

## REGULAR MEETING, December 3, 2012

The Regular Session of the Deadwood City Commission convened on December 3, 2012 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, City Attorney Terry Williams and Commissioners Joe Peterson, Georgeann Silvernail, Gary Todd and Jim Van Den Eykel. All motions passed unanimously unless otherwise stated.

### APPROVAL OF MINUTES

Silvernail moved, Todd seconded to approve the minutes of November 26, 2012. Roll Call: Aye-All. Motion carried.

NOVEMBER 2012 PAYROLL: COMMISSION, \$4,096.14; ATTORNEY, \$5,545.50; FINANCE, \$20,486.80; PUBLIC BUILDINGS, \$2,812.32; POLICE, \$65,103.27; FIRE, \$6,346.94; BUILDING INSPECTION, \$5,133.24; STREETS, \$36,616.79; PARKS, \$25,102.89; PLANNING & ZONING, \$5,666.55; LIBRARY, \$8,255.69; RECREATION CENTER, \$15,834.81; HISTORIC PRESERVATION, \$20,827.53; WATER, \$18,942.27; PARKING METER, \$11,351.85 TROLLEY, \$22,070.91; PARKING RAMP, \$8,817.47; RUBBLE SITE, \$3,222.00. **PAYROLL TOTAL: \$286,232.97**

### NOVEMBER 2012 PAYROLL PAYMENTS:

Internal Revenue Service, \$66,133.43; S.D. Retirement System, \$30,825.24; Delta Dental, \$3,743.94

### APPROVAL OF DISBURSEMENTS

Silvernail moved, Van Den Eykel seconded to approve the December 3, 2012 disbursements plus additional bills. Roll Call: Aye-All. Motion carried.

ACTIVE DATA SYSTEMS	SUPPLIES	527.56
BEST WESTERN RAMKOTA INN	LODGING	459.95
BH POWER	ELECTRICITY	12,766.64
CENTURY BUSINESS	MAINTENANCE	166.70
COMPANION LIFE	INSURANCE	225.69
CULLIGAN	SUPPLIES	60.50
FIRST INTERSTATE BANK	TIF PYMT	669.85
FIRST INTERSTATE BANK	TIF PYMT	209,045.46
INTERNATIONAL CODE COUNCIL	BOOKS	1,202.24
JACOBS WELDING	PROJECT	35.00
KNOLOGY	SERVICE	1,988.15
LAWRENCE CO. REGISTER OF	FEE	90.00
LAWRENCE TITLE COMPANY	REPORT	240.00
LEAD-DEADWOOD POST PROM	DONATION	100.00
LEAD-DEADWOOD SCHOOL	REIMBURSEMENT	110.37
LOWE ROOFING	PROJECT	1,142.50
LYNN'S	SUPPLIES	123.45
M.R. GUSTAFSON	TIF PYMT	42,082.69
MERTENS, KENNETH	REIMBURSEMENT	261.40
MIDWEST ART	DUES	50.00
NH FRATERNAL	DUES	330.00
OFFICE DEPOT	SUPPLIES	68.97
PETTY CASH/HISTORIC PRESER	REIMBURSEMENT	148.09
PITNEY BOWES	POSTAGE	500.00
PRO-STEAM	SERVICE	200.00
RCS CONSTRUCTION	RETAINING WALL	867.35
RUNGE, MIKE	REIMBURSEMENT	203.86
SD DARE OFFICER'S ASSN.	DUES	30.00
SD DEPT. OF HEALTH	SHOTS	790.00
TWIN CITY ANIMAL SHELTER	RECYCLING	114.95
VERENDRYE MUSEUM	GRANT	19,741.17
WEST PAYMENT CENTER	SUBSCRIPTION	174.00
WESTERN COMMUNICATIONS	REPEATER	5,863.00
YOUTH GROUP	GREENERY	1,420.00
	<b>TOTAL</b>	<b>\$301,799.54</b>

### ITEMS FORM CITIZENS ON AGENDA

#### Extend Parking Lease

Silvernail moved, Todd seconded to allow the South Dakota Commission on Gaming to extend the parking ramp lease to March 1, 2013 with the option to renew on a monthly basis thereafter until the construction in new office location is complete. Roll Call: Aye-All. Motion carried.

### PUBLIC HEARINGS/BID OPENINGS

#### Public Hearing – Deadwood History Inc.

Public hearing was opened at 5:07 p.m. by Mayor Toscana. There being no public comment, Silvernail moved, Todd seconded to approve the application of retail (on-off sale) Wine license for Deadwood History, Inc. at the Days of 76 Museum located at 18 76 Drive. Roll Call: Aye-All. Motion carried.

**REGULAR MEETING, December 3, 2012**

**Public Hearing – Resolution 2012-27**

Public hearing was opened at 5:10 p.m. by Mayor Toscana. Silvernail moved, Todd seconded to pass Resolution 2012-27, Notice of Intent to Lease with Terry Peak Ski Resort for rental of billboard. According to Mayor Toscana, in the 1980's the city received property from the railroad on Highway 85. Three entities have been utilizing the property with advertising signs. Some time ago the city mailed notifications to three entities and city will begin receiving income from use of space. Roll Call: Aye-All. Motion carried.

**RESOLUTION NO. 2012-27  
RESOLUTION OF INTENT  
TO ENTER INTO A LEASE WITH TERRY PEAK SKI RESORT,  
FOR RENTAL OF BILLBOARD SPACE ON M.S. 774, UNCLE TOM LODGE**

**WHEREAS**, the City of Deadwood owns the ground space located on M.S. 774, Uncle Tom Lode, Lawrence County, South Dakota; and

**WHEREAS**, Terry Peak Ski Resort proposes to rent space for billboard on the parcel owned by the City,

**WHEREAS**, pursuant to SDCL 9-12-5.2, a hearing was held before the City Commission of the City of Deadwood, South Dakota, on Monday the 3rd day of December, 2012 at 5:10 p.m., in the Commission Chambers located at 102 Sherman Street, Deadwood, South Dakota, to consider the adoption of this Resolution of Intent; now therefore,

**BE IT RESOLVED** by the City of Deadwood that the City hereby declares its intent to enter into an Agreement with a private party for the purpose of leasing ground space for billboard on M.S. 774, Uncle Tom Lode, Lawrence County, South Dakota.

Dated this 3rd day of December 2012.

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Francis A. Toscana, Mayor

**Public Hearing**

Silvernail moved, Van Den Eykel seconded to set a public hearing at 5:10 p.m. on December 17, 2012 for a special liquor license at the Days of '76 Museum on January 7, 2013. Roll Call: Aye-All. Motion carried.

**FINANCE**

**Pay**

Peterson moved, Silvernail seconded to pay First National Bank, Sioux Falls annual trustee fees of \$14,446.00 from Historic Preservation for Certificates of Participation. Roll Call: Aye-All. Motion carried.

**Renewals**

Peterson moved, Silvernail seconded the approval of the retail liquor and wine renewals for 2013 pending payment of property taxes and BID taxes. Roll Call: Aye-All. Motion carried.

**APPROVAL OF APPLICATIONS  
FOR INTOXICATING LIQUOR LICENSE RENEWALS FOR 2012**

**RETAIL & SUNDAY ON-SALE LICENSES**

- B.P.O. Elks Lodge #508, (RL-5540)
- Bullock Hotel Properties, Bullock Hotel, (RL-5542)
- B Y Development, Inc., Cadillac Jacks, (CL-504)
- Deadwood Comfort Inn, Comfort Inn, (CL-501)
- Deadwood Hospitality Resort, LLC, Deadwood Gulch Resort, (CL-15404)
- Tenntexkota LLC, The Lodge at Deadwood, (CL-510)
- Deadwood Resort, LLC, The Lodge at Deadwood, (CL-509)
- First Gold, Inc., First Gold Hotel, (CL-502)
- Four Aces Gaming LLC, Four Aces Gaming, (RL-5792)
- Four Aces Lodging Group LLC, Four Aces Hotel & Casino, (CL-505)
- Gold Dust Lodging Group LLC, Holiday Inn Express Hotel & Suites, (CL-503)
- GR Deadwood LLC, Mineral Palace Hotel & Gaming, (CL-507)
- DFC Hickok's Inc., Hickok's Frontier Club, (CL-508)

## REGULAR MEETING, December 3, 2012

High noon Investments, Gold Dust Gaming, (RL-5792)  
Hotel Franklin, Inc. Historic Franklin Hotel, (CL-506)  
KLK Venture LLC, KLK Venture LLC, (RL-5536)  
Miss Kitty's Enterprises LLC, Miss Kitty's, (RL-5534)  
Midnight Star Enterprises, Midnight Star, (RL-5995)  
Midwest Motel of Deadwood II, Buffalo Bodega, (RL-5535)  
Old Style Saloon No. 10, Inc., Saloon No. 10, (RL-5537)  
Super G Investments Inc., Silverado Gaming Establishment, (RL-5538)  
VFW Post 5969, VFW, (RL-5541)

### PACKAGE (OFF-SALE) LIQUOR

Bauer, David L. & Laray, (Pack Horse Liquor & Convenience), (PL-4523)  
Deadwood Hospitality Resort, LLC., Deadwood Gulch Resort, (PL-4522)  
GR Deadwood LLC, Mineral Palace Hotel & Gaming, (PL-4524)  
High Noon Investments, Gold Dust Gaming, (PL-4520)  
Platinum Ventures, Four Aces Hotel & Casino, (PL-4521)

### RETAIL (ON-SALE) WINE

Adams Museum & House Inc., Adams Museum & House, (RW-19327)  
Blue Sky Gaming, Inc., Tin Lizzie, (RW-6491)  
BRI, Inc., Best Western Hickok House, (RW-6466)  
B Y Development, Inc., Cadillac Jacks, (RW-6537)  
Deadwood Hospitality Resort LLC, Deadwood Gulch Resort, (RW-6401)  
Deadwood Inc. & Gamblers Gulch, Inc., Deadwood Gulch Saloon, (RW-6646)  
Deadwood Resort LLC, The Lodge at Deadwood, (RW-19226)  
Fairmont Hotel Corp., Fairmont Hotel, (RW-6461)  
G Squared LLC, Deadwood Frontier Club, (RW-6428)  
GR Deadwood LLC, Mineral Palace Hotel & Gaming, (RW-6480)  
Historic Deadwood Convention Facility, LLC, Wooden Nickel, Iron Horse Inn, Martin  
Mason Hotel, (RW-7581)  
Hotel Franklin Inc., Historic Franklin Hotel, (RW-6643)  
Jackson Winery & Vineyard LLC, Belle Joli Winery, (RW-7568)  
McBird LLC, Deadwood Dicks Restaurant, (RW-19841)  
Mustang Sally's Inc., Mustang Sally's, (RW-6499)  
Platinum Ventures, Four Aces Hotel & Casino, (RW-6415)  
Princeton, Inc., Deadwood Super 8/Lucky 8 Gaming, (RW-6447)  
Rolling Hills Farm Investments LLC, Celebrity Hotel, (RW-6542)  
Old Style Saloon NO. 10 Inc., Saloon No. 10, (RW-19210)  
Schade Vineyard Inc., Schade Winery, (RW-18951)  
Super G Investments, Inc., Silverado Gaming, (RW-6436)  
Vaughn & Mary Boyd, Deadwood Tobacco Company, (RW-6648)

### First Reading

Peterson moved, Todd seconded to approve the first reading of Ordinance #1186 to request extension of franchise agreement between Midcontinent and the City of Deadwood until 2013. Roll Call: Aye-All. Motion carried.

### First Reading

Peterson moved, Silvernail seconded to continue the first reading of Supplemental Budget Ordinance #1185 until Monday December 10, 2012. Roll Call: Aye-All. Motion carried.

## HISTORIC PRESERVATION/PLANNING AND ZONING/PUBLIC BUILDINGS/SAFETY

### Agreement

Silvernail moved, Peterson seconded to renew the agreement for the use of City Property and lease the following public buildings to Deadwood History Inc.: The Adams Museum, The Historic Adams House Museum and Mary Adams Orientation Center. Roll Call: Aye-All. Motion carried.

### Assignment

Silvernail moved, Van Den Eykel seconded to allow the Mayor to sign the assignment to transfer from Days of '76 Museum to Deadwood History Inc. for the use of City of Deadwood property, Days of '76 Museum. Roll Call: Aye-All. Motion carried.

REGULAR MEETING, December 3, 2012

Purchase

Van Den Eykel moved seconded to allow Historic Preservation to purchase a SMART board interactive whiteboard system from AVI Systems for use in the Century Room at a cost of \$6,101.00. Roll Call: Aye-All. Motion carried.

Permission

Silvernail moved, Van Den Eykel seconded to allow Kevin Kuchenbecker and Bob Nelson Jr. to attend the Black Hills Digital Mapping Conference in Rapid City on Wednesday December 5, 2012, requesting use of vehicle and meals. Roll Call: Aye-All. Motion carried.

Contract

Silvernail moved, Peterson seconded to enter into contract with Interstate Engineering at a cost not to exceed \$6,500.00 for construction management on the Pedestrian Bridge Project. The project is grant eligible therefore the City's share would be \$1,170.00. Roll Call: Aye-All. Motion carried.

Contract

Silvernail moved, Van Den Eykel seconded to enter into contract with Custom Décor Masonry for cleaning and repairs of masonry after the test on stone and brick foundation for efflorescence at the Adams House Museum at a cost of \$18,768.45 to be paid from Historic Preservation Capital Assets. Roll Call: Aye-All. Motion carried.

POLICE/FIRE

Tatanka

Silvernail moved, Peterson seconded to approve the Parking and Transportation recommendation to take control of the utilities and assume financial responsibility for the annual electrical costs for the meter box that controls the flashing caution lights located on U.S. Highway 85, near the entrance to Tatanka and ask Attorney to prepare memorandum of understanding. Roll Call: Aye-All. Motion carried.

Contract

Silvernail moved, Todd seconded approve the Parking and Transportation recommendation to enter into contract with Four Front Design after review of three proposals for the George S. Mickelson trailhead project at a cost of \$7,500.00 to be paid from parking and Transportation. Grant provides up to 80 percent reimbursement. Roll Call: Aye-All. Motion carried.

PARKS/RECREATION/TROLLEY

Purchase

Todd moved, Silvernail seconded to purchase a dump box from Jacob's Welding at a cost of \$7,600.00 for a truck in the Parks Department. Roll Call: Aye-All. Motion carried.

MAYORS BUSINESS

Mayor Toscana requested Executive Session for Union Negotiations per SDCL 1-25-2(4) with no action and Legal Matters per SDCL 1-25-2(3) with possible action.

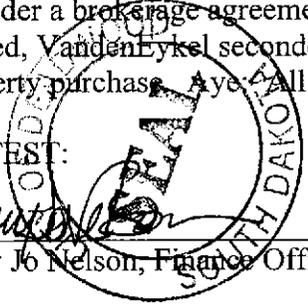
ITEMS FROM MAYOR, COMMISSIONERS, DEPARTMENT HEADS NOT ON AGENDA

ADJOURNMENT

Silvernail moved, Van Den Eykel seconded to adjourn the regular session at 5:24 p.m. and convene into Executive Session for Union Negotiations and Legal Matters per SDCL 1-25-2 (3). The next regular meeting will be at 5:00 p.m. on Monday December 10, 2012.

Peterson moved, Todd seconded to come out of executive session. Brief discussion was held to consider a brokerage agreement between the City of Deadwood and Tom Simmons. Silvernail moved, Vandeneysel seconded to sign agreement for Tom Simmons to act as broker for property purchase. Aye-All. Silvernail moved, Vandeneysel seconded to adjourn at 6:30 p.m.

ATTEST:

  
Mary Jo Nelson, Finance Officer

DATE: 12-10-12

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

**REGULAR MEETING, December 3, 2012**

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