REGULAR MEETING, December 6, 2010

The Regular Session of the Deadwood City Commission convened on December 6, 2010 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, Bruce Oberlander, Joe Peterson, Lenny Schroeder, and Georgeann Silvernail passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Silvernail moved, Schroeder seconded, to approve the minutes of November 22, 2010. Roll Call: Aye-All. Motion carried.

NOVEMBER, 2010 PAYROLL: COMMISSION, $2,730.76; ATTORNEY, $1,564.72; FINANCE, $13,931.49; PUBLIC BUILDINGS, $1,933.44; POLICE, $38,573.17; FIRE, $4,234.70; BUILDING INSPECTION, $3,316.56; STREETS, $23,323.40; PARKS, $15,150.93; PLANNING & ZONING, $3,653.84; LIBRARY, $5,279.93; RECREATION CENTER, $12,701.10; HISTORIC PRESERVATION, $13,218.99; WATER, $11,726.68; PARKING METER, $7,552.00; TROLLEY, $11,992.59; PARKING RAMP, $5,170.45; RUBBLE SITE, $1,125.18 **PAYROLL TOTAL: $177,179.93.**

NOVEMBER, 2010 PAYROLL PAYMENTS:
Internal Revenue Service, $40,775.80; S.D. Retirement System, $18,743.82; Delta Dental, $3,433.04.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Schroeder seconded, to approve the December 6, 2010 disbursements with additional bill. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	MAINT	614.99
ADAMS MUSEUM	FUNDING	1,938.69
BARCO PRODUCTS	BAGS	323.50
BEST WESTERN RAMKOTA	LODGING	435.00
BH CHEMICAL	SUPPLIES	932.13
BH PIONEER	PUBLISHING	329.50
BH POWER	UTILITIES	5,884.64
BRANDON INDUSTRIES	SIGNS-POLES	6,647.00
BUFFALO GAP COMM CNTR	GRANT	4,694.47
CHAMBERLIN ARCHITECTS	MUSEUM PRJ	834.00
CIVIL AIR PATROL	AD	195.00
COMPANION LIFE	INS PREM	221.01
CONRADS BIG "C" ELECTRIC	REPAIRS	504.23
CULLIGAN	SUPPLIES	64.50
DAKOTA BUSINESS	MAINT	60.57
DAKOTA ELECTRIC	REPAIRS	721.23
DEADWOOD CHAMBER	BILL LIST	22,125.00
DEADWOOD ELECTRIC	REWIRING	1,501.17
DEADWOOD GULCH RESORT	TRAINING	40.00
DEADWOOD HOME CENTER	SUPPLIES	755.46
EMERY-PRATT CO	BOOKS	121.52
FARMER BROTHERS	SUPPLIES	52.81
FOOTHILLS SEED	SUPPLIES	342.40
FOX, TERESA	DIGITIZE PRJ	1,434.00
FRATERNAL POLICE	DUES	220.00
FREEMAN'S ELECTRIC	SERV CALL	153.06
GAYLORD BROS.	SUPPLIES	513.83
GODFREY BRAKE SERVICE	SUPPLIES	11.56
GOLDEN WEST	PAGERS	2,846.64
HAWKI, KEN	REIMBURSE	629.04
HAWKINS INC	SUPPLIES	1,053.05
HCW, INC.	LOAN DISB	8,344.13
HELSPER, DALE	CLAIM	836.47
HILLS MATERIALS	SUPPLIES	200.67
INTEGRITY FORD	PARTS	97.30
JACOBS PRECISION WELDING	REPAIRS	494.00
KNOLOGY	SERVICE	1,699.31
LC REGISTER DEEDS	FEES	12.00
LAWSON PRODUCTS	PARTS	171.60
LEACH EXCAVATING	LOAN DISB	5,077.90
LEAD DWD MEDICAL CLINIC	TESTING	72.00
LEAD DWD REGIONAL HOSPITAL	TESTING	37.08
MACROVISION	TRANSFER PRJ	712.50
MARTHA STEWART LIVING	SUBSCRIPTION	24.00
MASONIC CENTER ASSOC	GRANT NON-PROFIT	18,950.00
MENARD'S	SUPPLIES	89.62
MIDWEST TAPE	DVDS	22.99
MDU	UTILITIES	8,010.64
MUTH ELECTRIC	UTILITY SERV	3,659.00
NAPA	SUPPLIES	1,645.85
NEVE'S	UNIFORMS	1,257.96
NEWSWEEK	SUBSCRIPTION	41.08
PACK HORSE LIQUOR	FUEL	13.00
PASTPERFECT SOFTWARE	SUPPLIES	322.00
PETTY CASH- LIBRARY	REIMBURSE	29.92
PRO-STEAM	CLEANING	412.00
RAPID CITY JOURNAL	AD	102.08
RAPID DELIVERY	SERVICE	9.35
REIF, SCOTT D.	REIMBURSE	9.25
RENNER, DONOVAN	REIMBURSE	85.54
SD DEPT CORRECTIONS	FIRE WISE PRJ	2,759.11
SERVALL	SUPPLIES	1,656.05
SILVERNAIL, GEORGEANN	REIMBURSE	18.00
SD ASSOC RURAL WATER	DUES	410.00
SD PUBLIC HEALTH	TESTING	72.00

SUPERIOR SANITATION	LOAN DISB	265.00
TOMS, DON	LC LEDGERS	576.00
TRIPLE K	REPAIRS	453.94
TUMC YOUTH GROUP	DECORATIONS	948.00
TC HARDWARE	SUPPLIES	1,526.02
USPS-DWD	POSTAGE-H2O BILLS	178.85
WHISLER BEARING	SUPPLIES	180.68
	TOTAL	**$117,682.89**

PUBLIC HEARINGS/BID OPENINGS

Public Hearing

There being no one speaking in opposition to the 2010 Liquor/Wine License renewals, Silvernail moved, Schroeder seconded, to approve the renewals contingent upon property taxes and Business Improvement District taxes being paid in full by all establishments. Roll Call: Aye-All. Motion carried.

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;

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;

Deadwood Resort, LLC, dba The Lodge at Deadwood, 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 Meridean;

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;

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

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, westly. Pt. of Lots 33, 34, & 35, Block 33; 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;

REGULAR MEETING, December 6, 2010

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;

Four Aces Gaming LLC, (Four Aces Gaming), (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 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;

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;

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;

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;

G SQUARED LLC, (Deadwood Frontier Club), (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;

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;

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

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;

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

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;

Schade Vineyard Inc., Schade Winery, (RW-18951), Lot 1 a subdivision of M.S. No. 1 & 6 located in Section 13T 5N R3N, Original;

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;

NEW RETAIL (ON-OFF SALE) WINE

Deadwood Resort LLC, The Lodge at Deadwood, 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 Meridean, Deadwood;

Old Style Saloon No. 10 Inc., 657 Main Street, (Saloon #10), Lot 7 & 9 Block 16, Lot 5A Block 16, Lot 11 Block 16, Original

Kathleen M. McShane Deadwood Thyme, Deadwood Thymes Cafe, 87 Sherman Street, Lots 13 & 15, Block 24 Original;

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.

REGULAR MEETING, December 6, 2010

Dated this 15th day of November, 2010.
CITY OF DEADWOOD
/s/ Mary Jo Nelson, Finance Officer

Bid Results - Mt. Moriah
Finance Officer Mary Jo Nelson announced the results from the bid opening held at 2:00 p.m. on December 6, 2010 for the Mt. Moriah Concessions and the bids are as follows: Mel and Deb Maynard - $5,010.00 and First Deadwood Souvenirs - $4,100.00. Silvernail moved, Schroeder seconded, to accept the high bid from Mel and Deb Maynard for $5,010.00, and direct City Attorney to prepare a one-year contract with a review and the option to renew for the second and third year. Roll Call: Aye-All. Motion carried.

FINANCE

Ordinance #1138 - First Reading
Finance Officer Mary Jo Nelson provided the Commission with detailed documentation regarding the various funds that require a budget supplement for 2010. After discussing, Peterson moved, Oberlander seconded, to approve first reading of Ordinance #1138 Supplemental Budget Appropriation #2 for 2010. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING/ZONING/PUBLIC BUILDINGS/SAFETY

Purchase Request
Silvernail moved, Schroeder seconded, to approve the purchase of bricks for crosswalk at a cost of $8,750.00 from Diamond Yards Engraved Bricks, to be paid from Historic Preservation Capital Asset line item. Roll Call: Aye-All. Motion carried.

Hire Request
Silvernail moved, Schroeder seconded, to approve the hiring of Tera Mau at the Broadway Parking Ramp, effective December 7, 2010 at $8.50 per hour, pending pre-employment drug screening. Roll Call: Aye-Silvernail, Schroeder, Oberlander, Toscana. Abstain-Peterson. Motion carried.

Hire Request
Silvernail moved, Peterson seconded, to approve the hiring of Loretta Klein at the Broadway Parking Ramp, effective December 7, 2010 at $8.50 per hour, pending pre-employment drug screening. Roll Call: Aye-All. Motion carried.

STREETS/WATER/LIBRARY

Payment Request
Schroeder moved, Silvernail seconded, to approve the payment of $466.53 to Hills Materials for quantity adjustment on the McGovern Hill chip seal project, brining final cost to $25, 974.98. Roll Call: Aye-All. Motion carried.

Purchase Request
Schroeder moved, Silvernail seconded, to approve the purchase of a concrete chop saw from Stan Houston Company at a cost of $3,200.00 for the Public Works Department. Roll Call: Aye-All. Motion carried.

Employee Resignation
Schroeder moved, Silvernail seconded, to accept the resignation of Library Assistant Desirae Stratton, effective November 29, 2010. Roll Call: Aye-All. Motion carried.

Advertise Position
Schroeder moved, Silvernail seconded, to approve the advertising for the Library Assistant position, starting at $7.50 per hour, 10 hours per week. Roll Call: Aye-All. Motion carried. Roll Call: Aye-All. Motion carried.

POLICE/FIRE

Training Request
Oberlander moved, Schroeder seconded, to allow Alex Hamann to attend ICS 400 Training in Belle Fourche December 11-12, 2010, requesting use of City Vehicle.

REGULAR MEETING, December 6, 2010

Apply for Funding
Oberlander moved, Schroeder seconded, to approve of the application to Lawrence County Management for fund reallocation from the original Public Interoperable Safety Communications grant, requesting $32,090.00 for radios with 80/20 match. Roll Call: Aye-All. Motion carried.

PARKS/RECREATION/TROLLEY

Donation - Rec Pass
Silvernail moved, Peterson seconded, to approve the donation of a 3-month (single adult) Rec Center pass for the Lead-Deadwood School District for their Christmas party silent auction. Roll Call: Aye-All. Motion carried.

Use of Trolley
Silvernail moved, Oberlander seconded, to allow the use of two trolleys to transport passengers to Mt. Moriah on December 7, 2010 for the Pearl Harbor Day event and to waive fees. Roll Call: Aye-All. Motion carried.

LEGAL BUSINESS

Engine House Closing
City Attorney Jason Campbell informed the Commission that the Ormiston's have not signed the closing documents prior to the meeting and requested the Commission approve and allow the Mayor to sign pending buyers signature. The following are the closing documents for the Engine House sale: Real Estate Closing Statement (containing a detailed cost breakdown of the sale), Warranty Deed (containing conservation easement assuring preservation of the Engine House), and Access Easement (allowing access to the double bay doors in rear of the building and maintenance stipulations.) Campbell explained that the buyers would be entitled to a refund of $32,955.80 due to the 1031 (like kind exchange) overpayment. Silvernail moved, Oberlander seconded, to allow the Mayor to sign said agreements and stipulate that the $32,955.80 will not be redistributed the buyers until all documents have been executed. Roll Call: Aye-All. Motion carried.

Ordinance #1137 - First Reading
Silvernail moved, Peterson seconded, to approve first reading of Ordinance #1137 Amending Chapter 12, Streets, Sidewalks, and Public Places (prohibiting smoking on all City property, entrances, parks, public buildings/places.) Roll Call: Aye-All. Motion carried.

Contract - HCW Construction, Inc.
Silvernail moved, Schroeder seconded, to allow the Mayor to sign the contract between the City of Deadwood and HCW, Construction, Inc. for the remodel project at Mt. Moriah visitor/vendor house for $2,325.60. Roll Call: Aye-Silvernail, Schroeder, Oberlander, Toscana. Abstain-Peterson. Motion carried.

Parking Lease
Schroeder moved, Silvernail seconded, to approve the one additional parking space (totaling 15 spaces) at the Broadway Parking Ramp for the South Dakota Gaming Commission. Roll Call: Aye-All. Motion carried.

ADJOURNMENT
Silvernail moved, Schroeder 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 13, 2010.

CITY OF DEADWOOD SEAL SOUTH DAKOTA

ATTEST: Mary Jo Nelson
Mary Jo Nelson, Finance Officer

DATE: 12-13-10

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 _____.