

## REGULAR MEETING, August 13, 2007

The Regular Session of the Deadwood City Commission convened on August 13, 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 August 6, 2007. Roll Call: Aye-All. Motion carried.

### APPROVAL OF DISBURSEMENTS

Griffith moved, Silvernail seconded, to approve the August 13, 2007 disbursements. Roll Call: Aye-All. Motion carried.

A & B WELDING	PROPYLENE CANISTER RENTAL	7.50
ABC	GIS SUPPLIES	722.63
ACTIVE DATA SYSTEMS	YEARLY SUPPORT	6,790.55
ADAMS MUSEUM	ADAMS MUSEUM BUILDING	5,050.99
ADT SECURITY SERVICES	SECURITY INSTAL/HIS. CENTER	4,251.53
ALCO STORES, INC.	GROCERY	25.12
AMERICAN RED CROSS	LIFEGUARDING DVD-INST. MANUAL	323.00
ARMSTRONG EXTINGUISHER	HAZ MAT CHG-(4) RED CABINETS	289.00
BIRDSALL SAND & GRAVEL	ASPHALT/BASEBALL FIELDS	166.31
BLACK HILLS PIONEER	COMMUNITY PROMOTION AD-JULY	10.00
BLACK HILLS PURE, INC.	2 5 GALLON WATER	10.50
CITY OF LEAD	2007 OUTSIDE OF DEADWOOD GRANT	4,675.00
CULLIGAN	HOT/COLD RENTAL	108.00
DEADWOOD CHAMBER	DEADWOOD CHAMBER & VISITORS BU	25,000.00
DEADWOOD HOME CENTER	V32 4 1/2 SWIV HASP ZN	3.59
DUNCAN PARKING	ANTI-GLARE DOME	435.62
ELAN FINANCIAL SERVICES	WALMART- RALLY GROCERY	670.44
EMERY-PRATT COMPANY	BOOKS	56.91
FARMER BROTHERS CO	OFFICE COFFEE SUPPLIES	34.28
FASTENAL COMPANY	PRIMER-BLASTER-HCS Z5	108.16
FOX, TERESA	NEWSPAPER INDEXING	1,500.00
GALL'S INC.	TACTICAL ATAC 8IN STORM WP ZIP	449.41
GENES LOCK SHOP	1 LOCK, 3 KEYS, SERV. CALL	171.30
GERVING CONSTRUCTION	THE MINT - 638 MAIN	2,803.41
GOLDEN WEST TECHNOLOGIES	FIRE DEPT. PHONE SYSTEM REBOOT	60.00
INTEGRITY FORD	TANK ASY - RADIATOR	122.14
INTERSTATE BATTERIES	9V BATTERY PACK	360.00
INTOXIMETERS	MOUTHPIECE OPEN (REGULAR)	222.50
JACOBS PRECISION WELDING	WELDING CABLE CONNECTOR-SQUARE	3,705.25
JULIN, SUZANNE	ORAL HISTORIES PROJECT	3,850.00
KEN'S CAMPER	KEROSENE, PROPANE	106.58
LAWRENCE COUNTY REGISTER	FILING FEE - MARTINISKO-29 TAY	44.00
LEAD-DEADWOOD REGIONAL	T-SHIRTS	100.00
LEHMEN CONSTRUCTION CO.	RETAINING WALL 29 ADAMS	40,005.50
LYNN'S DAKOTA MART	BREAKROOM SUPPLIES	15.84
MARSHA MORSE	LOAN DISB - 20 WASHINGTON	620.86
MASONIC CENTER ASSOC	2007 MASONIC TEMPLE GRANT	3,711.23
MATT PARROTT & SONS	LASER CHECKS	291.88
MIKE RUNGE	CAP REIMBURSTMENT	170.00
NAPA AUTO PARTS	STEEL WELDING WIRE	1,997.92
NEVE'S UNIFORMS, INC.	POLICE LINE TAPE	101.70
NEWELL MUSEUM	2007 OUTSIDE OF DEADWOOD GRANT	2,806.00
NEWMAN TRAFFIC SIGNS	NEWMAN TRAFFIC SIGNS	94.95
OCCUPATIONAL HEALTH	OCCUPATIONAL HEALTH NETWORK	56.00
ONE CALL SYSTEMS, INC.	LOCATE REQUEST TICKETS	24.00
PONTIUS, JERRY	REIMBURSEMENT POSTAGE; SUPPLIE	41.75
PRAIRIE WAVE	PHONE-INTERNET/FIRE DEPT.	235.71
RAPID DELIVERY	DELIVERY SERVICES	8.40
ROYAL CHEMICAL	HEAVY DUTY CLEANER/DEGREASER	342.76
SD DEPT OF ENVIRONMENT	ANNUAL DRINKING WATER FEE	600.00
SDN COMMUNICATIONS	TWO WAY COMMUNICATION LINE	346.80
SOUTH DAKOTA STATE	MICROFILM-BH PIONEER	86.40
SOUTH DAKOTA STATE	SALES TAX DUE JULY, 2007	6,023.17
TOOLS UNLIMITED	DEEP IMPACT SOCKET SET	92.99
TWILIGHT FIRST AID	FIRST AID SUPPLIES	132.60
TWIN CITY HARDWARE	SAFETY SNAP, BOLT EYE, HS10 CH	1,833.47
WASTE CONNECTIONS, INC.	GRASS DUMPSTER	887.61
ZEP	ZEP 40; ZEP FORMULA 4358	160.48
	<b>TOTAL</b>	<b>\$ 122,921.74</b>

### ITEMS FROM CITIZENS ON AGENDA

#### BID #7 - Marketing and Promotion Agreement

Jon Mattson, representing BID #7, informed the Commission that the Deadwood Event Center Operating Agreement and the Marketing and Promotion agreement are a follow up to the Memo of Understanding, which the Commission approved in June 2007. BID #7 agrees to set aside 95% of the BID #7 occupancy taxes with the first \$300,000 collected, which have been committed to TenTexKota for the operation of the event center. The remainder or balance of the occupancy

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taxes collected shall be paid to TenTexkota for the marketing and promotion of the event center, which is subject to a maximum total limit of \$550,000. Mr. Mattson met with City Attorney Jason Campbell to discuss the provisions of these agreements and Mr. Campbell reiterated the fact that the funding out clause, which states this would not constitute debt or liability of the City of Deadwood is included in both agreements. Silvernail moved, Speirs seconded, to allow the Mayor to sign the Deadwood Event Center Operating agreement between the City of Deadwood, Business Improvement District (BID) #7, and TenTexkota, LLC. Roll Call: Aye – All. Motion carried. Silvernail moved, Griffith seconded, to allow the Mayor to sign the Marketing and Promotion agreement between the City of Deadwood, BID #7, and TenTexKota, LLC. Roll Call: Aye – All. Motion carried.

### Golden West – Citrix Project (Continued 8-6-2007)

Finance Officer Mary Jo Nelson discussed the expenditures and costs for Citrix project. Nelson explained the balance for the Citrix project is \$4,774.88 and \$8,701.88 is for general computer support items. Silvernail moved, Speirs seconded, to approve the expenditure of \$4,774.88 for the balance of the Citrix project. Roll Call: Aye – All. Motion carried. Silvernail moved, Speirs seconded, to approve the expenditure of \$8,701.88 for general computer support items. Roll Call: Aye – All. Motion carried.

### HARC Director

Mary Kopco, Adams House and Museum, introduced Gail Prostrollo the new Director of the Homestake Adams Research Center.

### Hire Stateline Architects

Mayor Toscana said the Historic Preservation Commission approved the hiring of Stateline Architects for the renovation of the Homestake Adams Research Center. Mary Kopco explained this is a two-phase project: Phase 1 is the designing of the storage component and the climate control for the building at a cost of \$56,420. Phase 2 is the designing for the public programming and classroom space at a cost of \$61,380. Speirs moved, Griffith seconded, to approve the total expenditure of \$117,800 for the hiring of Stateline Architects, to be paid from bonded funds. Roll Call: Aye – All. Motion carried.

## PUBLIC HEARINGS/BID OPENINGS

### Public Hearing Liquor License Transfers (Continued 8-6-07)

Griffith moved, Speirs seconded, to continue the public hearing for liquor license transfers for the Gold Dust Inc. until further notice. Roll Call: Aye – All. Motion carried.

### Public Hearing for Wine License (Continued 8-6-2007)

Speirs moved, Silvernail seconded, to open the public hearing for Deadwood Development Company dba The Gallows for a wine license. Roll Call: Aye – All. Motion carried. This public hearing was continued due to the uncertainty of how The Gallows was going to serve food. According to State law, they must have a connected kitchen to provide meals. Haverberg asked the Commission to clarify the definition of a connected kitchen. He explained The Gallows has a pizza oven and microwave, is serving pizzas and hamburgers, and meet the seating for fifty people. Haverberg said they intend to have a kitchen in this establishment by December. After much discussion, City Attorney Jason Campbell said the State leaves it up to the municipality to determine the definition of a connected kitchen. Mr. Campbell expressed his concerns with the Commission's approval prior to the actual kitchen being in place. Silvernail moved, Speirs seconded, to approve the wine license for The Gallows. Roll Call: Aye – All. Motion carried.

### Set Bid Opening

Griffith moved, Klamm seconded, to set a bid opening on September 4, 2007 at 5:15 p.m. for Deadwood City Hall roof replacement project. Roll Call: Aye - All. Motion carried.

## FINANCE/HISTORIC PRESERVATION

### Chicago Albumen Works Contract

Griffith moved, Speirs seconded, to allow the City to enter into a contract with Chicago Albumen Works to light existing panels and produce surrogate glass plate of the Franklin Hotel at a total cost of \$21,500 and request City Attorney to prepare a contract. Roll Call: Aye – All. Motion carried.

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### Request for Proposal - Architectural Survey

Kevin Kuchenbecker informed the Commission that the last architectural survey was done in 1993. Kuchenbecker said they have budgeted \$75,000 for this survey. Speirs moved, Griffith seconded, to approve the publishing for a request for proposal for architectural survey, a budgeted to be paid from Historic Preservation professional service line item. Roll Call: Aye – All. Motion carried.

### Ordinance #1085 - First Reading

Griffith moved, Klamm seconded, to pass first reading of Supplemental Budget Appropriation Ordinance #1 for 2007. Roll Call: Aye – All. Motion carried.

### Information - Budget Meeting

Finance Officer, Mary Jo Nelson announced there would be a budget meeting at 4:30 p.m. in the Century Room on Tuesday, August 14, 2007.

## **STREETS/WATER**

### Employee Travel

Speirs moved, Silvernail seconded, to allow Jeanette Chaney-Moodie to attend the SDLA Annual Conference in Watertown on October 17-19, 2007 at a cost of \$195 plus hotel at \$73 per night and transportation. Roll Call: Aye – All. Motion carried.

### Parking Spaces in Broadway Ramp

Public Works Director, Jim Raysor requested four parking spaces in the parking ramp for approximately 1 month for Williams Street residents that are affected by the retaining wall construction project at 308 Williams Street. Speirs moved, Silvernail seconded, to approve four parking spaces on the top level of the parking ramp. Roll Call: Aye – All. Motion carried.

### Street Projects

Speirs moved, Silvernail seconded, to approve the expenditure of \$6,000 for the Wabash Street project. Roll Call: Aye – All. Motion carried. Speirs moved, Silvernail seconded, to approve the expenditure of \$18,000 for the Carney Street project. Finance Officer Mary Jo Nelson stated each project is not to exceed \$25,000. Mayor Toscana suggested the City purchase the materials and provide labor for the wall project on Carney Street. Roll Call: Aye – All. Motion carried.

### Employee Travel

Speirs moved, Griffith seconded, to allow Jim Raysor to travel to Pierre for a Municipal League meeting on August 16, 2007, requesting use of vehicle. Roll Call: Aye – All. Motion carried.

## **PLANNING & ZONING/PUBLIC BUILDINGS/TROLLEY**

### Set Public Hearing

Silvernail moved, Speirs seconded, to set a public hearing on September 17, 2007 at 5:10 p.m. to vacate a portion of Charles Street. Roll Call: Aye – All. Motion carried.

## **PARKS/RECREATION**

### Employee Wage Increase

Griffith moved, Klamm seconded, to approve the wage increase for Chelsea Hart from \$9.00 to \$9.50, effective August 15, 2007, after completion of one year of service. Roll Call: Aye - All. Motion carried.

### Employee Resignations

Griffith moved, Silvernail seconded, to accept the resignations of the following summer employees: Luke Mollman and Trevor Tridle on August 23: Ryan Hudson, Hilary Havlik and Garret Aman on August 17 and Roy Buchanan on August 24, 2007. Roll Call: Aye - All. Motion carried.

## **LEGAL BUSINESS**

### Decker's Property

City Attorney Jason Campbell said he was notified that the right of first refusal was received from Nash Finch and given to Lawrence Title Company, thus closing on the Decker's property. Campbell said he is in receipt of the warranty deed and bill of sale thus allowing the City to

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transfer the real state and personal property over to the Deadwood Economic Development Corporation. Mayor Toscana suggested that an agreement be prepared and approved by the City of Deadwood and Economic Development Corporation. Silvernail moved, Griffith seconded, to continue to the August 20, 2007 meeting.

**ADJOURNMENT**

Speirs moved, Toscana seconded, to adjourn the regular session at 5:55 p.m. The next regular meeting will be at 5:00 p.m. on Monday, August 13, 2007.

ATTEST:

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

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

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