

**REGULAR MEETING, September 24, 2012**

The Regular Session of the Deadwood City Commission convened on September 24, 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 September 17, 2012. Roll Call: Aye-All. Motion carried.

**APPROVAL OF DISBURSEMENTS**

Silvernail moved, Todd seconded to approve the September 24, 2012 disbursements plus additional bill. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	LEASE	113.00
ALCO	SUPPLIES	52.13
BAILEY ELECTRIC	SERVICE	881.12
BEST WESTERN RAMKOTA	ROOM	182.00
BH POWER	ELECTRICITY	14,450.42
CENTURY LINK	SERVICE	562.62
DAKOTACARE	INSURANCE	41,885.42
DEADWOOD CHAMBER	BID LIST	30,000.00
DEADWOOD ECONOMIC	CONTRACT	1,580.02
EMERGENCY SERVICES	SUBSCRIPTION	650.00
INTEGRATED PARKING	MAINTENANCE	3,456.00
KONE	MAINTENANCE	102.50
LAWRENCE CO. AUDITOR	PROJECT	100,000.00
LEXIS NEXIS	BOOKS	70.89
MATTSON, JON	FEES	1,472.50
NEVE'S UNIFORMS	UNIFORMS	360.71
ONE WAY SERVICE	REPAIR	132.50
PITNEY BOWES	LEASE	237.93
QUILL	SUPPLIES	365.49
RAYSOR, JAMES	REIMBURSEMENT	75.00
RELIABLE OFFICE	SUPPLIES	196.41
RENNER, DONOVAN	REIMBURSEMENT	189.01
SABO, DENNIS	REIMBURSEMENT	785.00
SD COMMISSION ON GAMING	PAYMENT	18,852.27
SD DEPT. OF REVENUE	LICENSE	150.00
SOUTHSIDE SERVICE	SERVICE	475.00
TEMPERATURE TECHNOLOGY	MAINTENANCE	1,125.00
TRIDLE, JOHN	REIMBURSEMENT	216.37
TRUGREEN	HERBICIDE	1,368.50
TSP THREE	SERVICE	4,610.90
WESTERN STAR	REPAIR	1,202.99
	<b>TOTAL</b>	<b>\$ 225,801.70</b>

**ITEMS FROM CITIZENS ON AGENDA**

**Ordinance Moratorium**

George Milos spoke on behalf of Business Improvement District 7, who recommend extending the moratorium to allow shuttle bus activity for six months to one year. In addition, Business Improvement District 7 recommended opening up to all businesses in addition to the three convention center properties who were previously allowed to shuttle. After much discussion and questions from Commissioners and attendees, Van Den Eykel moved, Peterson seconded to extend the moratorium to February 1, 2013 and allow all properties to shuttle. Todd urged concerned parties to schedule a meeting and prepare an ordinance that works for everyone. Roll Call: Aye-Todd, Van Den Eykel, Peterson, Nay-Silvernail, Toscana. Motion carried.

**PUBLIC HEARINGS/BID OPENINGS**

**Public Hearing -- Days of 76 Museum**

Public hearing was opened at 5:05 p.m. by Mayor Toscana. There being no public comment, Peterson moved, Todd seconded to approve the application of retail (on-off sale) Malt Beverage for Deadwood History, Inc. at Days of 76 Museum at 18 76 Drive. Roll Call: Aye-All. Motion carried.

**Pedestrian Bridge Project**

Silvernail moved, Van Den Eykel seconded to reject Corr Construction due to incomplete bid documents submitted for the Pedestrian Bridge Project. Roll Call: Aye-All. Motion carried.

Silvernail moved, Todd seconded to accept the next low bid from Ainsworth Benning Construction for the Pedestrian Bridge Project in the amount of \$200,290.51. Roll Call: Aye-All. Motion carried.

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**St. Ambrose Project**

Discussion was had that Forgey Construction was not the lowest responsible bidder for St. Ambrose Cemetery Project. Kevin Kuchenbecker also presented information regarding funding sources and informed the Commission that bonded construction money will be expended and additional cash will be needed from operating account. Silvernail moved, Peterson seconded to reject Forgey Construction for not being a responsible bidder. Roll Call: Aye-All. Motion carried.

Silvernail moved, Todd seconded to accept the next low bid from Sabo Construction in the amount of \$169,980.00 for the St. Ambrose Cemetery Project. Roll Call: Aye-All. Motion carried.

**Public Hearing**

Silvernail moved, Van Den Eykel seconded to set a public hearing on October 9, 2012 at 5:05 p.m. for a Malt Beverage and Convention Center License Transfer from the Comfort Inn to the Deadwood Comfort Inn at 225 Cliff Street. Roll Call: Aye-All. Motion carried.

**FINANCE**

**Ordinance #1176**

There being no further discussion or questions since first reading, Peterson moved, Silvernail seconded to approve the second reading of Ordinance #1176 Appropriation Budget for 2013. Roll Call: Aye-All. Motion carried.

**Resolution 2012-23**

Peterson moved, Silvernail seconded to pass Resolution 2012-23 to Appoint Business Improvement District 1-6 Board Members. Roll Call: Aye-All. Motion carried.

**RESOLUTION 2012-23  
APPOINTING BUSINESS IMPROVEMENT DISTRICTS #1-6  
BOARD MEMBERS**

**WHEREAS**, the City of Deadwood has by previous resolution, ordinances and action established and designated the boundaries of Business Improvement Districts 1, 2, 3, 4, 5 and 6 for the City of Deadwood; and

**WHEREAS**, SDCL 9-55-5 requires the appointment of a Business Improvement Districts Board by the mayor, with the approval of the governing body; and

**WHEREAS**, the Business Improvement Districts members and taxpayers have decided to continue the establishment of the Business Improvement Districts 1, 2, 3, 4, 5 and 6 within the City of Deadwood for Business Improvement Districts purposes and activities and levying assessments for the 2013 calendar year; and

**WHEREAS**, the Business Improvement Districts members have recommended the following for appointment as board members for a term of one (1) year;

**NOW THEREFORE, BE IT RESOLVED** by the City of Deadwood that the following members are appointed to the Business Improvement Board for Districts 1, 2, 3, 4, 5 and 6 for the period from August 1, 2012, to July 31, 2013.

Ron Island	Tom Rensch
Pat Roberts	Tony Sieber
Brad Hemmah	Mary Dunne Larson
Steve Schaeffer	Mike Trucano
Donnie Patton	Barry Lloyd
Ken Gienger	Paul Bradsky
Tracy Island	Steve Olsen
Ron Russo	

Dated this 24th day of September, 2012.

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Francis A. Toscana, Mayor

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Resolution 2012-24

Peterson moved, Silvernail seconded to pass Resolution of Intent 2012-24 to continue Business Improvements Districts, establish rates for 2013 Business Districts and set public hearing on November 5 at 5:05 p.m. to consider tax levy for 2013. Roll Call: Aye-All. Motion carried.

**RESOLUTION NO. 2012- 24  
RESOLUTION OF INTENT TO  
CONTINUE BUSINESS IMPROVEMENT DISTRICTS, AND  
ESTABLISH RATES FOR 2013 FOR BUSINESS IMPROVEMENT DISTRICTS**

**WHEREAS**, Business Improvement Districts Nos. 1-6 have been created and Business Improvement District Boards appointed since August of 1990 and re-appointed and continued through the current date; and

**WHEREAS**, such Business Improvement Districts Boards have recommended and the City Commission has accepted plans and occupation tax assessments for the calendar years 1991 through 2012; and

**WHEREAS**, the Business Improvement District Boards have recommended continuation of Business Improvement Districts Nos. 1, 2, 3, 4, 5, and 6 and have recommended the amount of the Business Occupation Tax Levy for 2013; and

**NOW, THEREFORE, BE IT RESOLVED** by the City of Deadwood that the City hereby declares its intent to continue Business Improvement Districts No. 1, 2, 3, 4, 5, and 6 with the boundaries of the Districts to be continued as follows:

Business Improvement District No. 1: All hotels, motels, lodging establishments and gaming establishments located on both sides of Main Street between and including 607 Main Street to 709 Main Street.

Business Improvement District No. 2: All other hotels, motels and lodging establishments located within the City of Deadwood in which gaming devices are located, and affiliated with or connected to or have common ownership with any gaming establishment or property and the following additional properties:

555 Main Street	-	Tin Lizzie
560 Main Street	-	Deadwood Gulch Saloon
27 Deadwood Street	-	Deadwood Inn
29 Lee Street	-	Bourbon Street II

Business Improvement District No. 3: All hotels, motels, lodging establishments, and bed and breakfast establishments within the City of Deadwood which do not have gaming devices.

Business Improvement District No. 4: All hotels, motels, lodging establishments, and gaming establishments located within the City of Deadwood applied to all gaming devices located in a business with common or unrestricted access within the business premises, excepting the first fifty (50) such gaming devices, including the following businesses existing as of the date of this ordinance, and any future similar businesses meeting the same criteria. This will include the following businesses:

681 Main	-	Deadwood Frontier Club
635 Main	-	Buffalo/Bodega
635 Main	-	Bullock I and II
360 Main	-	Cadillac Jacks
625 Main	-	Celebrity Hotel
560 Main	-	Deadwood Gulch Saloon
250 Main	-	First Gold
531 Main	-	Four Aces/Hampton Inn
700 Main	-	Franklin
709 Main	-	Silverado
688 Main	-	Gold Dust
225 Cliff	-	Gulches of Fun Casino
304 Cliff	-	Deadwood Gulch Gaming Resort
685 Main	-	Hickok's
100 Pine Crest Lane	-	Lodge at Deadwood
677 Main	-	Midnight Star

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605 Main	-	Mineral Palace
649 Main	-	Miss Kitty's
657 Main	-	Old Style/Saloon 10
196 Cliff	-	Super 8 Lodge
557 Main	-	Tin Lizzie
9 Lee	-	Wooden Nickel/Martin Mason
1906 Deadwood Mountain	-	Deadwood Mountain Grand

Business Improvement District No. 5:

10 Pine Street - VFW

Business Improvement District No. 6: Each gaming establishment leasing a city slot machine:

607 Main Street	-	Franklin/Silverado
557 Main Street	-	Tin Lizzies
360 Main Street	-	Cadillac Jacks
250 Main Street	-	First Gold
100 Pine Crest Lane	-	Lodge at Deadwood

**BE IT FURTHER RESOLVED** that the City of Deadwood declares its intent to establish 2013 Occupation Tax Levies as follows:

1) The estimated monies to be raised by the Business Improvement Districts in 2013 is \$606,528.00; Additional unspent monies in 2012 will be budgeted in the amount of \$83,043.00; The estimated costs for the expenses, improvements, activities, and promotions within the Business Improvement Districts are as follows:

A. Business Improvement Districts No. 1, 2, 3, 4, 5, and 6:

Administrative and legal expenses	\$ 25,000.00
Deadwood Chamber of Commerce and Visitors Bureau - Marketing	\$ 589,571.00
Broadway Parking Ramp	\$ 25,000.00
Contingency	<u>\$ 50,000.00</u>

**TOTAL** **\$ 689,571.00**

2) The imposition of the General Occupation Tax for the six Districts for 2013 shall be as follows:

A. District No. 1: Tax at the rate of \$110.00 per year or \$5.50 per year per square foot for 20 square feet for each gaming device, slot machine, 21 table or poker table, or video lottery machine, excepting municipal slot machines. Motels, hotels and bed and breakfast establishments shall pay \$65.00 per year per room or \$.2166 per square foot per motel, hotel, or bed and breakfast lodging units using 300 square feet for each room.

B. District No. 2: Tax at the rate of \$100.00 per year or \$5.00 per year per square foot for 20 square feet for each gaming device, slot machine, 21 table or poker table, or video lottery machine, excepting municipal slot machines. Motels, hotels, and bed and breakfast establishments shall pay \$50.00 per year per room or \$.1666 per square foot per motel, hotel, or bed and breakfast lodging units using 300 square feet for each room.

C. District No. 3: Motels, hotels, and bed and breakfast establishments shall pay \$35.00 per year per room or \$.117 per square foot per year per motel, hotel, or bed and breakfast lodging unit using 300 square feet for each room.

D. District No. 4: Tax at the rate of \$25.00 per year or \$1.25 per square foot on 20 square feet for each gaming device, slot machine, 21 table or poker table, or video lottery machine, excepting municipal slot machines which shall be applied to all gaming devices located in a business with common or unrestricted access within the business premises, excepting the first fifty (50) such gaming devices, including the following businesses existing as of the date of this ordinance, and any future similar businesses meeting the same criteria.

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E. District No. 5: A tax at the rate of \$50.00 per year or \$2.50 per square foot on 20 square feet for each gaming device, slot machine, 21 table or poker table, or video lottery machine, excepting municipal slot machines.

F. District No. 6: A tax at the rate of \$100.00 per year per square foot for 20 square feet for each city or municipal gaming device located at the following businesses:

Tin Lizzie's	-	557 Main Street
Cadillac Jacks	-	360 Main Street
First Gold	-	250 Main Street
Lodge at Deadwood	-	100 Pine Crest Lane
Silverado	-	709 Main Street

3) That the levies shall be billed and collected monthly by the City Finance Officer with the annual levy to be paid in monthly installments due on the 10<sup>th</sup> day of each month beginning with the first installment due in the Finance Office on January 10, 2013 with a ten (10%) percent late charge to be added for all past due charges.

4) That the taxes as set forth in paragraph 2 above shall be determined by the number of games and video lottery machines licensed by the South Dakota Commission on Gaming and the South Dakota Lottery Commission as of the first day of January, 2013 for the first six months of 2013, and as of the first day of July, 2013, for the second six months of 2013, with adjustments to be made for the licenses added or deleted on the first day of the month following the addition or deletion.

**BE IT FURTHER RESOLVED** that amounts raised from the imposition of the occupation taxes set forth above are projected to be in the amount of Six Hundred Six Thousand and Five Hundred Twenty Eight Dollars for 2013 (\$606,528.00) and Eighty Three Thousand Forty Three Dollars (\$83,043.00) from a 2012 projected carryover, and that said amount will yield revenues in the amount of Six Hundred Eighty Nine Thousand, Five Hundred and Seventy One Dollars (\$689,571.00):

**BE IT FURTHER RESOLVED** that a hearing shall be held before the City Commission of the City of Deadwood, South Dakota, on the 5<sup>th</sup> day of November, 2012, at 5:05 p.m., at the City Commission Chambers, located at 102 Sherman Street in the City of Deadwood, South Dakota, to consider the business occupation tax levy for 2013. The City Finance Officer shall give notice of the hearing by mailing a complete copy of this Resolution of Intent to each occupant or user of space or property owner located in the proposed Districts at least thirty (30) days prior to the public hearing.

Dated this 24th day of September 2012.

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Francis A. Toscana, Mayor

Resolution 2012-25

Peterson moved, Silvernail seconded to pass Resolution 2012-25 designating Business Improvement District 7 boundaries and Appointing Business Improvement District Board Members. Roll Call: Aye-All. Motion carried.

**RESOLUTION 2012-25  
DESIGNATING BUSINESS IMPROVEMENT DISTRICT NO. 7 BOUNDARIES  
AND  
APPOINTING BUSINESS IMPROVEMENT DISTRICT NO. 7 BOARD MEMBERS**

**WHEREAS**, the City of Deadwood has by previous resolution, ordinances, and action established and designated the boundaries of Business Improvement District No. 7 for the City of Deadwood pursuant to SDCL 9-55-5; and

**WHEREAS**, SDCL 9-55-5 requires the appointment of a Business Improvement District's Board by the Mayor, with the approval of the governing body; and

**WHEREAS**, the Hotel/Motel Business Improvement District members have recommended the following individuals for appointment as board members for a term of one (1) year from August 1, 2012 through July 31, 2013;

**BE IT FURTHER RESOLVED** by the City of Deadwood, by its Mayor and with the approval of the City Commission, having first established the above boundaries, that the

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following members are appointed to the Business Improvement District Board District No. 7 for a term of one (1) year from August 1, 2012 through July 31, 2013:

Barry Lloyd-Mineral Palace  
Gary Todd-Gold Country Inn  
Pat Roberts-Best Western Hickok House  
Richard Granberry-Penny's Motel  
Joe Henning-BH Inn and Suites  
Caleb Arcenault-Cadillac Jack's  
Gordon Mack-Cedarwood Inn  
Brad Hemmah-Deadwood Mountain Grand  
Ken Gienger-Celebrity/The Mint/Branch House  
Steve Olsen-Comfort Inn/Bullock Hotel  
Dave Larson-Deadwood Dick's  
Tracy Island-Deadwood Gulch Resort  
Michael Trucano-Hickok Hotel/Iron Horse Inn  
Ron Island-Super 8  
Tony Sieber-Holiday Inn Express, Hampton Inn Four Aces  
Steve Schaeffer-First Gold  
Tom Rensch-Franklin Hotel  
Paula Katon-Thundercove  
Dexter Koehne-Butch Cassidy  
Blake Haverberg-Martin Mason  
Anthony Galbraith-Lodge at Deadwood  
Tom Hill-Deadwood Express

Dated this 24th day of September 2012.

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Francis A. Toscana, Mayor

**Resolution 2012-26**

Peterson moved, Silvernail seconded to pass Resolution of Intent 2012-26 to continue Business Improvement District 7 and set a public hearing on November 5 at 5:07 p.m. to consider tax levy for 2013. Roll Call: Aye-All. Motion carried.

**RESOLUTION NO. 2012-26  
RESOLUTION OF INTENT TO CONTINUE  
BUSINESS IMPROVEMENT DISTRICT NO. 7**

**WHEREAS**, the City of Deadwood has received a recommendation by the Board of Business Improvement District No.7 pursuant to SDCL 9-55 as amended, requesting the City of Deadwood adopt a Resolution of Intent to continue a Business Improvement District and impose an occupational tax on the transient guests of hotels and motels within the City of Deadwood ; and

**WHEREAS**, it appearing to the City of Deadwood that the proposed district is being created to fund some of the following public projects and activities from January 1, 2013 through December 31, 2013:

Projected revenue of \$475,000.00 budgeted as follows:

\$455,000.00 Marketing  
\$ 20,000.00 Legal/Administrative  
\$475,000.00 Total Budget

**NOW THEREFORE, BE IT RESOLVED** by the City of Deadwood that the City hereby declares its intent to continue Business Improvement District No. 7, with the boundaries of District No. 7 to be the city limits of Deadwood, and any annexations thereto, including but not limited to the following listed lodging establishments and any lodging establishments not listed but which are established in the future which shall automatically become a part of this district and be included within such boundaries, but excluding any bed and breakfast establishments:

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Deadwood Express	68 Main Street
Best Western Hickok House	137 Charles Street
Black Hills Inn & Suites	Hwy. 385 South
Branch House	37 Street
Bullock I,II,III	635 Main Street
Butch Cassidy Suites	57 Sherman Street
Cadillac Jack's	360 Main Street
Cedarwood Inn	103 Charles Street
Celebrity Hotel	625 Main Street
Comfort Inn/Gulches of Fun	305 Cliff Street
Deadwood Dicks Suites	51 Sherman Street
Hickoks Hotel	685 Main Street
Hickok's Iron Horse Inn	27 Deadwood Street
Deadwood Gulch Resort	304 Cliff Street
First Gold	270 Main Street
Four Aces/Hampton Inn	531 Main Street
Franklin Hotel	700 Main Street
Gold Country Inn	801 Main Street
Holiday Inn Express	22 Lee Street
Martin and Mason Hotel	37 Sherman
Mineral Palace	605 Main Street
Penny Motel	818 Main Street
Super 8	196 Cliff Street
Terrace Motel	250 Main Street
The Lodge at Deadwood	100 Pine Crest
The Mint	638 Main Street
Thunder Cove Inn	311-315 Cliff Street

**BE IT FURTHER RESOLVED** that the City of Deadwood declares its intent to continue an occupational tax levy to be imposed on transient guests renting rooms in the above-described hotels and motels or lodging establishments. The amount of the tax shall be Two Dollars (\$2.00) per occupied room per night, which shall not apply or be imposed on any transient guest who has been offered a room by a lodging establishment on a complimentary basis and no fee or rent was charged for such room. This method for raising revenue shall be fair and equitable.

The total estimated or proposed costs for the above projects and activities is projected to be Four Hundred and Twenty-Five Thousand Dollars (\$475,000.00) from the revenues from this occupancy tax upon rooms rented to transient guests by lodging establishments to fund some or all of the above projects and activities; and

**BE IT FURTHER RESOLVED** that a hearing shall be held before the Deadwood City Commission on Monday, the 5th day of November, 2012 at 5:07 p.m. at the City Commission Chambers located at 102 Sherman Street, in the City of Deadwood, to consider the continuation of Business Improvement District No. 7 and the imposition of a Two Dollar (\$2.00) per room rented occupancy tax on transient guests for rooms rented by the above lodging establishments .

The City Finance officer shall give notice of this hearing by mailing a complete copy of this Resolution of Intent to each owner and user of space in all lodging establishments or hotel or motel businesses located within the proposed Business Improvement District No. 7 at least thirty (30) days prior to the public hearing.

Dated this 24<sup>th</sup> day of September 2012.

ATTEST:  
/s/ Mary Jo Nelson, Finance Officer

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

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### Update on Surplus

Finance Officer, Mary Jo Nelson met with Tri State Auction Representative, Boyd Larson. He reviewed property at the grocery store and requested a detailed listing of every item to be sold; which will be compiled by Finance Office. The main concern is the freezers around the edge, originally the Commission decided to leave with the building but he said they are in sections so can be removed. Estimated cost for auction is 10% of proceeds less advertising expense and labor of \$10.00 per hour for their staff to organize sale items. After discussion Silvernail moved, Peterson seconded to include freezers at auction. Roll Call: Aye-All. Motion carried.

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

### Contract

Silvernail moved, Peterson seconded to enter into contract with Global Caulking to seal windows, window seals and doors at the Pavilion at a cost of \$1,836.00. Roll Call: Aye-All. Motion carried.

### Contract

Todd moved, Van Den Eykel seconded to enter into contract with Lowe Roofing to repair roofs at the Library, Pavilion, Fire Hall and City Hall at a total cost of \$14,600.00. The roofs at the Pavilion and Library are partial repairs, with complete repair to be done in 2013. Roll Call: Aye-All. Motion carried.

### Agreement

Peterson moved, Silvernail seconded to allow Mayor to sign the Loan Agreement between the City and Deadwood History Inc. to display the Deetken Ledger and two bottles from Deetken Collection from September 24, 2012 to September 24, 2014. Roll Call: Aye-All. Motion carried.

### Purchase

Silvernail moved, Van Den Eykel seconded to approve the purchase of retaining wall block for installation along the football field parking lot next to the Days of '76 Museum at a cost not to exceed \$5,500.00. The City crew will provide the labor to install the wall and will be paid from HP Capital assets. Roll Call: Aye-All. Motion carried.

## STREETS AND WATER/LIBRARY

### Purchase

Van Den Eykel moved, Todd seconded to approve the purchase of salt from Blackstrap at \$75.00 per ton and fines from Hills Materials at \$8.65 per ton at a total approximate cost of \$10,960.00. Roll Call: Aye-All. Motion carried.

### Purchase

Van Den Eykel moved, Todd seconded to approve the purchase of 5500 gallons of unleaded fuel from Southside at a cost of \$3.50 per gallon. Roll Call: Aye-All. Motion carried.

## POLICE

### Recommendation

Silvernail moved, Todd seconded to approve the Parking and Transportation recommendation for a residential parking permit for Terry Hutchison at 49 Centennial. Roll Call: Aye-All. Motion carried.

### Recommendation

Silvernail moved, Todd seconded to approve the Parking and Transportation recommendation to establish two hour parking limit in the City Hall Parking Lot. Chief Fuller stated this will improve customer service to the City Hall, County and Rec Center. Fuller proposes signing the lot for seven days a week from 8 a.m. to 8 p.m., Weekends will benefit the Rec Center with additional parking. Roll Call: Aye-All. Motion carried.

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PARKS/RECREATION/TROLLEY

Trolley Use

Spencer Rossi on behalf of the Tromp'n for Trash asked the Commission to allow the use of the trolley on Sunday September 30, 2012 from 2:00 p.m. to 6:00 p.m. for the Fifth Annual Tromp'n For Trash and permission to waive the user fees. She thanked the Commission for their past support. Todd moved, Van Den Eykel seconded such request. Roll Call: Aye-All. Motion carried.

Resignation

Todd moved, Silvernail seconded the resignation from Trolley Driver, Doug Magnuson effective September 16, 2012. Roll Call: Aye-All. Motion carried.

Wage Increase

Todd moved, Silvernail seconded to increase the wage of Trolley Driver, Michael Holbert from \$11.38 an hour to \$12.14 an hour effective September 22, 2012 after four years of service. Roll Call: Aye-All. Motion carried.

Legal Business

Contract

Silvernail moved, Peterson seconded to allow the Mayor to sign the contract and Notice of Award with Sabo Construction for Phase III of the St. Ambrose Cemetery Restoration Project. Roll Call: Aye-All. Motion carried.

Agreement

Silvernail moved, Todd seconded to allow the Mayor to sign the Listing Agreement with Remax Gold for the grocery store building at 124 Sherman Street. Roll Call: Aye-All. Motion carried.

Contract

Silvernail moved, Peterson seconded to allow the Mayor to sign the contract with Ainsworth-Benning for the Pedestrian Bridge Project. Roll Call: Aye-All. Motion carried.

Executive Session

City Attorney requested executive session for Contractual Matters per SDCL 1-25-2 (3).

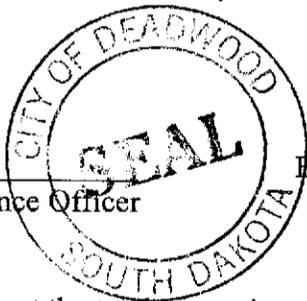
ADJOURNMENT

Silvernail moved, Van Den Eykel seconded to adjourn the regular session at 6:00 p.m. and convene into Executive session for Contractual Matters per SDCL 1-25-2 (3). The next regular meeting will be at 5:00 p.m. on Monday October 1, 2012.

ATTEST:

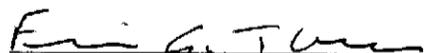


Mary Jo Nelson, Finance Officer



DATE: 10/1/12

BY:



Francis A. Toscana, Mayor

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