REGULAR MEETING, June 4, 2012

The Regular Session of the Deadwood City Commission convened on June 4, 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, 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, Van Den Eykel seconded to approve the minutes of May 29, 2012. Roll Call: Aye-All. Motion carried.

MAY, 2012 PAYROLL: COMMISSION, $4,096.14; ATTORNEY, $8,484.24; FINANCE, $20,419.62; PUBLIC BUILDINGS, $3,032.06; POLICE, $57,964.23; FIRE, $6,577.00; BUILDING INSPECTION, $5,133.24; STREETS, $36,338.69; PARKS, $32,935.25; PLANNING & ZONING, $5,649.24; LIBRARY, $6,700.89; RECREATION CENTER, $19,168.51; HISTORIC PRESERVATION, $22,386.65; WATER, $18,592.74; MT. MORIAH, $2,226.69; PARKING METER, $12,126.86; TROLLEY, $20,810.51; PARKING RAMP, $8,077.90; RUBBLE SITE, $2,360.00. **PAYROLL TOTAL: $293,080.46.**

MAY 2012 PAYROLL PAYMENTS:
Internal Revenue Service, $65,816.88; S.D. Retirement System, $29,572.78; Delta Dental, $3,236.12.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Todd seconded to approve the June 4, 2012 disbursements. Roll Call: Aye-All. Motion carried.

ALCO	SCOOTERS	53.98
BH POWER	ELECTRICITY	1,515.63
BUTLER MACHINERY	GASKET	159.46
COMPANION LIFE	INSURANCE	217.53
DAKOTA SPRAY	TIPS	90.58
FARMER BROTHERS	SUPPLIES	208.15
FASTENAL	UNDERCOAT	55.49
FREEMAN'S ELECTRIC	INSTALLATION	5,700.00
HD SUPPLY WATERWORKS	CURB BOX	226.80
INTERSTATE BATTERY	BATTERIES	268.80
KNOLOGY	SERVICE	270.49
KONE	SERVICE	399.20
MAGSWITCH	VALVE BOX	351.50
MDU	NATURAL GAS	3,019.59
NEVE'S UNIFORMS	UNIFORM	330.91
PIONEER DESIGNS	SHIRTS	322.65
PITNEY BOWES	POSTAGE	500.00
S & S WORLDWIDE	SUPPLIES	221.40
SD DEPT. OF REVENUE	TRANSFER	75.00
SD PUBLIC HEALTH LAB	TESTING	26.00
SHARKEY PLUMBING	SERVICE	561.22
SUMMIT SIGNS	TELESPAR POSTS	192.80
TWIN CITY HARDWARE	SUPPLIES	4,715.00
WAUPACA NORTHWOODS	BARK	314.60
	TOTAL	**$** 19,796.78

ITEMS FROM CITIZENS ON AGENDA

KLK Ventures
Silvernail moved, Van Den Eykel seconded to accept petition to set Public Hearing at 5:20 p.m. on June 25, 2012 for KLK Ventures to vacate alley on Broadway Avenue. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS/BID OPENINGS

Public Hearing
Public hearing was opened at 5:05 p.m. by Mayor Toscana. There being no public comment, Silvernail moved, Todd seconded to approve the Retail (on-off sale) Wine License (RW-6438) and the Retail (on-off sale) Malt Beverage License (RB-2527) from The Mint to TJ Gear dba Madame Peacock's Accessory Lounge at 638 Main Street. Roll Call: Aye-All. Motion carried.

City Step Project
Van Den Eykel moved, Silvernail seconded to accept the low bid from J.V. Bailey for the City Step Project, contingent on acceptance from South Dakota Department of Transportation. Bids were opened on May 29, 2012. Roll Call: Aye-All. Motion carried.

REGULAR MEETING, June 4, 2012

FINANCE

City Slot Machines

The results of City Slot Machine held at 10:00 a.m. on June 4, 2012 were as follows: Lodge at Deadwood, 10 devices at $62,500.00 and First Gold, five devices at $35,000.00. Peterson moved, Todd seconded to allow Mayor to sign the lease agreements with First Gold and The Lodge at Deadwood for the City slot machines. The Lease will run from 2012 to 2015 with option to renew for additional three years. Roll Call: Aye-All. Motion carried.

2012-2013 Malt Beverage Licenses

There being no objections, Peterson moved, Van Den Eykel seconded, to approve the 2011-2012 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

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

A.G. Trucano, Son & Grandsons, Inc., Bourbon Street Casino, RB-2778, 669 Main Street, Lot B & Lot 2, Block 18, Original Town Deadwood;

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

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

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;

Bullock Properties LLC, 633-635-637 Main Street, RB-2445, Lots 31 & 32, Block 16, 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;

D & M Iron Horse Inn LLC, Iron Horse Inn, RB-3725, 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 Chamber of Commerce, RB-2211, 767 Main Street, M.S. 97 M.B. (Deadwood Pavilion), City of Deadwood, Lawrence County, South Dakota.

Deadwood Development Co., Inc., McKenna's Gold, RB-3749, 470 Main Street, Lots 1-13, Block 1 of Fargo and Geis Addition, 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;

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 Meridian, Deadwood;

Deals Publications, Inc., Celebrity Hotel, RB-3722, 629 Main Street, Lots E & F (aka Lots 1 & 3) Block 14, Original Town Deadwood;

Deals Publications, Inc., Mint, RB-2527, 638 Main Street, Lot 24, Block 17, 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;

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;

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;

G Squared LLC, Deadwood Frontier Club, 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.;

GNI, Inc., 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;

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;

High Noon Investments, Gold Dust Gaming, RB-2418, 688 Main Street, Lot 4 and the NS x 6' of Lot 5, N1/2 of Lot 6 and all of Lot 5 and Lot 7, 8, 9, 10. Lot 11 and all except 5' of Lot 12 of Block 12, Original Town 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;

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;

Kathleen M McShane, Deadwood Dicks Saloon, RB-2449, 51 Sherman Street, 1.6' of Lot 17 & all lots 19, 21, 23, 25, 26 & part 27, Block 30, 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;

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

Midwest Motels of Deadwood L.L.C., 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;

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

Miss Kitty Enterprises LLC, 76 Motel & Restaurant, 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;

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

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

Platinum Ventures, 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;

Platinum Ventures, 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;

Platinum Ventures, Gold Dust 777, RB-2391, 661-663-665 Main Street, Achtien Lot, Block 16 & Lot 5B, 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;

RLG Enterprises, LLC, The Penny Motel, RB-3670, 818 Main Street, Sunnyside S/D Deadwood E Part Lot 10 & all Lot 11 Block B, Lots 12, 13, 14 Block B & vacated Williams Street, part Lot 10 and all Lot 11 Block B & vacated Williams Street, Part Lot 12 and Tract A-1 of Lot 13 Block A;

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;

Sturgis Black Hills Rally SD LLC, Goldberg's, RB-18848, 670 Main Street, Lot 2, Block 21, Lot 1 Block 21, 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;

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;

Tom Koth, TJ Gear, Madame Peacock's Accessory Lounge, RB-2427, 638 Main Street, Lot 24 Block 17;

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

Wildflour, LLC., Pump House Coffee/Deli II, RB-19555, 73 Sherman Street, Tract 1 Lot 33, Block 30 part of Miller Street, SW ¼ sec. 23 T5N, R3E.

POLICE/FIRE

First Reading of Ordinance to Hire Officials

Commissioner Silvernail requested that an ordinance be drafted to hire city officials full time rather than having them appointed each year. She added about half of the cities across the state have done away with the appointment process and hire their department heads. Commissioner Van Den Eykel spoke in opposition and stated that like the Governor in the State of South Dakota, cabinet positions serve at the pleasure of the Governor and would like a new Mayor to have the same flexibility. Commissioner Todd stated that although he hates to see someone lose their position just because of a new administration and a potential personality conflict, he believes our system has worked in the past. Mayor Toscana added that he does not believe that this means a Department Head does not have to do their job, whether or not this passes, nor does it give them protection for the rest of their lives. He also stated that this issue seems to be framed as a political issue vs. hiring the department head to do their job and taking politics out of the equation. Mike Trucano spoke in opposition of the proposed ordinance, stating this is changing the way Deadwood does business and requested that the Commission thinks before they act. After much discussion and questions from residents in attendance, Silvernail moved, Peterson seconded the first reading of Ordinance amending Chapter 2.08 City Officers and Department Heads generally. Roll Call: Aye – Peterson, Silvernail and Toscana. Nay – Todd and Van Den Eykel. Motion carried.

REGULAR MEETING, June 4, 2012

PARKS/RECREATION/TROLLEY

Permission to Hire
Todd moved, Van Den Eykel seconded to hire Douglas Magnuson as Trolley Driver at $9.31 an hour pending pre-employment screening effective June 4, 2012. Roll Call: Aye-All. Motion carried.

LEGAL BUSINESS

Agreement
Silvernail moved, Todd seconded to allow Mayor to sign agreement with Arleth and Associates to survey St. Ambrose Cemetery. Roll Call: Aye-All. Motion carried.

Agreement
Silvernail moved, Van Den Eykel seconded to allow Mayor to sign agreement with Ainsworth Benning to repair storm sewer inlet on Stewart Street. Roll Call: Aye-All. Motion carried.

City Attorney requested Executive Session for Contractual Matters per SDCL 1-25-2 (3)

MAYORS BUSINESS

Fassbender Committee
Toscana moved, Silvernail seconded to reappoint Mike Olson on the Fassbender Committee for three year term expiring May 31, 2012. Roll Call: Aye-All. Motion carried.

Historic Preservation Commission
Toscana moved, Silvernail seconded to appoint Lynn Namminga and Anita Hansen to the Historic Preservation Committee for three year term expiring May 31, 2015. Roll Call: Aye-All. Motion carried.

Purchasing Policy Article XXII
Silvernail moved, Todd seconded to change the Purchasing Policy Article XXII, Section 22.10. Supplies: Purchases over $2,500.00 require approval by Commission, currently $1,000.00. Purchases from $1,501.00 to $2,500.00 require concurrence of Commissioner of the Department or by Mayor prior to purchase, currently $500.00. Mayor Toscana noted this policy has been unchanged for approximately fifteen years. Roll Call: Aye-All. Motion carried.

Letter for Mountain Pine Beetle
Van Den Eykel moved, Todd seconded to allow Mayor to sign letter to Craig Bobzien, Forest Supervisor, in support of Proposed Action Alternative B, which is the option recommended by the Forest Service. Roll Call: Aye-All. Motion carried.

ADJOURNMENT
Silvernail moved, Van Den Eykel seconded to adjourn the regular session at 5:37 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 June 11, 2012.

CITY OF DEADWOOD SEAL SOUTH DAKOTA

ATTEST: Mary Jo Nelson
Mary Jo Nelson, Finance Officer

DATE: 6-11-12

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

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