

REGULAR MEETING, May 27, 2008

The Regular Session of the Deadwood City Commission convened on May 27, 2008 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.

APPROVAL OF MINUTES

Silvernail moved, Schroeder seconded, to approve the minutes of May 19, 2008. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Schroeder seconded, to approve the May 27, 2008 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	MONTHLY MAINTENANCE	467.05
ABC	GIS SUPPLIES	337.32
ADAMS MUSEUM	2008 PUBLIC EDUCATION FUND	4,307.51
ALCO STORES, INC.	SUPPLIES/RC SUMMER CAMP	116.39
ALLTEL	POLICE BAG PHONES	420.97
BLACK HILLS POWER	ELECTRICITY/PUBLIC BUILDINGS	11,869.76
BLACK HILLS PURE, INC.	HOT & COLD RENTAL	33.75
BLONDIE'S IGA	DIXIE CUPS/REC CENTER	119.08
BLUE DOG FRAMERS	WILD BILL COLLECTION	107.50
BROKEN BOOT GOLD MINE	2007 GRANT BILLING	7,068.21
CLAIMS ASSOCIATES	LEGAL EXPENSES	1,337.58
CULLIGAN	BOTTLED WATER/PUBLIC WORKS	51.50
DEADWOOD ALIVE	1ST INSTALLMENT FOR 2008	22,500.00
DEADWOOD CHAMBER	CHAMBER BILL LIST APRIL	21,937.10
DEADWOOD ECONOMIC DEV	FINAL BILL LIST	19,242.92
DEADWOOD HOME CENTER	GIS MAP CASE	56.65
DW-LEAD ARTS COUNCIL	1st QUARTER INSTALLMENT	2,025.00
FASTENAL COMPANY	DIAMOND SAFETY BLADES	482.81
FIRST WESTERN BANK	TIF-HILLS LMTED	4,457.12
FOX, TERESA	NEWSPAPER INDEXING AUG/SEP99	3,000.00
GOLDEN RULE CREATIONS	DEADWOOD POLICE EMBLEMS	620.43
GOLDEN WEST TECHNOLOGIES,	COMPUTER ISSUES	769.04
GOPHER SPORT	BALLS-ROPES-/REC CENTER	277.38
GRACE LUTHERAN CHURCH	2008 NON PROFIT GRANT	5,950.00
HALDEMAN HOMME	LACORR/ADDITIONAL INV #125677	303.00
HCW, INC.	DAYS OF 76 GRANDSTANDS	63,186.97
HD SUPPLY WATERWORKS	4 BREAK COUPLINGS	89.05
HEWLETT-PACKARD COMPANY	ARCHIVES- DOCKING STATION	159.00
HILLSIDE DISPOSAL	MAY 2008 RESIDENTIAL GARBAGE	5,071.00
JESSICA LYNN MARSHALL	REIMB.-SUMMER CAMP SUPPLIES	45.66
KNOLOGY	MONTHLY PHONE CHARGES	1,724.26
LAWRENCE COUNTY REGISTER	OPAVICH 789 MAIN ST. FILING FEE	92.00
LAWRENCE TITLE COMPANY	RAGATZ, 20 DENVER, TITLE SEARC	25.00
LDG PLUMBING	SERVICE CALL-SWEAT 2 " VALVE	53.04
LORMAN EDUCATION SERVICES	TELECONFERENCE FEE	49.75
M&M SANITATION	MONTHLY TOILET RENT/SK BD PARK	407.50
MITCHELL CULVERTS	CULVERT/CITY ROW-CAMPGROUND	216.00
NAT TRUST FOR HISTORICAL	HONORARIUM & EXP PAHL & BUDDEN	2,013.37
NELSON, MARY JO	NOTEBOOK & BINDER	11.80
NOVUS	WINDSHEILD FOR FOCUS	289.00
REED, GLADYS	2007 GRANT - FINAL PAYMENT	1,275.00
ROBERT RADENSLEBEN	SAFETY REIMBURS./R RADENSLEBEN	127.07
SD DEPARTMENT OF REVENUE	MALT BEVERAGE LICENSES	5,475.00
SERVALL	MATS, TOWELS, BAG	38.41
SD COMMISSION ON GAMING	JUNE 2008 CITY NICKELS	14,091.18
SD MUNICIPAL LEAGUE	SD MUNICIPAL ATTORNEY'S ASSOC	15.00
SPEARFISH VOLUNTEER FIRE	2008 FIRE SCHOOL	350.00
SUBWAY	SYMPOSIUM	15.96
TEMPERATURE TECHNOLOG	INACTUATOR/PUBLIC BUILDINGS	80.14
THE NATIONAL ARBOR DAY	ARBOR DAY SUPPLIES-HP CONTRIBU	217.48
TOMS, DON	INDEXING PROJECT	1,728.00
TRIPLE K TIRE & REPAIR	TRIPLE K TIRE & REPAIR	671.96
TRUGREEN CHEM-LAWN	FERTILIZER-WEED CONTROL/ADAMS	78.98
TWIN CITY HARDWARE	ARCHIVE SUPPLIES	31.20
WELLMARK BLUE CROSS	WELLMARK BLUE CROSS	34,757.46
WELLS FARGO BANK	ADMINISTRATION CHARGES	500.00
WOLFE, MARK	SYMPOSIUM & HONORIUM	910.53

TOTAL \$ **241,654.84**

ITEMS FROM CITIZENS ON AGENDA

Lucky Nugget Request

David Beroza with the Lucky Nugget Gambling Hall requested permission to place a podium at 624 Main Street and sell tickets for theater performances that will be held on the second floor of their establishment. Matt Ramsey added that the performances are on Wednesdays and Fridays at 4:00 p.m. and Saturdays at 6:00 p.m. Commission discussed various issues such as congested sidewalks causing safety concerns, one other establishment on Main Street that sold tickets to theater performances in the past, options for placing the podium at the side of an entrance, size requirements for the podium, and types and size of

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signage. Klamm moved, Peterson seconded, to approve the request from the Lucky Nugget Gambling Hall with the stipulation that Mr. Beroza is to meet with the City Building Inspector Keith Umenthum to verify the size of the podium and limited signage. Mayor Toscana requested that the Commission receive approval from Ron Russo, Fairmont/Oyster Bay owner as his property adjoins the Luck Nugget property.

PUBLIC HEARING/BID OPENINGS

Public Hearing - License Transfer

Silvernail moved, Peterson seconded, to approve the application transfer of the Retail (On-Off) Sale Malt Beverage License (RB-3670) transfer for RLG Enterprises, LLC dba The Penny Motel at 818 Main Street. Roll Call: Aye - All. Motion carried.

Public Hearing - License Renewals

There being no objections, Silvernail moved, Klamm seconded, to approve the 2008-2009 Malt Beverage License Application renewals as follows:

PACKAGE (OFF-SALE) MALT BEVERAGE

Larry's IGA Inc., Blondie's IGA, 124 Sherman Street, Lots 9, 11, 13, 15, 17, 19, 21, 23, 25 & 27, Block 38, Original Town Deadwood;

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

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

Badlands Gaming LLC, for Lucky Nugget Casino, 608-624 Main Street, RB-3319, Lots 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26 & 26A, Block 15, Original Town Deadwood;

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

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

BRI, Inc., for 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;

Bullock Properties LLC, for Treber Lot Beer Garden, RB-2702, 9-37 Sherman Street, N 10-1/2' of Lot 32, pt. Lots 33, 34 & 35, and Lots 48, 49, 50 & 51, Block 30, Original Town Deadwood;

B.Y. Development, Inc., for 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 Development Co., Inc., for Lee Street Station, Wooden Nickel & Martin Mason, RB-3185, 5 & 9 Lee Street, Lots 1 through 7, incl., and a portion of the N½ of Lots 8, 9 & 10, Block 28, Tract A, Original Town, Deadwood;

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

Deadwood Development Co., Inc., for The Gallows, RB-2922, 12 Lee Street, Tract A Block 29, Original Town, Deadwood;

Deadwood Thymes Café Inc., 87 Sherman Street, RB-2003, Lots 13 and 15, Block 24, Original Town Deadwood;

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

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

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

DGR Hospitality Corp., for Deadwood Gulch Resort, RB-2609, Hwy 85 South, Deadwood Gulch Addition II except campground (Plat #98-2319) and further excepting Gulches of Fun (Plat #99-4799);

Mary C. Dunne for 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;

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

G. G. & E LLC, for BB Cody's, 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.;

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

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First Gold, Inc., for 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;

Four Aces Hotel Corp. for Four Aces, 531 Main Street, RB-2831, Tracts 1 and 2, Block 12, Lots 21, 23, 25, 27, 29, 31, 33, Block 13, Original Town Deadwood;

Four Aces Corp. for Four Aces Beer Garden, RB-2463, Lots 1, 2, 3, 4, 5, Block 11, Lots 13, 14, 15, & Northerly 70' of Lot 19, Block 13, Original Town Deadwood;

Gold Dust Gaming Inc., for Gold Dust 777, RB-2391, 661-663-665 Main Street, Achtien Lot, Block 16 & Lot 5B, Original Town Deadwood;

Gold Dust Gaming Inc., Gold Dust, 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;

GNI, Inc., for 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, for 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;

GR Deadwood LLC, Union Palace, RB-2499, 424 Main Street, Lots Six (6) and Seven (7), Block C, Fargo Addition to the City of Deadwood, according to P.L. Roger's map;

Hickok's, Inc., for Hickok's, 685 Main Street, RB-2480, Lot 10, Block 18, Original Town Deadwood;

Hickok's Hotel & Casino Inc., Iron Horse Inn, RB-3725, 27 Deadwood Street, S. 100' of Lots 8 through 12, incl., Block 28, Original Town Deadwood;

Hotel Franklin Inc., 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;

Midnight Star Enterprises, LP, for 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., for 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, for Miss Kitty's, RB-2775, 649 Main Street, Lots 17, 19, 21, 23, Block 16, Original Town Deadwood;

Miss Kitty Enterprises LLC, for 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., for Mustang Sally's, RB-2405, 634 Main Street, Lots 26 & 28, Block 17M, Original Town Deadwood;

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

Princeton Inc., for 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;

670 Main LLC, for Goldberg's, RB-2622, 670 Main Street, Lots 1 and 2, Block 21, Original Town Deadwood;

Super G Investment Corporation for 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;

RLG Enterprises, LLC, The Penny Motel, RB-3670, 818 Main Street, Sunnyside S/D Deadwood E Part Lot 10 & all Lot 11 Block B & vacated Williams Street.

City Nickel Slots Auction/Set Bid Opening

Mayor Toscana informed the Commission that the lease for the fifty (50) five cent (\$.05) City Nickel Slot machines is up for renewal and the City will hold an auction at the City of Deadwood City Commission Meeting Room on June 24, 2008 at 2:00 p.m. The Commission discussed the possibility of changing the five cent (\$.05) slots versus one cent (\$.01) slot machines and Mayor Toscana said this proposed change had been addressed in 2005 with the South Dakota Gaming Commission. City Finance Officer Mary Jo Nelson explained the Business Improvement District Board (BID) is requesting the lease be amended from three (3) years to a one (1) year lease. Matt Ramsey with Lucky Nugget Gambling Hall spoke in favor of the three (3) leases versus a one (1) year lease. After discussing the pros and cons, Silvernail moved, Schroeder seconded, to approve the one (1) year lease for the five cent (\$.05) City Nickel Slot Machines and to evaluate the amended lease after one year. Silvernail moved, Schroeder seconded, to set a bid opening on Tuesday, June 24, 2008 at 2:00 p.m. Roll Call: Aye - All. Motion carried.

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FINANCE

Payment Request

Peterson moved, Klamm seconded, to approve the payment of \$6,000 to the Deadwood Chamber from the Business Improvement Districts 1-6 for the wagon train events on August 15-16, 2008. Roll Call: Aye - All. Motion carried.

HISTORIC PRESERVATION/PLANNING & ZONING/PUBLIC BUILDINGS/SAFETY

Hire Request - Historic Preservation

Toscana moved, Silvernail seconded, to approve the hiring of Thereasa Kapust, archives intern, at \$7.50 per hour effective June 2, 2008. Roll Call: Aye - All. Motion Carried.

Resignation - Historic Preservation

Toscana moved, Silvernail seconded, to accept the resignation of Mallory Everett, archives intern, effective May 6, 2008. Roll Call: Aye - All. Motion Carried.

Travel Request

Toscana moved, Schroeder seconded, to allow Kevin Kuchenbecker to travel to Pierre on May 30, 2008 to attend the State Historic Preservation meeting, requesting use of a City vehicle and lunch. Roll Call: Aye - All. Motion Carried.

Travel Request

Toscana moved, Silvernail seconded, to allow Mike Runge to attend the Collections Management workshop in Shawnee, Kansas on June 19-20, 2008 at an estimated cost of \$1,295.00. Roll Call: Aye - All. Motion Carried.

Letter of Support Request

Silvernail moved, Peterson seconded, to allow the Mayor to sign a letter of support for the Stage Run Residential Development that promotes and addresses the needs of employees of the community to provide affordable housing.

Request for Proposals (RFP) Design Guidelines (Tabled 5/19/2008)

The purpose and objective for the proposed "Request for Proposals" (RFP) is that the City of Deadwood and Historic Preservation Commission has issued this RFP for creating Design Guidelines, which address the nineteen (19) Planning Units for the City of Deadwood. Toscana moved, Peterson seconded, to allow Historic Preservation to distribute the RFP for said guidelines. Roll Call: Aye - All. Motion Carried.

Change Order #2 - Rodeogrounds Project

Jim Raysor Public Works Director explained to the Commission that the main support column on the western corner of the grandstands is in need of being replaced and the estimated cost is \$7,300. Silvernail moved, Schroeder seconded, to approve Change Order #2 for the Rodeo Grandstand renovation project for HCW Construction not to exceed \$7,300. Roll Call: Aye - All. Motion Carried.

PARKS/RECREATION/TROLLEY

Hire Request

Silvernail moved, Klamm seconded, to approve the hiring of Monica Job as a lifeguard at the Rec Center effective May 28, 2008 at \$7.00 per hour. Roll Call: Aye - All. Motion carried.

LEGAL BUSINESS

Segway Lease

Silvernail moved, Klamm seconded, to allow the Mayor to sign the lease between the City of Deadwood and Segway Tours for the rent of the Days of 76 ticket booth for \$200.00 per month including utilities with the exception of Days of 76 and the Shrine Circus. Commissioner Peterson requested that the agreement be amended to reflect the actual dates of the Days of 76 events and the Shrine Circus. Roll Call: Aye - All. Motion carried.

Utility Permit - Golden West

Silvernail moved, Klamm seconded, to allow the Mayor to sign the Utility Permit with Golden West Technologies to bury fiber optic cabling from the north edge to the South edge of the City of Deadwood for the Homestake Lab project. Roll Call: Aye - All. Motion carried.

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Travel Request

Klamm moved, Schroeder seconded, to allow City Attorney, Jason Campbell to attend the South Dakota Municipal Attorneys Association meeting on June 20, 2008 in Rapid City, requesting use of City vehicle and lunch. Roll Call: Aye - All. Motion carried.

ITEMS FROM CITIZENS NOT AGENDA

Use of Trolley

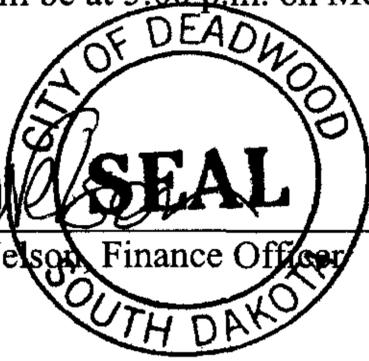
Silvernail moved, Schroeder seconded, to approve the use of a trolley for the Summer Rec Program to travel to Lead to the Mining Museum on May 28, 2008 from 10:00 a.m. to noon. Roll Call: Aye - All. Motion carried.

ADJOURNMENT

Silvernail moved, Peterson seconded, to adjourn the regular session at 5:40 p.m. The next regular meeting will be at 5:00 p.m. on Monday, June 2, 2008.

ATTEST:


Mary Jo Nelson, Finance Officer



DATE: 6/2/08

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

