

## REGULAR MEETING, December 5, 2011

The Regular Session of the Deadwood City Commission convened on December 5, 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, Joe Peterson, Gary Todd, Georgeann Silvernail, and Jim Van Den Eykel. All motions passed unanimously unless otherwise stated.

### APPROVAL OF MINUTES

Van Den Eykel moved, Todd seconded, to approve the minutes of November 28, 2011. Roll Call: Aye-All. Motion carried.

NOVEMBER, 2011 PAYROLL: COMMISSION, \$2,730.76; ATTORNEY, \$5,546.16; FINANCE, \$13,593.09; PUBLIC BUILDINGS, \$1,872.11; POLICE, \$40,145.71; FIRE, \$4,293.74; BUILDING INSPECTION, \$3,356.56; STREETS, \$23,758.90; PARKS, \$14,251.17; PLANNING & ZONING, \$3,692.30; LIBRARY, \$5,235.67; RECREATION CENTER, \$10,589.05; HISTORIC PRESERVATION, \$14,176.55; WATER, \$12,243.35; PARKING METER, \$7,465.89; TROLLEY, \$14,320.70; PARKING RAMP, \$5,654.87; RUBBLE SITE, \$1,314.54. **PAYROLL TOTAL: \$184,241.12.**

### NOVEMBER, 2011 PAYROLL PAYMENTS:

Internal Revenue Service, \$41,777.11; S.D. Retirement System, \$19,724.04; Delta Dental, \$3,423.36.

### APPROVAL OF DISBURSEMENTS

Silvernail moved, Todd seconded, to approve the December 5, 2011 disbursements with additional bill. Roll Call: Aye-All. Motion carried.

|                           |                     |                     |
|---------------------------|---------------------|---------------------|
| A & B BUSINESS            | MAINTENANCE         | 113.36              |
| ACS FIREHOUSE SOFTWARE    | RENEWAL             | 625.00              |
| ALPINE IMPRESSIONS        | EMBLEMS             | 53.00               |
| ARGUS LEADER MEDIA        | SUBSCRIPTION        | 343.76              |
| ATCO INTERNATIONAL        | SUPPLIES            | 353.00              |
| AUDIO-VIDEO SOLUTIONS     | SERVICE             | 213.71              |
| BINDER, WILLIAM           | REIMBURSE           | 127.16              |
| BH POWER                  | UTILITIES           | 309.64              |
| CEDAR SHORE RESORT        | LODGING             | 502.40              |
| COMPANION LIFE            | PREMIUMS            | 225.96              |
| CRUM ELECTRIC SUPPLY      | FIRE HOSE           | 489.45              |
| DAKOTA BUSINESS           | MAINTENANCE         | 71.40               |
| DAKOTA GRAPHICS           | SUPPLIES            | 35.00               |
| DEADWOOD ELECTRIC         | BULBS               | 966.96              |
| EMERY-PRATT COMPANY       | BOOKS               | 206.79              |
| FOURFRONT DESIGN          | SERVICES            | 6,000.00            |
| GOLDEN WEST               | SCANNER             | 874.00              |
| KITZMILLER, MILLY         | FILTERS             | 112.81              |
| KNOLOGY                   | SERVICE             | 840.55              |
| LEAD-DEADWOOD LIONS       | DONATION            | 250.00              |
| LEAD-DEADWOOD SANITARY    | USAGE               | 23,667.12           |
| LEE, JAMES                | REIMBURSE           | 65.70               |
| M & T FIRE-SAFETY         | TESTING             | 2,546.79            |
| MARTHA STEWART LIVING     | SUBSCRIPTION        | 24.00               |
| MIDWEST TAPE              | DVD'S               | 257.63              |
| MDU                       | UTILITIES           | 7,731.82            |
| NATURE HAD IT FIRST       | BOOK                | 22.00               |
| NEVE'S                    | UNIFORMS            | 462.60              |
| PFARR, RANDY              | REIMBURSE           | 59.49               |
| PINE VALLEY ECO PRODUCTS, | DEICER              | 478.14              |
| PONTIUS, JERRY            | DESK CHAIR          | 508.67              |
| PRO-STEAM                 | SERVICE             | 286.00              |
| QUILL                     | SUPPLIES            | 629.43              |
| RENNER, DONOVAN           | REIMBURSE           | 85.83               |
| ROSENBAUM'S SIGNS         | SIGN                | 1,222.00            |
| SD PUBLIC HEALTH LAB      | TESTING             | 24.00               |
| SOUTHSIDE OIL             | FUEL                | 16,850.91           |
| STANDARD & POOR'S         | ANALYTICAL SERVICES | 12,000.00           |
| TWILIGHT FIRST AID        | SUPPLIES            | 84.35               |
| TC HARDWARE               | SUPPLIES            | 2,182.17            |
| USPS-DWD                  | POSTAGE-H2O BILLS   | 192.66              |
|                           | <b>TOTAL</b>        | <b>\$ 81,902.60</b> |

### ITEMS FROM CITIZENS ON AGENDA

#### Lord's Cupboard (11/28/2011)

Mayor Toscana requested Commission's approval for a \$2,000.00 allocation from the 2011 budget to the Lord's Cupboard, to be paid from the Bed and Booze Fund. Silvernail moved, Peterson seconded, to approve said request. Roll Call: Aye-All. Motion carried.

### PUBLIC HEARINGS/BID OPENINGS

#### Bid Opening

Jim Raysor opened the four bids received for the removal of waste tires at the Tri-City Rubble Site. The bids are as follows:

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Waste Tire Removal at Tri City Rubble Site  
(Removal of tires prior to January 31, 2012)  
Bid Opening December 5, 2011 @ 5:10 p.m.

| Bidder                 | \$ Amount Per Ton   |
|------------------------|---------------------|
| Midwest Trucking LLC   | \$649.00/ton        |
| <b>New Deal Tire</b>   | <b>\$225.00/ton</b> |
| Centerpark LLC         | \$249.00/ton        |
| Liberty Tire Recycling | \$650.00/ton        |

Raysor recommended that the bid be awarded to the low bidder. Silvernail moved, Todd seconded, to accept the low bid of \$225.00 from New Deal Tire and direct City Attorney to prepare a contract. Roll Call: Aye-All. Motion carried.

**Set Public Hearing**

Silvernail moved, Van Den Eykel seconded, to set a public hearing at 5:15 p.m. on December 19, 2011 for license transfers for the following licenses: Retail (on-sale) Liquor (CL-508), Retail (on-off sale) Wine (RW-6446), and Retail (on-off sale) Malt Beverage (RB-2408) for NMD Venture LLC for Tracts A & C of the plat of Tracts A, B, & C, located in Lots 8, 9, & 10, and a portion of Lots 6 & 7, Block 18, and a portion of M.S. 72, Deadwood, SD dba Hickok's at 685 Main Street. Roll Call: Aye-All. Motion carried.

**Set Public Hearing**

Van Den Eykel moved, Todd seconded, to set a public hearing for Silverado/Franklin New Year's Eve Ball Drop event at 5:17 p.m. on December 19, 2011. Roll Call: Aye-All. Motion carried.

**FINANCE**

**Approval – Liquor-Wine Renewals for 2012**

There being no one speaking in opposition to the 2012 Liquor/Wine License renewals, Peterson moved, Van Den Eykel seconded, to approve the renewals contingent upon property taxes and Business Improvement District taxes being paid in full by all establishments. 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 Hospitality Resort, LLC.(CL-15404), (Deadwood Gulch Resort)
- Deadwood Resort, LLC, dba The Lodge at Deadwood
- First Gold, Inc. (First Gold Hotel), (CL-502)
- Four Aces Gaming LLC, (Four Aces Gaming), (RL-5792)
- Gold Dust Lodging Group LLC, Holiday Inn Express Hotel & Suites, (CL-503)
- GR Deadwood LLC, (Mineral Palace Hotel & Gaming), (CL-507)
- Hotel Franklin, Inc.Historic Franklin Hotel, (CL-506)
- KLK Venture LLC, KLK Venture LLC, (RL-5536)
- Miss Kitty's, (RL-5534), (Miss Kitty's)
- Midnight Star Enterprises, (RL-5995)
- Midwest Motel of Deadwood II, Buffalo Bodega, (RL-5535)
- Midwest Motels of Deadwood, LLC, (CL-501, (Comfort Inn)
- Old Style Saloon No. 10, Inc., (RL-5537)
- Super G Investments Inc., Silverado Gaming Establishment, (RL-5538)
- VFW Post 5969, (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)
- Four Aces Lodging Group, LLC., (PL-4521)
- Four Aces Gaming LLC, (Four Aces Gaming), (PL-4520)
- GR Deadwood LLC, 601 Main St., (Mineral Palace Hotel & Gaming), (PL-4524)

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### RETAIL (ON-SALE) WINE

Adams Museum & House Inc., (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)  
Deals Publications, Inc. (Celebrity Hotel), (RW-6542)  
Deals Publications, Inc. (Mint), (RW-6438)  
Fairmont Hotel Corp., (RW-6461)  
Four Aces Lodging Group, LLC, (RW-6415)  
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)  
Hotel Franklin Inc., Historic Franklin Hotel, (RW-6643)  
Jackson Winery & Vineyard LLC, (Belle Joli Winery), (RW-7568)  
Vaughn & Mary Boyd, Deadwood Tobacco Company, (RW-6648)  
KLK Venture LLC, KLK Venture LLC, (RW-19496)  
Mustang Sally's Inc., (RW-6499)  
Princeton, Inc. (Deadwood Super 8/Lucky 8 Gaming), (RW-6447)  
Schade Vineyard Inc., Schade Winery, (RW-18951)  
Super G Investments, Inc. (Silverado Gaming), (RW-6436)

### Transfer Request

Peterson moved, Silvernail seconded, to allow the Finance Officer to make cash transfer of \$5,000.00 from General Fund to Tri City Rubble Site per agreement. Roll Call: Aye-All. Motion carried.

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

### Purchase Request

Silvernail moved, Van Den Eykel seconded, to approve the purchase of the Charles C. Hass scrapbook from James Aplan at a cost of \$2,500.00, to be paid from Historic Preservation Acquisition line item. Roll Call: Aye-All. Motion carried.

### Change Order #6 – Days of 76 Museum

Peterson moved, Silvernail seconded, to approve Change Order #6 (includes six construction change directives) for Days of 76 Museum for \$8,810.96 bringing the total cost to 3,430,619.85. Roll Call: Aye-All. Motion carried.

### Construction Change Directive #1 – Days of 76 Museum

Peterson moved, Van Den Eykel seconded, to allow the Mayor to sign the Construction Change Directive #1 to proceed with Proposal Request #23 (time extension on contract), RFP-RFI Revision 2 (electrical changes) and extend contract by 21 days. Roll Call: Aye-All. Motion carried.

### Purchase Request

Silvernail moved, Todd seconded, to approve the purchase of four (4) five-drawer oversized map cases and base from National Business Furniture at a cost not to exceed \$4,000.00, to be paid from Historic Preservation Archives line item. Three quotes were obtained. Roll Call: Aye-All. Motion carried.

### Contract – Suzanne Julin

Kevin Kuchenbecker requested permission to enter into a contract with Dr. Suzanne Julin for the writing of a sample chapter of "*Voices from Deadwood: A Western Town Speaks for Itself*." The proposed book would consist of excerpts from the oral history interviews in the Historic Preservation's City Archives. Kuchenbecker said the plan would be for the City of Deadwood and the Deadwood Historic Preservation Commission to hold the copyright to the book and receive the royalties. The South Dakota Historical Society has indicated an interest in publishing the book; if they choose not to publish, the proposal can go to other presses for consideration. Todd asked the total cost of this project and Kuchenbecker replied \$15,000.00. Silvernail moved, Van Den Eykel seconded, to approve the entering into a contract with Suzanne Julin to write a sample chapter of "*Voices from Deadwood: A Western Town Speaks for Itself*" at a cost

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not to exceed \$2,500.00, to be paid from Historic Preservation Public Education line item. Roll Call: Aye-All. Motion carried.

### Purchase Request

Van Den Eykel moved, Silvernail seconded, to approve the purchase of ink and maintenance cartridges for plotter from Historic Preservation Archives budget at a cost not to exceed \$2,400.00. Roll Call: Aye-All. Motion carried.

### Purchase Request

Van Den Eykel moved, Todd seconded, to approve the purchase of 500 access passes for Broadway Parking Ramp from Amano McGann at a cost of \$2,250.00. Roll Call: Aye-All. Motion carried.

### Revise October 11, 2011 Minutes

Todd moved, Van Den Eykel seconded, to approve the change to the minutes of October 11, 2011 to omit the words **findings of fact** for conditional use permit for a massage therapy business at 802 Main Street for Connie Atkinson and Carrie Hopkins as recommended by Deadwood Planning and Zoning Commission. Legal Description: Lot A, Sunnyside Tract, Mineral Survey 97, City of Deadwood. Roll Call: Aye-All. Motion carried.

### Payment Request

Silvernail moved, Van Den Eykel seconded, to approve payment of \$4,489.84 to Deadwood Electric to repair all lights and battery backup at the Broadway Parking Ramp, to be paid from Parking Ramp budget. Roll Call: Aye-All. Motion carried.

### Payment Request

Silvernail moved, Peterson seconded, to approve payment of reimbursable expenses and cost of survey to Fourfront Design for additional \$1,245.75 per conditions of contract (Survey/Site Investigation - \$638.75, Reimbursable Mileage - \$127.00, Coordination-BHPL - \$480.00.) Roll Call: Aye-All. Motion carried.

## STREETS/WATER/LIBRARY

### Purchase Request

Van Den Eykel moved, Todd seconded, to approve the purchase of 5,500 gallons of diesel fuel at \$3.37 per gallon from Southside Oil. Roll Call: Aye-All. Motion carried.

## PARKS/RECREATION/TROLLEY

### Increase Wage

Todd moved, Silvernail seconded, to approve the wage increase for Trolley Driver, Linda Kottke, from \$9.13 to \$10.15 per hour, effective December 2, 2011, after completing 18 months of service. Roll Call: Aye-All. Motion carried.

### Rescind Hire

Todd moved, Van Den Eykel seconded, to rescind hire of Jared A. Richards on November 21, 2011. Roll Call: Aye-All. Motion carried.

### Hire Request

Todd moved, Silvernail seconded, to approve the hiring of Robert Mason Haley as lifeguard effective December 6, 2011 at \$7.61 per hour. Roll Call: Aye-All. Motion carried.

## LEGAL BUSINESS

### Contract

Silvernail moved, Todd seconded, to allow the Mayor to sign contract between the City of Deadwood and Mel and Debra Maynard for the Mt. Moriah Concessions for January 1, 2012 through December 31, 2014. Roll Call: Aye-All. Motion carried.

### Contract -- Days of 76 Museum

City Attorney Jason Campbell reviewed the file for the Days of 76 Museum project and requested the following changes to the contract: 1) Original contract of September 13, 2010, kept those deducts from Alternates 1 & 2 as if accepted (rather than rejected) and reduced original amount of the contract by \$129,000.00. The original contract did have the correct net

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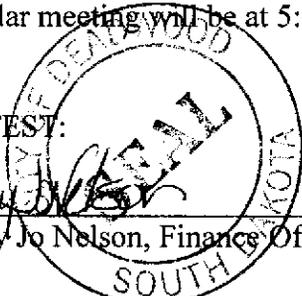
effect of the acceptance of Alternate 3, so that was properly accounted for. Change Order #2 was to add back in the \$129,000.00 that was mistakenly deducted in the original contract. After reviewing this should have been a contract amendment based upon review of information. Silvernail moved, Van Den Eykel seconded, to approve the following changes to the Days of 76 Museum contract: cancel change order #2 and amend contract to amount already approve the amount of \$3,346,200.00. Roll Call: Aye-All. Motion carried.

**ADJOURNMENT**

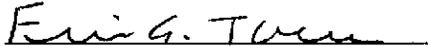
Silvernail moved, Van Den Eykel seconded, to adjourn the regular session at 5:40 p.m. The next regular meeting will be at 5:00 p.m. on Monday, December 12, 2011.

ATTEST:

  
\_\_\_\_\_  
Mary Jo Nelson, Finance Officer



DATE: 12-12-11

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

For any public notice, that is published one time:

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