

**EXECUTIVE SESSION/REGULAR MEETING, April 25, 2011**

The Regular Session of the Deadwood City Commission convened on April 25, 2011 at 5:00 p.m. in the Deadwood City Commission Chambers, 102 Sherman Street, Deadwood, South Dakota. Mayor Toscana called the meeting to order with the following members present: Department Heads and Commissioners, Bruce Oberlander, Lenny Schroeder, and Georgeann Silvernail. Commissioner Joe Peterson was absent. All motions passed unanimously unless otherwise stated.

**APPROVAL OF MINUTES**

Silvernail moved, Schroeder seconded, to approve the minutes of April 18, 2011. Roll Call: Aye-All. Motion carried.

**APPROVAL OF DISBURSEMENTS**

Silvernail moved, Schroeder seconded, to approve the April 25, 2011 disbursements. Roll Call: Aye-All. Motion carried.

ADT SECURITY SERVICES	ANNUAL SERV	331.68
AMERICAN TECHNICAL SERVICE	ANALYSIS	700.00
APWA	DUES	20.00
BH CHEMICAL	SUPPLIES	561.02
BH POWER	UTILITIES	4,559.57
BH SPECIAL SERVICES	CLEANING	840.00
BORDER STATES ELECTRIC	BASE	334.10
BURLESON, BILL	REIMBURSE	43.00
DAKOTACARE	INSURANCE	41,291.08
DEADWOOD ECONOMIC DEV	CONTRACT	1,580.02
FASTENAL	PARTS	265.04
HILLS MATERIALS	SUPPLIES	229.38
KIMBALL MIDWEST	COOLANT	140.21
LAKER CHEMICAL	SUPPLIES	838.00
LYNN'S	SUPPLIES	3.99
MED-TECH RESOURCE	SUPPLIES	47.04
NORTHWEST PIPE	VALVE	74.71
PITNEY BOWES	SUPPLIES	279.14
RADENSLEBEN, ROBERT	REIMBURSE	23.00
SIRCHIE	EVIDENCE BAGS	69.47
TRIPLE K	PARTS	593.17
TURNBULL & SONS	WALL	10,000.00
TWILIGHT	SUPPLIES	59.50
UMENTHUM, KEITH	REIMBURSE	9.00
US POST OFFICE	POSTAGE	189.80
VANWAY TROPHY	PLAQUES	54.90
WESTERN COMMUNICATIONS	UPGRADES	849.00
	<b>TOTAL</b>	<b>\$63,985.82</b>

**ITEMS FORM CITIZENS ON AGENDA**

**Use of Trolley**

Silvernail moved, Schroeder seconded, to allow the Lawrence County Historical Society Tour of Homes to use a trolley to transport group on May 22, 2011 from 1-4 p.m. and waive special trolley fee. Roll Call: Aye-All. Motion carried.

**Arbor Day**

JoAnn Eastman, Deadwood Tree Board, requested the signing of the Proclamation for Arbor Day on May 5, 2011 and invited everyone to the tree planting ceremony at the Deadwood Library at 10:00 a.m. that same day.

**Use of Trolley**

Silvernail moved, Peterson seconded, to allow the use of two trolleys to transport a group from Spearfish Canyon Lodge to Deadwood and return on June 1, 2011 and waive special trolley fee. Roll Call: Aye-All. Motion carried. Commissioner Silvernail asked that the Parking and Transportation committee discuss future requests for the use of trolleys outside of Deadwood due to the high fuel costs.

**Resolution - 2011-10**

Silvernail moved, Schroeder seconded, to approve Resolution 2011-10 Creating Tax Increment Financing District 9 for Cadillac Jack's. Roll Call: Aye-Silvernail, Schroeder, Peterson, Toscana. No-Oberlander. Motion carried.

**RESOLUTION #2011-10**

**RESOLUTION CREATING TAX INCREMENT DISTRICT NUMBER NINE AS SUBMITTED BY THE DEADWOOD PLANNING COMMISSION**

WHEREAS the property within the following described District meets the qualifications and criteria set forth in SDCL 11-9; and,

WHEREAS the Deadwood City Commission finds that the aggregated assessed value of taxable property in this District, plus the assessed values of all other districts currently in effect, does not exceed ten percent (10%) of the total assessed value of taxable property in the City of Deadwood; and,

WHEREAS the Council finds that:

**EXECUTIVE SESSION/REGULAR MEETING, April 25, 2011**

1. Not less than twenty-five percent (25%), by area, of the real property within the district is a blighted area as defined in SDCL 11-9-9 through 11-9-11; and,
2. The aggregate assessed value of taxable property in the proposed district plus the tax incremental base of all other existing districts does not exceed ten (10) percent of the total assessed value of property within the City of Deadwood; and
3. The improvement of the area is likely to significantly enhance the value substantially on all of the other real property in the district.

NOW, THEREFORE, BE IT RESOLVED by the City of Deadwood that the real property legally described as:

Bradsky Tract of M.S. 308 being a vacation of Shama Lots No. 1 and No. 2, a vacated portion of Williams Street, Tracts A and B of M.S. 308 and a portion of M.S. 308 as recorded in Document No. 78-2861, all located in the NW1/4 of Section 23, T5N, R3E, BHM, City of Deadwood, Lawrence County, South Dakota, as shown on the plat filed in Plat Document No. 99-6032A and all adjacent right-of way;

Tract B-3 being a portion of MS 335 and of MS 308 and of Lots 8, 9, and 10 in Block A of Noble's Addition and of a portion of Tract 1 of MS 1054, all located in the N1/2 of Section 23, T5N, R3E, BHM, City of Deadwood, Lawrence County, South Dakota, as set out in Plat document No. 2006-6964 [a/k/a 322 Main St., Deadwood, SD] and all adjacent right-of way;

Tract A, a replat of Lots 6 and 7 in Block A of Noble's Addition to the City of Deadwood, Lawrence County, South Dakota, as shown on the plat filed in Document No. 2001-6375, located in the NW1/4 of Section 23, T5N, R3E, BHM [a/k/a, 316 Main St., Deadwood, SD] and all adjacent right-of way;

The southerly 11 feet of Lot 4 and all of Lot 5 in Block A of Noble's Addition to the City of Deadwood, Lawrence County, South Dakota, as shown on the plat filed in Plat Book 1, Page 219 [a/k/a 312 Main St., Deadwood, SD] and all adjacent right-of way;

Lot 1A of Lot 1 in Block A of Noble's Addition to the City of Deadwood, Lawrence County, South Dakota, as shown on plat filed in Plat Book 3, Pages 443 and 444; and Lots 2, 3 and the northerly 17 feet of Lot 4 in Block A of Noble's Addition to the City of Deadwood, Lawrence County, South Dakota, as shown on the plat filed in Plat Book 1, Page 219 [a/k/a 308 Main St., Deadwood, SD] and all adjacent right-of way;

Lot 1 except Lot 1A in Block A of Noble's Addition to the City of Deadwood, Lawrence County, South Dakota [a/k/a 306 Main St., Deadwood, SD] and all adjacent right-of way;

Lots 1, 2, and 3 in Block A of Swift's Subdivision to the City of Deadwood, Lawrence County, South Dakota [a/k/a 300 N. Main St., Deadwood, SD.] and all adjacent right-of way;

A portion of M.S. 308 in the City of Deadwood described as follows: Beginning at corner No. 4, the northeast corner of Mining Claim 308, thence south 30° 6' east 274.4 feet to a point in the northwesterly line of Main Street, thence northeasterly in the northwesterly line of Main Street 50 feet, thence northwesterly line of Main Street to the northerly line of Mining Claim 308, thence northwesterly along said northerly line to the point of beginning and all adjacent right-of way;

Parts of Mining Claims 308, 335 and 242, located in the City of Deadwood, Lawrence County, South Dakota, more particularly described as follows: Beginning at the Southwest corner, which is corner No. 1 of M.C. 308, thence North 53° 47' 51" East , 307.3 feet to Corner No. 2, of said M.C. 308, thence N 53° 55' 46" East 402.6 feet to Corner No. 6 of said M.C. 335, which point is also Corner No. 1 of M.C. 242; thence North 31° 6' 20" East 447.0 feet to Corner No. 4 of said M.C. 242; thence North 36° 55' 13" West 710 feet , more or less to the south line of the right of way of the C&NW RR. Co; thence southwest along said southerly right of way line , which is approximately along the northwesterly bank of Whitewood Creek, across M.C. 242, MC. 335 and M.C. 308, to the westerly line of said M.C. 308; thence South 38° 6' 9" East 780 feet, more or less, to corner No. 1 of said M.C. 308 which is the place of beginning; excepting there from a strip of ground 40 feet wide and about 1130 feet long, known as Dunlap Avenue, extending across M.C.'s 308, 335 and 242 more particularly described as follows:

Beginning at a point in the southwesterly side of M.C. 308, the true bearing of which is N 38° 6' 9" West 238 feet from corner No. 1, measured along said southwesterly line, thence in a northeasterly direction 1130 feet , more or less, to the northeasterly line of MC 242 at a point 90 feet North 36° 55' 13" West from Corner No. 4 of MC 242 , thence North 36° 55' 13" West 40 feet, thence southwesterly 1130 feet more or less and parallel to first course above described, to the southwesterly line of M.C. 308, thence South 38° 6' 9" East 40 feet to place of beginning. (Net area conveyed 20.14 acres more or less) – (Description taken from deed in Book 267 Page 63) and all adjacent right-of way;

Lot X1 and Lot X2 in Placer Claim Lot No. 308, City of Deadwood, Lawrence County, South Dakota, as shown by Plat recorded in Document No. 88-3117;

Lot X1 and Lot X2 in Placer Claim Lot No. 335, City of Deadwood, Lawrence County, South Dakota, as shown by Plat recorded in Document No. 88-3118;

Lot X1 in Placer Claim Lot No. 242, City of Deadwood, Lawrence County, South Dakota, as shown by Plat recorded in Document No. 88-3114;

Lot H2 and Lot H3 in Placer Claim Lot No. 308, City of Deadwood, Lawrence County, South Dakota, as shown by Plat recorded in Document No. 85-2781;

Lot H2 and Lot H3 in Placer Claim Lot No. 335, City of Deadwood, Lawrence County, South Dakota, as shown by Plat recorded in Document No. 85-2782;

Lot H3 of Placer Claim Lot No. 335, City of Deadwood, Lawrence County, South Dakota, as shown by Plat recorded in Document No. 85-3660;

Lot H1 and Lot H2 in Placer Claim Lot No. 242, City of Deadwood, Lawrence County, South Dakota, as shown by plat recorded in Document No. 85-2783; and,

Lot H3 and Lot H4 in Placer Claim Lot No. 242, City of Deadwood, Lawrence County, South Dakota, as shown by Plat recorded in Document No. 85-3661.

is hereby designated as Tax Increment District Number Nine, City of Deadwood.  
Dated at Deadwood, Lawrence County, South Dakota, this 25<sup>th</sup> day of April 2011.

ATTEST:  
/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD  
/s/ Francis A. Toscana, Mayor  
\*\*\*\*\*

**EXECUTIVE SESSION/REGULAR MEETING, April 25, 2011**

Resolution 2011-11/ Project Plan for TIF #9

Silvernail moved, Schroeder seconded, to approve Resolution 2011-11 Approving Project Plan for Tax Increment Financing District 9 for Cadillac Jacks and to allow Mayor to sign same. Roll Call: Aye-Silvernail, Schroeder, Peterson, Toscana. No-Oberlander. Motion carried.

**RESOLUTION APPROVING THE PROJECT PLAN FOR  
TAX INCREMENT DISTRICT NUMBER NINE  
AS SUBMITTED BY THE DEADWOOD PLANNING COMMISSION**

WHEREAS the Deadwood City Commission has determined that it is in the best interest of the City to implement plans which promote economic development and growth in the City; and

WHEREAS the Commission embraces the concept of Tax Increment Financing as a tool to encourage this desirable growth and redevelopment; and

WHEREAS there has been established Tax Increment District Number Nine; and

WHEREAS the Commission deems desirable to promote economic development and create jobs in the corporate limits of the City of Deadwood; and

WHEREAS the Project Plan submitted helps make this development feasible by assisting in the development of public and private improvements to serve Springhill Suites development; and

WHEREAS the Project Plan submitted will assist with the costs of utility improvements, streetscaping/landscaping, and transportation improvements; and

WHEREAS the use of Tax Increment Funding to promote this development is in keeping within the statutes adopted by the South Dakota State Legislature; and

WHEREAS there has been developed a Project Plan for this Tax Increment District which proposes these improvements; and

WHEREAS the Commission has considered the Project Plan submitted by the Planning Commission and determined that the Project Plan for Tax Increment District Nine is economically feasible; and

WHEREAS the Council has further determined that this Project Plan is in conformity with the adopted Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the City of Deadwood that the Tax Increment District Project Plan for Tax Increment District Number Nine and is hereby, approved as submitted by the Deadwood Planning Commission.

Dated at Deadwood, Lawrence County, South Dakota, this 25<sup>th</sup> day of April 2011.

ATTEST:

CITY OF DEADWOOD

/s/ Mary Jo Nelson, Finance Officer

/s/ Francis A. Toscana, Mayor

\*\*\*\*\*

Contract for Private Development - TIF #9

Silvernail moved, Schroeder seconded, to allow the Mayor to sign the Contract for Private Development for Tax Increment District #9. Roll Call: Aye-Silvernail, Schroeder, Peterson, Toscana. No-Oberlander. Motion carried.

**PUBLIC HEARINGS/BID OPENINGS**

Public Hearing

Chief Kelly Fuller explained that the City staff, Parking and Transportation committee, and City Commission have been discussing the option of converting a portion of Williams Street from Guy Street to Spring Creek Street. The Commission scheduled a public hearing to allow residents to comment on this proposed change. Prior to the public hearing, a question was asked if this proposed change was driven by accidents, and Fuller replied that there has been accidents and the mirrors were added for better visibility. Mayor Toscana opened the public hearing to hear those "in favor of and "opposed to" the proposed change to Williams Street. No one spoke in favor of the proposed change. The following Deadwood residents spoke in opposition: Kathy Toscana-52 Williams, Randi Coddington-21 Guy, Bernie Reausaw-299 Williams, Rick Wells-109 Forest, Jim Fletcher-350 Williams, Randy Addington-296 Williams, Bernie Schuchmann-288 Williams, and Eric Witcher-366 Williams. Residents voiced concerns due to the following: steepness of portion of road in inclement weather, the loss of accessibility on Williams Street during Deadwood's Special Events, the possibility of utilizing a parking area as a turnaround, and restricted traffic flow. The following individuals wrote letters in opposition: Dawn Shenken, 298 Williams, Marc Daniels and Susan D'Aniello, property owners of 322 Williams. Nate Kessler-Four Aces Gaming stated they own a great deal of property in this area and have concerns of this change decreasing their property value. Kessler stated that Four Aces owns the property that is being utilized as a parking area currently. Residents asked if this area could be designated as a possible turnaround. Kessler added that Four Aces would be open to discussion with the City on this parcel of land to create a turnaround area on Williams Street. Due to the number of residents opposed to this proposed change, Schroeder moved, Silvernail seconded, to leave Williams Street as is and research other options in the future. Roll Call: Aye-All. Motion carried.

Public Hearing

Silvernail moved, Peterson seconded, to approve waiving of vending, user fees, allow vending on public property, and approve the special full temporary liquor license at the Rodeo Grounds for the "Showdeo" event for the Days of 76 Fundraiser from 8:00 a.m. to 9:00 p.m. and to move the date to

**EXECUTIVE SESSION/REGULAR MEETING, April 25, 2011**

June 18, 2011 (previously requested June 11, 2011 due to conflict with Girl's Softball Tournament.)  
Roll Call: Aye-All. Motion carried.

Public Hearing

Peterson moved, Schroeder seconded, to approve waiving of the vending fee and allow vending on public property for book sales during Preservation Thursdays at Deadwood City Hall on April 28, May 26, September 8, and November 3, 2011. Roll Call: Aye-All. Motion carried.

FINANCE

Resolution 2011-08

Peterson moved, Schroeder seconded, to approve Resolution 2011-08 to Surplus the Library Copier.  
Roll Call: Aye-All. Motion carried.

**RESOLUTION NO. 2011-08  
A RESOLUTION TO DECLARE THE FOLLOWING SURPLUS PROPERTY**

**BE IT RESOLVED** by the Deadwood City Commission that the City of Deadwood approve the following to be declared surplus and destroyed:

Copier at Deadwood Library Ricoh FT3813 Serial Number H216103413

Dated this 25th day of April, 2011.

ATTEST:

/s/ Mary Jo Nelson

CITY OF DEADWOOD

/s/ Francis A. Toscana, Mayor

\*\*\*\*\*

HISTORIC PRESERVATION/PLANNING AND ZONING/PUBLIC BUILDINGS/SAFETY

Pineview Property Update

Historic Preservation Officer Kevin Kuchenbecker informed the Commission of the pre-construction meeting held Monday, April 25 with engineers and Chris and Todd Lamont, Pineview owners. Owners have hired a subcontractor to do the required repairs for the structure stabilization of this property as requested by the City Code Official. Kuchenbecker thanked the Lamonts for their cooperation and positive response to the deadlines set by the City Code Official. Chris Lamont reassured the Commission they would work hard to stabilize and insure public safety during the revitalization of this project.

STREETS/WATER/LIBRARY

Loan Request

Schroeder moved, Silvernail seconded, to allow the Water Department to loan two radio read antennas from prior water system software to the City of Garretson. Roll Call: Aye-All. Motion carried.

Hire Request

Schroeder moved, Silvernail seconded, to approve the hiring of NJS Engineering to design Peck Street water main replacement at a cost of \$15,000. Roll Call: Aye-All. Motion carried.

Hire Request

Schroeder moved, Silvernail seconded, to approve the hiring of NJS Engineering to design McGovern Hill water main replacement at a cost of \$5,700. Roll Call: Aye-All. Motion carried.

POLICE/FIRE

Travel Request

Oberlander moved, Schroeder seconded, to allow Kelly Fuller to attend Leading by Legacy Seminar in Pierre from June 1-3, 2011, requesting use of a City vehicle. Roll Call: Aye-All. Motion carried.

Grant Application

Oberlander moved, Schroeder seconded, to allow the Volunteer Fire Department to apply for a Volunteer Fire Assistance Grant for 50% match up to \$3,500 to purchase communication equipment (two hand held radios and six pagers.) Roll Call: Aye-All. Motion carried.

PARKS/RECREATION/TROLLEY

Purchase Request

**EXECUTIVE SESSION/REGULAR MEETING, April 25, 2011**

Silvernail moved, Peterson seconded, to approve the purchase of tents from Economy Tents International at a cost of \$1,848 (includes shipping), to be paid from the Parks Department Budget, a budgeted item. Roll Call: Aye-All. Motion carried.

**Hire Request**

Silvernail moved, Peterson seconded, to approve the hiring of ten seasonal Parks employees as follows: Jim Kirby at \$8.12 per hour effective May 2, Trevor Tridle at \$9.81 per hour, Larry Lesmeister at \$8.62 per hour and Leif Halvorson at \$7.61 per hour effective May 16, Tucker Loeffen at \$7.61 per hour and Zack Steinlicht at \$8.12 per hour effective May 23, Mackenzi Rogers and Makayla Morrison at \$7.61 per hour effective May 24, Justin Wermers at \$8.12 per hour and Art Reato at \$7.61 per hour effective June 4, 2011. Roll Call: Aye-All. Motion carried.

**Hire Request**

Silvernail moved, Peterson seconded, to approve the hiring of six seasonal workers for Mt. Moriah, effective May 11, 2011 as follows: Dian DeRosier and Doris Schenk at \$8.12 per hour, Ardath Waisenen, Juanita James and Constance Olsen at \$9.81 per hour, and Peggy McDonald at \$9.64 per hour. Roll Call: Aye-All. Motion carried.

**Hire Request**

Silvernail moved, Peterson seconded, to approve the hiring of Cherise Feser as lifeguard at the Rec Center, effective May 23, 2011, pending pre-employment drug screening. Roll Call: Aye-All. Motion carried.

**LEGAL BUSINESS**

**Resolution 2011-09**

Silvernail moved, Schroeder seconded, to approve Resolution 2011-09 to Surplus City Land (Blacktail Bench). Roll Call: Aye-All. Motion carried.

**RESOLUTION 2011-09  
RESOLUTION TO SURPLUS CITY LAND**

**WHEREAS**, the Deadwood City Commission desires to surplus land that it owns pursuant to SDCL 6-13-1, and

**WHEREAS**, the land known as Blacktail Bench, described as Tract A-1 of Placer Claim 120, Blacktail Lode, and 66' Dedicated Public Right-of-Way Formerly Tracts A and B of Placer Claim 120, Blacktail Lode, Located in the NW1/4 of Section 28, T5N, R3E, B.H.M. Lawrence County, South Dakota, is determined to be no longer necessary, useful, or suitable for the purpose for which it was acquired; now, therefore,

**IT IS HEREBY RESOLVED**, pursuant to SDCL 6-13-1, that the public interest will be better served by the proposed surplus and sale of land, known as Blacktail Bench (as described above) owned by the City of Deadwood.

**IT IS FURTHER RESOLVED** that the Deadwood City Commission shall further follow all mandates of SDCL 6-13, as statutorily provided.

Date this 25th day of April, 2011.

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

City of Deadwood

/s/ Francis A. Toscana, Mayor

\*\*\*\*\*

**Ordinance #1159 - Second Reading**

Silvernail moved, Schroeder seconded, to approve the second reading of Ordinance #1159 for Amending Chapter 5.40 Tourist Conveyances. Jim Van Den Eykel asked if the existing license holders were aware of this ordinance, and requested ordinance be tabled to involve those parties. Chief Fuller and Mayor Toscana stated that this ordinance came about as a result of meetings held with the three license holders. Roll Call: Aye-All. Motion carried.

**MAYORS BUSINESS**

**Presentation of Appreciation**

Mayor Toscana presented appreciation plaques to Lenny Schroeder for his three years of service and Bruce Oberlander for his appointed term on the City of Deadwood Commission, due to resignation of Commission Klamm. Toscana thanked them both for their service and dedication to the City of Deadwood.

**Executive Session**

Mayor Toscana requested an Executive Session following the Regular Session for Contractual Matters per SDCL 1-25-2(3) with no action to be taken.

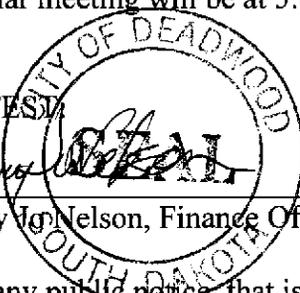
**EXECUTIVE SESSION/REGULAR MEETING, April 25, 2011**

**ADJOURNMENT**

Silvernail moved, Schroeder seconded, to adjourn the regular session at 6:05 p.m. and convene into executive session for contractual matters per SDCL 1-25-2-(3) with no action to be taken. The next regular meeting will be at 5:00 p.m. on Monday, May 2, 2011.

ATTEST

  
\_\_\_\_\_  
Mary McNeil, Finance Officer



DATE: 5-2-11

BY: Francis A. Toscana  
Francis A. Toscana, Mayor

For any public notice, that is published one time:

Published once at the total approximate cost of \_\_\_\_\_.