

**REGULAR MEETING, June 3, 2013**

The Regular Session of the Deadwood City Commission convened on June 3, 2013 at 5:00 p.m. in the Deadwood City Commission Chambers, 102 Sherman Street, Deadwood, South Dakota. Mayor Turbiville called the meeting to order with the following members present: Department Heads, City Attorney Quentin L. Riggins 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 May 28, 2013. Roll Call: Aye-All. Motion carried.

**MAY, 2013 PAYROLL:** COMMISSION, \$4,096.14; FINANCE, \$21,576.96; PUBLIC BUILDINGS, \$2,874.21; POLICE, \$66,540.53; FIRE, \$6,239.20; BUILDING INSPECTION, \$5,403.14; STREETS, \$38,455.03; PARKS, \$31,473.74; PLANNING & ZONING, \$5,836.02; LIBRARY, \$8,444.92; RECREATION CENTER, \$19,755.87; HISTORIC PRESERVATION, \$23,375.33; WATER, \$18,184.12; MT. MORIAH, \$1,613.20; PARKING METER, \$11,958.51; TROLLEY, \$22,295.59; PARKING RAMP, \$8,329.11; RUBBLE SITE, \$3,690.00.  
**PAYROLL TOTAL: \$300,141.62.**

**MAY 2013 PAYROLL PAYMENTS:**

Internal Revenue Service, \$74,260.42; S.D. Retirement System, \$30,803.06; Delta Dental, \$3,802.28

**APPROVAL OF DISBURSEMENTS**

Silvernail moved, Van Den Eykel seconded to approve the June 3, 2013 disbursements and additional bill. Roll Call: Aye-All. Motion carried.

ALL NET CONNECTIONS	SERVICE	49.00
ALSCO	SUPPLIES	45.36
ARLETH & ASSOCIATES	SERVICE	1,120.00
ARMSTRONG EXTINGUISHER	MAINTENANCE	161.22
ATCO INTERNATIONAL	SUPPLIES	249.00
BIERSCHBACH EQUIPMENT	REPAIR	277.20
BH OCCUPATIONAL	TESTING	430.00
CALIFORNIA CONTRACTORS	EXTRACTORS	89.00
COCA COLA	SUPPLIES	138.00
COMPANION LIFE	INSURANCE	227.43
CULLIGAN	SUPPLIES	45.50
DAKOTA SUPPLY	GASKETS	8.16
DANKO EMERGENCY	BATTERIES	760.00
DEPARTMENT OF PUBLIC HEALTH	TESTING	26.00
FARMER BROTHERS	SUPPLIES	208.15
FASTENAL COMPANY	SUPPLIES	250.55
KNOLOGY	SERVICE	1,886.91
MED-TECH RESOURCE	SUPPLIES	379.22
RECREATION SUPPLY	HOLDER	64.45
S & S WORLDWIDE	SUPPLIES	304.85
SD DEPT. OF ENVIRONMENT	SERVICE	650.00
SD DEPT. OF REVENUE	LICENSE	75.00
TANDY LEATHER	SUPPLIES	167.99
TENNANT SALES	SUPPLIES	770.04
TESSIERS	PROJECT	11,419.00
TRIPLE K	SERVICE	1,570.90
TWILIGHT	SUPPLIES	92.10
WESTERN COMMUNICATIONS	SERVICE	691.45
ZEP SALES	SUPPLIES	364.82
	<b>TOTAL</b>	<b>\$22,521.30</b>

**ITEMS FROM CITIZENS ON AGENDA**

**Request**

Silvernail moved, Todd seconded the request from City of Lead to pay \$5,000.00 for July 4<sup>th</sup> fireworks, a budgeted item. Lead Chamber Director, Melissa Johnson informed Mayor Turbiville that one-half of the 2012 fireworks were used for Winterfest and will have a bigger fireworks display in 2013. Roll Call: Aye-All. Motion carried.

**Trolley**

Chelsie Bauer, Deadwood History Inc. asked the Commission to allow a special trolley and waiver of fee to transport students from Days of '76 Museum to Mt. Moriah and back to Days of '76 Museum on June 28, 2013. Silvernail moved, Van Den Eykel seconded said request. Roll Call: Aye-All. Motion carried.

## REGULAR MEETING, June 3, 2013

### Deadwood History

Mary Kopco, Deadwood History Inc. thanked the City and the Commission for their support of the Days of '76 grand opening and all their support over the years. Kopco stated close to 2,000 people attended the grand opening.

### PUBLIC HEARINGS/BID OPENINGS

#### Public Hearing-Angel's Attic

Public hearing was opened at 5:07 p.m. by Mayor Turbiville. No one spoke in favor or against. Silvernail moved, Todd seconded to approve the application of Retail (on-off sale) Wine License for Angels Attic at 688 Main Street. Roll Call: Aye-All. Motion carried.

#### Public Hearing-Transfers

Public hearing was opened at 5:10 p.m. by Mayor Turbiville. No one spoke in favor or against. Van Den Eykel moved, Silvernail seconded to approve the Retail (on-off sale) Malt Beverage License (RB-2418), Retail (on-sale) Liquor License (RL-5792), and Package (off-sale) Liquor License (PL-4520) transfers from High Noon Investments to Black Diamond Capital, LLC dba as Gold Dust at 688 Main Street. Roll Call: Aye-All. Motion carried.

#### Low Bid

Silvernail moved, Peterson seconded to accept the low bid from RCS Construction at a cost of \$389,500.00 for the retaining wall at 91 Forest. Bids were opened on May 6, 2013. Kuchenbecker informed Commission that the homeowner signed all paperwork with Neighborworks. He also said the budget would have to be supplemented due to the high cost of the wall. Roll Call: Aye-All. Motion carried.

## FINANCE

### Raffle

Affiliates MC Poker Run will be selling raffle tickets to benefit Disabled American Veterans. Drawing will be held June 22, 2013. No action taken to deny.

### 2013-2014 Malt Beverage Licenses

There being no objections, Peterson moved, Silvernail seconded to approve the 2013-2014 Malt Beverage License Application renewals pending payment of all property and BID (Business Improvement District) taxes. Roll Call: Aye-All. Motion carried.

#### PACKAGE (OFF-SALE) MALT BEVERAGE

Big D Oil Co., 402 Main Street, PB-1621, Lots 6, 7, 8, 9 and the South 1/2 of Lot 10, Block 3, Fountain City Addition;

#### RETAIL (ON-OFF SALE) MALT BEVERAGE

Vaughn Mary Boyd, Deadwood Tobacco Co. & Cigar Bar, RB-2108, 628 Main Street (Basement), RB-2108, Block 15 Lot 2, Original Town Deadwood;

Shirttail Gulch Stage Stop LLC, Shirttail Gulch Stage Stop, RB-2201, 250 US Hwy 14A, Lot 1 Subdivision of M.S. 166 located in Section 13 T5 R3 east BHM, Deadwood;

DFC – Hickok's Inc., DFC – Hickok's Inc. RB-2306, 681 Main Street, Tract B and Lots 8, 9 and 10 and a portion of Lots 6 and 7, Block 18, and a portion of M.S. #72, Original Town Deadwood.;

Platinum Ventures, LLC, Four Aces 777 Casino, RB-2391, 661-663-665 Main Street, Achtien Lot, Block 16 & Lot 5B, Original Town Deadwood;

Mustang Sally's Inc., Mustang Sally's, RB-2405, 634 Main Street, Lots 26 & 28, Block 17M, Original Town Deadwood;

Deadwood Inc. & Gamblers Gulch, Inc., Deadwood Gulch Saloon, RB-2416, 558-560 Main Street, Lots 1, 3, & 5, Block 13, and Lot 69, Block 15, Original Town Deadwood;

Bullock Hospitality, Bullock Hotel, 633-635-637 Main Street, RB-2445, Lots 31 & 32, Block 16, Original Town Deadwood;

BRI, Inc., Best Western Hickok House, RB-2447, 137 Charles St., Lots 1, 3, 5, 7, 9, 11, 13, 15, 17, & 19, Block 77, Original Town Deadwood;

McBird LLC, Deadwood Dick's Restaurant, 51 Sherman Street, RB-2449, 1.6 of Lot 17 and all lots 19-21-23-25-26 and part of 27, Block 30, Original Town Deadwood;

Princeton Inc., Deadwood Super 8 / Lucky 8 Gaming, RB-2450, Hwy 85 South, Tract A, a portion of Probate Lot 82 and 420, and a part of School Lot 19, Original Town Deadwood;

Willys Wild West, Deadwood Station, RB-2453, 68 Main Street, Tracts A,C, & D.I., being a portion of the Carpenter Placer M.S. 687 in the City of Deadwood, and Tract 0113 within Lot 9 of Section 14, T5N, R3E of the BHM;

Midnight Star Enterprises, LP, Midnight Star I & II, RB-2454, 677 Main Street, Lots 6 & 7, Block 18, Original Town Deadwood;

## REGULAR MEETING, June 3, 2013

Black Hills Pizza Hut, Inc., Pizza Hut of Deadwood, RB-2461, 11 Charles Street, Lots 6 - 14, Block 69, City of Deadwood;

Platinum Ventures, LLC, Four Aces Hotel & Casino, RB-2463, Lots 1, 2, 3, 4, 5, Block 11, Lots 13, 14, 15, & Northerly 70' of Lot 19, Block 13, Original Town Deadwood;

Old Style Saloon #10, Inc., Saloon #10, RB-2466, 657 Main Street, Lots 5A, 7 & 9, Block 16, Original Town Deadwood;

Super G Investment Corporation, Silverado, RB-2512, 709 Main Street, Lots 5, 6, 7A, 7B, 8, 9A, 12A, 9' of Lot 12, H6' of Lot 13, SE 19' of Lot 13, Lots 14, 16 and , Block 20, Original Town Deadwood;

WWW LLC, Gold Country Inn, 801 Main Street, RB-2521, MS 97 Lots 1 & 2 and X & Y, formerly a portion of Lot H-1 of Lot F of Wagner Subdivision, HS 97, Lot 3, Except Lot 3;

TJ Gear, Madame Peacock's Accessory Lounge, RB-2527, 638 Main Street, Lot 24, Block 17, Original Town Deadwood;

Midwest Motels of Deadwood II, Buffalo Bodega, RB-2576, 658 Main Street, Lots 2, 4, 6, 8, 10, 12 & 14, Block 19, Original Town Deadwood;

First Gold, Inc., First Gold Hotel, RB-2584, 270 Main Street, M.S. 840 Lots A-1, Jessie L. Con P.C. & PT 840 (Thomas Property) M.S. 242, Lots A-1, M.S. 1054, Lot D & Lot X;

GR Deadwood LLC, Mineral Palace Hotel & Gaming, RB-2593, 607 Main Street, Lots 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39 & TRA-1 (Formerly lots 41, 43, 45 & PT47) of Block 14, Original Town Deadwood;

Fairmont Hotel Corporation, Fairmont Hotel, RB-2597, 628 Main Street, Lots 2 & 4, Block 15, Lots C,D,E,F,G & H, Block H, Original Town Deadwood;

Deadwood Hospitality Resort LLC, Deadwood Gulch Resort, RB-2609, Hwy 85 South, Deadwood Gulch Addition II except campground tract, Deadwood Gulch Fun tract, and Lot 18;

Blue Sky Gaming Inc., Tin Lizzie, RB-2644, 555 Main Street, Lot Pt. 8, Pt. 10, Block 12, Martindale Tract;

Hotel Franklin Inc., Historic Franklin, 700 Main Street, RB-2659, Lots 1, 3, 5, 7, 9, 11 & part of lot 8, 10 & alley section of Lots 8 through 14, Block 23, Original Town Deadwood;

Miss Kitty's Enterprises, LLC, Miss Kitty's, RB-2775, 649 Main Street, Lots 17, 19, 21, Block 16, Original Town Deadwood;

Platinum Ventures LLC, Four Aces Hotel & Casino, 531 Main Street, RB-2831, Tracts 1 and 2, Block 12, Lots 21, 23, 25, 27, 29, 31, 33, Block 13, Original Town Deadwood;

Thunder Cove Inn, Inc., Thunder Cove Inn, RB-3173, 311-351 Cliff - 1 Katon Drive, M.S. 58 & M.S. 57 & Part of PC 107, Deadwood.

Historic Deadwood Convention Facility, LLC, Wooden Nickel, Iron Horse Inn, Martin Mason Hotel, RB-3185, 5-9 Lee Street, Lots 1, 2, 3, and 4, Block 28 and Lots 5-6, 7 and a portion of N 1/2, Lot 8, 9 and 10, Block 28, Tract A, the southerly 100 feet of Lots 8, 9, and 10, Original Town Deadwood;

KLK Ventures, LLC, KLK Ventures, LLC, 604-622 Main Street, RB-3319, Lots 8-26A, Block 15, et al., Original Town Deadwood;

Gulches LLC, Comfort Inn Gulches of Fun, RB-3536, Highway 85 South, Deadwood Gulches of Fun Tracts 1 and 2, being a portion of Deadwood Gulch Addition II;

Rolling Hills Farm Investment LLC, Celebrity Hotel, RB-3722, 629 Main Street, Lots E & F (aka Lots 1 & 3) Block 14, Original Town Deadwood;

B.Y. Development, Inc., Cadillac Jack's Gaming Resort, RB-3894, 360 Main Street, Bradsky Tract located in the NW1/4 of Sec. 23, T5N, R3E, BHM, City of Deadwood;

Deadwood Resort, LLC, The Lodge at Deadwood, RB-19227, 100 Pine Crest Lane, Deadwood Resort Lot 1A and Deadwood Resort Lot 2A, being a replat of Deadwood Resort Lots 1 and 2, City of Deadwood, Lawrence County, South Dakota, all located in the Northeast 1/4 and the Southeast 1/4 of Section 14, T5N, R3E of the Black Hills Meridean, Deadwood;

Adams Museum & House Inc., Adams Museum & House Inc., RB-19328, 150 Sherman Street, Lot Lot R1-A, City of Deadwood Railroad Property, plat document No. 88-6521 and Lot R1-E, Deadwood;

Days of '76 Museum, Days of '76 Museum, RB-20301, 18 76 Drive, Lots 2 & 3 of the Days of 76 tract as shown on the plat of Lot 1, 2 & 3 for the Days of 76 Tract formerly the Days of 76 Tract being a portion of M.S. 569, all located in the NE 1/4 of Sec 23 T5n, R3B, B.H.M., City of Deadwood, Lawrence County, South Dakota;

### RETAIL (ON-OFF SALE) MALT BEVERAGE AND SOUTH DAKOTA FARM WINE

Deadwood Chamber of Commerce, BW-20160, 767 Main Street, M.S. 97 M.B. (Deadwood Pavilion), City of Deadwood, Lawrence County, South Dakota.

D & M Iron Horse Inn LLC, Iron Horse Inn, BW-20162, 27 Lee Street, Southerly 100 feet of Lots 8, 9, and 10 and all of Lots 11 and 12 of Block 28, Original Town Deadwood;

Deadwood Development Co., Inc., McKenna's Gold, BW-20163, 470 Main Street, Lots 1-13, Block 1 of Fargo and Geis Addition, Original Town Deadwood;

Tatanka Story of the Bison, Tanka, BW-20586, 100 Tatanka Drive, Tract I of Lot 849 B and Lot \*49 B, All in City of Deadwood, NE 4 of Sec 14, T5N, B3E, B.H.M., Lawrence Country.

**REGULAR MEETING, June 3, 2013**

**Recommendation**

Peterson moved, Silvernail seconded to accept the recommendation from Bid #7 to pay Deadwood Chamber of Commerce \$75,000.00 from Bid #7 Fund. The Finance Officer received a letter from Ken Geinger and Tracy Island, President and Vice President of Business Improvement District #7, making such request. Roll Call: Aye-All. Motion carried.

**TROLLEY/SAFETY**

**Permission**

Todd moved, Van Den Eykel seconded to allow the trolley to transport Rec Center Summer Campers for field trips from June 6 through August 1, 2013. Roll Call: Aye-All. Motion carried.

**Parking**

Todd moved, Van Den Eykel seconded to allow up to fifty motorcycles to park on one side of Main Street in front of Mineral Palace on June 22, 2013 from 2:00 p.m. to 7:00 p.m. for Affiliates MC Poker Run. Roll Call: Aye-All. Motion carried.

**LEGAL BUSINESS**

Silvernail moved, Van Den Eykel seconded to allow the Mayor to sign the Oakridge Cemetery Certificate of Purchase and Warranty Deed for Malcolm and Barbara Allen. Roll Call: Aye-All. Motion carried.

**MAYORS BUSINESS**

**Hire**

Silvernail moved, Van Den Eykel seconded to hire Jim Doolittle for union negotiations at \$400.00 per meeting. Roll Call: Aye-All. Motion carried.

**Resolution 2013-07**

Silvernail moved, Todd seconded to allow the Mayor to sign Resolution 2013-07, SDDOT Transportation Alternatives Program Grant Application Sponsorship. Roll Call: Aye-All. Motion carried.

**RESOLUTION #2013-07**

**SDDOT TRANSPORTATION ALTERNATIVES PROGRAM GRANT APPLICATION  
SPONSORSHIP**

WHEREAS, the City of Deadwood desires assistance from the S.D. Department of Transportation Alternatives Program (TAP) for the purpose of constructing the "*Pluma: A Historic Multi-Modal Gateway*" project consisting of non-motorized vehicular-related transportation improvements and interpretive historic transportation improvements in an area adjacent to the Mickelson Trail and near the intersection of Highway 85 and 385; and,

WHEREAS, the City Commission hereby commits to the continued maintenance of the above-referenced project; and,

WHEREAS, the City Commission commits to the local match for the project; and,

WHEREAS, the project meets all local zoning and planning regulations and ordinances; and,

WHEREAS, the City Commission hereby certifies that all land, rights-of-ways and easements needed for construction of the project are secured,

NOW THEREFORE BE IT RESOLVED that the City Commission hereby authorizes the filing of a grant application, including all understandings and assurances contained therein, for the Transportation Alternatives Grant, and hereby authorizes the Mayor to execute and act in connection with the application and to provide such additional information as may be required.

Dated this 3rd day of June, 2013

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

**REGULAR MEETING, June 3, 2013**

Advertise

Silvernail moved, Peterson seconded to advertise for Parking Ramp Manager position. Van Den Eykel requested more information about the position. Mayor Turbiville indicated that in the past, Deadwood Economic Development has contracted with City to manage the ramp. Due to a conflict of interest, Turbiville has not accepted any compensation for this since becoming Mayor. He added that he will work with Finance Officer, Mary Jo Nelson to gather information and bring back to City Commission. Roll Call: Aye-All. Motion carried.

Appoint

Van Den Eykel moved, Silvernail seconded to appoint the following to Historic Preservation Commission: Darin Derosier and Father Michael Johnson, terms expire 2016. Roll Call: Aye-All. Motion carried.

Appoint

Silvernail moved, Peterson seconded to appoint Gary Keen to Fassbender Photographic Collection Board to fill position previously held by Mel Dennis, term expires 2015. Roll Call: Aye-All. Motion carried.

Executive Session

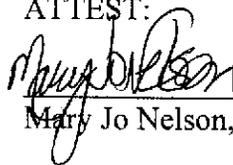
Mayor Turbiville requested executive session for Legal Matters per SDCL 1-25-2 (3).

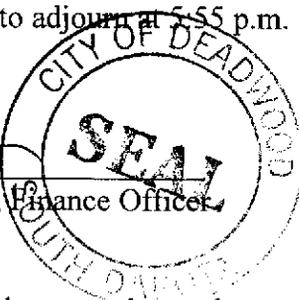
ADJOURNMENT

Peterson moved, Silvernail seconded to adjourn the regular session at 5:19 p.m. and convene into Executive Session for Legal Matters per SDCL 1-25-2 (3). The next regular meeting will be at 5:00 p.m. on Monday June 10, 2013.

Silvernail moved, Todd seconded to come out of executive session. Silvernail moved, Van Den Eykel seconded to adjourn at 5:55 p.m.

ATTEST:

  
Mary Jo Nelson, Finance Officer



DATE: June 10, 2013

BY:   
Charles M Turbiville, Mayor

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