

**REGULAR MEETING, November 26, 2007**

The Regular Session of the Deadwood City Commission convened on November 26, 2007, 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 Nyla Griffith, Mike Klamm, Mark Speirs and Georgeann Silvernail. All motions passed unanimously unless otherwise stated.

**APPROVAL OF MINUTES**

Silvernail moved, Speirs seconded, to approve the minutes of November 19, 2007 as presented.

Roll Call: Aye-All. Motion carried.

**APPROVAL OF DISBURSEMENTS**

Silvernail moved, Speirs seconded, to approve the November 26, 2007 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS EQUIPMENT	COPIER MAINTENANCE-COPIES	21.73
ADT SECURITY SERVICES	SECURITY SERVICES/PUB. BLDGS	400.55
BLACK HILLS PIONEER	COMMUNITY PROMO AD/OCT./RC	10.00
BLACK HILLS POWER & LIGHT CO.	ELECTRICITY/PUBLIC BUILDINGS	1,449.91
BLONDIE'S IGA	BATTERIES	19.69
CULLIGAN OF THE NORTHERN HILLS	HOT-COLD COOLER RENTAL/RC	69.00
DAKOTA GRAPHICS	CHAIN OF EVIDENCE FORMS	195.00
DEADWOOD CHAMBER & VISITORS BUREAU	BILLS LIST 10-19 THRU 11-16-07	47,350.07
ELAN FINANCIAL SERVICES	CHRISTMAS LIGHTS	1,297.61
FASTENAL COMPANY	SNAP PINS	150.63
GEMPLER'S	CONVEX MIRROR	307.85
HARVE'S PRO PRINTS	GIRLS' BASKETBALL T-SHIRTS	475.50
J.P. TOWING	DEAD STORAGE	150.00
JAMES RAYSOR	REIMB./GAS-(1) LUNCH	77.01
KEITH UMENTHUM	LUNCH AT SAFETY CONFERENCE	18.00
LAWRENCE COUNTY TREASURER	DISSOLVED TIF DISTRICT #5	28,822.86
LEAD DEADWOOD SANITARY DISTRICT	DISSOLVED TIF DISTRICT #5	5,166.25
LEAD-DEADWOOD REGIONAL HOSPITAL	LAB TEST/RC EMPLOYEE	34.00
LEAD-DEADWOOD SCHOOL DISTRICT	DISSOLVED TIF DISTRICT #5	100,326.86
NORTHWEST PIPE FITTINGS, INC.	GALV. PIPE-CPLGS/FB FIELD SAFE	710.78
OCCUPATIONAL HEALTH NETWORK	DRUG SCREEN	28.00
PONTIUS, JERRY	HANGING FILE	6.87
RISS & ASSOCIATES CABINETS & CASEWORK	OVERPAYMNT ON CONTRACT LICENSE	25.00
SD DEPARTMENT OF GAME, FISH & PARKS	TROLLEY ON THE TRAIL	150.00
SOUTH SIDE SERVICE (SANITO OIL)	ANTI-FREEZE/STREET SHOP	448.25
THE MERCANTILE	WOOD SNOW FENCE	125.98
TIM CONRAD ELECTRIC (DEADWOOD ELECTRIC)	BULBS/PUBLIC BUILDINGS	313.32
US POST OFFICE	NOVEMBER WATER BILLS	168.46
WELLMARK BLUE CROSS AND BLUE SHIELD	WELLMARK BLUE CROSS AND BLUE S	34,583.10
	<b>TOTAL</b>	<b>\$ 222,902.28</b>

**PUBLIC HEARINGS/BID OPENINGS**

**Public Hearing - 2008 Liquor/Wine License Renewals**

Silvernail moved, Speirs seconded, to approve the following 2008 Alcoholic Beverage License renewals:

**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;

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

Bullock 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;

DGR Hospitality Corp., (CL-15404), Hwy 85 South (Deadwood Gulch Resort & Rest.), Hwy 85 South, Deadwood Gulch Addition II except Deadwood Gulch Campground Tract, Deadwood Gulch Fun Tract and Lot 1R;

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 Corp., 531 Main St., (CL-505), Lots 1 thru 5 incl., Block 11; Tract 1 & 2, Block 12; Lots 13 thru 15 incl., Nly 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

## REGULAR MEETING, November 26, 2007

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;

Lau, Kenneth and Andrews, Constance, (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;

Wild West Winners, Inc., (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;

DGR Hospitality Corp., The Depot Convenience Store, (PL-4522), Hwy 85 South, Deadwood Gulch Addition II except Deadwood Gulch Campground Tract, Deadwood Gulch Fun Tract and Lot 1R;

Four Aces Corp., (PL-4521), 531 Main St., Lots 1 thru 5 incl., Block 11; Tract 1 & 2, Block 12; Lots 13 thru 15 incl., Nly 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;

Deadwood Development Co. Inc., (Wooden Nickel), (RW-6495), 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, Original;

Deadwood Development Co., (The Gallows), (RW-6433), Tract A, Block 29, 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;

DGR Hospitality Corp., Hwy 85 S, (Deadwood Gulch Resort), (RW-6401), Deadwood Gulch Addition II except Deadwood Gulch Campground Tract, Deadwood Gulch Fun Tract and Lot 1R;

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 Hotel & Casino Inc., (Hickok's Iron Horse Inn), (RW-6601), 27 Deadwood St, 5100 Ft, Lots 8, 9, 10, Block 28, Original;

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

**REGULAR MEETING, November 26, 2007**

Dunne, 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 Corp., (RW-6415), 531 Main St., , Lots 1 thru 5 incl., Block 11; Tract 1 & 2, Block 12; Lots 13 thru 15 incl., Nly 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;

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.

**FINANCE/HISTORIC PRESERVATION**

**Ordinance #1094 - Second Reading**

There being no changes or comments subsequent to first reading, Griffith moved, Klamm seconded, to approve second reading of Ordinance #1094 Business Improvement District #7 Tax for 2008. Roll Call: Aye - All. Motion carried.

**Payment Request**

Silvernail moved, Speirs seconded, to approve the annual payment to the First National Trust Department for \$18,476 for the 2007 bond trustee fees, to be paid from Historic Preservation Other Current Expenses line item. Roll Call: Aye - All. Motion carried.

**Payment Request**

Silvernail moved, Speirs seconded, to allow the Finance Office to pay the 2008 Citrix subscription for \$2,730.00 from the Data Processing line item. Roll Call: Aye - All. Motion carried.

**Resolution 2007-22**

Silvernail moved, Speirs seconded, to pass Resolution 2007-22 to Set Parking Ramp Bond Reserve. Roll Call: Aye – All. Motion carried.

Resolution 2007-22

A RESOLUTION TO SET PARKING RAMP BOND RESERVE

Be it resolved by the Deadwood City Commission that the City of Deadwood approved the establishment of a Debt Service Bond Reserve in the amount of \$726,149.53 in the Parking Ramp Fund 0611. This cash reserve will be invested and increased periodically by additional accrued interest as the investment matures. The Security Reserve Requirement remains at \$403,000.00. Any additional dollars will be accumulated in a Replacement/Depreciation Reserve to be used for renewal of worn out, obsolete, or damaged properties or equipment of the facility, or redeem Bonds which are prepayable according to their terms. For annual reporting purposes, both reserves will be combined and shown as a Restricted Investment, and Restriction for Revenue Bond Debt Service in all appropriate financial exhibits.

By action of the Deadwood City Commission, this reserve may be changed by a subsequent resolution.

Dated this 26th day of November, 2007.

City of Deadwood  
/s/ Francis Toscana, Mayor

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

\* \* \* \* \*

## REGULAR MEETING, November 26, 2007

### Ordinance #1095 - First Reading

Finance Officer Mary Jo Nelson provided the Commission with documentation regarding the various funds that require a budget supplement for 2007. Nelson said the main item is the Historic Preservation Fund #0215 - Debt Service Interest of \$527,021.00, which are funds held in escrow, but must be recorded on our books as bond payments are made on behalf of the City, Nelson added the Selbie Street retaining wall project (\$179,500.00) is being paid from the Historic Preservation Fund 0215, Capital Asset line item and the source of revenue is excess gaming proceeds over the \$6.8 million for 2007. The Historic Preservation Budget committee approved this expenditure. The Rubble Site was not budgeted in 2007. Due to change in fund type, all expenditures must be budgeted. Nelson said the General Fund Commission line item expenditure of \$14,469.00 was due to higher insurance premiums than budgeted. Silvernail moved, Speirs seconded, to approve first reading of Ordinance #1095 Supplemental Budget for 2007. Roll Call: Aye - All. Motion carried.

## STREETS

### Purchase Request

Speirs moved, Silvernail seconded, to approve the purchase of 5,500 gallons of gasoline at \$2.83/gallon and 5,500 gallons of diesel at \$3.41/gallon from Southside Service. Roll Call: Aye - All. Motion carried.

## POLICE/FIRE

### Request to Remove Burn Ban

Chief Mohr requested Commission take action to remove the burn ban and request residents to obtain a permit from the Fire Department to burn brush within City limits. Klamm moved, Griffith seconded, to remove the burn ban and require residents to obtain a permit for burning brush within the City limits. Roll Call: Aye - All. Motion carried.

## PLANNING/ZONING/PUBLIC BUILDINGS/TROLLEY

### Discussion - City Hall Skylights (Commission Room)

Jim Raysor provided the Commission with a cost analysis prepared by SpecPro Inc., who inspected the skylights at City Hall. Raysor said the quoted cost of repairing the skylights was approximately \$18,000 and added this was an unsolicited quote. Raysor performed his own inspection and reported there is some hail damage to the panels on a couple of the skylights however, the panels are not leaking. Raysor's recommendation to the Commission is not to repair these skylights at this time.

## PARKS/RECREATION

### Hire TSP - Rodeo Grandstands

Jim Raysor requested the hiring of TSP to prepare Plans and Specifications for the Rodeo Grandstands. Raysor said TSP would base 90% of the necessary work from a previous study, which they prepared previously. The upgrades will consist of making upgrades to the kitchen to meet code specifications, address electrical deficiencies, and runoff from the roof of the grandstands. Griffith moved, Silvernail seconded, to approve the hiring of TSP to prepare plans and specifications for the Rodeo Grandstands not to exceed \$28,900(to be paid from bonded funds) and request the City Attorney to prepare a contract. Roll Call: Aye - All. Motion carried.

### Payment Request

Griffith moved, Klamm seconded, to approve the payment of \$4,500 to Arleth and Associates for the survey work done for the Rec Center project, to be paid from bonded funds. Roll Call: Aye - All. Motion carried.

## ITEMS FROM MAYOR, COMMISSIONER, DEPARTMENT HEADS NOT ON AGENDA

### Snow Removal Reminder

Commissioner Speirs would like to ask the residents for their consideration and cooperation to remove the snow on their sidewalks within 24 hours after a snowfall.

**REGULAR MEETING, November 26, 2007**

**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 3, 2007.

ATTEST:

DATE: \_\_\_\_\_

\_\_\_\_\_  
Mary Jo Nelson, Finance Officer

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