

EXECUTIVE SESSION/REGULAR MEETING, March 26, 2007

The Regular Session of the Deadwood City Commission convened on March 26, 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 Mike Klamm, Mark Speirs and Georgeann Silvernail. Commissioner Nyla Griffith was absent. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Speirs moved, Silvernail seconded, to approve the minutes of March 19, 2007. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Speirs moved, Silvernail seconded, to approve the March 26, 2007 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	MAINTENANCE CONTRACT-COPIES	21.73
A & J SUPPLY	EXPANDED RAISED 2'X6'X6"	22.10
ALLTEL	ALLTEL	538.04
BLACK HILLS POWER	RELOCATE POLE QUEST/FIRE ST LO	2,722.92
BLACK HILLS SPECIAL SERV	TROLLEY CLEANING-JANUARY	1,953.00
BULLOCK HOTEL	2007 CHINESE NEW YEAR	5,000.00
CULLIGAN	BOTTLED WATER/PARKS SHOP	6.00
CUSTOM WOODWORKS	24 FT. OF4' X 24" X 1/2" PINE	18.00
DECKERS	BROOM	8.73
GALL'S INC.	SHOTGUN LOCK W/SWITCH; DOME LI	117.97
HAWKINS CHEMICAL INC.	SODIUM BICARBONATE/POOL	50.50
HEWLETT-PACKARD COMPANY	LAP TOP- ACCESSORIES/KEITH U.	1,214.00
HSBC BUSINESS SOLUTIONS	5000 PSI HOSE REEL	346.57
INTEGRATED PARKING SOLUTIOBATTERY MF21/MF2T (2)		108.00
INTERACTIVE COMPUTER DESIGWEBINAR TRAINING		25.00
JACOBS PRECISION WELDING	ANGLE-SQ. TUBING	45.50
LEHMEN CONSTRUCTION CO.	RETAINING WALL/CENTENNIAL AVE.	23,500.00
MAINLINE CONTRACTING, INC.	REMOVE-REPLACE LEE ST. PRV	3,437.45
MOTOROLA	MOBILE 10-50 WATT; 3600 ASTRO	1,504.00
NEVE'S UNIFORMS, INC.	PEERLESS HINGED CUFFS	45.97
NORTHWEST PIPE FITTINGS,	IAQUA-MATE SUB SUMP PUMP	97.34
PITNEY BOWES	QUARTERLY RENTAL CONTRACT	264.00
POWERPLAN	CHAINS/PARKS EQUIPMENT	932.66
QUEEN CITY MOTORS	MIRROR	111.69
QUILL COPORTATION	OFFICE SUPPLIES	71.20
QWEST	QWEST-PARKING RAMP MARCH	140.34
RAY O'HERRON CO INC	BADGES	42.99
SANITATION PRODUCTS, INC.	SHOE RUNNERS-CARRUAGE BOLT	139.67
SD PUBLIC HEALTH LAB	COLIFORM TESTING/WATER DEPT.	24.00
SD STATE HISTORICAL	REGISTRATION CORRECTION	300.00
SIOUX PIPE & EQUIPMENT	DEWATERUNG PUMP W/50' CORD	796.64
SOUTH DAKOTA HUMANITIES	FESTIVAL OF BOOKS 2007	10,000.00
STREICHER'S	SFG-GK.RDDEADW3-GRAPHICS	293.49
STRETCH'S GLASS	PFLEXIGLASS/BALLFIELD	19.28
TEMPERATURE TECHNOLOGY	1ST QUARTER MAINT. CONTRACT	1,147.96
TRIPLE K TIRE & REPAIR	HEAVY TRUCK TIRES-DISPOSAL	600.12
TSP THREE, INC.	CITY HALL ACCESS IMPROVEMENTS	1,796.25
TWILIGHT FIRST AID	FIRST AID SUPPLIES/STREET SHOP	312.13
TWIN CITY HARDWARE	REBAR	13.98
USA BLUEBOOK	CREDIT ON #325154/REPAIR KIT	238.29
VERIZON WIRELESS	FINAL BILL/WATER CELL PHONE	3.11
WELLMARK BLUE CROSS AND	BLWELLMARK BLUE CROSS AND BLUE S	32,256.48
WESTERN STAR, INC.	SPRAY LUBE; SERVICE	114.00
	GRAND TOTAL	\$ 90,401.10

ITEMS FROM CITIZENS ON AGENDA

Horse Sale at Rodeo Grounds

Jay Mattson with the Historic Deadwood Horse Sale asked for permission to use the Rodeo Grounds for the horse sale on May 18-20, 2007 and to waive the vending and use fees. Klamm moved, Speirs seconded, to waive the use fee for the Rodeo Grounds for this event. Roll Call: All Apposed. Motion denied. After much discussion, Finance Officer Mary Jo Nelson explained the City Ordinance states in order for the Commission to waive the use fees for the Rodeo Grounds, the organization holding the event must be a non-profit organization. Silvernail moved, Speirs seconded, to require the Historic Horse Sale organization to pay the use fees of \$500 per day for May 19 and 20, 2007. Roll Call: Aye – All. Motion carried. Silvernail moved, Speirs seconded, to waive the vendor fee for the Historic Horse Sale event. Roll Call: Aye – All. Motion carried.

Deadwood Chamber Request

Deadwood Chamber requested permission to sell beer at the Deadwood Pavilion for the Community Recognition and Appreciation event on March 30, 2007 from 5:00 to 10:00 pm. Speirs moved, Silvernail seconded, to allow the Chamber to sell beer at the requested event. Roll Call: Aye - All. Motion carried.

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Resolution 2007-07

Speirs moved, Silvernail seconded, to approve Resolution 2007-07 regarding highway closure during the Days of '76 parade, and authorize the Mayor to sign. Roll Call: Aye - All. Motion carried.

**RESOLUTION 2007-07
RESOLUTION IN SUPPORT OF APPLICATION TO OCCUPY
S.D. DEPARTMENT OF TRANSPORTATION HIGHWAY RIGHT-OF-WAY
WITHIN DEADWOOD CORPORATE LIMITS**

WHEREAS, the City of Deadwood (CITY) will be home to the 85th Annual Days of '76 Celebration on July 24th through July 29th, 2007; and,

WHEREAS, the Days of '76 Parade is a time honored tradition during the Celebration; and,

WHEREAS, the size and popularity of the parade is such that CITY deems it necessary to block traffic along the parade route; and,

WHEREAS, State of South Dakota Highways 14A and 85 are located within the corporate limits of CITY and are affected by said closure; and,

WHEREAS, CITY herewith is submitting an application to the South Dakota Department of Transportation (SDDOT) for permit to occupy right-of-way for those portions of S.D. Highways 14A and 85 within the corporate limits of CITY on July 27, 2007, beginning at 1:15 p.m. until the end of the parade, and on July 28, 2007, beginning at 9:45 a.m. until the end of the parade; and,

WHEREAS, by submission of the application for permit to occupy right-of-way, CITY agrees to provide protection to highway traffic during occupancy by use of proper signs, barricades, flag persons, and lights as prescribed in the "Manual of Uniform Traffic Control Devices"; and,

WHEREAS, CITY further agrees to indemnify, hold and save harmless the State of South Dakota, its Department of Transportation, its Officers and Employees, from any and all suits, actions or claims of any kind or nature brought because of any injuries or damage received or sustained by any person or property on account of the use or occupancy of right-of-way designated in this Resolution;

NOW, THEREFORE, BE IT RESOLVED, that the City of Deadwood hereby supports the submission of the South Dakota Department of Transportation Application for Permit to Occupy Right-of-Way for the purpose described herein.

Dated this 26th day of March, 2007.

CITY OF DEADWOOD

ATTEST:

/s/ Francis A. Toscana, Mayor

/s/ Mary Jo Nelson, Finance Officer

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PUBLIC HEARINGS/BID OPENINGS

Bid Opening – Retaining Walls

Jim Raysor opened and read the following bids received for the retaining walls at 45 and 47 Forest, 308 Williams and 29 Adams. The bids are as follows: **45 and 47 Forest**, Lehman Construction, \$112,870, Bid Bond; RCS , \$99,000, Bid Bond; Mainline Contracting, \$216,670, Bid Bond; **308 Williams**, Lehman Construction, \$86,700, Bid Bond; RCS \$83,012, Bid Bond; Mainline Contracting, \$115,400, Bid Bond; **29 Adams**, Lehman Construction, \$54,650, Bid Bond; RCS, \$58,252, Bid Bond; Mainline Contracting, \$90,700. Jim Raysor requested more time to review the bids. Speirs moved, Silvernail seconded, to continue the bid opening to April 2, 2007. Roll Call: Aye - All. Motion carried.

Bid Results – 66 Taylor Avenue

Jim Raysor recommended to the Commission that the bid for the retaining wall at 66 Taylor Avenue be awarded to Boderson Brothers, Inc., in the amount of \$48,948.58 and asked permission for the Mayor to sign contract. Speirs moved, Silvernail seconded, to accept the bid and allow the Mayor to sign said contract. Roll Call: Aye - All. Motion carried.

Bid Results – Compact Loader

Jim Raysor recommended accepting the low bid of \$48,900 from Butler Machinery Company for the purchase of the CAT 904B Compact Loader. Speirs moved, Silvernail seconded, to accept the low bid and purchase the loader from Butler Machinery. Roll Call: Aye - All. Motion carried.

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FINANCE/HISTORIC PRESERVATION/LIBRARY

Payment Request

Silvernail moved, Speirs seconded, to approve the payment of \$1,000 to the Twin City Senior Citizens from the Commission Professional Services line item, a budgeted item. Roll Call: Aye - All. Motion carried.

Travel Request

Speirs moved, Silvernail seconded, to allow Kevin Kuchenbecker and Mike Runge to attend the South Dakota Historical Society Annual Conference on April 13-14, 2007, requesting registration, mileage, meals, and lodging. Roll Call: Aye - All. Motion carried.

PLANNING/ZONING/PUBLIC BUILDINGS/TROLLEY

Conditional Use Permit – G.R. Deadwood, LLC

Klamm moved, Speirs seconded, to approve the conditional use permit for valet parking as recommended by Planning and Zoning for G.R. Deadwood, LLC. (Mineral Palace), with one year to review. Roll Call: Aye – All. Motion carried.

Conditional Use Permit - Johnson

Klamm moved, Speirs seconded, to grant the conditional use permit for Daycare Center at 168 Charles Street for Traci Johnson as recommended by Planning and Zoning. City Building Inspector is to make an onsite inspection prior to daycare center opening. Roll Call: Aye – All. Motion carried.

Findings of Fact - Job

Klamm moved, Speirs seconded, based on these findings, the Deadwood Planning and Zoning Commission recommended approval of the findings of fact and the Deadwood Board of Adjustment grants the conditional use permit for a Daycare Center at 2 Pluma Hill for Christine Job as recommended by Planning and Zoning. Roll Call: Aye – All. Motion carried.

Change of Zoning – Ten Textkota (Slime Plant)

Klamm moved, Speirs seconded, based on these findings, the Deadwood Planning and Zoning Commission recommended approval of the findings of fact and the Deadwood Board of Adjustment approved the request for the change of zoning for Ten Textkota (Slime Plant) with second reading of Ordinance No. 1080 on February 26, 2007. Roll Call: Aye – All. Motion carried.

Travel Request

Klamm moved, Speirs seconded, to allow Keith Umenthum to attend the Public Building Officials meeting in Rapid City on March 27, 2007, use of city vehicle and lunch. Roll Call: Aye – All. Motion carried.

PARKS/RECREATION

Hire Request

Toscana moved, Silvernail seconded, to hire Bo Burleson as temporary help, in the Parks Department at \$8.00 per hour, effective April 3, 2007. Roll Call: Aye – All. Motion carried.

LEGAL BUSINESS

Executive Session

City Attorney John Frederickson requested a brief Executive Session for personnel matters with no action following the regular meeting.

MAYORS BUSINESS

Planning and Zoning Update

On March 21, 2007, the Planning and Zoning Commission discussed the possibility of the annexation of the Boulder Canyon subdivision. According to City Planner Jim Raysor, a cost benefit analysis must be prepared to determine if this would be economically feasible for the City of Deadwood. Raysor said the Planning and Zoning Commission requested approval to hire Black Hills Council of Local Governments to conduct a study on this matter. Mr. Raysor explained that

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they would study the area including the tax valuation and costs to the City. Toscana reiterated the fact that this study will provide important information in determining if this would be economically feasible or not. Silvernail moved, Klamm seconded, to approach Black Hills Council of Local Governments to conduct a study for the City of Deadwood. Roll Call: Aye – All. Motion carried.

MAYOR, COMMISSIONERS, DEPARTMENT HEADS NOT ON AGENDA

Trolley Department

Bob Nelson requested permission to upgrade the trolley vaults at a cost of \$2,500. Silvernail moved, Speirs seconded, to approve the expenditure of \$2,500 for the upgrade and to be paid from the Trolley Repairs budget. Roll Call: Aye – All. Motion carried.

ADJOURNMENT

Speirs moved, Toscana seconded, to adjourn the regular session at 5:45 p.m. The next regular meeting will be at 5:00 p.m. on Monday, April 2, 2007.

ATTEST:

DATE: _____

Mary Jo Nelson, Finance Officer

BY: _____
Francis A. Toscana, Mayor