REGULAR MEETING, November 30, 2009

The Regular Session of the Deadwood City Commission convened on November 30, 2009 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, Mike Klamm, Joe Peterson, Lenny Schroeder, and Georgeann Silvernail. All motions passed unanimously unless otherwise stated.

CONDOLENCES

On behalf of the Commission and City of Deadwood employees, Mayor Toscana expressed with deep sympathy the great loss of the City's Planning and Zoning Administrator Bernadette "Bernie" Williams. Toscana said this is a great loss for the City and community and she will be sorely missed. He extended condolences to Chuck and the family and in honor of Bernie, Toscana announced that City Hall would be closed from 10:00 to 2:00 p.m. to allow the City employees to attend her funeral.

APPROVAL OF MINUTES

Silvernail moved, Klamm seconded, to approve the minutes of November 23, 2009. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Klamm seconded, to approve the November 30, 2009 disbursements with the additional bill. Roll Call: Aye-All. Motion carried.

A & B	MAINT	531.68
ACS FIREHOUSE SOFTWARE	RENEWAL	625.00
ALLTEL	PHONES	130.33
BH ELEVATOR	SERVICE	408.16
BH POWER	UTILITIES	2,005.94
CEDAR SHORE HOTEL	LODGING	101.95
CHRIS SUPPLY	BATTERIES	76.20
CULLIGAN	WATER	6.50
DAKOTA BUSINESS	MO MAINT	58.05
DAKOTACARE	PREMIUMS DEC 09	38,829.78
DAYS OF '76	FINAL	39,070.00
DEADWOOD CHAMBER	LUNCHES	4,060.00
DIVERSIFIED INSPECTIONS	INSPECT	433.50
FARMER BROTHERS	SUPPLIES	242.25
FERBER ENGINEERING	PLOTTING	2,760.00
FOOTHILLS SEED	BASE	234.18
GAYLORD BROS.	SUPPLIES	1,446.13
GEORGEANN SILVERNAIL	REIMBURSE	28.12
GOLDEN WEST	OFFSITE BACKUP	650.50
GRANT THORNTON	ARBITRAGE SERV	4,000.00
HCW, INC.	BASEMENT PROJ	8,812.80
IKON	SUPPLIES	336.00
INTOXIMETERS	MOUTHPIECES	443.00
JOB'S DAUGHTERS	DECORATIONS	893.00
KNOLOGY	PHONE SERV	1,158.52
MACROVISION	DIGITIZATION	250.00
NORTHWEST PIPE	COUPLINGS	25.88
OFFICE DEPOT	1 - 10A TONER	133.99
PITNEY BOWES	POSTAGE	500.00
RAYSOR, JAMES	REIMB	39.03
REIF, SCOTT D.	REIMB	75.34
SERVALL	MATS & TOWELS	105.86
SOC OF AMERICAN ARCHIVES	MEMBERSHIP	121.00
SD POLICE CHIEFS	MEMBER	96.93
SD PUBLIC HEALTH	TESTING	24.00
SOUTH SIDE SERVICE	FUEL	26.09
ST. JOHN'S EPISCOPAL CHURCH	09 NONPROFIT GRANT	10,760.00
TOMS, DON	LC LEDGER PRJ	864.00
TRIPLE K	REPAIRS	2,409.79
US POST OFFICE	POSTAGE H2O BILLS	180.08
WILLIAM GLOVER	REIMBURSE	99.93
	TOTAL	**$123,053.51**

PUBLIC HEARINGS/BID OPENINGS

Decision - Retaining Wall Bids

Historic Preservation Officer Kevin Kuchenbecker requested that the Commission accept the low bid from High Grade Excavating for $7,526.00 for the retaining wall project at 99 Williams (Richard Millikan) and reject the bid for 125 Williams (Richard Bracha.) Silvernail moved, Klamm seconded, to approve this request and direct City Attorney to prepare contract. Roll Call: Aye-All. Motion carried.

Public Hearing - 2010 Liquor/Wine License Renewals

There being no one speaking in opposition to the 2010 Liquor /Wine License renewals, Silvernail moved, Klamm seconded, to approve the renewals contingent upon property taxes and Business Improvement District taxes being paid in full by all establishments as follows:

RETAIL & SUNDAY ON-SALE LICENSES

B.P.O. Elks Lodge #508, (RL-5540), P.O. Box 584, Lot 11 & all except 5 feet of lot 12, Block 21, Original;

Midwest Motel of Deadwood II, Buffalo Bodega, (RL-5535), 622 Main Street, Lots 2, 4, 6, 8, 10, 12 & 14, Block 9, Original Town Deadwood;

Bullock Hotel Properties, 633-635-637 Main St., (Bullock Hotel), (RL-5542), Lots 31 & 32, Block 16, Original;

B Y Development, Inc., 360 Main St., (Cadillac Jacks), (CL-504), Bradsky Tract located in the NW1/4 of Sec. 23, Twp. 5N, Rge. 3E of the BHM;

Deadwood Hospitality Resort, LLC., (CL-15404), Hwy 85 South (Deadwood Gulch Resort), Hwy 85 South, Deadwood Gulch Addition II except Deadwood Gulch Campground Tract, Deadwood Gulch Fun Park Tract and Lot 18;

First Gold, Inc., (First Gold Hotel), (CL-502), 272 Main Street, MS 840 Lots A-1, Jessie L. Con P.C. & PT 840 (Thomas Property) MS 242, Lots A-1, MS 1054, Lot D & Lot X;

Four Aces Lodging Group, LLC., 531 Main St., (CL-505), Lots 1 thru 5 incl., Block 11; Tract 1 & 2, Block 12; Lots 13 thru 15 incl., Ney 70' of Lot 19, Lots 21, 23, 25, 27, 29, 31, 33, Block 13, Original;

Gold Dust Gaming Inc., (Gold Dust Gaming Complex), (RL-5792), 678-692 Main St., Lot 4 & the NS x 6' of Lot 5, N 1/2 of Lot 6, and all of Lot 5, 7, 8, 9, 10. Lot 11 & all except 5 feet of Lot 12, Block 21, Original;

Gold Dust Lodging Group LLC, Holiday Inn Express Hotel & Suites, (CL-503), Achtien Lot, a replat of Lots 1, 3, A, D, E and a portion of Lot F, Block 16, Original

GR Deadwood LLC, 601 Main St., (Mineral Palace Hotel & Gaming), (CL-507), Lots 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, Tract A, Block 14, Original;

Hickok's Inc., Hickok's Hotel & Casino, (CL-508), 685 Main St., Lot 10, Block 18, Original;

Hotel Franklin, Inc., Historic Franklin Hotel, (CL-506), 700 Main St., Lots 1, 3, 5, 7, 11, Pt. 8, 10 & & alley, Sections of Lots 8-14, Block 23, Original;

Miss Kitty's, (RL-5534), 643-649 Main St. (Miss Kitty's), Lots 17, 19, 21, 23, Block 16, Original;

Midnight Star Enterprises, (RL-5995), LP, 677 Main Street, Lots 6 & 7, Block 18, Original;

Midwest Motels of Deadwood, LLC, (CL-501), Hwy 85 South, (Comfort Inn), Deadwood Gulch's of Fun Tracts 1 & 2 being a portion of Deadwood Gulch Addition II;

Old Style Saloon No. 10, Inc., (RL-5537), 657 Main St., Lots 5A, 7 & 9, Block 16, and Lot 11, Block 16 Original;

Super G Investments Inc., Silverado Gaming Establishment, (RL-5538), 709 Main Street, Lots 7B, 8, 9A & 12 A of Lot 12, Block 20, Lots 5, 6, 7A & 9' of 12', & H 6' of Lot 13, Block 20, Lots 14, 16, & SE 19' of Lot 1, Block 20 Original;

VFW Post 5969, (RL-5541), P.O. Box 443, Lots 28, 29, Pt. 30, and all of 31 & 32, Wstly. Pt. of Lots 33, 34, & 35, Block 33; Original;

Badlands Gaming LLC, (Lucky Nugget), (RL-5536), 608-624 Main St., Lots 6, 8 & 10, 12, 14, 16, 18, 20, 22, 24, 26 & 26A, Block 15, Original.

PACKAGE (OFF-SALE) LIQUOR

Bauer, David L. & Laray, 95 Sherman Street, (Pack Horse Liquor & Convenience), (PL-4523), Lots 1, 3, & 5, Block 34, Original;

Deadwood Hospitality Resort, LLC, Deadwood Gulch Resort, (PL-4522), Hwy 85 South, Deadwood Gulch Addition II except Deadwood Gulch Campground Tract, Deadwood Gulch Fun Park Tract and Lot 18;

Four Aces Lodging Group, LLC., (PL-4521), 531 Main St., Lots 1 thru 5 incl., Block 11; Tract 1 & 2, Block 12; Lots 13 thru 15 incl., Ney 70' of Lot 19, Lots 21, 23, 25, 27, 29, 31, 33, Block 13, Original;

Gold Dust Gaming Inc., (Gold Dust Convenience Store), (PL-4520) 668 Main St., Lot A, Block 21, Original;

GR Deadwood LLC, 601 Main St., (Mineral Palace Hotel & Gaming), (PL-4524), Lots 21, 23, 25, 27, 29, Block 14, Original;

RETAIL (ON-SALE) WINE

Blue Sky Gaming, Inc., 555 Main Street, (Tin Lizzie), (RW-6491), Part of Lots 8 &10, Block 12, Martindale Tract;

BRI, Inc., 137 Charles St., (Best Western Hickok House), (RW-6466), Lots 1, 3, 5, 7, 9, 11, 13, 15, 17, & 19, Block 77, Original;

B Y Development, Inc., 360 Main St., (Cadillac Jacks), (RW-6537), Bradsky Tract located in the NW1/4 of Sec. 23, Twp. 5N, Rge. 3E of the BHM;

Deadwood Inc. & Gamblers Gulch, Inc, (Deadwood Gulch Saloon), (RW-6646), 558 & 560 Main Street, 558 Main, Lot 1, 3 & 5, Block 13, 560 Main, Lot 69, Block 15, Original;

Deadwood Thymes Café Inc., (RW-6434), 87 Sherman Street, Lots 13 & 15, Block 24 Original;

Historic Deadwood Convention Facility, LLC (Wooden Nickel, Iron Horse Inn, Martin Mason Hotel), 5-9 Lee St., Lots 3 & 4, Block 28, Lots 1 & 2, Block 28 and Lots 5, 6, 7 and Portion N ½, Lots 8, 9 & 10, Block 28, Tract A, Southerly 100 Ft, Lots 8, 9, 10, and all of lots 11 and 12, Block 28, Original;

Deals Publications, Inc., 629 Main Street, (Celebrity Hotel), (RW-6542), Lots E & F (aka 1 & 3), Block 14, Original;

Deals Publications, Inc., 638 Main Street, (Mint), (RW-6438), Lot 24, Block 17, Original;

Deadwood Hospitality Resort LLC, Hwy 85 S, (Deadwood Gulch Resort), (RW-6401), Deadwood Gulch Addition II except Deadwood Gulch Campground Tract, Deadwood Gulch Fun Park Tract and Lot 18;

GG & E LLC, (BB Cody's), (RW-6428), 681 Main St., 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;

Hickok's, Inc., (Hickok's), (RW-6446), 685 Main St., Lot 10, Block 18, Original;

Larson, Mary C., 51-56-55 Sherman St. (Deadwood Dicks Saloon), (RW-6562), 1.6' of Lot 17, & all of lots 19, 21, 23, 25, 26 & part of 27, Block 30, Original;

Fairmont Hotel Corp., (RW-6461), 626-628 Main St., Lots 2 & 4, Block 15, Lots C, D, E, F, G & H, Block H, Original;

Four Aces Lodging Group, LLC., (RW-6415), 531 Main St., ., Lots 1 thru 5 incl., Block 11; Tract 1 & 2, Block 12; Lots 13 thru 15 incl., Ney 70' of Lot 19, Lots 21, 23, 25, 27, 29, 31, 33, Block 13, Original;

GR Deadwood LLC, 601 - 605 Main St., (Mineral Palace Hotel & Gaming), (RW-6480), Lots 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, Tract A, Block 14, Original;

Hotel Franklin Inc., Historic Franklin Hotel, (RW-6643), 700 Main St., Lots 1, 3, 5, 7, 11, Pt. 8, 10 & & alley, Sections of Lots 8-14, Block 23, Original;

Jackson Winery & Vineyard LLC, (Belle Joli Winery), (RW-7568), 594 Main Street, Lot 38, 40, 42, 44, Block 15, Original;

Mustang Sally's Inc, (RW-6499), 634 Main Street, Lots 26 & 28, Block 17M, Original;

Princeton, Inc., Hwy 85 South, (Deadwood Super 8/Lucky 8 Gaming), (RW-6447), Riverside Addition, Tract A of Probate lot 82 and PT Probate Lot 420 and PT School Lot 19;

Super G Investments, Inc., 709 Main St., (Silverado Gaming), (RW-6436), Lots 5, 6, 7A, 7B, 8, 9, 10, 11, 12, 12A and B, SE 19' of Lot 13 and all of Lots 14 & 16, Block 20, Original;

Deadwood Tobacco Company, John & Vaughn Boyd, (RW-6648), 628 Main Street (basement), Lot 15, Block 2, Original Town Deadwood.

Any person interested in the approval or rejection of such request may appear and be heard or file with the City Finance Officer their written statement of approval or disapproval.
Dated this 16th day of November, 2009.

CITY OF DEADWOOD
/s/ Mary Jo Nelson, Finance Officer

FINANCE

Acknowledge Payment
Peterson moved, Silvernail seconded, to acknowledge the payment for legal services in the amount of $20,000.00 to Dorsey and Whitney for bond refunding, to be paid from funds set aside for that purpose in the bond construction fund (funds held at First National Bank.) Roll Call: Aye-All. Motion carried.

Amendment to Contract - TIF #7 (First Gold) 2016
Peterson moved, Schroeder seconded, to allow the Mayor to sign the Amendment to the Contract for Private Development and extend final payment for Tax Increment Finance (TIF) #7 (First Gold) to 2016. Roll Call: Aye-All. Motion carried. Commissioner Peterson added this was due to lower than anticipated assessment in the TIF.

HISTORIC PRESERVATION/PLANNING & ZONING/PUBLIC BUILDINGS/SAFETY

Non-Profit Grant - Masonic Temple
Silvernail moved, Klamm seconded, to approve the payment of Non-Profit Grant to Masonic Temple for cornerstone repair and tuck pointing for $1,177.72, to be paid from not-for-profit grant line item. Roll Call: Aye-All. Motion carried.

REGULAR MEETING, November 30, 2009

POLICE/FIRE

Travel Request
Klamm moved, Schroeder seconded, to allow Rob Lester to attend the Police Supervision and Management Class in Pierre December 14-18, 2009 in Pierre, requesting use of City vehicle. Roll Call: Aye-All. Motion carried.

Information - Grant Acknowledgement
Commissioner Klamm announced that the Police Department received a grant from the Department of Public Safety for an alarm system for $4,295. Grant was applied for on September 29, 2009.

Travel Request
Klamm moved, Silvernail seconded, to allow Mike Klamm and Larry Groll to attend Instructor Training in Pierre December 12-13, 2009, requesting $544 for meals, lodging, and registration, and use of City vehicle. Roll Call: Aye-All. Motion carried.

PARKS/RECREATION/TROLLEY

Wage Increase
Silvernail moved, Schroeder seconded, to approve the wage increase of trolley driver Art Reato from $8.00 to $9.00 per hour, effective November 25, 2009, after completion of 18 months of service. Roll Call: Aye-All. Motion carried.

Waive Group Trolley Fee
Silvernail moved, Klamm seconded, to approve the request from the VFW to waive the group trolley fee for the Pearl Harbor Ceremony December 7, 2009. Roll Call: Aye-All. Motion carried.

LEGAL BUSINESS

HCW Agreement
Klamm moved, Schroeder seconded, to allow the Mayor to sign the agreement between the City of Deadwood and HCW Construction, Inc. for the additional countertops and other items in City Hall basement for $3,229.78. Roll Call: Aye-All. Motion carried.

Tentexkota Change Order Agreement
City Attorney Jason Campbell requested permission for the Mayor to sign the updated Change Order Agreement between City of Deadwood, Historic Preservation, and Tentexkota regarding payment of change orders totaling$72,503.03 which exceeds the City's contribution of $1.7 million. Commissioner Silvernail requested that this matter be continued to allow Tentexkota to appear before the Commission to discuss the payment for outstanding invoices. Toscana added that the City did receive payment for the paving of Water Street. Finance Officer Mary Jo Nelson said she contacted George Mitchell and he requested a two-week extension due to the Thanksgiving holiday. Silvernail moved, Klamm seconded, to notify Tentexkota that this matter has been continued. Roll Call: Aye-All. Motion carried.

MAYORS BUSINESS

Payment Request
Mayor Toscana explained that the Lead-Deadwood Regional Hospital has invoiced the City for "Emergency Medical Service" (EMS) coverage for Wild Bill Days and Kool Deadwood Nites. In the past, City, Fire, Police staff, Lead-Deadwood Hospital staff, and private security services met to discuss, plan and provide EMS coverage for the larger special events held in Deadwood. Chief Fuller and Chief Mohr said they attended these planning meetings along with hospital staff and that the hospital did not mention any additional charges that would be billed to the City. Since that time, Toscana said the City has adopted a new Incident Action Plan (IAP) program, which provides all emergency medical services for larger events. These Incident Action Plan (IAP) members consist of City, Police, and Fire Department staff. This service allows IAP and EMS members to be implanted with spectators attending events to ensure their safety, security and provide first aid. Toscana added by the City adopting this emergency plan, the hospital believes they incurred additional costs that were not approved by hospital administration and are requesting compensation. Toscana said there were a number of meetings held to discuss the invoice for Wild Bill Days and he does not feel that the City should pay this invoice. After the Kool Deadwood Nites event, the City received an invoice for $1,925.00 with a credit of $770.00 (Community Support Donation) with a balance of $1,155.00 to be

paid by the City. Toscana moved, Silvernail seconded, to approve the payment request from Lead-Deadwood Regional Hospital for emergency services during Kool Deadwood Nites for $1,155.00 with the understanding that in the future the hospital will be notified, invited and encouraged to attend the planning meetings for the larger special events in Deadwood. However, the City will not be responsible for additional costs that the hospital would incur. Commissioner Peterson said he does not like the way this was played out and the City did not have an agreement with Lead-Deadwood Regional Hospital. Peterson cited problems with the Days of 76 Rodeo as well. Commissioner Klamm added he does not agree with the additional costs billed to the City and that the hospital should have informed the City of the additional costs prior to the City receiving the bill. Chief Fuller referenced the Big and Rich concert event and the implanting of Reserve Officers along with EMT's on foot patrol and at that time the City was not billed for this service. Chief Mohr added that these planning meetings were held well in advance and the hospital staff had plenty of opportunity to discuss the additional costs but did not. Toscana added that the Lead-Deadwood Regional Hospital was invited to attend the meeting but declined. Roll Call: Aye- Schroeder, Silvernail, Peterson, Toscana. Nay - Klamm. Motion carried.

Letter - Recovery Zone Bonds

Finance Officer Mary Jo Nelson explained that the Spearfish School District would like to use Recovery Zone Facility Bonds to build a new school. Apparently, Lawrence County has received an allocation in the amount $1,547,000.00. Prior to releasing this money to Spearfish School District, Lawrence County Commission would like a letter from the City of Deadwood stating that we will not be seeking an allocation of loan funds from the Recovery Zone Economic Development Bond program and the City supports Lawrence County in allocating that authority to the Spearfish School District. Nelson said according to Marlene Barrett, Lawrence County Commissioners do not believe any municipality will qualify, due to stipulations such as high foreclosure rate, extreme poverty, and high unemployment. Schools are not held by the same strict standards as cities and counties for purposes of this bond. Peterson moved, Silvernail seconded, to allow the Mayor to sign the Recovery Zone Bonds letter for the Lawrence County Commission. Roll Call: Aye-All. Motion carried.

ITEMS FROM MAYOR, COMMISSIONERS, DEPARTMENT HEADS NOT ON AGENDA

Memorial Park

Jim Phillips representing the Library District Block Club requested permission to place a plaque in Memorial Park honoring Marvin Lehman. Peterson moved, Klamm seconded, to approve the request and to work with Kevin Kuchenbecker. Roll Call: Aye-All. Motion carried.

ADJOURNMENT

Silvernail moved, Toscana seconded, to adjourn the regular session at 5:30 p.m. The next regular meeting will be at 5:00 p.m. on Monday, December 7, 2009.

ATTEST: SEAL (CITY OF DEADWOOD SOUTH DAKOTA)

Mary Jo Nelson, Finance Officer

DATE: 12-7-09

BY: Francis A. Toscana

Francis A. Toscana, Mayor

For any public notice that is published one time:
Published once at the total approximate cost of _____.