

**REGULAR MEETING, April 14, 2008**

The Regular Session of the Deadwood City Commission convened on April 14, 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**

Silvernail moved, Klamm seconded, to approve the minutes of April 7, 2008. Roll Call: Aye-All. Motion carried.

**APPROVAL OF DISBURSEMENTS**

Griffith moved, Klamm seconded, to approve the April 14, 2008 disbursements. Roll Call: Aye-All. Motion carried.

ABC	1 CASE COPY PAPER	277.67
ADAMS MUSEUM	2008 AH ALLOCATED BUDGET	5,647.48
ALBERTSON ENGINEERING	RW- 20 DENVER PRINTS	628.53
ALCO STORES, INC.	ALCO STORES, INC.	43.96
ANTHONY BRADLEY	REIMBURSE 1/2 DEDUCTIBLE	750.00
ARLENE GUSTAFSON	ELECTION JUDGE	100.00
BLACK HILLS ELEVATOR	MONTHLY SERVICE PARKING RAMP	101.02
BLACK HILLS PIONEER	CAMP-SPORTS-COMMUNITY ADS	326.40
BLACK HILLS POWER	ELECTRICITY/FIRE DEPT. SIREN	27.97
BLACK HILLS PURE, INC.	#5 GAL OF BOTTLED WATER	66.25
BLACK HILLS WEEKLY GROUP	1ST RUN DEDLINE VOTER REG	1,027.05
BLONDIE'S IGA	ST. AMBROSE MEETING SUPPLIES	100.57
BLUE DOG FRAMERS	ARCHIVES - FOAM CORE	48.00
BOB'S AUTO BODY	REPAIRS/PARKS 2002 DODGE P-UP	2,299.00
CARMELLA VARRINARRO	MEALS FOR ANIMAL CONTROL CONF	87.00
CHAINSAW CENTER	CHAINSAW.CASE,CHAIN FILES	872.67
CHRISTENSEN CONTRACTING	REPAIRS TO EXCAVATOR/DUMP	600.00
CINDY RISCHÉ	MEALS AT SD ANIMAL CONTROL CON	87.00
CULLIGAN	BOTTLED WATER/PARKS SHOP	21.50
DAN'S REPAIR	BAUDHUIN - 26 WATER STREET	36,458.16
DEADWOOD GIFT SHOPPE	TAPES FOR SYMPOSIUM	23.92
ELAINE ROBIDOU	ELAINE ROBIDOU/ELECTION SUPER	125.00
ELAN FINANCIAL SERVICES	3 LUNCHESES / ELECTION	33.97
EMERY-PRATT COMPANY	SATISTICAL ABSTRACT OF US 2008	457.56
FIRST WESTERN INSURANCE	PUBLIC EMPLOYEES BOND	1,557.00
FOX, TERESA	NEWSPAPER INDEXING	1,648.39
FUGRO HORIZONS INC	GIS- MURAL COMMISSION ROOM	1,900.00
G NEIL DIRECT MAIL, INC.	EMPLOYMENT APPLICATIONS	165.93
GENPRO POWER SYSTEMS INC.	ANNUAL INSPECTION	295.00
GOLDEN WEST	ENGINEER LBR REG	3,909.40
GOURMET	3 YEAR RENEWAL SUBSCRIPTION	40.00
HCW, INC.	GRANDSTANDS	57,636.87
ICC	CERTIFICATION RENEWAL	60.00
IKON OFFICE SOLUTIONS	GIS SUPPLIES - INK	444.04
INTEGRITY FORD	REINSTALL DRIVE LINE,HOSES RUB	180.55
INTERIOR DESIGN	ANNUAL RENEWAL	59.99
JACOBS PRECISION WELDING	4'6" X 12" 16 GA PLATE	10.76
KELLY FULLER	LUNCH AT LE LIABILITY SEMINAR	15.00
KEN MERTENS	LUNCH / LE LIABILITY SEMINAR	15.00
KNECHT HOME CENTER, INC.	GIS MAP TABLE	34.38
KODET ARCHITECTURAL GROUP	ARCHITECTURAL SERVICES/RC	62,870.06
LEAD DEADWOOD SANITARY	REIMBURSE WATER STUDY	208.33
LESTER, ROB	LUNCH / LE LIABILITY SEMINAR	15.00
MIDWEST TAPE	6 DVD'S	274.88
MINITEX-CPP	BARCODE LABELS	103.00
MONTANA DAKOTA UTILITIES	CREDIT/ENGINE HOUSE	680.75
NAPA AUTO PARTS	ALARM	87.20
NATIONAL FIRE PROTECTION	AMEMBERSHIP DUES	150.00
NHS OF THE BLACK HILLS	SERVICE CONTRACT - 2ND QUARTER	21,725.00
NORTHWEST PIPE	I3 GALV MI COUPLING	33.08
ONE CALL SYSTEMS, INC.	LOCATE REQUEST TICKETS	8.00
PETTY CASH-FINANCE	PETTY CASH-COMM	193.29
RONDA MORRISON	ELECTION DAY DINNER/MJ, RONDA	22.47
SD DEPARTMENT OF MOTOR	TITLE & PLATES 2008 DURANGO	26.00
SDN COMMUNICATIONS	TWO WAY COMMUNICATION	346.80
SERVALL	MATS-MOPS-C-ALLS-BAG	546.46
SILVERADO	SYMPOSIUM FEES	3,289.85
SOUTH DAKOTA ANIMAL	ANIMAL CONTROL CONF FEE	140.00
SOUTH DAKOTA PUBLIC HEALTH	COLIFORM TESTING/REC CENTER	48.00
SOUTH DAKOTA STATE	HISTORY CONFERENCE CONTRIBUTIO	750.00
SOUTH SIDE SERVICE	FR & RR BRAKE PADS & LABOR	235.08
STATELINE NO. 7	HARC BUILDING	9,926.00
STRETCH'S GLASS	DOOR SEAL/BLK FREIGHTLINER	39.99
TEMPERATURE TECHNOLOGY	INSTALL SEAL KITS/PAVILION	206.12
TIM CONRAD ELECTRIC	BALLASTS/STREET LIGHTS	290.90
TRINITY UNITED METHODIST	2005 OUTSIDE DW GRANT - FINAL	3,521.57
TRIPLE K TIRE & REPAIR	REPLACE BALL JOINTS/WATER PU	395.50
TSP THREE, INC.	ENGINEERING/RODEO GRANDSTANDS	878.53
TWILIGHT FIRST AID	REPLENISH FIRST AID KIT	149.44
VERNA SANDIDIGE	ELECTION JUDGE	100.00
WASTE CONNECTIONS, INC.	PARKS DUMPSTER	256.77
WESTERN COMMUNICATIONS	BATTERY DOOR,CONNECTOR	22.00

**TOTAL**

**\$ 225,723.06**

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**ITEMS FROM CITIZENS ON AGENDA**

**Rope, Stroke and Poke Event**

Josh Sand representing the Rope, Stroke, and Poke event requested permission to waive the user fee of \$500 per day for the two-day event. Mayor Toscana explained the City adopted an ordinance pertaining to user fees and deposits that the City charges for the use of City property. A \$1,000 deposit is required for the use of the Rodeo Grounds however; this amount is returned pending an inspection following the event. Mr. Sand said the \$1,000 user fee would be cost prohibitive for this event. The Commission discussed the various costs the City incurs for these events such as electricity and employee labor costs. Mayor Toscana and Commissioners Silvernail and Klamm said the City recently has adopted this policy and they feel the user fee is a justified fee. Speirs moved, Griffith seconded, to waive the user fee for this event. Roll Call: Nay - Klamm, Silvernail, and Toscana. Motion failed.

**PUBLIC HEARING/BID OPENINGS**

**Public Hearing - Street Closure**

Griffith moved, Speirs seconded, to allow the street closure from Pine to Deadwood Street (in front of the Franklin) for the Northern Hills Community Band performance from 6:15 to 7:45 p.m. on July 24, 2008. Roll Call: Aye-All. Motion carried.

**Bid Opening - Rec Center**

Jim Raysor, Public Works Director opened and read the three (3) bids received for the Deadwood Recreation Center project. The bids are as follows:

**Deadwood Recreation Center Bids  
April 14, 2008  
(Engineer's Estimate - \$6,000,000)**

Contractor	Add - 1 & 2	Bid Bond	Base Bid	Add Alt #1	Add Alt #2	Add Alt #3	Add Alt #4	Add Alt #5	Add Alt #6	Add Alt #7	Add Alt #8	Add Alt #9	Add Alt #10	G & R Controls
Scull Construction	X	X	\$10,150,000	\$62,700	\$41,500	\$25,100	\$197,000	\$25,000	\$131,000	\$3,400	\$8,000	\$1,800	\$49,253	\$70,155
RCS Construction	X	X	\$11,380,000	\$63,800	\$53,000	\$26,500	\$208,600	\$17,900	\$150,000	\$7,300	\$11,700	\$12,900	\$56,500	NA
Sampson Construction	X	X	\$10,785,000	\$60,000	\$60,000	\$15,000	\$200,000	\$20,000	\$155,000	\$2,500	\$9,000	\$10,000	\$55,000	\$77,000

Mayor Toscana confirmed with the Finance Officer that the City is allowed to negotiate only if the lowest bid exceeds the estimated project cost by 10% or less. Since the engineers estimate was \$6,000,000, there is no room for negotiations. Silvernail moved, Griffith seconded, to reject all bids for the Deadwood Recreation Center. Roll Call: Aye-All. Motion carried.

**Public Hearing - Days of '76 Events**

Silvernail moved, Speirs seconded, to issue the Days of '76 Committee a special malt beverage license and to waive the open container ordinance at the Days of '76 Sports Complex from July 22-27, 2008. Roll Call: Aye - All. Motion carried.

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Silvernail moved, Speirs seconded, to close Main Street from the Masonic Temple to the Four Aces and a portion of Highway 14A from the Four Aces to the rodeo grounds, from 1:00 pm until the parade ends on July 25 and from 9:30 am until the parade ends on July 26, 2008. Roll Call: Aye - All. Motion carried.

Griffith moved, Speirs seconded, to grant exception to the vending ordinance for the Days of '76 event at the Days of '76 rodeo grounds on July 22-27, 2008, contingent upon vendors providing a sales tax license and proof of insurance to the Finance Office 30 days prior to the event. Roll Call: Aye - All. Motion carried.

Speirs moved, Silvernail seconded, to continue the public hearing until April 21, 2008 for the sound amplification for music at the Ferguson Football Field for one (1) hour prior to the Days of '76 rodeo starting until more information is obtained. Roll Call: Aye - All. Motion carried.

### Public Hearing - Shrines' Parade

Silvernail moved, Griffith seconded, to close Main Street from the Four Aces to Masonic Temple on Saturday, April 19, 2008 from 2:00 p.m. to 2:30 p.m. or until the parade ends. Roll Call: Aye - All. Motion carried.

## FINANCE/HISTORIC PRESERVATION

### Change Order #2 - HARC

Griffith moved, Speirs seconded, to approve the Change Order #2 for \$725.06 for the addition of a beam on the north stair of the west wall at the Homestake Adams Research Center. Roll Call: Aye - All. Motion carried.

### Waive Building Permit Fee

Speirs moved, Griffith seconded, to waive the building permit fee for phase II of the Homestake Adams Research Center project. Roll Call: Aye - All. Motion carried.

### Canvass Results - April 8, 2008, Election

Silvernail moved, Griffith seconded, to approve the official canvass results from the April 8, 2008, municipal election for (2) three- (3) year Commission seats as follows: Joel B. Peterson – 141 votes; Mark (Spiro) Speirs – 124 votes; Leonard (Lenny) Schroeder – 140 votes. Roll Call: Aye - All. Motion carried.

### Historic Preservation Scholarship

Silvernail moved, Speirs seconded, to approve the awarding of the Historic Preservation scholarship of \$1,000 to Frank Derby a Lead- Deadwood High School senior. Roll Call: Aye - All. Motion carried.

### Payment Request

Silvernail moved, Griffith seconded, to allow the Finance Office to write a check to Bullock Properties for Chinese New Year for \$5,000, to be paid from the Bed Booze fund. Roll Call: Aye - All. Motion carried.

### Require Direct Deposit

Finance Officer Mary Jo Nelson provided for the Commission detailed information and a list of the many benefits for direct deposit for employee payroll. Nelson requested permission to require all City of Deadwood employees have their payroll checks directly deposited into their checking or savings account of their choice. This would go into effect July 1, 2008 (first payday in July.) Silvernail moved, Klamm seconded, to approve the requirement of payroll direct deposit for all City employees effective July 1, 2008. Roll Call: Aye - All. Motion carried.

## STREETS/WATER/LIBRARY

### Water System Award

Jim Raysor informed everyone that Bob Nelson Jr., Randy Pfarr, and Donovan Renner were awarded the South Dakota DENR – Drinking Water Achievement Award. Mayor Toscana along with the City Commission commended these employees for their outstanding efforts on behalf of the City of Deadwood.

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**POLICE/FIRE**

**Purchase Request**

Klamm moved, Speirs seconded, to approve the purchase of a truck vault the police vehicle from Northern Truck Equipment Corporation for \$2,040. Roll Call: Aye - All. Motion carried.

**Purchase Request**

Klamm moved, Speirs seconded, to approve the purchase of 10,000 weatherproof envelopes and 5,000 manual tickets at a cost of \$1,350 from Traf-o-teria, to be paid from the Parking and Transportation fund. Roll Call: Aye - All. Motion carried.

**PLANNING AND ZONING/PUBLIC BUILDINGS/TROLLEY**

**Hire Request**

Silvernail moved, Speirs seconded, to approve the hiring of Art Reatto as a trolley driver at \$8.00 per hour pending driver's exam and pre-employment drug screening. Roll Call: Aye - All. Motion carried.

**PARKS/RECREATION**

**Contract - Swimming Pool-Rec Center**

Griffith moved, Speirs seconded, to allow the Mayor to sign the Swimming Pool contract between the City of Deadwood and the Lead-Deadwood School District for 2008. Roll Call: Aye - All. Motion carried.

**Payment Request**

Griffith moved, Silvernail seconded, to approve the payment of \$6,743.61 to Copy Country for the Rec Center project. Roll Call: Aye - All. Motion carried.

**LEGAL**

**Agreements - HARC**

Silvernail moved, Speirs seconded, to allow the Mayor to sign the Homestake Adams Research Center agreement for the Use of City Property. Roll Call: Aye - All. Motion carried.

**Ordinance #1101 - First Reading**

City Attorney Jason Campbell said this ordinance amends an existing ordinance regarding Chapter 5.28, which pertains to peddlers, solicitors, and transient merchants on Public property with the addition of Private property. Campbell said he also added Chapter 5.28.035 and the "Display of Merchandise" on the exterior of any permanent or temporary structure without an issued license and failure to obtain a license as required by this chapter or any other violations of this chapter may be punishable by the maximum fine and jail as prescribed for a Class 2 Misdemeanors under South Dakota law for each offense.

Commissioner Griffith said this would affect various events in Deadwood such as the Motorcycle Rally and Kool Deadwood Nites. Griffith said Deadwood businesses allow vendors to set up vending tents on their property. Campbell said this amendment would address the sales tax issue that the City has been concerned about in the past. Klamm moved, Silvernail seconded, to approve the first reading of Ordinance #1101 Amending Chapter 5.28 Peddlers, Solicitors, and Transient Merchants on Public and Private Property. Mayor Toscana and the Commission discussed adding to the ordinance a fee schedule, and requiring all vendors to provide proof of insurance, proof of a South Dakota sales tax license, and a vending license for all vendors on public and private property. Toscana directed the Finance Officer to prepare a fee schedule for the second reading of Ordinance #1101. Roll Call: Aye - All. Motion carried.

**Parking Lease - First Gold**

Silvernail moved, Griffith seconded, to allow the Mayor to sign a renewal Parking Lease Agreement with the First Gold for 2008-2009 for Twenty (20) spaces at \$50 per space plus tax in the Ferguson Field Parking lot. Roll Call: Aye - All. Motion carried.

**Resolution 2008-11**

City Attorney Jason Campbell explained this resolution pertains to the temporary lifting of the trolley ordinance to allow private transportation services in the City of Deadwood. Campbell explained that currently the City does not have trolley service to the Tatanka site on U.S. Highway 85, but intends to have such trolley service to this location in the future. Campbell said the Parking and Transportation committee and the manager of the Tatanka site have met to discuss the possibility of allowing temporary transportation service to the Tatanka site. The Parking and Transportation committee have agreed on a

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temporary basis to pickup visitors at two (2) locations on the City of Deadwood's Main Street (Midnight Star and Four Aces.) The Resolution states that the Tatanka site is required to obtain written agreements with these businesses requesting such transportation service, and provide a copy of the agreement to the City. Once the City establishes the trolley route to the Tatanka site, this Resolution would become invalid. Commissioner Speirs expressed his concerns with this resolution and said this would set a precedent for the City and the increased possibility of other transportation services transporting visitors to various locations in Deadwood. Speirs questioned if they would use the 60-passengers bus. Chief Fuller said a small shuttle bus would be used. Speirs added he would like the type of vehicle stipulated in the Resolution. Mayor Toscana said he did not want to see the Tatanka shuttle interfering with the City's trolley system and the revenue the City receives from this service. Chief Fuller said that the Tatanka site had initially proposed to the Parking and Transportation committee was that they would pick up throughout the City of Deadwood and this seemed to be a good compromise since the committee would not approve the original request. Griffith moved, Speirs seconded, to continue to the April 21, 2008 meeting to allow the City Attorney to make revisions pertaining to the specifications of the vehicle, limit the stops to the Midnight Star and Four Aces only, and allow the City to cancel said resolution at any time. Roll Call: Aye - All. Motion carried.

MAYORS BUSINESS

Parks and Rec Board Appointment

Toscana moved, Griffith seconded, to approve the appointment of Tom Blair to the Parks and Rec Board for a three-year term. Roll Call: Aye - All. Motion carried.

Executive Session

Mayor Toscana requested an Executive Session for personnel matters and contractual matters with no action to be taken.

Rec Center Bids

Mayor Toscana expressed his shock and frustration with the bids for the Rec Center project. Toscana acknowledge the many people who spent a lot of time in meetings and preparing for this expansion and the City spent thousands of dollars on the project and were looking forward to this becoming a reality. Toscana said he did not know where the City would go from here but they will try to do something.

ADJOURNMENT

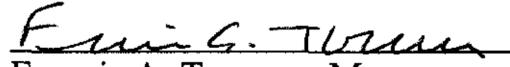
Speirs moved, Silvernail seconded, to adjourn the regular session at 6:05 p.m. and convene into executive session for personnel and contractual matters with no action follow meeting. The next regular meeting will be at 5:00 p.m. on Monday, April 21, 2008.

ATTEST

  
Mary Ko Nelson, Finance Officer



DATE: 4/21/08

BY:   
Francis A. Toscana, Mayor

