

EXECUTIVE SESSION/REGULAR MEETING, July 16, 2007

The Regular Session of the Deadwood City Commission convened on July 16, 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

Griffith moved, Klamm seconded, to approve the minutes of July 16, 2007. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Griffith moved, Silvernail seconded, to approve the July 23, 2007 disbursements. Roll Call: Aye-All. Motion carried.

BURKET, MARY K.	MINUTES FOR HPC	660.00
A & B BUSINESS	STAPLE REFILL	64.55
ABC	ARCHIVES SUPPLIES	819.15
ADAMS MUSEUM	ADAMS MUSEUM OPERATING	3,441.76
ALCO STORES, INC.	DIGITAL BATTERY	95.78
BIRDSALL SAND & GRAVEL	BALANCE/CONCRETE	32.13
BLACK HILLS PIONEER	COMMUNITY PROMO AD/REC CENTER	59.00
BLACK HILLS POWER	ELECTRICITY/FIRE DEPT. SIREN	21.40
BLACK HILLS PURE, INC.	HOT & COLD COOLER RENTAL	52.25
BLACK HILLS SPECIAL SERV	TROLLEY CLEANING	1,386.00
BLACK HILLS WEEKLY GROUP	CLASSIFIEDS-WASP SITE	991.01
BLACK HILLS WINDOW	JUNE WINDOW CLNG/CH-HC-FIRE	561.00
CULLIGAN	50 LB BAG SALT (3)	100.50
D & D ELECTRIC	RADIO SERVICE VERTEX 180 PORTA	30.60
DAKOTA GRAPHICS	DAILY PARKING PASSES	1,063.14
DAYS OF '76, INC.	DAYS OD 76 RODEO	50,000.00
DEADWOOD ALIVE	3RD INSTALLMENT	25,000.00
DEADWOOD CHAMBER	JULY BILL LIST	237.91
DECATUR ELECTRONICS INC.	CONTROLLER/LVD MONITOR	60.00
DECKERS	SUMMER CAMP SUPPLIES	225.37
ENERGY ELECTRIC COMPANY	REPAIR/LABOR-SIGNAL ON DUNLOP	71.40
FARMER BROTHERS CO	FARMER BROTHERS CO	46.35
FOX, TERESA	NEWSPAPER INDEXING JUNE 1888	1,500.00
FREDERICKSON LAW	JUNE FEES	2,970.00
GOLDEN WEST TECHNOLOGIES,	THIN CLIENTS	1,278.00
HEIMAN FIRE EQUIPMENT	STRIKETEAM WF GOGGLE	273.94
HILLS MATERIALS COMPANY	ASPHALT/PATCHING	4,638.92
HOLIDAY INN EXPRESS	ACCOMMODATIONS 4 NIGHTS-EVENSO	360.00
INTERSTATE BATTERIES	9V 10AH SLA .187 FASTON	99.00
J.P. TOWING	DEAD STORAGE CITY HALL	50.00
JACOBS PRECISION WELDING	10' OF 1/4" X 1-1/2" FLAT BAR	83.80
LAKER CHEMICAL	METER CLEANER	116.25
LAWRENCE COUNTY REGISTER	FILING FEE- CHAPUT-87 SHERMAN	66.00
M&M SANITATION	MONTHLY TOILET RENTALS	277.50
MAILWORKS PLUS	ARCHIVES SUPPLIES - LARGE SCAN	96.00
MB ENTERPRISES, INC.	DUMPSTER/@DUMP FOR CLEANUP	324.62
MCLEODS	TRAFFIC TICKETS	1,145.36
NAPA AUTO PARTS	EXTENSION	1,360.00
NEWELL MUSEUM	2007 NEWELL MUSEUM GRANT	2,194.00
NHS OF THE BLACK HILLS	FED EX CHARGES-NELSON-638 MAIN	45.00
NORTHWEST PIPE	SWIVEL JOINT WASHER	111.50
OCCUPATIONAL HEALTH	OCCUPATIONAL HEALTH NETWORK	304.00
ONE CALL SYSTEMS, INC.	LOCATE REQUEST TICKETS	23.00
PETTY CASH-FINANCE OFFFICE	PETTY CASH-FINANCE OFFFICE	139.54
PRAIRIE WAVE	PHONE/MT. MORIAH HOUSE	300.80
ROYAL ELECTRIC	LOAN DISB.-THE MINT-638 MAIN	2,549.15
SDN COMMUNICATIONS	TWO-WAY COMMUNICATION LINE	346.80
SERVALL	MOPS-MATS	1,336.33
SHARKEY PLUMBING	LOAN DISB-THE MINT-638 MAIN	7,453.82
SOMA, DAVID A.	WILD BILL APPEARANCE SYMPOSIUM	50.00
SOUTH DAKOTA STATE TREAS	SALES TAX DUE JUNE, 2007	5,058.29
STEPHANIE BECHEN	REIMBURSEMENT REC SUPPLIES	47.95
SUMMIT SIGNS & SUPPLY	NON & SMOKING SIGNS/GRANDSTAND	444.00
THUNDERING HERD CORP.	MICKELSON TRAIL LIGHTING PROJE	20,223.00
TOMS, DON	LAWRENCE CO LEDGER PROJECT	567.00
TRIPLE K TIRE & REPAIR	SERVICE CALL-LABOR-BOLT/TIRE	152.25
TRUGREEN CHEM-LAWN	FERTILIZER-WEED CONTROL/PARKS	2,227.25
TWIN CITY ANIMAL SHELTER	DONATION	129.00
TWIN CITY HARDWARE	PAINT GRANT - 36 WATER	91.88
VERSUSLAW, INC	SDBAR-PROF 365	407.40
WESTERN STATES FIRE	LOAN DISB-THE MINT-638 MAIN	8,955.00
	TOTAL	\$152,815.65

ITEMS FROM CITIZENS ON AGENDA

Optimist Club Request

Silvernail moved, Speirs seconded, to allow the Deadwood-Lead Optimist Club to sell raffle tickets during the Motorcycle Rally at the History and Information Center from 9:00 a.m. to 5:00 p.m. Roll Call: Aye-All. Motion carried.

EXECUTIVE SESSION/REGULAR MEETING, July 16, 2007

Amendment to TIF #8 - Stage Run

Chuck Vanderziel of the Black Hills Council of Local Governments informed the Commission that the developers of the Deadwood Stage Run Subdivision are requesting a revision of the previously approved Project Plan. The revision is necessary due to the wide variance between the preliminary infrastructure cost estimates and bids recently received on Phase I of the proposed project. The original engineer's estimate for Phase I was \$1.98 million, and the low bid was approximately \$3.2 million, which is 60% higher than the engineer's estimate. According to Vanderziel, the developers made modifications to the original bid specifications and the low bid contract price is now \$2.94 million. The cost increase for Phase I is approximately \$960,000. The original authorized amount for TIF #8 was \$1,000,000 and they are requesting an additional \$375,000 be added. Vanderziel said this would increase the length of the TIF by two years, which would be 2009-2016.

Vanderziel explained the revisions to the Project Plan, which decreases the number of single-family homes sites to 38 and the town homes from 42 to 22. He added the reason for the large reduction in town homes is due to the increased interest in single-family sites. The lots previously saved for Neighborhood Housing Services will remain the same. Vanderziel stated the City Commission did not need to take any action since this revised Project Plan would go before the Planning and Zoning Commission on July 18, 2007.

D.A.V. Fundraiser

Silvernail moved, Speirs seconded, to allow the Disabled American Veterans to sell poppies and flags on Main Street during the Motorcycle Rally, August 5-11, 2007. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS/BID OPENINGS

Public Hearing

Silvernail moved, Speirs seconded, to allow motorcycle parking from August 4th through the 11th during the 2007 rally on the northwest side of Main Street (only) from the Franklin Hotel to Four Aces from 10 a.m. to 2 a.m. and meters will not be enforced on Main Street (only) during requested times. Mayor Toscana stated the downtown businesses need to abide by the City of Deadwood's Sign Ordinance regarding the number of flags per establishment. Roll Call: Aye-All. Motion carried.

Set Bid Opening

Speirs moved, Griffith seconded, to a set bid opening for the Archive Storage System on July 23, 2007 at 5:15 p.m. Roll Call: Aye-All. Motion carried.

FINANCE/HISTORIC PRESERVATION

Cancel Leased Parking Space

Silvernail moved, Speirs seconded, to cancel one leased parking space for June and July (\$125.00 each month plus tax) for John Frederickson. Roll Call: Aye-All. Motion carried.

Payment Request

Griffith moved, Silvernail seconded, to allow the Finance Office to pay \$3,600 to the Days of 76 from Bed and Booze funds, a budgeted item. Roll Call: Aye-All. Motion carried.

Change Order - 29 Adams

Speirs moved, Silvernail seconded, to approve the change order for \$19,900 from Lehman Construction for the retaining wall at 29 Adams. Roll Call: Aye-All. Motion carried.

STREETS/WATER

NJS Engineering – Design Line Project (Continued from 7-9-2007)

Public Works Director, Jim Raysor asked the Commission to enter into a contract with NJS to design and prepare the bid specifications for the McGovern Hill downtown water distribution line project. Raysor added this would be an opportune time to do this project prior to the future construction on the Slime Plant project. Speirs moved, Griffith seconded, to approve the entering into a contract with NJS to complete the design of this water line for \$10,200.00. Roll Call: Aye - All. Motion carried.

EXECUTIVE SESSION/REGULAR MEETING, July 16, 2007

PLANNING & ZONING/PUBLIC BUILDINGS/TROLLEY

Payment Request

Silvernail moved, Speirs seconded, to approve the payment to Mike's Paint and Body for \$1,150.62 for repairs to a vehicle, to be paid from Trolley repair line items. Roll Call: Aye - All. Motion carried.

PARKS/RECREATION

Employee Resignation

Griffith moved, Klamm seconded, to accept the resignation of Chelsey Rantapaa from the Parks Department, effective July 13, 2007. Roll Call: Aye - All. Motion carried.

LEGAL BUSINESS

Resolution 2007-10

Silvernail moved, Speirs seconded, to approve Resolution 2007-10 to Name Special Events in Deadwood. Roll Call: Aye - All. Motion carried.

**RESOLUTION NO. 2007-10
A RESOLUTION DESIGNATING SPECIAL EVENTS
RECOGNIZED BY THE CITY OF DEADWOOD
FOR PURPOSES OF ORDINANCE #1082**

BE IT RESOLVED by the Deadwood City Commission that the following events, with their respective months of occurrence, are hereby recognized for the year 2007 as "special or civic event[s]" for purposes of Ordinance 2007-1082:

<u>Special or Civic Event:</u>	<u>Month of Event:</u>
1. Mardi Gras	February
2. St. Patrick's Day	March
3. Wild Bill Days	June
4. Days of '76	July
5. Sturgis Bike Rally	August
6. Kool Deadwood Nites	August
7. Deadwood Jam	September
8. Oktoberfest	September/October
9. New Year's Eve	December/January

Dated this 16th day of July, 2007.

CITY OF DEADWOOD
/s/ Francis A. Toscana, Mayor

ATTEST:
/s/ Mary Jo Nelson, Finance Officer

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Grocery Store Update

City Attorney Jason Campbell told the Commission as of July 12, 2007 the City was successful in negotiating a contract with Gary Decker, owner of Decker's Food Pride. The negotiated price for the purchase of the store, lot, and equipment was \$1.1 million. Mr. Campbell stated that the purchase is subject to a 60-day "right of refusal" by Decker's corporate owner Nash Finch. Campbell explained that Nash Finch has been notified and Mr. Decker is putting pressure on them to respond in a timely manner. Commissioner Griffith asked about the lease and negotiations with the potential leasee. Campbell said the lease agreement was sent out and he should be hearing within the next day or so. Griffith said she did not want to purchase the building and not have a lease in place. Speirs moved, Silvernail seconded, to approve the purchase of \$1.1 million for the former Decker's Grocery store located at 124 Sherman Street. Roll Call: Aye – All. Motion carried.

Purchase Request

Klamm moved, Silvernail seconded, to approve the purchase of office furniture for the City Attorney's office from ABC Supply for \$3,805.00, to be paid from Legal fund line item. Roll Call: Aye - All. Motion carried.

EXECUTIVE SESSION/REGULAR MEETING, July 16, 2007

MAYORS BUSINESS

Resolution 2007-11

Silvernail moved, Klamm seconded, to approve Resolution 2007-11 to Provide for Temporary Emergency Regulation of Fire Hazards in the City of Deadwood. Roll Call: Aye - All. Motion carried.

**RESOLUTION 2007-11
RESOLUTION TO PROVIDE FOR TEMPORARY EMERGENCY
REGULATION OF FIRE HAZARDS IN THE CITY OF DEADWOOD**

WHEREAS, the Deadwood City Commission is charged with protecting the health and safety of the citizens of the City of Deadwood, including all property situated therein; and

WHEREAS, the Deadwood City Commission has consulted with local fire officials and emergency management officials concerning the threat posed by wildfires; and

WHEREAS, the threat of wildfires in the City of Deadwood is such, so as to pose a significant danger to the health and safety of the citizens of the City of Deadwood, including property situated therein; and

WHEREAS, the Deadwood City Commission has deemed it necessary to enact certain temporary controls to reduce the threat posed to the citizens and property of the City of Deadwood by wildfires, now, therefore,

BE IT RESOLVED, that pursuant to SDCL 9-19-3, the Deadwood City Commission does hereby enact this resolution on an emergency basis, effective immediately, and impose a ban to prohibit or restrict open burning in order to protect the public health and safety; and

IT IS FURTHER RESOLVED, that the prohibited activities shall include the ignition of fireworks and open burning, and any other activity which could be reasonably be calculated to lead to the ignition and/or spread of wildfires in the City of Deadwood. It would not include private commercial campgrounds or US Forest Service campgrounds with a valid fireplace permit issued by the DS Wildland Fire Suppression Division. At such time as the US Forest Service deems it necessary to restrict burning in US Forest Service campgrounds, all campgrounds in the City of Deadwood would fall under the same restriction and would only be able to resume campfires when the US Forest Service drops their restrictions; and

IT IS FURTHER RESOLVED, that the area to which the prohibitions referenced above shall be applicable shall include the entire area of the City of Deadwood, excepting those lands falling under the auspices of the United States; and

IT IS FURTHER RESOLVED, that pursuant to SDCL 9-19-3, the penalty for violating this resolution shall include a fine not to exceed five hundred dollars for each violation and/or imprisonment for a period not to exceed thirty days for each violation, or by both such fine and imprisonment; and

IT IS FURTHER RESOLVED, that the prohibition of certain activities provided for above shall remain in effect until such time as the Deadwood City Commission determines that the threat posed by wildfires has abated.

Date: July 16, 2007

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

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

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Executive Session

Mayor Toscana requested a brief Executive Session for personnel matters with no action to be taken following the regular meeting.

ITEMS FROM MAYOR, COMMISSIONERS, DEPARTMENT HEADS NOT ON AGENDA

Hillside Disposal Request

Mayor Toscana informed everyone due to the Days of 76 events and the 2007 Motorcycle Rally Hillside Disposal will be picking up garbage on Fridays earlier than normal. Residents should put their garbage out on Thursday night. The dates for early pick up are July 27, August 3, and August 10, 2007.

EXECUTIVE SESSION/REGULAR MEETING, July 16, 2007

Qwest Parking Lot

Chief Fuller said now that the Qwest Parking lot is paved and striped he requested direction from the Commission as to the nine (9) outside parking spaces that border Armory Street. In the past, the Silverado has leased these spaces. He asked if it is the City's intention to give the Silverado precedence in renting these spaces and the cost of each space. Mayor Toscana suggested offering these spaces to the Silverado at a cost of \$125.00 per space.

Fire Department

Chief Mohr requested approval to staff the Fire Hall during the Days of 76 parades and the Motorcycle Rally. Klamm moved, Sivernail seconded, to staff the Fire Hall during requested events and not to exceed \$3,500.00. Roll Call: Aye - All. Motion carried.

Quote for City Hall and Library Windows

Jim Raysor informed the Commission two quotes were received for the painting and restoration of the windows at City Hall and Library. Speirs moved, Sivernail seconded, to accept the quote from Forcoli and Sons for \$6,851.98, and to allow the City Attorney to draw up a contract. Roll Call: Aye - All. Motion carried.

ADJOURNMENT

Speirs moved, Toscana seconded, to adjourn the regular session at 5:55 p.m. and convene into executive session for personnel matters with no action to follow regular meeting. The next regular meeting will be at 5:00 p.m. on Monday, July 23, 2007.

ATTEST:

DATE: _____

Mary Jo Nelson, Finance Officer

BY: _____
Francis A. Toscana, Mayor