

REGULAR MEETING, April 28, 2008

The Regular Session of the Deadwood City Commission convened on April 28, 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, Nyla Griffith, Mike Klamm, Mark Speirs and Georgeann Silvernail. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Griffith moved to approve the minutes of the April 21, 2008 meeting. Silvernail seconded Aye - All. Motion carried.

APPROVAL OF DISBURSEMENTS

Griffith moved, Silvernail seconded, to approve the April 28, 2008 disbursements. Aye-All. Motion carried. Silvernail requested clarification of phone bills. Jim Raysor replied that Knology is the land line and there is a cell phone bill charge also, which is Alltel. Silvernail requested clarification on an invoice from Jay Vogt. Kevin Kuckenbecker, Historic Preservation, answered that Vogt was a speaker at the symposium. Roll call. Aye - All.

A & B BUSINESS	MAINTENANCE AGREEMENT	565.88
ACE INDUSTRIAL SUPPLY	SCREWDRIVER SET-BLADES	175.60
ADAMS MUSEUM	ADAMS MUSEUM BUDGET	4,395.84
ALLTEL	WATER PHONE	146.19
BARCO PRODUCTS COMPANY	PET LITTER BAGS/PARKS	303.50
BLACK HILLS POWER	ELECTRICITY/PUBLIC BUILDINGS	12,577.25
BLACK HILLS PURE, INC.	2 5 GALLON WATER	10.50
BLACK HILLS WEEKLY GROUP	HEARING HP SYMPOSIUM	7.94
BLONDIE'S IGA	DIXIE CUPS/REC CENTER	21.14
BUTLER MACHINERY	WIPER ARM-BLADE-KEY/928F-DUMP	125.22
CHAINSAW CENTER	SIX SPOOLS	77.70
CITY OF NISLAND	2007 OUTSIDE OF DW GRANT	2,655.00
COLBERT, OTIS	RPLC LOST CK /OVERPYMT ON ASS	1,264.26
CULLIGAN	50# BAG OF SALT	41.00
DAKOTA GRAPHICS	SYMPOSIUM & ARCH CAMP PRINTING	255.00
DAKOTA RESEARCH	SYMPOSIUM HONORARIUM & EXPENSE	523.31
DASOVICH, STEVE	SYMPOSIUM HONORARIUM & EXPENSE	1,016.97
DEADWOOD CHAMBER	CHAMBER REQUEST BILLS LIST	179,047.06
DEADWOOD DEVELOPMENT CO	UPS SERVICES/REC CENTER	17.52
DEADWOOD ECONOMIC DEVEL	TURBIVILLE SALARY	1,580.02
DEADWOOD HOME CENTER	GIS MAP TABLE	12.64
ENVIRONMENTAL HAZARDS	HARC BUILDING	56.00
FARMER BROTHERS CO	OFFICE SUPPLIES	40.45
FASTENAL COMPANY	COVERS-BATTERIES-BIT SET-DISP	167.48
FIRST WESTERN INSURANCE	NOTARY BOND	50.00
FOX, TERESA	NEWSPAPER INDEXING	1,500.00
FRED PRYOR SEMINARS	DEALING W/DFF PPLE SEMINAR/CND	99.00
GOLDEN WEST	COMPUTER ISSUES	213.87
HAWKINS CHEMICAL INC.	CHEMICALS/REC CENTER	353.43
HCW, INC.	DAYS RODEO GRANDSTANDS	30,415.77
HILLSIDE DISPOSAL	APRIL 2008 RESIDENTIAL GARBAGE	5,071.00
INTEGRITY FORD	CRUISE CONTROL FOR FOCUS	340.18
JACOBS PRECISION WELDING	ALUM DECK PLATE 5X48	6,847.06
JAY VOGT	SYMPOSIUM HONORARIUM & EXPENSE	638.38
JENNER EQUIPMENT	BOBCAT 84" ANGLE BROOM	5,850.00
KNOLOGY	MONTHLY PHONE CHARGES	1,730.21
LAWSON PRODUCTS, INC.	KNIFE, GLOVES ETC	108.70
LEAD DEADWOOD MEDICAL	EST	274.00
M C & E	POLLMASTER 1 W/LIGHT & SHELF	504.79
M&M SANITATION	MONTHLY TOILET RENTAL	210.00
NATIONAL TRUST HISTORICAL	RENEWAL FOR COMMISSIONS	290.00
NORTHWEST PIPE	PVC SOLID WELL CASING/REPAIRS	51.80
ODD JOB CONSTRUCTION	789 MAIN STREET - PAVICH	6,500.00
PAHL, BARBARA	SYMPOSIUM HONORARIUM & EXPENSE	913.99
ROBERT YAPP	SYMPOSIUM HONORARIUM & EXPENSE	3,092.73
ROYAL ELECTRIC	REPAIRS-PARTS/REC CENTER	310.24
SCI ENGINEERING	ARCH SURVEY	11,188.50
SCULL CONSTRUCTION	HARC BUILDING	89,435.66
SERVALL	MATS, TOWELS, BAG	41.21
SOUTH DAKOTA COMMISSION	APRIL 2008 CITY NICKELS	14,091.18
SOUTH DAKOTA HEALTH	WATER TESTS/ SPECIMENS/OR WELL	1,139.00
SOUTH DAKOTA SECRETARY OF	NOTARY FEE FOR DEB	25.00
STORM KING MOUNTAIN	WATCH FIRE VLTG DTCR, ETC	357.78
SUPERIOR SANITATION	(2) CAMERA INSPEC./RODEO GR	500.00
TENNANT SALES & SERVICE	BRUSH-DISK-FILTER-SKIRT/PARKS	866.60
TIM CONRAD ELECTRIC	REPLACE WIRES/INSTALLED WRONG	959.40
TOMS, DON	LAWERENCE CO TRANSCRIPTION	576.00
TRIPLE K TIRE & REPAIR	TIRES, SPRK PLGS, COILS, DIAGNOS	521.20
TWIN CITY HARDWARE	GIS MAP TABLE	25.27
WATER GEAR, INC.	WETSUIT VEST-CLEANSER	73.12
WELLMARK BLUE CROSS	GROUP INSURANCE PREMIUMS	32,446.50
ZEP	FORMULA 4358	397.09

TOTAL

\$ 423,092.13

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ITEMS FROM CITIZENS ON AGENDA

Request \$5000 from Bed and Booze funds to assist Ft. Pierre to Deadwood Wagon Train on August 15
John Mattson and Ron Burns, Days of '76 Museum and George Milos, Deadwood Chamber were present at the meeting. Mattson informed the commission of the two wagon trains coming to Deadwood, one from Ft. Pierre and the other from Cheyenne. The committee is requesting the Bed and Booze funds to host the wagon trains on August 15, 16 and 17. Plans include a parade, barbeque, music entertainment, tours of Deadwood and an antique firearm and Old West auction. Griffith moved to grant the request for \$5000.00 from Bed and Booze funds to assist FT. Pierre to Deadwood Wagon Train. Silvernail seconded. Roll call. Aye- All. Motion carried.

Days of '76 Museum Status Report

Jon Mattson, Ron Burns and Deborah Gangloff, Days of '76 Museum, were present at the meeting. Mattson spoke of the fundraising monies that have been raised to continue with the project. Burns talked about the status of the storage building, he stated the construction was a little behind due to the winter we have had. The interior is coming along with heating to be installed in the floors. Gangloff told of details that would insure the protection of the Clowser Collection.

Approve floor plan for GG and E LLC dba Deadwood Frontier Club at 681 Main Street

Mayor Toscana stated that the floor plans for the Deadwood Frontier Club have been approved by Keith Umentum, Building Inspector. Speirs moved, Silvernail seconded to approve the floor plans. Aye-All Motion carried.

Darrin Gourde - Segway Tours

Darrin Gourde, represented Segway Tours. Gourde began by stating he would begin tours at the Rodeo grounds. The tours would use the Mickelson trail from the rodeo grounds to Sherman Street, where the tours would use sidewalk space on that street and continue on to Walnut Street where the asphalt ends on the Mickelson trail. There would be four tours a day beginning at 10 a.m. until 6 p.m., Monday through Saturday, with a 20 minute training session prior to each tour. Silvernail asked how much sidewalk space would be used. Gourde answered the segways are shoulder width in size. Gourde stated the segway speed would be reduced to a walking speed on the sidewalks. Silvernail questioned the insurance coverage. Gourde stated he would be covered by a \$2,000,000.00 policy. Speirs moved to approve. Silvernail seconded. All - Aye. Motion carried.

A public hearing was scheduled at 5:10 p.m. on May 12, 2008 to address an agreement that would allow Segway Tours to rent a portion of the ticket booth at the rodeo grounds. Silvernail moved, Speirs seconded. All-Aye. Motion carried

PUBLIC HEARING/BID OPENINGS

FINANCE/HISTORIC PRESERVATION

Permission for Finance Office to pay \$1,000 to Artemis House from Commission Professional Service line item. Silvernail moved, Speirs seconded Aye - All Motion carried.

Add new street vacuum to auto insurance coverage at an approximate cost of \$1,800 per year
Silvernail moved, Speirs seconded to add the street vacuum to the auto insurance coverage at an approximate cost of \$1,800 per year. Aye-All Motion carried.

Approve Historic Preservation recommendation to donate \$5,000 to Ft. Pierre to Deadwood Wagon Train Project. Silvernail moved, Griffith seconded to approve Historic Preservations recommendation to donate \$5,000.00 to the Ft. Pierre to Deadwood Wagon Train project.

Approve Not-for-Profit Grant for Grace Lutheran Church from Historic Preservation for \$5950.

Silvernail moved, Speirs seconded to approve a Not-for-Profit Grant from Historic Preservation for a retaining wall at the Grace Lutheran Church in the amount of \$5950.00. Aye-All. Motion carried.

Phone vote

On April 26 the Finance Officer took a phone vote to approve expenditure of \$1,850.00 from Clearwater Consulting for additional security equipment on city-owned property. AYE: Toscana, Silvernail, Klamm, Griffith.

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POLICE/FIRE

Permission for Kip Mau to attend "Active Shooter Tactics in Schools" class in Rapid City May 2.

Requesting use of vehicle and lunch

Klamm moved, Griffith seconded to permit Kip Mau to attend "Active Shooter Tactics in Schools" class in Rapid City May 2. Kip also requested use of the vehicle and payment for lunch on that day. Aye-All. Motion carried.

PLANNING AND ZONING/PUBLIC BUILDINGS/TROLLEY

Plat - 235 Cliff Street Blair/ABMC2

Bernie Williams, Planning and Zoning, stated the lot was a little more than an acre in size and was being platted so that a family member could build a residence on the lot. The lot is described as Plat of Tract 1, being a portion of Deadwood Gulch Campground Tract in Deadwood Gulch Addition II and a portion of vacated McDonald Street, located in the E1/2 of Section 27, T5N, R3E, B.H.M, Lawrence County, South Dakota. Silvernail moved, Griffith seconded to approve the plat. Aye-All. Motion carried.

Permission for Bernie Williams, Jim Raysor, and Keith Umenthum to attend a Cell Tower Regulation teleconference seminar on June 4

Silvernail moved, Klamm seconded to allow Bernie Williams, Jim Raysor, Keith Umenthum, Kevin Kuckenbecker and Jason Campbell to attend the Cell Tower regulation teleconference seminar on June 4, 2008. Silvernail moved. Klamm seconded. Aye-All Motion carried.

PARKS/RECREATION

Accept resignation of Karmen Barrett effective April 26, 2008

Griffith moved, Klamm seconded to accept, with regret, the resignation of Karmen Barrett, effective April 26, 2008.

LEGAL

Resolution 2008-11 to Temporarily Lift Trolley Ordinance Requirement - continued from April 14,2008.

After lengthy discussion, the following resolution was approved with recommended changes. Silvernail moved. Speirs seconded. Aye - All. Motion carried.

RESOLUTION 2008-11

RESOLUTION TO TEMPORARILY ALLOW PRIVATE TRANSPORTATION SERVICES IN THE CITY OF DEADWOOD

WHEREAS, the City of Deadwood has an ordinance covering the use of trolleys and private transportation services in Chapter 5.44 in its Code of Ordinances; and

WHEREAS, the City of Deadwood does not currently have trolley service to the location of the Tatanka site on U.S. Highway 85, but intends to have such trolley service to such location in the future; and

WHEREAS, Tatanka, pursuant to the regulations found in Chapter 5.44 of the City of Deadwood Code of Ordinances, would not be able to provide private transportation services to other businesses in the City of Deadwood; and

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WHEREAS, the Deadwood City Commission has deemed it unfair to not allow Tatanka to provide private transportation services while there is no trolley service to its location, now, therefore,

BE IT RESOLVED, that the Deadwood City Commission does hereby enact this resolution, effective immediately, and grant a limited exception to Chapter 5.44 of the City of Deadwood Code of Ordinances for the business known as Tatanka to provide private transportation services until such time as the City of Deadwood establishes trolley service to such location; and

IT IS FURTHER RESOLVED, that Tatanka may provide such services by shuttle bus/courtesy van (with capacity for no more than 19 persons) for two locations on the City of Deadwood's Historic Main street - Midnight Star and Four Aces, as other locations have trolley services to Deadwood's historic Main Street; and

IT IS FURTHER RESOLVED, that Tatanka must acquire written agreements with both businesses being provided such transportation service, and must provide a copy of such agreements to the City of Deadwood; and

IT IS FURTHER RESOLVED, that as soon as the City of Deadwood establishes a trolley route to the Tatanka location, this Resolution becomes null and void, and Tatanka will once again be subject to Chapter 5.44 of the City of Deadwood Code of Ordinances; and

IT IS FURTHER RESOLVED, that the City of Deadwood reserves the right to terminate this exception at any time upon five (5) days notice.

Date: April _____, 2008

City of Deadwood

By: _____
Francis A. Toscana, Mayor

ATTEST:

Mary Jo Nelson, Finance Officer

Clarification on Open Container per SDCL 35-1-5.3

Jason Campbell, City Attorney, requested that the Days of '76 and the Men's Softball Tournament approval be changed to allow for separate permits for each day so as not to exceed the 24 hour time frame for relaxation of open container. Silvernail moved. Speirs seconded. Aye - All. Motion carried.

MAYORS BUSINESS

ITEMS FROM CITIZENS NOT ON AGENDA

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

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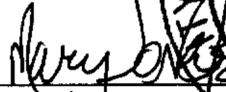
Kevin Kuckenbecker, Historic Preservation, requested permission to attend the State Historic Society conference in Rapid City on May 2, 2008 at a cost of \$95.00 plus meals and use of vehicle. Toscana moved. Griffith seconded. Aye - All. Motion carried.

Plaques were presented to Nyla Griffith and Mark Speirs for their years of service as City Commissioners.

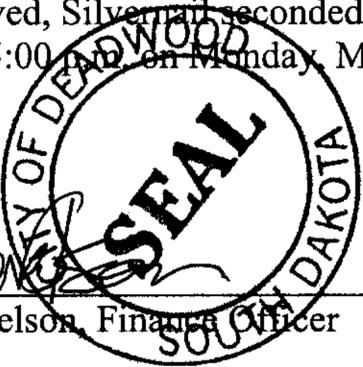
ADJOURNMENT

Speirs moved, Silvernail seconded, to adjourn the regular session at 6:00 p.m. The next regular meeting will be at 5:00 p.m. on Monday, May 5, 2008.

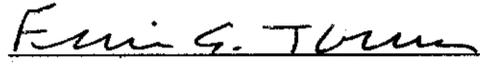
ATTEST:



Mary Jo Nelson, Finance Officer



DATE: 5/5/08

BY: 

Francis A. Toscana, Mayor

