

**REGULAR MEETING, May 12, 2008**

The Regular Session of the Deadwood City Commission convened on May 12, 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**

Klamm moved, Silvernail seconded, to approve the minutes of May 5, 2008. Roll Call: Aye-All. Motion carried.

**APPROVAL OF DISBURSEMENTS**

Silvernail moved, Klamm seconded, to approve the May 12, 2008 disbursements. Roll Call: Aye-All. Motion carried.

ABC	ENVELOPES	82.79
AMERICAN LEGAL PUBLISHING	CODE ORDINANCES	98.60
BLACK HILLS CHEMICAL	SUPPLIES	1,293.62
BLACK HILLS PIONEER	ADS 4-7-4-28	1,418.00
BLACK HILLS POWER	ELECTRICITY/PUBLIC BUILDINGS	3,369.56
CHAINSAW CENTER	STIHL SPOOL	77.70
CLIFF DOWER	MEAL REIMBURSEMENT/DALLAS	17.30
CULLIGAN	SALT	116.50
DELAHOYDE'S PAINT	INSTALL GRAPHICS	500.00
ENVIRONMENTAL EQUIPMENT &	NAME CHANGE/TYMCO TRAINING	100.00
GOLDEN WEST	DISPLAY PAGER AIR/STS-WATER	82.00
HAGEN INSURANCE GROUP	ADD. PREMIUM FOR TYMCO SWEEPER	1,438.68
JAMES RAYSOR	REIMBURSE GAS	25.00
JENNER EQUIPMENT	GASKET/DOZER AT DUMP	30.45
JIM LEHTO	TRAINING IN PIERRE	75.51
KBS, INC	BLK & WHT METER/ COLOR METER	68.97
M & T FIRE AND SAFETY	PIPE SPANA WRNCH,RCKR LUG,HOOK	140.91
MONTANA DAKOTA UTILITIES	NATURAL GAS/HARC BUILDING	159.98
NAPA AUTO PARTS	BULB	1,893.37
NEVE'S UNIFORMS, INC.	CLOTHING ALLOWANCE	44.56
ONE CALL SYSTEMS, INC.	LOCATE REQUEST TICKETS	11.00
PETTY CASH-MT. MORIAH	SUMMER START UP MONEY	200.00
PIONEER DESIGNS	T-SHIRTS/REC CENTER	277.26
RAPID DELIVERY	DELIVERY SERVICE	31.80
ROBERT RADENSLEBEN	MEAL REIMBURSEMENTS/DALLAS	7.84
SANITATION PRODUCTS	BROOMS-DIRT SHOES-SHIPPING	868.50
SD DEPARTMENT OF MOTOR	TITLE & PLATES STREET SWEEPER	13.00
SDN COMMUNICATIONS	TWO WAY COMMUNICATION	346.80
SERVALL UNIFORM AND LINEN	COVERALLS-MOPS-TOWELS-MATS-BAG	744.41
SHARE CORP	SEALER-LUBE-RUBBER IN CAN-4-WA	126.26
SDAKOTA FEDERAL PROPERTY	MET TOOL,PWR STRP,BRUSH	181.00
SDAKOTA MUNICIPAL LEAGUE	REGISTRATION FEE FOR HR SCHOOL	568.00
S DAKOTA PUBLIC HEALTH	COLIFORM TESTING/REC CENTER	48.00
SDAKOTA STATE TREASURER	APRIL 2008 SALES TAX DUE	3,375.33
SOUTH SIDE SERVICE	PREMIUM GAS/ALL DEPARTMENTS	17,748.97
SPEARFISH HUSKY	TRIMMER LINE-MIX OIL	190.00
STRETCH'S GLASS	INSTALL PLEX IN DOZER/T C DUMP	113.00
TEMPERATURE TECHNOLOGY	THERMISTOR-REPAIRED HEAT PUMP	204.77
TIM CONRAD ELECTRIC	REPAIR 277 LIGHT AT CITY HALL	137.90
WASTE CONNECTIONS, INC.	ROLL OFF GRASS DUMPSTER	291.77
WATER GEAR, INC.	WETSUIT VEST/REC CENTER	40.02
WOLFF'S PLUMBING	REPAIRED POOL HEATER	99.00
	<b>TOTAL</b>	<b>\$ 36,658.13</b>

**SWEAR IN COMMISSIONER**

City Attorney Jason Campbell administered the Oath of Office to the newly elected Commissioner Joel Peterson.

**SWEAR IN LIBRARIAN**

City Attorney Jason Campbell administered the Oath of Office to Jeanette Moodie-Chaney.

**ITEMS FROM CITIZENS ON AGENDA**

**Phoenix Award**

Tom Griffith and Tom Adkinson representing the Society of American Travel Writers presented a Phoenix Award to the City of Deadwood recognizing the City's decades-long efforts in historic preservation and the succeeding impact on the travel industry. Tom Adkinson of Nashville told the Commission the Phoenix Award recognizes the City of Deadwood's ongoing efforts in historic preservation. Adkinson stated that the honor places the City of Deadwood in some extremely prestigious company and mentioned a few previous Phoenix Award winners such as Historic Charleston Foundation, San Antonio Conservation Society, Easter Island, New York City's Metropolitan Transit Authority, and Walt Disney World. Mr. Griffith added he is very proud of what this community has accomplished.

**REGULAR MEETING, May 12, 2008**

Mayor Toscana agreed with Mr. Adkinson and Mr. Griffith that this is a very prestigious award and thanked them both for the great opportunity to accept this award on behalf of the City of Deadwood.

**Deadwood Cab Company**

Ruth Delfeld representing the Deadwood Cab Company requested permission to expand a taxicab service to the City of Deadwood. Chief Kelly Fuller informed the Commission that the Deadwood Cab Company met with the Parking and Transportation Committee and gave a presentation on the services they would provide to the local community. Fuller said that the Parking and Transportation committee requested that the Deadwood Cab Company complete an application, requested proof of insurance, and if approved by the Commission require a \$75.00 fee be paid to the Finance Office. Chief Fuller informed the Commission that there are designated spots for taxicabs located on Wall Street by the Broadway Parking Ramp. Silvernail moved, Klamm seconded, to approve the taxicab service of the Deadwood Cab Company, proof of insurance, \$75.00 fee to be paid and a designated spot on Wall Street. Roll Call: Aye-All. Motion carried.

**PUBLIC HEARING/BID OPENINGS**

**Set Public Hearing**

Klamm moved, Silvernail seconded, to set a public hearing at 5:05 p.m. on May 27, 2008 for an application transfer for a retail (On-Off Sale) Malt Beverage license for RLG Enterprises, LLC dba The Penny Motel. Roll Call: Aye-All. Motion carried.

**Public Hearing**

Silvernail moved, Klamm seconded, to allow Darin Gourde, Segway Tours to lease the Days of 76 Ticket Booth located at the Rodeo Grounds (with the exception of the Days of 76 events and Shrine Circus) for \$200 per month including utilities and request City Attorney to prepare said contract stating dates, time and fees. Roll Call: Aye-All. Motion carried.

**HISTORIC PRESERVATION/PLANNING & ZONING/PUBLIC BUILDINGS/SAFETY**

**Chuck Vanderziel – TIF District #6 for The Lodge at Deadwood**

Chuck Vanderziel of the Black Hills Council of Local Governments, provided the background of events leading to Resolution 2008-13, Approving Project Plan for Tax Increment Financing District #6 (TIFD#6) for The Lodge at Deadwood convention center proposed by Regency Inns Management, Inc. He stated that in July 2004 the boundaries for the project were approved. Vanderziel explained and provided in detail the building costs and a cash flow analysis associated with the Project Plan, which is the second step of approving the TIFD #6. Silvernail moved, Klamm seconded, to approve Resolution 2008-13 Approving the Project Plan for Tax Incremental District #6 in the City of Deadwood, not to exceed \$4.5 million, and allow the Mayor to sign said resolution. Roll Call: Aye - All. Motion carried.

**CITY OF DEADWOOD RESOLUTION NO. 2008-13  
RESOLUTION APPROVING PROJECT PLAN FOR  
TAX INCREMENTAL DISTRICT NUMBER SIX, CITY OF DEADWOOD**

**BE IT RESOLVED** by the Board of Commissioners of the City of Deadwood, as follows:

**WHEREAS**, the Deadwood City Commission has established Tax Incremental District Number Six by Resolution 2004-23 on July, 2004; and

**WHEREAS**, the Deadwood City Commission deems it in the best interests of the City to promote the creation of economic development projects to expand employment and income generation within the City; and

**WHEREAS**, the Project Plan submitted helps make such economic development feasible by assisting with construction of a city-owned convention center within the tax increment district; and

**WHEREAS**, the use of tax increment financing to promote this development project is authorized by the statutes of the State of South Dakota; and

**WHEREAS**, a Project Plan for Tax Incremental District Number Six proposing funding assistance for the Deadwood Convention Center project has been developed, and the City Commission has determined that this Project Plan is economically feasible; and

**WHEREAS**, the City Commission has further determined that this Project Plan is in conformity with the City of Deadwood Comprehensive Plan.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF DEADWOOD** that the Project Plan for Tax Incremental District Number Six be, and is hereby, approved as submitted by the Deadwood Planning and Zoning Commission; and

**REGULAR MEETING, May 12, 2008**

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the City of Deadwood hereby affirms its intent to issue tax increment bonds in a principal amount not to exceed \$4.5 million, as permitted under the provisions of SDCL 11-9.

Dated this 12th day of May, 2008.

ATTEST:

/s/ Mary Jo Nelson, City Finance Officer

CITY OF DEADWOOD

/s/ Francis A. Toscana, Mayor

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**Pavilion Boiler System**

Jim Raysor, Public Works Director requested permission to hire an engineer to assess the needed repairs and costs for the boiler system. Raysor added he would like to hire Skyline Engineers for this project at a cost not to exceed \$10,800. Raysor added this is not a budgeted item however; there is approximately \$60,000 in the Public Buildings fund for the Pavilion that would be used toward these repairs. Peterson moved, Silvernail seconded, to approve said request. Roll Call: Aye - All. Motion carried.

**STREETS/WATER/LIBRARY**

**Purchase Request**

Schroeder moved, Klamm seconded, to approve the purchase of eight 55-gallon drums of crack seal at a cost of \$4,708 for the Streets Department from TEAM Lab. Roll Call: Aye - All. Motion carried.

**Re-Hire Request**

Schroeder moved, Klamm seconded, to approve the re-hiring of Patrick Coffield for the WASP rubble site at \$8.50 per hour effective May 12, 2008. Roll Call: Aye - All. Motion carried.

**POLICE/FIRE**

**Repair Request**

Klamm moved, Silvernail seconded, to approve the auto/reverse repairs to the garage door at the Fire Hall at a cost of \$1,831.06. Roll Call: Aye - All. Motion carried.

**PARKS/RECREATION/TROLLEY**

**Hire Request - Parks Department**

Silvernail moved, Klamm seconded, to approve the hiring of summer employees as follows: Roy Buchanan at \$8.00/hr. effective May 19, 2008; Bo Burleson at \$9.00/hr., Trevor Tridle at \$8.00/hr., Jason Sargent at \$8.00/hr., Luke Mollman at \$8.00/hr, Hilary Havlik at \$7.50/hr, Garret Aman at \$7.50/hr., Alana Kightlinger at \$8.00/hr. effective May 26, 2008, pending pre-employment drug screening. Roll Call: Aye - All. Motion carried.

**Hire Request - Mt. Moriah**

Silvernail moved, seconded, to approve the hiring of Mt. Moriah staff as follows: Juanita James at \$9.67/hr., Arlys Janke at \$7.50/hr., Connie Olsen at \$9.67/hr., Peggy McDonald at \$7.50/hr., Lori Dower at \$7.00/hr., and Evan Reif at \$7.50/hr. effective May 15, 2008, pending pre-employment drug screening. Roll Call: Aye - All. Motion carried.

**Hire Request**

Silvernail moved, Klamm seconded, to approve the hiring of Rec Center Summer Camp Counselors: Darcey McNary and Nita Jardee at \$7.00/hr. effective May 13, 2008. Roll Call: Aye - All. Motion carried.

**Wage Increase**

Silvernail moved, Schroeder seconded, to approve the wage increase for Rec Center employee, Jessica Marshall from \$7.00 to \$7.50/hr. effective May 14, 2008 after completion of one year of service. Roll Call: Aye - All. Motion carried.

Silvernail moved, Klamm seconded, to approve the wage increase for Park Department employee, Scott Reif from \$13.74 to \$14.46/hr. effective May 15, 2008 after two year of service (100% of prevailing wage.) Roll Call: Aye - All. Motion carried.

**REGULAR MEETING, May 12, 2008**

**LEGAL BUSINESS**

**Resolution 2008-12**

Silvernail moved, Klamm seconded, to approve Resolution 2008-12 to Correct Legal Description within Previous Resolution Annexing Certain Territory (Resolution 2006-16.) Roll Call: Aye - All. Motion carried.

**RESOLUTION 2008-12**

**RESOLUTION TO CORRECT LEGAL DESCRIPTION  
WITHIN PREVIOUS RESOLUTION ANNEXING  
CERTAIN TERRITORY**

**WHEREAS**, the Deadwood City Commission previously and properly annexed property in its Resolution No. 2006-16; and

**WHEREAS**, an error was made in the legal description in the body of the resolution such that it does not match the description in the attached Exhibit "A," drawing from Arleth & Associates; and

**WHEREAS**, the legal descriptions should match and should be corrected; and

**WHEREAS**, such correction does not act to extend the City of Deadwood's boundaries as contemplated by SDCL 9-4-4.4, only to correct a mistake from an otherwise proper process, now, therefore,

**BE IT RESOLVED**, by the Deadwood City Commission territory description in Resolution No. 2006-16 on page 1 of Doc#: 2006-01681 is corrected to match the exhibit shown on page 3 of Doc#: 2006-01681 and should read as follows:

Tracts H, I, J, K and L, a portion of Tract G; and a portion of the unplatted portion of Lot 696, Lawrence County, South Dakota consisting of approximately one hundred (100) acres more or less.

Date: May12, 2008

City of Deadwood  
/s/ Francis A. Toscana, Mayor

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

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**Request Executive Session**

City Attorney Jason Campbell requested an Executive Session following the Regular Session for contractual matters with no action to be taken.

**MAYORS BUSINESS**

**Appoint Library Board**

Mayor Toscana appointed Randi Coddington and Jaci Conrad-Pearson to the Library Board. Toscana moved, Silvernail seconded, to approve said appointments. Roll Call: Aye - All. Motion carried.

**Discussion/Agreement**

After much discussion regarding issues with speed limits, pedestrian crossings, issues with line of vision for motorists entering The Lodge at Deadwood located at the intersection of US85 and Mt. Roosevelt Road, Dan Stanton with South Dakota Department of Transportation reiterated the fact that the Department of Transportation has no intention of making any changes to the speed limits or turning lanes or traffic signals until warranted. Stanton stated once The Lodge at Deadwood is completed the Department of Transportation would prepare a study and monitor the need to adjust speed limits, traffic lights, and address safety issues at that time. Silvernail moved, Klamm seconded, to allow the Mayor to sign the Agreement between the City of Deadwood and Deadwood Resort, LLC and the State of Dakota Department of Transportation for the improvement of US Highway 85 at Mt. Roosevelt Road in Deadwood, Project SA 0720. Roll Call: Aye - All. Motion carried.

**Bridge Inspection Work Order**

Silvernail moved, Klamm seconded, to allow the Mayor to sign the Bridge Inspection Work Order from NJS Engineering in the amount of \$1,877.47. Roll Call: Aye - All. Motion carried.

**ITEMS FROM CITIZENS NOT AGENDA**

**Concern Resident**

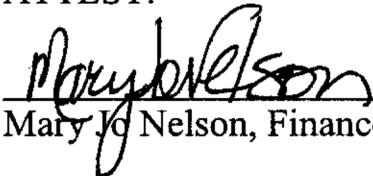
Bob Christman expressed his concerns with the traffic light located on Pioneer Way and Dunlop Street. Christman requested that the time element for this traffic signal be increased to allow motorists and pedestrians more time to proceed through the intersection. Jim Raysor will research and address this issue.

REGULAR MEETING, May 12, 2008

ADJOURNMENT

Toscana moved, Silvernail seconded, to adjourn the regular session at 6:15 p.m. and convene into executive session for contractual matters with no action following the meeting. The next regular meeting will be at 5:00 p.m. on Monday, May 19, 2008.

ATTEST:

  
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Mary Jo Nelson, Finance Officer

DATE: 5/19/08

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

