	68.95
GOLDEN WEST	SERVICE	2,876.48
GUNDERSON, PALMER, NELSON	SERVICE	4,900.74
HICKS, LARRY	PROJECT	7,956.75
IDVILLE	SUPPLIES	133.00
INTERSTATE BATTERY	BATTERIES	125.90
JACOBS WELDING	SERVICE	121.35
JUNIOR LIBRARY GUILD	BOOKS	756.00
KDSJ	SERVICE	160.00
KONE	MAINTENANCE	266.80
LAWRENCE TITLE	TITLE	150.00
LAWSON PRODUCTS	SUPPLIES	448.14
M & T FIRE	SUPPLIES	304.95
M&M SANITATION	RENTAL	496.70
MACROVISION	PROJECT	2,150.00
METERING & TECHNOLOGY	SUPPLIES	86.88
MIDCONTINENT	SERVICE	65.00
MIDWEST TAPE	DVDS	141.95
MS MAIL	SERVICE	928.51
NEIGHBORHOOD LENDING	KIDWEIRD	750.00
NEW DEAL TIRE	DISPOSAL	28,815.60
NORTHERN HILLS TECHNOLOGY	SERVICE	47.00
NORTHERN TRUCK EQUIPMENT	PLATFORM	850.00
OFFICE DEPOT	SUPPLIES	106.44
OFFEDAL CONSTRUCTION	PROJECT	40,294.14
OSCHWALD, JOE	REFUND	26.00
PARTSMASTER	RATCHET	128.24
PASSPORT PARKING	METERS	66.75
PEPSI	SUPPLIES	142.99
PETE LIEN & SONS	REPAIRS	640.00
PHIL'S ELECTRIC	PROJECT	642.86
PITNEY BOWES	SUPPLIES	216.71
QUIK SIGNS	SIGNS	1,674.37
RAPID CITY JOURNAL	SUBSCRIPTION	231.01
RAPID DELIVERY	DELIVERY	24.16
RASMUSSEN MECHANICAL	REPAIR	535.22
REGIONAL HEALTH NETWORK	TESTING	75.00
RENNER, DONOVAN	REIMBURSEMENT	252.01
ROCKINGTREE	TREES	342.90
RUNGE, MIKE	REIMBURSEMENT	78.50
SACRISON ASPHALT	PROJECT	744.00
SD DEPT. OF CORRECTIONS	FIREWISE	3,883.69
SD DEPT. OF REVENUE	LICENSE	75.00

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SD MUNICIPAL LEAGUE	REGISTRATION	50.00
SD ONE CALL	FEES	51.52
SOUTH DAKOTA SCIENCE	GRANT	25,000.00
STRETCH'S	GLASS	45.23
STURDEVANT'S	SUPPLIES	2,299.46
SUMMIT SIGNS	SIGN	276.70
TALLGRASS	PROJECT	720.00
TOM'S T'S	SUPPLIES	189.91
TOMS, DON	PROJECT	630.00
TRAFFIC CONTROL	SUPPLIES	295.00
TRINITY UNITED METHODIST	GRANT	2,555.00
TWIN CITY ANIMAL SHELTER	ALLOCATION	3,000.00
TWIN CITY HARDWARE	SUPPLIES	1,905.41
VAST	SERVICE	1,226.36
VECCHI, GREG	PROJECT	3,185.00
WASTE CONNECTIONS	DUMPSTER	9,264.99
WESTERN STATES FIRE	INSPECTION	205.00
WHITE'S CANYON MOTORS	SERVICE	84.93
ZEP SALES	SUPPLIES	105.37
	TOTAL	\$597,148.86

ITEMS FROM CITIZENS ON AGENDA

Sports news

Ted Thompson on behalf of Days of 76 Committee presented the Commission with the ProRodeo Sports News magazine and stated an article about Deadwood and Days of 76 Rodeo is featured in the magazine. Thompson added the PRCA publication has readers worldwide, which will benefit all of Deadwood. Commission thanked the Committee.

Permission

Al Schaefer, Department of Legislative Audit, appeared to request permission for the Mayor and Finance Officer to sign the engagement letter for the 2014 audit. Schaefer invited the Commissioners to visit with Legislative Audit regarding any concerns. Speirs moved, Van den Eykel seconded said request. Roll Call: Aye-All. Motion carried.

Kayla Klein asked Commission to relax open container restrictions at the rodeo grounds after Zombie Run fundraiser on September 26. A letter was received from Days of '76 Museum stating they had no objection. Ruth moved, Speirs seconded said request. Roll Call: Aye-All. Motion carried.

Troy Fairbanks on behalf of Buffalo Dreamers thanked the City for their support and asked the Commission to continue street closure on Main Street to allow performances on Saturday and Sunday throughout the winter. After discussion concerning scheduling and location, Ruth moved, Van Den Eykel seconded to continue until further information is gathered. Commission reminded Fairbanks to coordinate with trolley schedule and tour busses. Roll Call: Aye-All. Motion carried.

CONSENT

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

- A. Waive 45-day requirement for Special Event Application and allow use of public property for Station-to-Station Walk on October 10. Event starts at Lead Fire Hall and ends at Deadwood Fire Hall.
- B. Approve Resolution 2015-15 to Appoint Bid 1-6 Board.

RESOLUTION 2015-15

APPOINTING BUSINESS IMPROVEMENT DISTRICTS #1-6

BOARD MEMBERS

WHEREAS, the City of Deadwood has by previous resolution, ordinances and action established and designated the boundaries of Business Improvement Districts 1, 2, 3, 4, 5 and 6 for the City of Deadwood; and

WHEREAS, SDCL 9-55-5 requires the appointment of a Business Improvement

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Districts Board by the mayor, with the approval of the governing body; and

WHEREAS, the Business Improvement Districts members and taxpayers have decided to continue the establishment of the Business Improvement Districts 1, 2, 3, 4, 5 and 6 within the City of Deadwood for Business Improvement Districts purposes and activities and levying assessments for the 2016 calendar year; and

WHEREAS, the Business Improvement Districts members have recommended the following for appointment as board members for a term of one (1) year;

NOW THEREFORE, BE IT RESOLVED by the City of Deadwood that the following members are appointed to the Business Improvement Board for Districts 1, 2, 3, 4, 5 and 6 for the period from August 1, 2015, to July 31, 2016

Ron Island	Tom Rensch
Pat Roberts	Tony Sieber
Susan Kightlinger	Mary Dunne Larson
Steve Schaeffer	Mike Trucano
Donnie Patton	Lonny Strong
Ken Gienger	Paul Bradsky
Tracy Island	Ron Russo

Dated this 21st day of September 2015

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

C. Approve Resolution 2015-16 to Appoint Bid 7 Board.

RESOLUTION 2015-16

**DESIGNATING BUSINESS IMPROVEMENT DISTRICT NO. 7 BOUNDARIES
AND
APPOINTING BUSINESS IMPROVEMENT DISTRICT NO. 7 BOARD MEMBERS**

WHEREAS, the City of Deadwood has by previous resolution, ordinances, and action established and designated the boundaries of Business Improvement District No. 7 for the City of Deadwood pursuant to SDCL 9-55-5; and

WHEREAS, SDCL 9-55-5 requires the appointment of a Business Improvement District's Board by the Mayor, with the approval of the governing body; and

WHEREAS, the Hotel/Motel Business Improvement District members have recommended the following individuals for appointment as board members for a term of one (1) year from August 1, 2015 through July 31, 2016;

BE IT FURTHER RESOLVED by the City of Deadwood, by its Mayor and with the approval of the City Commission, having first established the above boundaries, that the following members are appointed to the Business Improvement District Board District No. 7 for a term of one (1) year from August 1, 2015 through July 31, 2016:

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Diana Graham-Mineral Palace
Willie Welchel-Gold Country Inn/Deadwood Station
Pat Roberts-Best Western Hickok House
Joe Henning-BH Inn and Suites
Caleb Arcenault-Cadillac Jack's/Springhill Suites/Hampton Inn
Gordon Mack-Cedarwood Inn
Susan Kightlinger-Deadwood Mountain Grand
Ken Gienger-Celebrity/Branch House
Tracy Island-Comfort Inn
Ron Island-Super 8
Charles Brimmer-Bullock Hotel
Dave Larson-Deadwood Dick's
Sue Hayes-Deadwood Gulch Resort
Michael Trucano-Hickok Hotel/Iron Horse Inn
Michelle Fischer-The Hotel by Gold Dust
Amber Diers-777/Gold Dust Lodging (Holiday Inn Express)
Steve Schaeffer-First Gold
Tom Rensch-Franklin Hotel
Court French-Thundercove
Dexter Koehne-Butch Cassidy
Blake Haverberg-Martin Mason
Anthony Galbraith-Lodge at Deadwood
Danny Gray-Deadwood Roadhouse
Tom Koth-Madame Peacock's

Dated this 21st day of September 2015

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

- D. Permission for Mayor to sign the following agreements approved on September 8: Black Hills Asphalt for crack repair in Presidential area in the amount of \$15,765.33, A&L Contractors for water main loop by Madison and Washington Streets in the amount of \$26,806.80, and A&L Contractors for water main loop by Calamity Lane-Peck-Burlington area in the amount of \$20,292.00.
- E. Accept resignation from Parking Ramp employee Linda Allen effective September 24, 2015 and permission to advertise for Parking Ramp Attendant. Mayor Turbiville thanked her for her time and wished her well on future endeavors.
- F. Permission to pay Integrated Parking Solutions LLC \$3,456.00 for annual software maintenance from October 1, 2015 through September 30, 2016 (budgeted Parking and Transportation.)
- G. Permission for Mayor to sign contract with Michael Conover in the amount of \$7,193.90 for Adams House remediation work on balcony and porch (approved on September 8, 2015.)
- H. Permission for Mayor to sign contract with Karen T. Taylor for facial reconstruction of skeletal remains from 66 Taylor Avenue (approved April 14, 2015.)
- I. Permission to remove the following seasonal employees from payroll. Baylee Dittman, Miranda Luze and Chris Bren effective August 1, 2015. Colt Bradley, Hunter Bradley, Kole Frisinger, Broc Hanson, Andrew Pisciotta and Coltan Radensleben effective September 1, 2015.
- J. Accept resignation from Trolley Driver Doug Magnuson effective September 21, 2015.
- K. Permission for Mayor to sign Oakridge Cemetery Certificates of Purchase and Warranty Deeds for Gregg Sears and Wayne and Carolyn Hess.
- L. Permission to purchase the following equipment for Parks Department truck: snowplow from Western Products for \$5,479.40 and tommy gate from Northern Truck Equipment for \$3,226.00 (budgeted Parks.)
- M. Repair brick pilasters near entrance to Rec Center and sign contract with West River Masonry in the amount of \$4,280.00 to be paid from Public Buildings.

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BID ITEMS

Results

Public Works Director Green stated five bids was opened for the Mickelson Trail Drainage Improvements Project at 2:00 p.m. as advertised. Bid Bond or Cashier's Check were included in the following bid submittals:

A&L Contractors - \$115,794.90
Ainsworth Benning Construction - \$94,552.50
CAI Construction - \$149,809.99
Dakota Prairie Landscapes - \$90,312.40
RCS Construction - \$117,741.86

Green requested Commission award the low bid from Dakota Prairie Landscapes. Speirs moved, Ruth seconded request. Roll Call: Aye-All. Motion carried.

Accept

Speirs moved, Van Den Eykel seconded to accept bid opened from Dakota Fencing at 2:00 p.m. on September 15 for Gordon Park playground equipment in the amount of \$100,000.00 and allow Mayor to sign contract. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS

Public hearing was opened at 5:20 p.m. by Mayor Turbiville. No one spoke in favor or against, hearing closed. Van Den Eykel moved, Ruth seconded to approve the Retail (on-off sale) Malt Beverage License (RB-21478) and Retail (on-off sale) Wine License (RW-21479) transfers from Schade Winery and Dakota's Best Wine and Gifts at 250 Hwy 14A to Schade Winery and Dakota's Best Wine and Gifts at 696 Main Street. Roll Call: Aye-All. Motion carried.

Resolutions

Speirs moved, Ruth seconded to approve Resolution 2015-13 to Continue Business Improvement District 1-6 Assessments and set public hearing on November 2, 2015 at 5:00 p.m. Roll Call: Aye-All. Motion carried.

RESOLUTION NO. 2015 - 13

**RESOLUTION OF INTENT TO
CONTINUE BUSINESS IMPROVEMENT DISTRICTS, AND
ESTABLISH RATES FOR 2016 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 2015; 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 Occupation Tax Levy for 2016; 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 to be continued as follows:

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Business Improvement District No. 1: All hotels, motels, lodging establishments and gaming establishments located on both sides of Main Street between and including 607 Main Street to 709 Main Street.

Business Improvement District No. 2: All other hotels, motels and lodging establishments located within the City of Deadwood in which gaming devices are located, and affiliated with or connected to or have common ownership with any gaming establishment or property and the following additional properties:

531 Main Street	-	Tin Lizzie
560 Main Street	-	Deadwood Gulch Saloon
27 Deadwood Street	-	Iron Horse Inn

Business Improvement District No. 3: All hotels, motels, lodging establishments, and bed and breakfast establishments within the City of Deadwood which do not have gaming devices.

Business Improvement District No. 4: All hotels, motels, lodging establishments, and gaming 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 the following businesses existing as of the date of this ordinance, and any future similar businesses meeting the same criteria. This will include the following businesses:

22 Lee	-	777/Gold Dust
15 Lee	-	Hotel by Gold Dust
658 Main	-	Buffalo/Bodega
635 Main	-	Bullock Hospitality
360 Main	-	Cadillac Jacks
625 Main	-	Celebrity Hotel
560 Main	-	Deadwood Gulch Saloon
270 Main	-	First Gold
531 Main	-	Four Aces/Hampton Inn
700 Main	-	Franklin
709 Main	-	Silverado
686 Main	-	Gold Dust Gaming
225 Cliff	-	Deadwood Comfort Inn
304 Cliff	-	Deadwood Gulch Hospitality
685 Main	-	Hickok's
100 Pine Crest Lane	-	Lodge at Deadwood
677 Main	-	Midnight Star
605 Main	-	Mineral Palace
196 Cliff	-	Super 8 Lodge
557 Main	-	Tin Lizzie
9 Lee	-	Wooden Nickel/Martin Mason
1906 Deadwood Mountain	-	Deadwood Mountain Grand

Business Improvement District No. 5:

10 Pine Street	-	VFW
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Business Improvement District No. 6: Each gaming establishment leasing a city slot machine:

607 Main Street	-	Franklin/Silverado
557 Main Street	-	Tin Lizzies
360 Main Street	-	Cadillac Jacks
250 Main Street	-	First Gold
100 Pine Crest Lane	-	Lodge at Deadwood

BE IT FURTHER RESOLVED that the City of Deadwood declares its intent to establish 2016 Occupation Tax Levies as follows:

1) The estimated monies to be raised by the Business Improvement Districts in 2016 is \$544,295.00; Additional unspent monies in 2015 will be budgeted in the amount of \$60,190.00 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	\$ 16,108.00
Deadwood Chamber of Commerce and Visitors Bureau - Marketing	\$ 572,269.00
Broadway Parking Ramp	
Contingency	\$ 16,108.00
TOTAL	\$ 604,485.00

2) The imposition of the General Occupation Tax for the six Districts for 2016 shall be as follows:

- A. District No. 1: Tax at the rate of \$100.00 per year or \$5.00 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. Motels, hotels and bed and breakfast establishments shall pay \$50.00 per year per room or \$.1666 per square foot per motel, hotel, or bed and breakfast lodging units using 300 square feet for each room.
- B. District No. 2: Tax at the rate of \$100.00 per year or \$5.00 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. Motels, hotels, and bed and breakfast establishments shall pay \$50.00 per year per room or \$.1666 per square foot per motel, hotel, or bed and breakfast lodging units using 300 square feet for each room.
- C. District No. 3: Motels, hotels, and bed and breakfast establishments shall pay \$35.00 per year per room or \$.117 per square foot per year per motel, hotel, or bed and breakfast lodging unit using 300 square feet for each room.
- D. District No. 4: Tax at the rate of \$25.00 per year or \$1.25 per square foot on 20 square feet for each gaming device, slot machine, 21 table or poker table, or video lottery machine, excepting municipal slot machines which shall be

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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 the following businesses existing as of the date of this ordinance, and any future similar businesses meeting the same criteria.

- E. District No. 5: A tax at the rate of \$50.00 per year or \$2.50 per square foot on 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: A tax at the rate of \$100.00 per year per square foot for 20 square feet for each city or municipal gaming device located at the following businesses:

Tin Lizzie's	-	557 Main Street
Cadillac Jacks	-	360 Main Street
First Gold	-	250 Main Street
Lodge at Deadwood	-	100 Pine Crest Lane
Franklin/Silverado	-	709 Main Street

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, 2016 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, 2016 for the first six months of 2016, and as of the first day of July, 2016, for the second six months of 2016, 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 forty-four thousand two hundred and ninety-five dollars (\$544,295.00) and Sixty thousand one hundred and ninety dollars (\$60,190.00) from a 2015 projected carryover, and that said amount will yield revenues in the amount of \$604,495.00: **BE IT**

FURTHER RESOLVED that a hearing shall be held before the City Commission of the City of Deadwood, South Dakota, on the 2nd day of November, 2015, at 5:00 p.m. or as soon thereafter as possible, at the City Commission Chambers, located at 102 Sherman Street in the City of Deadwood, South Dakota, to consider the business occupation tax

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levy for 2016. The City Finance Officer shall give notice of the hearing by mailing a complete copy of this Resolution of Intent to each occupant or user of space or property owner located in the proposed Districts at least thirty (30) days prior to the public hearing.

Dated this 21st day of September 2015

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

Ruth moved, Van Den Eykel seconded to approve Resolution 2015-14 to Continue Business Improvement District 7 Occupancy tax and set public hearing on November 2, 2015 at 5:00 p.m. Roll Call: Aye-All. Motion carried.

RESOLUTION NO. 2015-14

**RESOLUTION OF INTENT TO CONTINUE
BUSINESS IMPROVEMENT DISTRICT NO. 7**

WHEREAS, the City of Deadwood has received a recommendation by the Board of Business Improvement District No.7 pursuant to SDCL 9-55 as amended, requesting the City of Deadwood adopt a Resolution of Intent to continue a Business Improvement District and impose an occupational tax on the transient guests of hotels and motels within the City of Deadwood ; and

WHEREAS, it appearing to the City of Deadwood that the proposed district is being created to fund some of the following public projects and activities from January 1, 2016 through December 31, 2016:

Projected revenue of \$500,000.00 budgeted as follows:

\$480,000.00 Marketing
\$ 20,000.00 Legal/Administrative
\$500,000.00 Total Budget

NOW THEREFORE, BE IT RESOLVED by the City of Deadwood that the City hereby declares its intent to continue Business Improvement District No. 7, with the boundaries of District No. 7 to be the city limits of Deadwood, and any annexations thereto, including but not limited to the following listed lodging establishments and any lodging establishments not listed but which are established in the future which shall automatically become a part of this district and be included within such boundaries, but excluding any bed and breakfast establishments:

Deadwood Station	68 Main Street
Best Western Hickok House	137 Charles Street
Black Hills Inn & Suites	Hwy. 385 South
Branch House	37 Sherman Street
Bullock I, II, III	635 Main Street
Butch Cassidy Suites	57 Sherman Street
Cadillac Jack's	360 Main Street
Cedarwood Inn	103 Charles Street

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Celebrity Hotel	625 Main Street
Comfort Inn/Gulches of Fun	225 Cliff Street
Deadwood Dicks Suites	51 Sherman Street
Hickoks Hotel	685 Main Street
Hickok's Iron Horse Inn	27 Deadwood Street
Deadwood Gulch Resort	304 Cliff Street
First Gold	270 Main Street
Franklin Hotel	700 Main Street
Gold Country Inn	801 Main Street
Hampton Inn	531 Main Street
Holiday Inn Express	22 Lee Street
Martin and Mason Hotel	37 Sherman
Mineral Palace	605 Main Street
Springhill Suites	360 Main Street
Super 8	196 Cliff Street
Terrace Motel	250 Main Street
The Hotel by Gold Dust	25 Lee Street
The Lodge at Deadwood	100 Pine Crest
The Mint	638 Main Street
Thunder Cove Inn	311-315 Cliff Street

BE IT FURTHER RESOLVED that the City of Deadwood declares its intent to continue an occupational tax levy to be imposed on transient guests renting rooms in the above-described hotels and motels or lodging establishments. The amount of the tax shall be Two Dollars (\$2.00) per occupied room per night, which shall not apply or be imposed on any transient guest who has been offered a room by a lodging establishment on a complimentary basis and no fee or rent was charged for such room. This method for raising revenue shall be fair and equitable.

The total estimated or proposed costs for the above projects and activities is projected to be Five Hundred Thousand Dollars (\$500,000.00) from the revenues from this occupancy tax upon rooms rented to transient guests by lodging establishments to fund some or all of the above projects and activities; and

BE IT FURTHER RESOLVED that a hearing shall be held before the Deadwood City Commission on Monday, the 2nd day of November, 2015 at 5:00 p.m. or soon thereafter at the City Commission Chambers located at 102 Sherman Street, in the City of Deadwood, to consider the continuation of Business Improvement District No. 7 and the imposition of a Two Dollar (\$2.00) per room rented occupancy tax on transient guests for rooms rented by the above lodging establishments.

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The City Finance officer shall give notice of this hearing by mailing a complete copy of this Resolution of Intent to each owner and user of space in all lodging establishments or hotel or motel businesses located within the proposed Business Improvement District No. 7 at least thirty (30) days prior to the public hearing.

Dated this 21st day of September 2015

ATTEST:

CITY OF DEADWOOD

/s/ Mary Jo Nelson, Finance Officer

/s/ Charles Turbiville, Mayor

Set

Speirs moved, Ruth seconded to waive 45-day requirement for Special Event Application and set public hearing on October 5, 2015 for Homecoming Parade, street closure on October 16, 2015. Roll Call: Aye-All. Motion carried.

OLD BUSINESS

Easement

Discussion continued concerning easement with Deadwood Mountain Grand regarding use of snowmobile trail. Planning and Zoning Administrator Nelson Jr. stated Bruce and Mary Ann Oberlander submitted a letter expressing concerns about speed limits, hold harmless and the potential noise that may occur. Nelson stated the speed limit and hold harmless has been addressed in the easement if noise is an issue, it can be resolved by Commission. Donna Watson and Beverly Posey spoke in opposition. Tim Conrad, on behalf of Deadwood Mountain Grand, stated the Grand is willing to work with everyone. After discussion Van Den Eykel moved, Ruth seconded to approve easement with Deadwood Mountain Grand for use of snowmobiles on Mickelson Trail. Nelson stated if there are issues, he urges the residents to bring to the City so they can be addressed. Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Second Readings

Van Den Eykel moved, Speirs seconded to approve second reading of Ordinance #1227, Supplemental Budget Ordinance #3 for 2015. Roll Call: Aye-All. Motion carried.

Ruth moved, Van Den Eykel seconded to approve second reading of 2016 Budget Ordinance #1228. Roll Call: Aye-All. Motion carried.

Discussion was held on second reading of Noise Ordinance #1229. Chief Fuller stated he recommended some minor changes. First is section 8.12.080 titled Permit, Section D, he recommended the section be stricken. Second section 8.12.120 titled Violations-Penalties, he recommended having an escalating fine for each offense. Mayor Turbiville stated the Chamber and Days of '76 would fall under section 8.12.070 titled Exceptions. Fuller gave a demonstration of noise levels at 65 and 85 decibels. He also provided decibel levels at certain locations on Main Street during a sound measurement in front of the Bodega on September 11. Susan Kightlinger, Deadwood Mountain Grand, read letters that were received from Big Kenny and Marc Oswald in opposition. Mike Trucano and Mike Rodman were also opposed to ordinance in current form, and recommended amendments. Residents Teri Adler and Willie Aldrich spoke in favor of ordinance. Commissioners agreed that everyone recognizes the importance of this ordinance but they need to determine what those appropriate noise levels are. After much discussion Ruth moved, Van Den Eykel seconded to continue the second reading until further information is obtained. Roll Call: Aye-All. Motion carried.

Purchase

Van Den Eykel moved, Speirs seconded to purchase solar pedestrian lights on Lee Street and Highway 14, with cost share from South Dakota Department of Transportation at cost of \$9,160.00 and allow Mayor to sign agreements provided by DOT. Roll Call: Aye-All. Motion carried.

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Action

Ruth moved, Speirs seconded to direct City Attorney to proceed with abating the notice of Violation on the historic resource at 3 Shine Street per 2012 International Property Maintenance Code and DCO 15.01. Attorney Riggins stated the City issued a nuisance violation and has an individual interested in repairing the property. Roll Call: Aye-All. Motion carried.

Permission

Speirs moved, Ruth seconded to increase annual contract with Albertson Engineering from \$45,000.00 to \$60,000.00 due to professional services provided for additional city projects. Roll Call: Aye-All. Motion carried.

Speirs moved, Van Den Eykel seconded to hire Rhonda McGrath for the position of Public Works Administrative Assistant at \$15.64 per hour effective October 5, 2015 pending pre-employment screening, and allow Janet Lanphear to remain in position through October 16 for training purposes. Roll Call: Aye-All. Motion carried.

Approval

Ruth moved, Speirs seconded approval to purchase of salt and sand for winter street maintenance from the following vendors: \$6,900.00 for sand from Fischer Industries, shipping from Roth Trucking for \$4,200.00 and salt purchase and delivery from Black Strap Trucking for \$24,600.00, budgeted Streets. Roll Call: Aye-All. Motion carried.

Contracts

Speirs moved, Ruth seconded to allow expenditure of \$22,730.00 from Public Buildings budget to replace imbedded heating mats in the concrete walk at entrance to Rec Center and allow Mayor to sign contracts for repairs. Lowest quotes are: Gardner Construction for \$12,030.00 and Freeman Electric for \$10,700.00. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Kerry Ruth thanked the City and Commission for the use of office space at History and Interpretive Center.

Chief Fuller thanked Rose Speirs and Deadwood History Inc. for use of the sound system.

Commissioner Ruth thanked the Deadwood Jam Committee and department heads for their help during the Deadwood Jam event.

Attorney Riggins requested Executive Session for legal matters per SDCL 1-25-2 (3) with possible action.

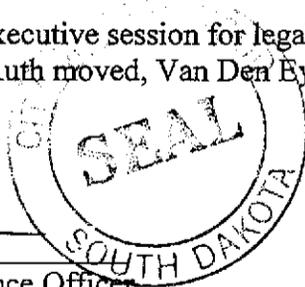
ADJOURNMENT

Speirs moved, Van Den Eykel seconded to adjourn the regular session at 6:15 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3) with possible action. The next regular meeting will be on Monday October 5, 2015.

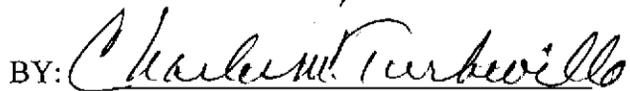
After coming out of executive session for legal matters per SDCL 1-25-2(3) and union matters per SDCL 1-25-2(4) Ruth moved, Van Den Eykel seconded to adjourn at 6:17 p.m.

ATTEST:


Mary Jo Nelson, Finance Officer



DATE: October 6, 2015

BY: 
Charles M Turbiville, Mayor

Published once at the total approximate cost of _____