REGULAR MEETING, June 25, 2012

The Regular Session of the Deadwood City Commission convened on June 25, 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 and Commissioners, Joe Peterson, Georgeann Silvernail, Gary Todd and Jim Van Den Eykel. City Attorney was absent. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Silvernail moved, Van Den Eykel seconded to approve the minutes of June 18, 2012. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Todd seconded to approve the June 25, 2012 disbursements. Roll Call: Aye-All. Motion carried.

AINSWORTH-BENNING	REPAIR	1,783.96
ALCO	SUPPLIES	42.98
AMANO MCGANN	GUIDES	12.45
BARCO PRODUCTS	SPEED BUMP	317.81
BIGGS, GARY	OVERPAYMENT	208.20
BH POWER	ELECTRICITY	4,100.69
CONRADS SIGNS	REPAIR	502.36
CROSSROADS HOTEL	LODGING	432.00
DAKOTA SUPPLY	COUNTER	307.28
DAKOTACARE	INSURANCE	43,010.33
DEADWOOD ECONOMIC	CONTRACT	1,580.02
FIRST BAPTIST CHURCH	LEASE	3,600.00
GALLS	UNIFORMS	388.92
HAWKINS	CHEMICALS	1,008.60
INTERSTATE ENGINEERING	BRIDGE	7,102.50
KEN'S CAMPER	PROPANE	16.10
KNOLOGY	SERVICE	189.52
LAKER CHEMICAL	TERMINATOR	208.50
LESTER, ROB	REIMBURSEMENT	141.46
M&M SANITATION	RENTAL	498.30
MIDDLEMAS, KAITLAN	REIMBURSEMENT	63.79
MORRISON, RONDA	REIMBURSEMENT	27.00
NELSON, MARY JO	REIMBURSEMENT	76.84
OFF THE WALL PRODUCTS	BARRIERS	1,509.80
PITNEY BOWES	POSTAGE	500.00
SACRISON ASPHALT	ASPHALT	669.00
SD COMMISSION ON GAMING	CITY SLOTS	17,693.18
SD DEPT. OF REVENUE	MALT BEV.TRSFR	75.00
SD MUNICIPAL LEAGUE	REGISTRATION	20.00
SOCIETY FOR HUMAN RESOURCE	MEMBERSHIP	165.00
TEMPERATURE TECHNOLOGY	CONTRACT	1,125.00
THOMPSON PUBLISHING	HANDBOOK	438.50
TOSCANA, KATHY	SUPPLIES	15.89
TRIDLE, JOHN	REIMBURSEMENT	390.96
TRUGREEN	FERTILIZER	1,015.50
TWIN CITY ANIMAL SHELTER	RECYCLING	96.82
	TOTAL	**$ 89,334.26**

ITEMS FROM CITIZENS ON AGENDA

Use of Public Property

Sue Holloway spoke on behalf of the Bond Slaves, a Christian Motorcycle Group requested the use of three spots in the old grocery store parking lot Sunday August 5 through Friday August 10, 2012. No banners or tents will be allowed. Silvernail moved, Todd seconded such request. Roll Call: Aye-All. Motion carried.

Use of Gordon Park

Jason Ford, Pastor with Connections Church requested the use of Gordon Park for a Block Party on Tuesday June 26, 2012 from 6:00 p.m. to 8:30 p.m. and the public is invited. Todd moved, Silvernail seconded such request. Roll Call: Aye-All. Motion carried.

Fundraiser

Silvernail moved, Peterson seconded the approval of Tough Enough to Wear Pink T-shirt Fundraiser during the Days of 76 parade. Roll Call: Aye-All. Motion carried.

REGULAR MEETING, June 25, 2012

PUBLIC HEARINGS/BID OPENINGS

Ferguson Field House Bid Results
Silvernail moved, Peterson seconded to accept the low bid from Quinn Painting for Ferguson Field House Exterior in the amount of $5,412.96 plus doors at $900.00. Bids were opened June 18, 2012. Roll Call: Aye-All. Motion carried.

Silvernail moved, Van Den Eykel seconded to accept the low bid from S&S Maintenance for Ferguson Field House Interior in the amount of $5,800.00. Bids were opened June 18, 2012. Roll Call: Aye-All. Motion carried.

McGovern Hill Project Bid Results
Van Den Eykel moved, Silvernail seconded to accept the low bid from Ainsworth-Benning for McGovern Hill Water Main Improvement in the amount of $80,474.06. Bid were opened June 18, 2012. Roll Call: Aye-All. Motion carried.

Surplus Vehicles Results
Todd moved, Silvernail seconded to accept high responsible bid for surplus vehicles pending sufficient funds from Chicago Motors, Inc. Bids were opened June 18, 2012. Roll Call: Aye-All. Motion carried.

Public Hearing - July 4th
Public hearing was opened at 5:05 p.m. by Mayor Toscana. There being no public comment, Silvernail moved, Todd seconded to approve the street closure request for the July 4th parade on Main Street from Four Aces to the Masonic Temple from 3:00 p.m. until the parade ends and waive Barricade Fees on Wednesday July 4th. Roll Call: Aye-All. Motion carried.

Public Hearing – Kids Coaster Race
Public hearing was opened at 5:07 p.m. Sarah Anderson, Deadwood Chamber of Commerce, requested the street closure for the Kids Coaster Race on Wednesday July 4th, 2012 on Main Street from Deadwood Street to Wall Street from 10:00 a.m. to 1:00 p.m. and waive Barricade Fees. Silvernail moved, Peterson seconded such request. Roll Call: Aye-All. Motion carried.

Public Hearing – Legends Ride
Public hearing was opened at 5:13 p.m. Sarah Anderson, Deadwood Chamber of Commerce requested the street closure on Main Street from Pine to Deadwood Street from 9:30 a.m. to 3:30 p.m. for Legends Ride participants to register at the Silverado-Franklin Hotel & Gaming complex, allow motorcycle parking on a portion of Main Street in front of Deadwood Tobacco Company (west side only) from 10:00 a.m. to 3:00 p.m. and waive Barricade and Banner Fees. Silvernail moved, Todd seconded such request. Roll Call: Aye-All. Motion carried.

Public Hearing – Motorcycle Parking
Public Hearing was opened at 5:15 p.m. Sarah Anderson, Deadwood Chamber of Commerce requested Motorcycle Parking in the Interpretive Parking Lot from 10:00 a.m. to 2:00 a.m. daily from Thursday, August 2 through Saturday, August 1, 2012., and to allow Motorcycle Parking on Main Street from the Franklin Hotel to Four Aces, northwest side only from 10:00 a.m. to 2:00 a.m. daily from Saturday August 4, 2012 through Saturday August 11, 2012. Van Den Eykel moved, Silvernail seconded such request. Roll Call: Aye-All. Motion carried.

Public Hearing – Kool Deadwood Nites Events
Public hearing was opened at 5:17 p.m. Sarah Anderson, Deadwood Chamber of Commerce requested approval for the following events:

Open Container
Thursday August 23, 2012
Silvernail moved, Todd seconded to allow the relaxation of the open container ordinance on Main Street from the Four Aces to Masonic Temple, Broadway Street from Wall to Shine, Sherman Street from Pioneer Way to the south side of Pine Street, Deadwood Street from Pioneer Way to Sherman Street, Siever Street, Pine Street from Main Street to Sherman Street and Lee Street from Pioneer Way to Sherman Street from 5:00 p.m. to 10:00 p.m. for the Sock Hop Event. Roll Call: Aye-All. Motion carried.

Friday, August 24, 2011
Van Den Eykel moved, Silvernail seconded to allow the relaxation of the open container ordinance on Main Street from the Four Aces to Masonic Temple, Broadway Street from Wall to Shine, Sherman Street from Pioneer Way to the south side of Pine Street, Deadwood Street from Pioneer Way to Sherman Street, Siever Street, Pine Street from Main Street to Sherman Street and Lee Street from Pioneer Way to Sherman Street from 2:00 p.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Saturday August 25, 2012
Silvernail moved, Todd seconded to allow the relaxation of the open container ordinance on Main Street from the Four Aces to Masonic Temple, Broadway Street from Wall to Shine, Sherman Street from Pioneer Way to the south side of Pine Street, Deadwood Street from Pioneer Way to Sherman Street, Siever Street, Pine Street from Main Street to Sherman Street and Lee Street from Pioneer Way to Sherman Street from 2:00 p.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Street Closures
Main Street from Wall to Deadwood Street on Thursday August 23, 2012 from 12:00 p.m. to 2:00 a.m. on Sunday August 26, 2012. Siever Street on Thursday August 23, 2012 from 4:00 p.m. to 10:00 p.m. Main Street from Deadwood Street to Pine Street on Thursday August 23, 2012 from 4:00 p.m. to 10:00 p.m. Main Street from Deadwood to Pine on Friday August 24, 2012 from 4:00 p.m. to 10:00 p.m. and Main Street from Pine to Four Aces on Sunday August 26, 2012 from 8:00 a.m. to 3:00 p.m. Silvernail moved, Todd seconded such request. Roll Call: Aye-All. Motion carried.

Silvernail moved, Todd seconded to approve the temporary Malt Beverage License, waive the Vending Fee and Banner Fee at the Interpretive Lot and Rodeo Grounds, the use of Interpretive Lot and Rodeo Grounds and to waive the Barricade Fee Thursday August 23, 2012 through Sunday August 26, 2012. Roll Call: Aye-All. Motion carried.

Public Hearing – KLK Ventures
Tom Hill with KLK Ventures asked the Commission to approve the vacation of the north end of Broadway Street and added KLK Ventures owns property on both sides of the street. Van Den Eykel moved, Silvernail seconded such request. Roll Call: Aye-All. Motion carried.

Silvernail moved, Todd seconded to pass Resolution 2012-12 to Vacate Portion of City Street Right-of-Way. Roll Call: Aye-All. Motion carried.

RESOLUTION 2012-12

RESOLUTION TO VACATE PORTION OF CITY STREET RIGHT-OF-WAY

WHEREAS, the Deadwood City Commission, received a petition for the vacation of a portion of a city street pursuant to SDCL 9-45-7, and

WHEREAS, the petition requested vacation of: the north end of Broadway Street adjacent to Lots I, J and K of Block H and Lots 14, 16, 18 and 20 of Block 15, City of Deadwood, Lawrence County South Dakota. The Petitioner is owner of all real property abutting upon the street to be vacated, and such properties are described as follows: Lots I, J and K of Block H and Lots 12, 14, 16, 18 and 20 of Block 15, City of Deadwood, Lawrence County, South Dakota.

A copy of a portion of the plat of PL Rodgers Map showing the proposed vacation is attached hereto as Exhibit A and incorporated herein.

WHEREAS, a public hearing was held on June 25, 2012, after due notice to the public, and no objections were made or received, and

WHEREAS, the public interest will be better served by vacating the Street Right-of-Way, that Petitioner will be able to use its property for dumpsters and relieve parking issues in the area. such that said Vacated Portion of Street Right-Of-Way has not been used or traveled as a street or alley for more than 20 years.

WHEREAS, the land through which the Vacated Street Right-of-Way currently passes is owned by KLK Venture, LLC, and

WHEREAS, it would cause no inconvenience to the public because public travel will not be impacted; now, therefore,

IT IS HEREBY RESOLVED, pursuant to SDCL 9-45-7, that the public interest will be better served by the proposed vacating of the portion of Street Right-Of-Way and

IT IS FURTHER RESOLVED that the Deadwood City Commission shall publish and file this Resolution as statutorily provided.

Date: June 25, 2012
ATTEST:
/s/ Mary Jo Nelson, Finance Officer

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

Public Hearing Rolling Hills Farm
Public hearing was opened at 5:25 p.m. by Mayor Toscana. There being no public comment, Silvernail moved, Van Den Eykel seconded to approve the Retail (on-off sale) Wine License (RW-6542) and the Retail (on-off sale) Malt Beverage License (RB-3722) from Deals Publications to Rolling Hills Farm Investments dba as The Celebrity Hotel at 629 Main Street. Roll Call: Aye-All. Motion carried.

Bid Opening St. Ambrose Project Phase I
Van Den Eykel moved, Todd seconded to set a bid opening at 5:10 p.m. on July 16, 2012 for completion of Phase I of the St. Ambrose Cemetery Project to remove tree stumps. Roll Call: Aye-All. Motion carried.

FINANCE

Hire
Peterson moved, Silvernail seconded to hire Lea Cudmore for Finance Assistant position pending pre-employment drug screening at $7.76 per hour effective June 27, 2012. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING AND ZONING/PUBLIC BUILDING/SAFETY

Change Order 1
Silvernail moved, Peterson seconded the Change Order 1 to remove additional trees and vegetation at St. Ambrose adding $9,300.00 to contract, bringing the total to $284,592.25. Roll Call: Aye-All. Motion carried.

Permission to Pay
Peterson moved, Van Den Eykel seconded to pay Dakota Plains Auction for purchase of Historic Artifacts: Potato Creek Johnny's Hat, Poker Alice's Hat and Zocor Rifle 1876 Winchester totaling $13,250 plus 12% buyer's premium. Roll Call: Aye-All. Motion carried.

STREETS AND WATER/LIBRARY

Discussion Surplus Property
Commissioner Van Den Eykel opened up discussion on the possibility of surplusing real property adjacent to Silverado. Public Works Director JR Raysor said the section is a 12 feet wide and 40 feet long off the sidewalk between the Parking Lot and the Silverado. Mayor Toscana explained that we would have to surplus the property and appoint appraisers; and if appraisers come back with a figure less than $500.00 then the property could be sold. After much discussion Van Den Eykel moved, Silvernail seconded to surplus the property adjacent to Silverado. Roll Call: Aye-All. Motion carried.

Moratorium Extension
Commissioner Van Den Eykel asked the Commission to extend the moratorium on the shuttle ordinance to October 1, 2012. Commissioner Todd stated the issue needs to be addressed and resolved instead of postponing. Todd believes strongly that the properties do need to offer customer service and they should be allowed to run the shuttle to accommodate their guests. Todd also says we have great taxi services, the city has a large investment in the trolley system, and we have a right to protect our investment. Todd proposes to see an ordinance with the properties having proper signage on vehicles, drop off where customers request and a midnight time limit. Mayor Toscana suggested that we approve this since it gives us 90 days to either enact what Todd has proposed, portions or none of what was proposed. Mayor Toscana

suggested Todd and City Attorney Campbell get together, draft an Ordinance, and bring the forward for Commission review. Resident Andy Estoclet encourages the Commission to add background checks on drivers and conditions of vehicles. After much discussion Van Den Eykel moved, Peterson seconded to extend the moratorium on shuttle ordinance to October 1, 2012. Roll Call: Aye-All. Motion carried.

Trolley Participation
Todd moved, Silvernail seconded to allow the trolley to participate in the Lead Deadwood July 4 parade. Roll Call: Aye-All. Motion carried.

Hire
Todd moved, Silvernail seconded to hire Caitlan Engebretson as a Lifeguard pending pre-employment drug screening at $7.76 an hour effective June 27, 2012. Roll Call: Aye-All. Motion carried.

LEGAL BUSINESS

Agreement
Silvernail moved, Van Den Eykel seconded to allow the Mayor to sign the agreement between Deadwood Stage Run LLC and City of Deadwood regarding streetlights at the development. Roll Call: Aye-Silvernail, Todd, Toscana and Van Den Eykel. Abstained – Peterson. Motion carried.

Resolution 2012-14
Van Den Eykel moved, Todd seconded to pass Resolution 2012-14. Roll Call: Aye-Silvernail, Todd, Toscana and Van Den Eykel. Abstained – Peterson. Motion carried.

RESOLUTION 2012-14

ACCEPTANCE OF IRREVOCABLE OFFER OF DEDICATION OF IMPROVEMENTS

WHEREAS, Deadwood Stage Run, LLC has offered to dedicate in perpetuity to the City of Deadwood, South Dakota the following improvements, having a cost basis as listed, to wit:

All of the water distribution system pipe, fittings, valves, and hydrants, asphalt paving, and guardrail located under, on or near United States Forest Service Road #131, aka Mt. Roosevelt Road, which provides access for the Deadwood Stage Run subdivision. All of these improvements were allowed under a Forest Road and Trail Act (FRTA) easement issued to the City of Deadwood.

WHEREAS, the owner(s) has certified that the improvements offered for dedication herein have been constructed in conformance with the design plans and specifications approved by the City of Deadwood, and warrants materials and workmanship of the improvements for a period of one year from the date of acceptance by the City.

WHEREAS, the City has performed a visual inspection and has reviewed all required construction documentation by the Engineer of record that the improvements have been constructed in conformance with the plans and specifications approved by the City.

NOW THEREFORE BE IT RESOLVED that we, the assembled members of the Common Council of the City of Spearfish do hereby accept the dedication described herein.

Date: June 25, 2012
ATTEST: CITY OF DEADWOOD
/s/ Mary Jo Nelson, Finance Officer /s/ Francis A. Toscana, Mayor

Resolution 2012-15
Van Den Eykel moved, Silvernail seconded to pass Resolution 2012-15. Roll Call: Aye-Silvernail, Todd, Toscana and Van Den Eykel. Abstained – Peterson. Motion carried.

RESOLUTION 2012-15

ACCEPTANCE OF IRREVOCABLE OFFER OF DEDICATION OF LAND AND/OR IMPROVEMENTS

WHEREAS, Deadwood Stage Run, LLC has offered to dedicate in perpetuity to the City of Deadwood, South Dakota the following legally described land and/or improvements, to wit:

Dedicated public access and utility easement as recorded in plat document number 2008-5076, all located within Tract D-2, formerly Tract D of M.S. 696 Palisades Placer, all located in the NE1/4 and the SE1/4 of Section 15, T.5.N, R.3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

WHEREAS, the City has reviewed and hereby accepts the following terms of the Offer of Dedication; having a fair market value thereof:

The City of Deadwood will perform all required maintenance on the roadway and curb located within the above mentioned property. Maintenance includes but is not limited to snow and ice removal, sanding and cleaning, asphalt repair and sealing, asphalt replacement, curb repair, curb replacement and weed and grass maintenance. Sidewalk and driveway approaches are the responsibility of the adjacent property owner. Maintenance required on the property outside of the dedicated public access and utility easement but included in the above plat document will be the responsibility of the adjacent landowner.

WHEREAS, the owner(s) has certified that the improvements offered for dedication herein have been constructed in conformance with the design plans and specifications approved by the City of Deadwood, and warrants materials and workmanship of the improvements for a period of one year from the date of acceptance by the City.

WHEREAS, the City has performed a visual inspection and has reviewed all required construction documentation by the Engineer of record that the improvements have been constructed in conformance with the plans and specifications approved by the City.

NOW THEREFORE BE IT RESOLVED that we, the assembled members of the Common Council of the City of Spearfish do hereby accept the dedication described herein.

Date: June 25, 2012

ATTEST:	CITY OF DEADWOOD
/s/ Mary Jo Nelson, Finance Officer	/s/ Francis A. Toscana, Mayor

Resolution 2012-16

Van Den Eykel moved, Todd seconded to pass Resolution 2012-16. Roll Call: Aye-Silvernail, Todd, Toscana and Van Den Eykel. Abstained – Peterson. Motion carried.

RESOLUTION 2012-16

ACCEPTANCE OF IRREVOCABLE OFFER OF DEDICATION OF IMPROVEMENTS

WHEREAS, Deadwood Stage Run, LLC has offered to dedicate in perpetuity to the City of Deadwood, South Dakota the following improvements, having a cost basis as listed, to wit:

All of the water distribution system pipe, fittings, valves, curbstops, and hydrants located within Tract D-2 of plat document 2008-5076 recorded with the Lawrence County Register of Deeds.

WHEREAS, the owner(s) has certified that the improvements offered for dedication herein have been constructed in conformance with the design plans and specifications approved by the City of Deadwood, and warrants materials and workmanship of the improvements for a period of one year from the date of acceptance by the City.

WHEREAS, the City has performed a visual inspection and has reviewed all required construction documentation by the Engineer of record that the improvements have been constructed in conformance with the plans and specifications approved by the City.

NOW THEREFORE BE IT RESOLVED that we, the assembled members of the Common Council of the City of Spearfish do hereby accept the dedication described herein.

Date: June 25, 2012

ATTEST:	CITY OF DEADWOOD
/s/ Mary Jo Nelson, Finance Officer	/s/ Francis A. Toscana, Mayor

Resolution 2012-17

Silvernail moved, Van Den Eykel seconded to pass Resolution 2012-17. Roll Call: Aye-Silvernail, Todd, Toscana and Van Den Eykel. Abstained - Peterson. Motion carried.

REGULAR MEETING, June 25, 2012

RESOLUTION 2012-17

ACCEPTANCE OF IRREVOCABLE OFFER OF DEDICATION OF LAND AND/OR IMPROVEMENTS

WHEREAS, Deadwood Stage Run, LLC has offered to dedicate in perpetuity to the City of Deadwood, South Dakota the following legally described land and/or improvements, to wit:

Dedicated public right of way and utility easements as recorded in plat document number 2008-5119, all located within the Palisades Tract of the Stage Run Addition all located in the SW1/4 Section 14, the SE1/4 of Section 15, the NE1/4NE1/4 of Section 22 and the N1/2NW1/4 of Section 23 T.5.N, R.3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

WHEREAS, the City has reviewed and hereby accepts the following terms of the Offer of Dedication; having a fair market value thereof:

The City of Deadwood will perform all required maintenance on the roadway and curb located within the above mentioned property. Maintenance includes but is not limited to snow and ice removal, sanding and cleaning, asphalt repair and sealing, asphalt replacement, curb repair, curb replacement. Sidewalk and driveway approaches are the responsibility of the adjacent property owner. Maintenance required on the property outside of the roadway but included in the above plat document will be the responsibility of the adjacent landowner.

WHEREAS, the owner(s) has certified that the improvements offered for dedication herein have been constructed in conformance with the design plans and specifications approved by the City of Deadwood, and warrants materials and workmanship of the improvements for a period of one year from the date of acceptance by the City.

WHEREAS, the City has performed a visual inspection and has reviewed all required construction documentation by the Engineer of record that the improvements have been constructed in conformance with the plans and specifications approved by the City.

NOW THEREFORE BE IT RESOLVED that we, the assembled members of the Common Council of the City of Spearfish do hereby accept the dedication described herein.

Date: June 25, 2012

ATTEST:	CITY OF DEADWOOD
/s/ Mary Jo Nelson, Finance Officer	/s/ Francis A. Toscana, Mayor

Resolution 2012-18

Silvernail moved, Van Den Eykel seconded to pass Resolution 2012-18. Roll Call: Aye-Silvernail, Todd, Toscana and Van Den Eykel. Abstained – Peterson. Motion carried.

RESOLUTION 2012-18

ACCEPTANCE OF IRREVOCABLE OFFER OF DEDICATION OF IMPROVEMENTS

WHEREAS, Deadwood Stage Run, LLC has offered to dedicate in perpetuity to the City of Deadwood, South Dakota the following improvements, having a cost basis as listed, to wit:

All of the water distribution system pipe, fittings, valves, curbstops, and hydrants; all of the sewer collection main line pipe and manholes; all of the storm sewer collection system pipe and catch basins including the detention pond maintenance; located within Palisades Tract of plat document 2008-2791 recorded with the Lawrence County Register of Deeds.

WHEREAS, the owner(s) has certified that the improvements offered for dedication herein have been constructed in conformance with the design plans and specifications approved by the City of Deadwood, and warrants materials and workmanship of the improvements for a period of one year from the date of acceptance by the City.

WHEREAS, the City has performed a visual inspection and has reviewed all required construction documentation by the Engineer of record that the improvements have been constructed in conformance with the plans and specifications approved by the City.

NOW THEREFORE BE IT RESOLVED that we, the assembled members of the Common Council of the City of Spearfish do hereby accept the dedication described herein.

REGULAR MEETING, June 25, 2012

Date: June 25, 2012
ATTEST: CITY OF DEADWOOD
/s/ Mary Jo Nelson, Finance Officer /s/ Francis A. Toscana, Mayor

Resolution 2012-19
Silvernail moved, Todd seconded to pass Resolution 2012-19. Roll Call: Aye-Silvernail, Todd, Toscana and van Den Eykel. Abstained – Peterson. Motion carried.

RESOLUTION 2012-19

ACCEPTANCE OF IRREVOCABLE OFFER OF DEDICATION OF IMPROVEMENTS

WHEREAS, Deadwood Stage Run, LLC has offered to dedicate in perpetuity to the City of Deadwood, South Dakota the following improvements, having a cost basis as listed, to wit:

All of the wastewater collection system pipe, fittings, and manholes located within the 66' Public Access and Utility Easement as recorded in Plat Document #2006-6962 and Plat Document #2006-6964 with the Lawrence County Register of Deeds. Gravel Roadway constructed for an emergency exit for Deadwood Stage Run Development and Public access for B.Y. Development, Inc. and Leslie Auer. The access agreement between Deadwood Stage Run, B.Y. Development Inc. and Leslie Auer has been executed and recorded in Document #2006-7150 with the Lawrence County Register of Deeds.

WHEREAS, the owner(s) has certified that the improvements offered for dedication herein have been constructed in conformance with the design plans and specifications approved by the City of Deadwood, and warrants materials and workmanship of the improvements for a period of one year from the date of acceptance by the City.

WHEREAS, the City has performed a visual inspection and has reviewed all required construction documentation by the Engineer of record that the improvements have been constructed in conformance with the plans and specifications approved by the City.

NOW THEREFORE BE IT RESOLVED that we, the assembled members of the Common Council of the City of Spearfish do hereby accept the dedication described herein.

Date: June 25, 2012
ATTEST: CITY OF DEADWOOD
/s/ Mary Jo Nelson, Finance Officer /s/ Francis A. Toscana, Mayor

Oakridge Cemetery Certificates
Silvernail moved, Todd seconded to allow the Mayor to sign Oakridge Cemetery Certificates of Purchase and Warranty Deeds for John N Heinen and Jacqueline L. Heinen. Roll Call: Aye-All. Motion carried.

MAYORS BUSINESS

Resolution 2012-13
Silvernail moved, Van Den Eykel seconded to pass Resolution 2012-13 in Support of Application to Occupy South Dakota Department of Transportation Highway Right-Of-Way for Day of 76 Parade. Roll Call: Aye-All. Motion carried.

RESOLUTION 2012-13

RESOLUTION IN SUPPORT OF APPLICATION TO OCCUPY S.D. DEPARTMENT OF TRANSPORTATION HIGHWAY RIGHT-OF-WAY WITHIN DEADWOOD CORPORATE LIMITS

WHEREAS, the City of Deadwood (CITY) will be home to the 90th Annual Days of '76 Celebration on July 24th through July 28th, 2012; and,

WHEREAS, the Days of '76 Parade is a time honored tradition during the Celebration; and,

WHEREAS, the size and popularity of the parade is such that CITY deems it necessary to block traffic along the parade route; and,

WHEREAS, State of South Dakota Highways 14A and 85 are located within the corporate limits of CITY and are affected by said closure; and,

WHEREAS, CITY herewith is submitting an application to the South Dakota Department of Transportation (SDDOT) for permit to occupy right-of-way for those portions of S.D. Highways 14A and

85 within the corporate limits of CITY on July 27, 2012, beginning at 1:15 p.m. until the end of the parade, and on July 28, 2012, beginning at 9:45 a.m. until the end of the parade; and,

WHEREAS, by submission of the application for permit to occupy right-of-way, CITY agrees to provide protection to highway traffic during occupancy by use of proper signs, barricades, flag persons, and lights as prescribed in the "Manual of Uniform Traffic Control Devices"; and,

WHEREAS, CITY further agrees to indemnify, hold and save harmless the State of South Dakota, its Department of Transportation, its Officers and Employees, from any and all suits, actions or claims of any kind or nature brought because of any injuries or damage received or sustained by any person or property on account of the use or occupancy of right-of-way designated in this Resolution;

NOW, THEREFORE, BE IT RESOLVED, that the City of Deadwood hereby supports the submission of the South Dakota Department of Transportation Application for Permit to Occupy Right-of-Way for the purpose described herein.

Date: June 25, 2012

ATTEST: CITY OF DEADWOOD

/s/ Mary Jo Nelson, Finance Officer /s/ Francis A. Toscana, Mayor

Certificate of Achievement

Mayor Toscana presented with great honor the Certificate of Achievement from FEMA for completion of ICS – 100 Training to Commissioner Georgeann Silvernail. Chief Millard stated that ICS – 100 is the first stage of the Incident Command System that FEMA has made mandatory for all city, government agencies to comply with.

ADJOURNMENT

Silvernail moved, Van Den Eykel seconded to adjourn the regular session at 6:08 p.m. The next regular meeting will be at 5:00 p.m. on Monday July 2, 2012.

ATTEST: DATE: 7-2-12

Mary Jo Nelson, Finance Officer BY Francis A. Toscana, Mayor

CITY OF DEADWOOD SEAL SOUTH DAKOTA

Published once at the total approximate cost of _____.