

REGULAR MEETING, DECEMBER 16, 2019

The Regular Session of the Deadwood City Commission convened on Monday, December 16, 2019 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, Charlie Struble, and Gary Todd. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Martinisko moved, Struble seconded to approve the minutes of December 2, 2019. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Struble moved, Johnson seconded to approve the December 16, 2019 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS SOLUTIONS	CONTRACT	57.29
A & I DISTRIBUTORS	SUPPLIES	525.91
ACE HARDWARE	SUPPLIES	48.33
ACE INDUSTRIAL SUPPLY	SUPPLIES	1,177.30
ADAMS MUSEUM	OPERATING	123,000.00
ADAMS SALVAGE	INSURANCE	3,657.80
ALBERTSON ENGINEERING	SERVICE	1,421.37
ALICE TRAINING INSTITUTE	TRAINING	595.00
ALL ASPECTS	SERVICE	350.00
ALLEGIANCY EMERGENCY	SUPPLIES	4,297.50
ALSCO	SUPPLIES	147.11
AMAZON	SERVICE	666.41
ANCESTOR CONCRETE	PROJECT	3,570.00
ARMOUR ROOFING	PROJECT	8,826.70
ATCO INTERNATIONAL	SUPPLIES	691.00
BALCO UNIFORM	UNIFORMS	1,304.31
BH CHEMICAL	SUPPLIES	1,035.12
BH DISPOSAL	SERVICE	1,100.00
BH ENERGY	SERVICE	29,093.75
BH PIONEER	SERVICE	638.76
BH SPECIAL SERVICE	CLEANING	1,435.00
BH TENT & AWNING	GAZEBO	8,953.74
BH WINDOW CLEANING	CLEANING	708.00
BLOTZ, RONALD	REIMBURSEMENT	95.85
BRANDON INDUSTRIES	SUPPLIES	2,497.00
BRUNSON, RONDA	REIMBURSEMENT	194.60
BUTLER MACHINERY	REPAIRS	1,856.83
CENTURY BUSINESS	CONTRACT	159.45
CHAINSAW CENTER	SUPPLIES	599.95
CHANEY-MOODIE, JEANETTE	REIMBURSEMENT	119.00
COCA COLA	SUPPLIES	190.40
COMPETITIVE MASONRY	PROJECT	12,000.00
CULLIGAN	SUPPLIES	140.75
DAKOTA LUMBER	WINDOWS	10,612.76
DAKOTA TITLE	REPORT	240.00
DEADWOOD CHAMBER	BILL LIST	7,239.00
DEADWOOD ELECTRIC	SERVICE	2,009.42
DVFD	REIMBURSEMENT	3,862.60
DEADWOOD HISTORY	SERVICE	4,275.00
EMERY-PRATT	BOOKS	104.36
FASNACHT, GLENN	PROJECT	1,183.54
FIRST NATIONAL CREDIT CARD	PURCHASES	4,384.18
FRANKLIN BRONZE PLAQUES	PLAQUES	1,712.54
GALLS	UNIFORMS	747.43
GAYLORD BROS.	SUPPLIES	536.01
GLOBAL EQUIPMENT	SUPPLIES	248.44
GLOVER, SANDY	REIMBURSEMENT	34.00
GOLDEN WEST	SERVICE	1,581.50
GRIMM'S PUMP	SUPPLIES	195.42
GUNDERSON, PALMER, NELSON	SERVICE	6,780.00
HANDLEY RECREATION CENTER	ENROLLMENT	60.00
HAWKINS INC	SUPPLIES	2,869.23
HIGHT, SHAWN	SUPPLIES	1,250.00
IDENTISYS	CARDS	600.00
JACOBS WELDING	SERVICE	638.13
JUNEKS SERVICE	REPAIR	705.66
KDSJ	ADS	220.00
KEYSTONE RIDGE DESIGNS	SUPPLIES	1,473.00
KIMBALL MIDWEST	SUPPLIES	214.67
KNECHT	SIDING	4,714.42
KONE	MAINTANANCE	470.34
KUCHENBECKER, KEVIN	REIMBURSEMENT	40.00
LAWRENCE CO. REGISTER	FEE	270.00
LEAD-DEADWOOD SANITARY	CONSUMPTION	27,198.10
LED LIGHTING SOLUTIONS	SIGNS	918.06
LOKEN, OREN & MICHELE	REIMBURSEMENT	15.00
LYNN'S	SUPPLIES	46.49
M&M SANITATION	RENTAL	284.19
MAAG, AARON	WINDOWS	2,080.34
MENARD'S	SUPPLIES	1,530.64
MIDWEST TAPE	DVDS	191.93
MOSHER, ANDREW	REIMBURSEMENT	40.00
MS MAIL	SERVICE	3,939.75

REGULAR MEETING, DECEMBER 16, 2019

NEBRASKA SALT	SUPPLIES	470.00
NETWORK SERVICES	SUPPLIES	517.97
NICKLES, KACIE	WINDOWS	6,706.00
NORTHERN HILLS TECHNOLOGY	SERVICE	266.50
OFFICE DEPOT	SUPPLIES	405.30
PITNEY BOWES	LEASE	250.05
PITNEY BOWES	POSTAGE	500.00
QUICK TROPHY	SUPPLIES	26.96
QUIK SIGNS	SUPPLIES	190.66
RAKOW, JASON	MEETINGS	300.00
RAPID DELIVERY	DELIVERY	14.38
RAPID EXTERIORS	PROJECT	742.16
RASMUSSEN	SERVICE	323.90
REGIONAL HEALTH	TESTING	249.00
ROCK RIDGE TRUCKING	SERVICE	2,090.00
SANFORD, TY	REIMBURSEMENT	40.00
SCULL CONSTRUCTION	PAY APP #11	465,733.65
SD ASSN. OF RURAL WATER SY	DUES	575.00
SD COMMISSION ON GAMING	CITY SLOTS	29,829.55
SD DEPT. OF CORRECTIONS	FIREWISE	5,837.87
SD DEPT. OF REVENUE	TAX	2,418.55
SD DEPT. OF TOURISM	CONFERENCE	2,585.00
SD DEPT. OF TRANSPORTATION	PROJECT	634,618.15
SD ONE CALL	SERVICE	15.68
SERVALL	SUPPLIES	128.34
SMITH, JAY	WINDOWS	1,200.00
SD REAL ESTATE CENTER	SEMINAR	75.00
SOUTHSIDE OIL	SERVICE	1,527.35
SOUTHSIDE SERVICE	REPAIR	1,019.43
SPEARFISH AUTO SUPPLY	SUPPLIES	277.03
SPLIT ROCK STUDIOS	PROJECT	25,593.60
ST. JOHN'S EPISCOPAL CHURCH	GRANT	5,000.00
STURDEVANT'S	SUPPLIES	1,124.64
STURGIS AUTO PARTS	SUPPLIES	2,061.20
TALLGRASS LANDSCAPE	PROJECT	13,746.25
TEMPERATURE TECHNOLOGY	SERVICE	180.00
THE GLASS SHOP	SERVICE	912.24
THE LORD'S CUPBOARD	RECYCLING	44.08
TOMS, DON	PROJECT	600.00
TRI AIR TESTING	TESTING	205.66
TRUAX, CHAD	PROJECT	300.00
TWILIGHT	SUPPLIES	258.90
TWIN CITY HARDWARE	SUPPLIES	178.11
TWIN CITY HARDWARE	GRANT	132.65
UMENTHUM, KEITH	PROJECT	1,441.14
VIEHAUSER ENTERPRISES	SYSTEM	15,151.42
VIGILANT BUSINESS SOLUTION	TESTING	983.22
VISIONS HOME IMPROVEMENTS	PROJECT	20,430.98
WASTE CONNECTIONS	SERVICE	435.91
WESTENDORF, RANDY	PROJECT	2,904.53
WILLIAMS, ANTHONY	REIMBURSEMENT	59.47
WINSSELL CONSTRUCTION	PROJECT	31,000.00
WINTER & COMPANY	PROJECT	3,872.50
ZOGICS	SUPPLIES	1,247.40
		TOTAL \$1,593,467.76

Years of Service

Mayor Ruth presented certificates to the following employees: Bonny Anfinson and Braxton McKeon for 5 years of service. Commission thanked each of them for their time.

CONSENT

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

- A. Permission to purchase 5500 gallons of gas at \$2.33 per gallon from Southside Oil.
- B. Permission for Mayor to sign annual parking lease with NMD Ventures (dba Hickok's) for twelve (12) spaces at Broadway Parking Structure in the amount of \$1,200.00 per month plus tax.
- C. Approve updated job description for Parks Superintendent.
- D. Permission for Mayor to sign Combined Voting Agreement with Lead-Deadwood School District, City of Central City, City of Lead, Lead-Deadwood Sanitary District and Lead Fire Protection District
- E. Permission to increase rate of pay for Water Technician Cory Percy from \$20.61 per hr. to \$21.69 per hr. effective December 17, 2019 after one year of service, and increase rate of pay for Police Officer Barry Rodgers from \$21.35 per hr. to \$23.72 per hr. retroactive to November 17, 2019 after certification.
- F. Permission to remove seasonal employees Betsy Carbo (Streets/Parks) and Herb Cowart (Trolley) from payroll effective December 1, 2019.

REGULAR MEETING, DECEMBER 16, 2019

- G. Permission for the Mayor to sign agreement with Neighborhood Housing Services (dba NeighborWorks) for administration of the Revolving Loan fund for the Historic Preservation Commission.
- H. Permission for police department to purchase budgeted 2020 Durango Pursuit in the amount not to exceed \$32,488.00. (2020 Budgeted item with no funds expended in 2019.)
- I. Acknowledge bond payments to First National Wealth Management for Historic Preservation Bond Series 2012 and 2015 paid according to budget prior to defeasance. \$456,612.51 paid in Jan, Feb, March and April 2019.
- J. Acknowledge bond payments to US Bank for Bond Series 2019 (Outlaw Square) as scheduled. \$82,055.39 paid in Nov and Dec 2019.
- K. Permission to pay Gardner Construction \$9,305.00 for contracted services of snow removal. (Storm dates of 12/1, 12/2 and 12/3. To be paid by Streets contracted services.)
- L. Permission to purchase a V-Plow from Butte County Equipment to be installed on the Kubota RTV-1100 in the amount not to exceed \$10,950.00, which includes install. (To be paid from Parks 2020 equipment budget.)
- M. Permission to hire Golden West to upgrade and extend wireless system at City Hall in the amount \$3,258.67. (To be paid from Public Buildings improvements 2020 budget.)
- N. Permission to pay Deadwood Electric in the amount of \$3,272.85 for electrical repairs and lights damaged by hail to city properties. (To be paid from Public buildings repair budget.)
- O. Permission to hire Kay Luther as part-time police officer at rate of \$21.35 per hour effective 12/17/19, pending pre-employment testing.
- P. Permission to promote Cory Shafer to Police Sergeant position effective December 17, 2019 with an hourly rate of \$25.59.
- Q. Acknowledge bond payment to US Bank for Bond Series 2009 (Rec Center) in the amount of \$253,700.00. Final payoff on 12/30/19 will reflect this payment.

BID ITEMS

Set

Public Works Director Nelson Jr. stated Phase 4 is Super 8 to Walnut Street bridge. Martinisko moved, Johnson seconded to advertise for bids for Whitewood Creek Improvement Project Phase 4 and set bid opening for January 15, 2020 at 2:00 p.m. with results to Commission on January 21, 2020. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS

Zone 3

Public hearing was opened at 5:05 p.m. by Mayor Ruth Jr. No one spoke in favor or against, hearing closed. Martinisko moved, Todd seconded to approve creation of Zone 3 for Open Container, for Outlaw Square located at 703 Main Street. (Zone to include Deadwood Street between Main Street and Pioneer Way and Adjacent sidewalk located along 685 Main Street.) Roll Call: Aye-All. Motion carried.

NEW BUSINESS

Ordinance

Finance Officer McKeown explained the changes made after first reading. Martinisko moved, Johnson seconded to approve first reading of Ordinance #1303 Supplemental Budget #2 for 2019. Roll Call: Aye-All. Motion carried.

Agreement

Nelson Jr. explained part of the street is on private property, and this easement will reduce liability. Todd moved, Struble seconded to allow Mayor to sign agreement to Convey Roadway Maintenance Easement for properties located on Charles Street. Roll Call: Aye-All. Motion carried.

Agreement

REGULAR MEETING, DECEMBER 16, 2019

Martinisko moved, Johnson seconded to allow Mayor so sign agreement with Iron Outfitter Waste Services, dba Sander Sanitation, for garbage service from January 1, 2020 through December 31, 2023. Roll Call: Aye-All. Motion carried.

Agreement/Change Orders

Historic Preservation Officer Kuchenbecker explained the change orders and contract. Martinisko moved, Struble seconded to allow Mayor so sign amendment #4 for CMAR Contract Finalization for Outlaw Square, final building and site package in the amount of \$3,020,746.00 including change order #1 of \$34,026.07 and change order #2 for \$56,953.85 for a total CMAR contract of \$4,660,103.92. Roll Call: Aye-All. Motion carried.

Surplus Property

Kevin Wagner, Deadwood Lead Economic Development, spoke about the property and options. Martinisko moved, Struble seconded to continue action until next meeting on January 6, 2020. Discussion was held concerning other land owners, and parcels. Roll Call: Aye-All. Motion carried.

Resolution

City Attorney Riggins stated BIDS 8 and 9 would like to add additional properties to BID 9, which some properties will pay \$1.00 and others \$2.00 per room. Todd moved, Martinisko seconded to approve the request to amend BID9 and approve Resolution 2019-36 to establish boundaries for BID 9. Commissioner Martinisko questioned how BID 9 is billed. McKeown stated explained the billing process. Roll Call: Aye-All. Motion carried.

AMENDED RESOLUTION NO. 2019-36 RESOLUTION OF INTENT TO ESTABLISH BUSINESS IMPROVEMENT DISTRICT #9

WHEREAS, the City of Deadwood has received a petition for the creation of Business Improvement District #9 pursuant to SDCL 9-55 as amended, and requesting the City of Deadwood adopt a Resolution of Intent to establish Business Improvement District #9 and impose an occupational tax on the transient guests of the following lodging establishments within the City of Deadwood and a general occupation tax on linear front footage on the following non-lodging establishments within the City of Deadwood; and

WHEREAS, it appearing to the City of Deadwood that proposed Business Improvement District #9 is being created to fund the following public project:
Main Street revitalization efforts focusing on the promotion and operation of the Outlaw Square.

NOW THEREFORE BE IT RESOLVED by the City of Deadwood that the City hereby declares its intent to establish Business Improvement District #9 with the boundaries to be the following lodging and non-lodging establishments in the City of Deadwood. Any lodging or non-lodging establishments not listed can become a part of this District and included in the boundaries of the District by petition and approval of the City Council.

Transient Commercial Property Owners-hotels & motels

Group 1

BH Inn & Suites	206 Shadow Lane
Celebrity Hotel	629 Main Street
Deadwood Cottages	390 Main Street
Deadwood Cottages	388 Main Street
Deadwood Rentals	36 Water Street
Trucano B & B	124 Charles Street

Group 2

Cadillac Jack's/Doubletree by Hilton	360 Main Street
Deadwood Mountain Grand/ Holiday Inn Resort	1906 Deadwood Mountain Drive
Deadwood Station	68 Main Street

REGULAR MEETING, DECEMBER 16, 2019

First Gold Hotel	270 Main Street
Gold Country Inn	801 Main Street
Holiday Inn Express	22 Lee Street
Hotel by Gold Dust	23 Lee Street
Silverado Franklin	709 Main
SpringHill Suites by Marriott	322 Main
Tru Hotel by Hilton	372 Main
Tin Lizzie's Hampton Inn	555 Main Street
Travelodge Inn and Suites	250 Main Street
Iron Horse Inn	27 Deadwood
Bullock Hospitality	633-635 Main Street
Hickok's Hotel & Casino	685 Main Street

Non-Transient Commercial Property Owners

Black Hills Novelty, LLC	69 Sherman
Wayne Morris	696 Main Street
Wild Hog, LLC DWD Harley	681 Main Street
Patchstop, LLC	666 Main Street
The Pink Door	596 Main Street
RE Center of DWD	11 Charles Street
David Barth	29 Lee Street
Madam Peacock's	638 Main Street
Berg Jewelry and Gift	650 Main Street
Jacobs Gallery	670 Main Street

BE IT FURTHER RESOLVED that the City of Deadwood declares its intent to establish an occupational tax to be imposed on transient guests renting rooms in the above described lodging establishments. The amount of the tax shall be \$2 per occupied room per night for Group 1 and \$1 per occupied room per night for Group 2, 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 for which no room fee or rent was charges for such room.

BE IT FURTHER RESOLVED that the City of Deadwood declares its intent to establish a general occupation tax based on the linear front footage of the above described non-lodging establishments. The amount of the tax shall be \$50 per month for each non-lodging establishment which has 30 or less linear feet of front footage, and shall be \$75 per month for each non-lodging establishment with more than 30 linear front footage feet.

The Total estimated or proposed cost for the above projects and activities is projected to be \$250,000 annually, with the revenues from the occupancy tax and the general occupation tax 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, December 16th, 2019 at the Deadwood City Commission Chambers located at 102 Sherman Street in the City of Deadwood, South Dakota, to consider the amendment of Business Improvement District #9 and the imposition of a \$2 per room occupancy tax on transient guests for rooms rented by Group 1 and a \$1 per room occupancy tax on transient guests for rooms rented by Group 2 by the above lodging establishments, and the imposition of \$50 per month for each non-lodging establishment above with 30 or less linear feet of frontage, and \$75 per month for each non-lodging establishment above with more than 30 linear feet of frontage.

The City Finance Officer shall give notice of this hearing by mailing complete copy of this Resolution of Intent to each of the owners of the lodging establishments and non-lodging establishments listed above and located within the proposed Business Improvement District #9.

Dated this 16th day of December, 2019

ATTEST:

CITY OF DEADWOOD

REGULAR MEETING, DECEMBER 16, 2019

/s/ Jessica McKeown, Finance Officer

/s/ David Ruth Jr., Mayor

Agreement

Nelson Jr. stated this is a lease that is operating off of a current open bid from Lawrence County. Martinisko moved, Johnson seconded to allow Mayor to sign municipal lease agreement with National Cooperative Lease for a 2020 Mack Dump Truck in the amount of \$32,207.32, 2020 budgeted item. Roll Call: Aye-All. Motion carried.

Lease

Nelson Jr. stated with trade in of loader there will be no budget till 2021. Martinisko moved, Johnson seconded to allow Mayor to sign municipal lease with Butler Machinery Company for the 2019 CAT 918 loader with trade of 1994 CAT 928F loader. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Mike Klamm, Resident, concerns about replating of Outlaw Square, which would result in closure of Deadwood Street without public hearing. Nelson Jr. stated City is looking into replating but not for that intention.

Louie LaLonde, Main Street Initiative Committee, held a decorating contest and the residents winners were: 1st place – 41 Railroad, 2nd place – 906 Main St. and 3rd place – 128 Williams St. Business winner was – Mustang Sally's. She also congratulated Nelson Jr. for the Chuck Turbiville award, Kuchenbecker for the Spirit of Deadwood award and Kevin Wagner for Young Professional award.

Bobby Rock thanked city crew for help with Kris Kringle's Market.

Mayor Ruth invited everyone to Visitor's Center to see the new sign for the Chuck Turbiville conference room.

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

Martinisko moved, Struble seconded to adjourn the regular session at 5:32 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, January 6, 2019.

After coming out of executive session at 6:38 p.m.

Martinisko moved, Johnson seconded to promote Randy Adler from Parks Technician to Parks Superintendent, effective 12/17/19 at a hourly rate of \$22.42.
Roll call: Aye- All. Motion carried.

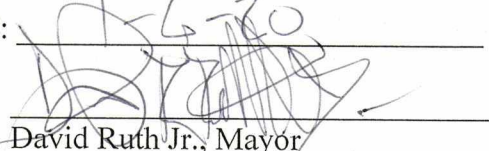
Todd moved, Johnson seconded to adjourn meeting at 6:39 p.m.

ATTEST:


Jessica McKeown, Finance Officer

DATE:

BY:


David Ruth Jr., Mayor

Published once at the total approximate cost of _____

