

**REGULAR MEETING, July 7, 2008**

The Regular Session of the Deadwood City Commission convened on July 7, 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, Joe Peterson, Lenny Schroeder, Georgeann Silvernail and Mike Klamm. All motions passed unanimously unless otherwise stated.

**APPROVAL OF MINUTES**

Silvernail moved, Schroeder seconded, to approve the minutes of June 30, 2008. Roll Call: Aye-All. Motion carried.

**APPROVAL OF DISBURSEMENTS**

Silvernail moved, Peterson seconded, to approve the July 7, 2008 disbursements. Roll Call: Aye-All. Motion carried.

ABC	(6) INDEX SETS/ORDINANCES	514.29
AKRON BRASS COMPANY	3/4" HOUSING ARM ASSY, STONCO	117.38
ALPINE IMPRESSIONS	SHIRTS FOR SUMMER CAMP WORKERS	169.60
AMANO MCGANN	CPASS CARDS FOR BRDWAY PRK RAMP	0.00
BLACK HILLS CHEMICAL	TOWELS-SITTUE-BLEACH-BAGS	1,806.61
BLACK HILLS POWER & LIGHT	ELECTRICITY/PUBLIC BUILDINGS	2,599.11
BLONDIE'S IGA	BATTERIES FOR RECORDER	23.64
CEDAR SHORE HOTEL	MARY JO FINANCE OFFICER SCHOOL	551.70
CONRADS BIG "C" ELECTRIC	LAMP-PHOTO EYES-BALLASTS/LIGHT	1,267.70
CULLIGAN OF THE NORTHERN H	BOTTLED WATER/REC CENTER	83.50
DAKOTA MILLWORK INC	EXTERIOR DOOR/CITY HALL	426.78
DEADWOOD HOME CENTER	LUMBER/OAKRIDGE WALK WAYS	895.86
DEADWOOD VOLUNTEER FIRE DE	13 DVFD MTNGS X 25.00	325.00
DIAMOND VOGEL PAINT CENTERTO	P STRAINER	25.25
FASTENAL COMPANY	CABLE TIES/PARKS SUPPLIES	180.36
FISHER SAND & GRAVEL	SAND/STREETS	90.45
GOLDEN WEST TECHNOLOGIES,	DISPLAY PAGER AIR TIME	2,272.00
GREAT WESTERN TIRE, INC.	SERVICE CALL-FLAT TIRE REPAIR	83.00
HCW, INC.	INSTALL EXHAUST FAN-CITY HALL	599.11
JACOBS PRECISION WELDING	ALUM FLT BAR, CUT MATERIALS	74.20
KNOLOGY	PHONE SERVICE/FIRE DEPT.	237.42
LEAD DEADWOOD SANITARY DIS	LEAD DEADWOOD SANITARY DISTRIC	24,669.72
LIGHT AND SIREN	SOLAR HIGH INTENSITY RED LIGHT	329.89
LINDSTAD'S ALIGNMENT&	BRAKALIGN-BALANCE TIRES/W FRTLINER	176.00
MONTANA DAKOTA UTILITIES	NATURAL GAS/GAYVILLE PRV	4,008.66
NAPA AUTO PARTS	GL WHIT/SELF ETCHING PRIMER	609.42
NELSON, ROBERT JR.	REIMBURSE 1/2 OF DEDUCTIBLE	750.00
NEVE'S UNIFORMS, INC.	PANTS & SHIRT	101.00
NEWMAN TRAFFIC SIGNS	CHILDREN AT PLAY, 2 COLOR	457.79
PICK UP SPECIALTIES	SPITZLIFT DC 4' ELECTRIC	1,218.91
PITNEY BOWES INC	POSTAGE RESERVE	500.00
SERVALL UNIFORM AND LINEN	MATS, TOWELS, BAG	49.05
SOUTH DAKOTA PUBLIC HEALTH	COLIFORM TESTING/REC CENTER	48.00
SOUTH SIDE SERVICE (SANITO	PREMIUM GAS/ALL DEPARTMENTS	19,510.95
TEMPERATURE TECHNOLOGY,	INCK AC-REPLACED BATTERY	88.39
TOMFORD, TERESA	REIMBURSE FOR DEDUCTIONS	72.02
TRIPLE K TIRE & REPAIR	SIMULATORS, LABOR SHOP SUPPLIES	577.00
TWIN CITY HARDWARE & LUMBE	2 PK LANTERN BATTERY	2,761.07
ULTRAMAX	TACTICAL FLIGHT CONT	92.00
WESTERN STAR, INC.	CLUTCH DISC, SRAY LUBE	140.10
WOLFF'S PLUMBING AND HEATI	SLOAN FLUSH VALVE REPAIR KIT	13.97
	<b>TOTAL</b>	<b>\$ 68,516.90</b>

**ITEMS FROM CITIZENS ON AGENDA**

**Coffee Shop in Sherman Parking Lot - Bill Meehan**

Silvernail moved, Schroeder seconded to set a public hearing on July 21, 2008 at 5:25 p.m. for notice to lease city property to a private party. if approved the city attorney will draw up a new agreement with Meehan as new owner of the coffee shop after the public hearing. Roll Call: Aye - All. Motion carried.

**Permission to use Ferguson Field**

Silvernail moved, Schroeder seconded, to allow the use of Ferguson Field for a Lead YMCA fundraiser and to waive the vending fee because of non-profit organization. Scott Hertel was present to explain that field games would be played, a barbeque and snow cone machine would be in use. Hertel also stated that there would be a live auction. The proceeds for the fundraiser would be used to improve the lobby of the YMCA in Lead. Roll Call: Aye - All. Motion carried.

**Request from Licensed Beverage Dealers of South Dakota to sell raffle tickets for Harley Davidson motorcycle - drawn on August 9**

No action taken.

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**PUBLIC HEARINGS/BID OPENINGS**

**Set Public Hearing**

Silvernail moved, Peterson seconded, to set a public hearing at 5:10 p.m. on August 4, 2008 to allow disposition of materials from property at 58 Pleasant. Roll Call: Aye - All. Motion carried.

Silvernail moved, Klamm seconded, to set a public hearing at 5:10 p.m. on July 21, 2008 for the application of transfer for Package (Off Sale) Malt Beverage for Blondie's IGA at 124 Sherman Street due to an ownership change. Roll Call: Aye - All. Motion carried

Klamm moved, Silvernail seconded, to set a public hearing at 5:40 p.m. on July 14, 2008 to set bid opening for sidewalk repairs. Roll Call: Aye - All. Motion carried.

Silvernail moved, Klamm seconded, to set public hearing at 5:15 p.m. on July 21, 2008 for transfer of convention center, malt beverage, wine and package liquor licenses to Deadwood Hospitality Resort LLC. Roll Call: Aye - All. Motion carried.

Silvernail moved, Klamm seconded, to set a public hearing at 5:20 p.m. on July 21, 2008 for transfer of convention center, malt beverage, wine and package liquor licenses to Four Aces Lodging Group, LLC. Roll Call: Aye - All. Motion carried.

**FINANCE-COMMISSIONER PETERSON**

**New hire**

Peterson moved, Silvernail seconded to hire Tasha Graham at the Parking Ramp for \$8.00 per hour effective July 1, 2008. Roll Call: Aye - All. Motion carried.

**Resolution 2008-18 Amending 2008-08 Relating to the Issuance of Sales Tax Revenue Bonds**

Peterson moved, Silvernail seconded, to amend the redemption day as stated in Resolution 2008-08 which relates to the Issuance of Sales Tax Revenue Bonds. Roll Call: Aye - All. Motion carried.

**RESOLUTION NO. 2008-18**

**RESOLUTION RELATING TO THE ISSUANCE OF SALES TAX  
REVENUE BONDS, SERIES 2008; AMENDING RESOLUTION NO.  
2008-08**

**BE IT RESOLVED** by the Board of Commissioners of the City of Deadwood, Lawrence County, South Dakota (the City) as follows:

**Section 1. Recitals and Findings.**

1.01. The City has, by Resolution No. 2008-08, duly adopted by this Commission on March 3, 2008 (the Authorizing Resolution), authorized the issuance and sale of non-ad valorem sales tax revenue bonds (the Bonds) to Dougherty & Company LLC, of Minneapolis, Minnesota (the Underwriter), in a principal amount not to exceed the sum of (i) the amount necessary to refund in a current refunding, the City's outstanding Sales Tax Revenue Refunding Bonds, Series 2002 (the Series 2002 Bonds), currently outstanding in the amount of \$1,095,000 (the Refunded Bonds), (ii) the amount necessary to finance the renovation of the existing recreation center facility in the City (the Project), (iii) the amount required to fund a reserve fund for the Bonds, (iv) the amount necessary to pay costs of issuance of the Bonds including underwriter's discount, (v) the amount necessary to pay any bond insurance premium as may be required, and (vi) an allowance (not exceeding 2% of the principal amount of the Bonds) for original issue discount.

1.02. Following adoption of the Authorizing Resolution, the City received bids for construction of the Project which were substantially higher than the City's original cost estimate. It was determined, therefore, to delay issuance of the Bonds to enable the City to pursue additional sources of funding and undertake a redesign of the Project. This process has now been completed and the City has determined that the Project can be accomplished within the parameters of the Authorizing Resolution and desires to proceed with the issuance of the Bonds.

1.03. Due to the unanticipated delays in issuing the Bonds, the Underwriter has advised the City that it is necessary to revise the redemption date for the Refunded Bonds and to amend the Authorizing Resolution accordingly.

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1.04. It is hereby found, determined and declared to be in the best interest of the City to amend the Authorizing Resolution as set forth in Section 2 hereto.

Section 2. Amendment of Authorizing Resolution. Section 3 of the Authorizing Resolution is hereby amended to read:

“SECTION 3. USE OF PROCEEDS. A portion of the proceeds of the Bonds are irrevocably appropriated in the amount necessary for the payment of the interest to become due on the Refunded Bonds to, and redemption and payment of the principal amount, plus premium, if any, of the Refunded Bonds on August 15, 2008, or as soon thereafter as practicable (the Redemption Date). The remaining proceeds of the Bonds after payment of costs of issuance of the Bonds, shall be deposited and applied as described in Section 4 hereof.”

Section 3. Miscellaneous. Except as specifically amended by this resolution, all of the provisions of the Authorizing Resolution remain in full force and effect.

Section 4. Effective Date. It is hereby found, determined and declared that this resolution is necessary for the support of the municipal government and its existing public institutions wherefore an emergency exists. This resolution shall take effect upon passage and publication thereof.

Adopted this 7<sup>th</sup> day of July, 2008.

Francis Toscana, Mayor

ATTEST:

Mary Jo Nelson, Finance Officer

Parking Ramp Purchase

Peterson moved, Silvernail seconded to allow the parking ramp permission to purchase 500 cards at a cost of \$2,153.75 from Amano/McGann. Roll Call: Aye - All. Motion carried.

HISTORIC PRESERVATION/PLANNING AND ZONING/PUBLIC BUILDINGS/SAFETY

Travel

Klamm moved, Schroeder seconded to allow Kevin Kuchenbecker to travel to Pierre for Preserve South Dakota meeting on July 18, 2008. Kuchenbecker also requested use of the city vehicle & lunch reimbursement.

New job description

Kuchenbecker stated that the new job description was basically the old one used for the part-time position with a few additions. When Silvernail asked if the Historic Preservation Commission had approved, Toscana stated that the City Commission was responsible for approving personnel positions. Peterson moved, Toscana seconded to approve the new job description for full time position in Historic Preservation Office. Roll Call: Aye - All. Motion carried

Permission to advertise

Peterson moved, Klamm seconded to allow Kevin Kuchbecker to advertise in house five days for full time position in Historic Preservation, then permission to publish in official newspaper if necessary. Roll Call: Aye - All. Motion carried

STREETS/WATER

Easement-Bill and Jerilyn Rich and 50/50 cost share to pave driveway.

Klamm moved, Schroeder seconded to pave driveway and share cost 50/50 with Bill and Jerilyn Rich. Jim Raysor, Public Works Director, explained that the Rich property is on a portion of Railroad Street that needs improvement. The cost would be \$750.00 - \$1000.00 and would consist of 2" asphalt with a one layer seal. Roll Call: Aye - All. Motion carried

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PARKS/RECREATION/TROLLEY

New hire

Peterson moved, Silvernail seconded to hire Ardath Waisanen at Mt. Moriah booth at \$9.00 hr. effective July 8, 2008. Roll Call: Aye - All. Motion carried

Silvernail moved, Schroeder seconded to hire Virgene Mau at Mt. Moriah booth at \$7.00 per hour effective July 8, 2008. Roll Call: Aye - All. Motion carried

LEGAL BUSINESS

Second reading of Ordinance #1103 to Assess City Nickels at \$2,000 per device per year

Silvernail moved, Klamm seconded to have second reading of Ordinance #1103 to Assess City Nickels at \$2,000 per device per year. Jason Campbell, City Attorney, stated that this ordinance amended Ordinance #1093 which dealt with Business Improvement Districts 1,2,3,4,5,and 6. Roll Call: Aye - All. Motion carried

ITEMS FROM MAYOR, COMMISSIONERS, DEPT. HEADS NOT ON AGENDA

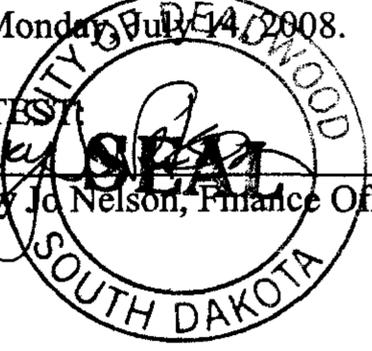
Jim Raysor, Public Works Director, asked the Commission to accept the resignation of Donna Quenzer effective July 30, 2008. Raysor requested permission to advertise for that position. Schroeder moved, Silvernail seconded. Roll Call: Aye - All. Motion carried.

Toscana stated budget meetings would begin at the end of July. Toscana asked for 2 or 3 nights to complete budget talks.

ADJOURNMENT

Toscana moved, Silvernail seconded, to adjourn the regular session at 5:30 p.m. and convene Executive Session with no action taken for legal matters. The next regular meeting will be at 5:00 p.m. on Monday, July 14, 2008.

ATTEST  
  
Mary Jo Nelson, Finance Officer



DATE: 7/14/08  
BY: Francis A. Toscana  
Francis A. Toscana, Mayor