

REGULAR MEETING, June 18, 2007

The Regular Session of the Deadwood City Commission convened on June 18, 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

Silvernail moved, Griffith seconded, to approve the minutes of June 11, 2007. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Speirs moved, Silvernail seconded, to approve the June 18, 2007 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS EQUIPMENT	COPIER MAINTENANCE/COPIES	371.07
ABC	OFFICE SUPPLIES - CLIPS	106.64
ADAMS MUSEUM	ADAMS BUILDING ACCOUNT	55,558.10
BLACK HILLS POWER	5/2 - 6/5 SPEED SIGN CHARLES S	10.00
BLACK HILLS PURE, INC.	HOT & COLD COOLER RENTAL	34.25
BLACK HILLS SPECIAL	TROLLEY CLEANING 5/31/07	1,102.50
BLACK HILLS WEEKLY GROUP	P&Z ARSAGA	715.41
BLACKHILLS.COM	DOMAIN HOSTING	250.00
BLUE DOG FRAMERS	ARCHIVES SUPPLIES	20.00
BROKEN BOOT GOLD MINE	BROKEN BOOT 2007 GRANT	635.47
CENTRAL AMERICA, INC.	SIDEWALK REPAIR	2,836.63
DAKOTA GRAPHICS	IVORY LINEN ENVELOPES/PW	718.50
DARIN DEROSIER	HPC ATTENDANCE JAN-MAY 2007	150.00
DEADWOOD ALIVE	2ND QUARTER INSTALLMENT	25,000.00
DEADWOOD CHAMBER	BILL LIST FOR JUNE	11,695.00
DEADWOOD ECONOMIC	MAY SALARY	4,547.44
EMEDCO	RED STROBES	172.22
FARMER BROTHERS CO	FARMER BROTHERS CO	74.80
FIRST MIDWEST BANK	COPIER PAYMENT/CITY SHOP	92.90
FOX, TERESA	NEWSPAPER INDEXING MAR-APR 88	3,000.00
FREDERICKSON LAW OFFICE,	PMONTHLY LEGAL FEES	1,144.00
GALL'S INC.	UNDER ARMOUR HEAT GEAR	106.95
GOLDEN WEST	VIRUS PROTECTION SOFTWARE	2,135.00
GRAINGER	UNDERWATER EPOXY ADHESIVE	6.80
GUNDERSON, PALMER,	KENNETH KELLAR	287.33
HAWKINS CHEMICAL INC.	CHEMICALS/REC CENTER	275.89
HCW, INC.	UTILITY LINE MORE '76 MUSEUM	10,634.54
JACOBS PRECISION WELDING	REPAIR LIGHT POLE-ALUM. PLATE	1,198.53
JULIE EVENSON	REIMBURSEMENT MEALS VERMILLION	862.00
KTG LABOR CONSULTANTS	WAGE & HOUR SEMINAR 7/11/07	85.00
LAWSON PRODUCTS, INC.	1 LB CAN LUBTMP	310.63
MARY ANN OBERLANDER	HPC ATTENDANCE JAN-MAY 2007	225.00
MIKE OLSEN	HPC ATTENDANCE JAN-MAY 2007	250.00
NAJA SHRINERS	2007 SHRINE CIRCUS	3,500.00
NEWMAN TRAFFIC SIGNS	CHAMBER PARKING SIGNS	105.14
NHS OF THE BLACK HILLS	PAINT THE TOWN SHIRTS	84.00
NORTHWEST PIPE FITTINGS	BTM MT. GUAGE	110.86
ONE CALL SYSTEMS, INC.	LOCATE REQUEST TICKETS	23.00
PETTY CASH-FINANCE	PETTY CASH	137.44
PITNEY BOWES INC	REFILL POSTAGE METER	500.00
PONDEROSA LAND SURVEYS	GIS - CONTROL POINTS	2,300.00
QUILL COPORTATION	WRIST REST	25.43
QWEST	RAMP PHONE SERV JUNE 4-JULY 3	137.87
RAPID CITY REGIONAL	POLICE RESERVE PHYSICAL-SPITZE	594.00
RAPID DELIVERY	ARCHIVES - PHOTO DELIVERY	16.80
RONDA FETERL	HPC ATTENDANCE JAN-MAY 2007	225.00
RONDA MORRISON	REIMBURSEMENT MEALS VERMILLION	133.00
ROSE SPEIRS	HPC ATTENDANCE JAN-MAY 2007	275.00
SOUTH SIDE SERVICE	GASOLINE/ALL DEPARTMENTS	14,613.73
STEVE OLSON	HPC ATTENDANCE JAN-MAY 2007	275.00
THUNDERING HERD CORP.	MICKELSON TRAIL LIGHTING PROJE	16,784.00
TOMAHAWK COUNTRY CLUB	2006 GRANT - FINAL PAYMENT	1,135.84
TOMS, DON	LAWRENCE COUNTY LEDGER	1,152.00
TRAVIS CONRAD	WORK STUDENT BONUS	100.00
TWILIGHT FIRST AID	WORK GLOVES/SUMMER-FT HELP	212.90
TWIN CITY HARDWARE	PAINT GRANT - 36 WATER	851.03
UNIVERSITY OF WYOMING	MICHAELA FUNDAUN SCHOLARSHIP	1,000.00
WILLIE STEINLICHT	HPC ATTENDANCE JAN-MAY 2007	250.00
TOTAL		\$169,154.64

ITEMS FROM CITIZENS ON AGENDA

Request Letter of Support

Francie Foral representing the Historic Homestake Opera House Board explained their members are in the process of collecting letters of support from the surrounding communities expressing support for the restoration and revitalization of the Historic Homestake Opera House. Foral said these letters would be included in the grant applications. Griffith moved, Speirs seconded, to allow the Mayor to sign a letter of support for the Homestake Opera House. Roll Call: Aye - All. Motion carried.

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BID #7 Requests for City to Sign Memorandum of Understanding

Ken Geinger, representing Business Improvement District (BID) #7 explained the investors of the former slime plant known as Tentexkota met with the BID #7 committee to request financial support for their multipurpose event center. Geinger said the BID #7 committee unanimously approved approximately \$300,000 per year for 15 years. Mayor Toscana along with fellow commissioners expressed their concerns with regard to the City's commitment to this agreement. The main concern is the request for a 15-year time period with no funding out clause would count against City debt limit. Mary Jo Nelson, Finance Officer, the state law requires a funding out clause, or non-appropriation clause. After much discussion, Griffith moved, Klamm seconded, to approve the memorandum of understanding with Tentexkota with a stipulation that the funding out clause is added to the agreement. Roll Call: Aye - All. Motion carried.

Hotel Booklets

Kathy Toscana provided copies of the Deadwood Hotel/Motel Fire Evacuation Guide booklets that are printed in English, Spanish, German, and Japanese. Toscana added these booklets would be placed in all of the motel rooms in Deadwood to provide visitors with a fire escape plan.

PUBLIC HEARINGS/BID OPENINGS

Public Hearing - Jackrabbit Flats Highway 14A

Mayor Toscana informed everyone that the Building Inspector for the City of Deadwood performed an onsite inspection of the building located at 50 on Highway 14A. Umenthum's memo stated the occupant must obtain a certificate of occupancy before using this building as a tavern. Several questions pertaining to City codes are addressed in the memorandum. City Attorney John Frederickson requested this memorandum be part of the official record, a copy of which is on file at the Finance Office. Mayor Toscana said he and other Commission members have toured this area and they all have concerns regarding the location, condition of the building and the traffic and speed on Highway 14A. Toscana opened the public hearing and no one spoke in favor of this request. Harvey Kelly, a homeowner in Shirrtail Gulch subdivision spoke in opposition of this request and asked the Commission to reject the request for the malt beverage application. Silvernail moved, Speirs seconded, to deny the Malt Beverage License application for Allan Rosenfeld dba Jackrabbit Flats on Highway 14A due to the inability to comply with the City Codes and land location. Applicant may not reapply for one year. Roll Call: Aye - All. Motion carried

Public Hearing

Silvernail moved, Griffith seconded, to approve the street closure on June 22, 2007 from 5:00 p.m. to 7:00 p.m. for the block of Deadwood Street from Siever to Sherman Street for a Chamber Mixer. Roll Call: Aye - All. Motion carried.

Bid Results

Kevin Kuchenbecker recommended to the Commission that the bids for the retaining walls at 11 Lincoln Avenue, 17 Selbie, and 10 & 18 Denver Street be awarded as follows:

Location	Contractor	Total Bid Cost
11 Lincoln	Lehman Construction	\$22,320.00/Cashier's Check 5% - \$1,092.50
17 Selbie	Ainsworth-Benning Construction	\$14,010.00/Bid Bond
10 & 18 Denver	Broderson Bros.	\$124,039.82/Bid Bond

Silvernail moved, Speirs seconded, to accept said bids. Roll Call: Aye - All. Motion carried.

FINANCE/HISTORIC PRESERVATION

Ordinance #1082 - Second Reading

There being no changes or comments subsequent to first reading, Griffith moved, Silvernail seconded, to approve second reading of Ordinance #1082 Amending Chapter 15.32 Signs and Banners. Roll Call: Aye - All. Motion carried.

St. Ambrose Cemetery

Kevin Kuchenbecker requested permission to solicit proposals for the St. Ambrose Cemetery preservation plan. This request is necessary for the developing of a comprehensive preservation plan for the cemetery's immediate and long-term future. Speirs moved, Silvernail seconded, to

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allow Historic Preservation to advertise for requested proposals. Roll Call: Aye - All. Motion carried.

Lance Engineering Contract

Kevin Kuchenbecker requested permission for the City to enter into a contract with Lance Engineering to develop the restoration plans and specifications for "Deadwood Treasure's" - 2 Dudley Street. The requested amount not to exceed \$8,050, fifty percent (50%) of this cost will be reimbursed by the owner through a loan from revolving loan fund. Commissioner Griffith asked if there are programs available for homes and homeowners in Deadwood to assist with restoration/maintenance costs. Kuchenbecker said this type of program would be discussed during the budget meetings. Speirs moved, Griffith seconded, to enter into a contract with Lance Engineering and not to exceed \$8,050 with 50% of the amount to be reimbursed by owner. Roll Call: Aye - All. Motion carried.

Not-for Profit Grant Award

Kevin Kuchenbecker said the Historic Preservation Commission approved the Not-for-Profit Grant for the First Baptist Church of the Northern Hills in the amount of \$24,915. This project will include re-roofing, masonry repairs, windows, parapet repair, and landscaping. Silvernail moved, Speirs seconded, to approve the Not-for-Profit grant. Roll Call: Aye - All. Motion carried.

Grant Request – “Outside of Deadwood”

Kevin Kuchenbecker informed the Commission that Historic Preservation approved seven (7) grant applications for the “Outside of Deadwood” grants project. The approved grants are: Dell Rapids Society for HP – \$25,000, Lead-Deadwood High School Auditorium Seating - \$30,000, Hot Springs Citizens for Progress - \$25,000, Newell Museum - Congregational Church - \$5,000, Tomahawk Lake Country Club - Golf Course Rehab - \$15,000, St. Onge Bank - low interest loan - \$20,000, George B. German Music Archives - \$1,500. Silvernail moved, Speirs seconded, to accept the recommendations for the “Outside of Deadwood” grant allocations for a total of \$121,500 for the second half of 2007. Roll Call: Aye – All. Motion carried.

STREETS/WATER/LIBRARY

Payment Request

Speirs moved, Silvernail seconded, to approve the payment to Hills Materials in the amount of \$23,575.00 for the paving of the old Qwest Parking lot and directed the City Attorney to prepare contract. Roll Call: Aye – All. Motion carried.

POLICE/FIRE

Hire Request

Klamm moved, Silvernail seconded, to approve the hiring of Teri Tomford as Ordinance Officer effective June 18, 2007 at a rate of \$11.33 per hour. Roll Call: Aye - All. Motion carried.

PLANNING/ZONING/PUBLIC BUILDINGS/TROLLEY

Use of Trolley

Silvernail moved, Griffith seconded, to allow the trolley to travel to Spearfish on June 25, 2007 for the Rec Center Summer Camp program. Roll Call: Aye – All. Motion carried.

Ordinance #1083 - Second Reading

There being no changes or comments subsequent to first reading, Silvernail moved, Griffith seconded, to approve second reading of Ordinance #1083 Amending Chapter 17 of the Deadwood City Code - Deadwood Stage Run Planned Unit Development - Change of Zoning. Roll Call: Aye – All. Motion carried.

PAKS/RECREATION

Employee Resignation

Griffith moved, Silvernail seconded, to accept the resignation of Mark McGrath, Parks Department, and effective June 22, 2007. Roll Call: Aye – All. Motion carried.

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LEGAL

Contract - Lehman Construction

Griffith moved, Silvernail seconded, to allow the Mayor to sign a contract between the City of Deadwood and Lehman Construction for the Deadwood City Hall Access Improvements in the amount of \$35,281.00. Roll Call: Aye – All. Motion carried.

Executive Session

John Frederickson requested a brief Executive Session for contractual matters with no action to be taken following the regular meeting.

MAYORS BUSINESS

Contract - Kodet Architectural Group

City Attorney John Frederickson reviewed the contract and requested language revisions prior to the Mayor signing the contract. Griffith moved, Silvernail seconded, to continue this item to the June 25, 2007 meeting. Roll Call: Aye – All. Motion carried.

ITEMS FROM CITIZENS NOT ON AGENDA

City Hall Re-Roofing Project

Silvernail moved, Speirs seconded, to approve the engineering proposal from Lance Engineering in the amount of \$2,592.50. Roll Call: Aye – All. Motion carried.

Fire Hall Roof

Fire Chief Trent Mohr, informed the Commission of the issues they are having due to the shoddy installation of the roof at the Fire Hall. They have contacted the manufacturer, the roof is still under warranty, and the manufacturer would repair the roof. Mayor Toscana directed Trent Mohr to meet with the City Attorney to prepare a letter in detail of the repairs that need to be made.

Hire Request

Speirs moved, Griffith seconded, to approve the hiring of Robin Mattox as a Historic Preservation Intern, effective June 25, 2007 at \$7.50 per hour. Roll Call: Aye – All. Motion carried.

ADJOURNMENT

Speirs moved, Toscana seconded, to adjourn the regular session at 6:10 p.m. and convene into executive session for contractual matters with no action to follow meeting. The next regular meeting will be at 5:00 p.m. on Monday, June 25, 2007.

ATTEST:

DATE: _____

Mary Jo Nelson, Finance Officer

BY: _____
Francis A. Toscana, Mayor