

## REGULAR MEETING/EXECUTIVE SESSION, May 19, 2008

The Regular Session of the Deadwood City Commission convened on May 19, 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, Mike Klamm, Joe Peterson, Lenny Schroeder, and Georgeann Silvernail. All motions passed unanimously unless otherwise stated.

### APPROVAL OF MINUTES

Peterson moved, Silvernail seconded, to approve the minutes of May 12, 2008. Roll Call: Aye-All. Motion carried.

### APPROVAL OF DISBURSEMENTS

Silvernail moved, Klamm seconded, to approve the May 19, 2008 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS EQUIPMENT	MAINTENANCE CONTRACT	417.36
ABC	1 CHAIR	75.89
ADT SECURITY SERVICES	ADT SECURITY SERVICES	206.05
ALCO STORES, INC.	MISC FOOD ITEMS	94.39
AMERICAN LEGAL PUBLISHING	DEADWOOD SD CODE	848.48
ARCHITECTURAL DIGEST	RENEWAL RATE	59.95
ARLETH & ASSOCIATES, INC.	SURVEY WORK/REC CENTER	787.50
BILL BURLESON	MEAL-PARKING REIM/TRAIN.-WACO	38.00
BLACK HILLS POWER	SPEED SIGN	10.00
BLACK HILLS PURE, INC.	HOT/ COLD RENTAL	20.00
BLACK HILLS SPECIAL SERV	TROLLEY CLEANING	1,029.00
BLACK HILLS WEEKLY GROUP	RC SUMMER CAMP EMPLOYEES AD	1,251.24
CHANEY, JEANETTE	REIMBRSEMNT FOR MEMBR IN AASLH	60.00
CROTTY, GREG	MEAL REIMB./TYMCO TRAIN.-WACO	9.62
CULLIGAN	50# BAG OF SALT	13.00
DANIEL BRIDENSTINE	SAFETY REIMB./DAN BRIDENSTINE	55.09
DELAHOYDE'S PAINT & BODY	DELAHOYDE'S PAINT & BODY	372.00
DEMCO, INC.	PAPER LABELS	158.65
DSI	SCADA SYSTEM ANTENNAE	226.37
EMERY-PRATT COMPANY	BOOKS	289.97
FIRST MIDWEST BANK	COPIER PAYMENT/PUBLIC WORKS	92.90
FOX, TERESA	REIMBR FOR NEWSPR DIGIT PROJE	390.35
GOLDEN WEST	TECH LABOR MINIMUM	55.00
GOVERNMENT FINANCE OFF	MEMBERSHIP RENEWAL	155.00
GUMDROP BOOKS INC	BOOKS	67.85
HILLS MATERIALS COMPANY	ROCK/TWIN CITY ANIMAL SHELTER	21.20
INDIAN COUNTRY TODAY	RENEWAL RATE	48.00
INTERNATIONAL ASSOCIATION	IAFC MEMBERSHIP DUES	170.00
JACOBS PRECISION WELDING	CHANNEL	104.21
KAZCO, INC	2 - 4 PORT CABLE/DSL	119.98
KEN HAWKI	FIRE ENVIRONMENT DVD	20.95
LAWRENCE COUNTY AUDITOR	2008 CITY/SCHOOL ELECTION	189.74
LEAD DEADWOOD SANITARY	PORTION OF WATER STUDY	208.33
LEAD-DWD GIRL'S SOFTBALL	LEAD-DEADWOOD GIRL'S SOFTBALL	100.00
M & T FIRE AND SAFETY	SPRING WIND BUNCH	51.18
MIDWEST TAPE	DVD'S	107.95
MONTANA DAKOTA UTILITIES	LIBRARY UTILITY	584.85
NAPA AUTO PARTS	EXACT FIT WIPER BALDE	64.67
NEVE'S UNIFORMS, INC.	HOLSTER, STINGER SWITCH	317.48
NORTHWEST PIPE FITTINGS	2 GALV MI COUPLING	144.38
PICK UP SPECIALTIES	SPITZ LIFT AC POWERED 4" CRANE	336.91
QWEST	PARKING RAMP TELEPHONE	110.15
REDBOOK	RENEWAL RATE	15.97
SERVALL	TOWELS,MOP, BAG	335.61
SHARE CORP	POWERED CAR WASH	116.19
SD STATE HISTORICAL	MEMBERSHIP	35.00
SOUTH SIDE SERVICE	OIL FILTER, OIL 3 QTS. WASHER	205.15
SPECIALTY VEHICLES	200 SUPREME CLASSIC TROLLEY	23,798.20
SPORTS ILLUSTRATED	RENEWAL RATE	89.04
THE WALL STREET JOURNAL	RENEWAL RATE	349.00
THOMSON WEST	SD COURT RULES, STATE & FEDERA	213.90
TRUGREEN CHEM-LAWN	EARLY SEASON SPRAYING/LIBRARY	79.50
TWILIGHT FIRST AID	GLOVES-FIRST SUPPLIES	236.15
	<b>TOTAL</b>	<b>\$ 34,957.35</b>

### ITEMS FROM CITIZENS ON AGENDA

#### Floor Plan

Klamm moved, Silvernail seconded, to approve the retail floor plan submitted by Badlands Gaming LLC for the Lucky Nugget Gambling Hall at 614 Main Street, previously approved by the City Building Inspector. Roll Call: Aye - All. Motion carried.

#### Deadwood Men's Softball Tournaments

Brad Steinlicht, with the Deadwood Men's Softball Association had requested on April 7, 2008 a special retail malt beverage license for softball tournaments that will be held May 23-24, 2008, July 11, 12 & 13, 2008, and August 30-31, 208. Mr. Steinlicht appeared before the Commission regarding the dollar amount of liquor liability insurance that the City requires. He told the Commission that he had obtained a

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liquor liability policy worth \$100,000 and a general liability policy for \$2,000,000 and asked the Commission if they would accept the \$100,000 liquor liability policy since the first softball event is scheduled for May 23-24, 2008. Finance Officer Mary Jo Nelson stated that the that the City's insurance company requires a \$1,000,000 liability insurance policy and naming the City as an additional insured and also pointed out that the Safety Committee informed him well in advance of the \$1,000,000 liquor liability insurance requirement. After discussing possible options, issues and costs associated with the purchasing of additional liquor liability insurance the Commission denied the request.

**PUBLIC HEARING/BID OPENINGS**

**Public Hearing- Wild Bill Days**

Sarah Anderson with the Deadwood Chamber was present to provide an overview of street closure, open container and waive vendor fee at Rodeo grounds for this event.

**Open Container Requests:**

All open container requests are from the Masonic Temple to Four Aces unless otherwise noted.

Silvernail moved, Klamm seconded, to allow open container on Friday, June 13, 2008 from 5:00 p.m. to 10:00 p.m. for events and concerts.

Silvernail moved, Klamm seconded, to allow open container on Saturday, June 14, 2008 from noon to 10:00 p.m. for events and concerts.

Silvernail moved, Klamm seconded, to allow open container on Sunday, June 15, 2008 from 11:00 a.m. to 6:00 p.m. for events and concerts. City Commission requested that the Deadwood Chamber notify the downtown businesses that they are required to stop serving beer one half (1/2) hour prior to 10:00 p.m. on Friday, June 13 and 14, and 6:00 on Sunday, June 15. Roll Call: Aye - All. Motion carried.

**Street Closure Requests:**

Silvernail moved, Klamm seconded, to allow the street closure request on Friday, Saturday, and Sunday, June 13, 14, & 15, 2008 as follows: Main Street closed from Wall to Deadwood Street starting at 2:00 p.m. and will remain closed through Sunday, June 15, 2008 at 11:00 p.m. (Note: traffic will be allowed on Lee Street up Main Street only until concerts begin each day.) Roll Call: Aye - All. Motion carried.

**Request to Waive Vendor Fee at Rodeogrounds:**

Silvernail moved, Schroeder seconded, to allow the vendor fee to be waived for Friday, Saturday & Sunday, June 13, 14 & 15, 2008, as the Lead-Deadwood Booster Club will sell concessions for the Fast Draw Competition. Roll Call: Aye - All. Motion carried.

**FINANCE**

**Information Convention Center Liquor License - Deadwood Resorts LLC**

Commissioner Peterson informed the Commission that the first of two payments in the amount of \$50,000 has been received from Deadwood Resorts LLC for the Convention Center Liquor License (previously sold to Kevin Costner.)

**Payment Request**

Peterson moved, Silvernail seconded, to allow the Finance Office to pay Claims Associates \$1,337.58 for legal expenses. Roll Call: Aye - All. Motion carried.

**Resolution 2008-14/Set Bid Opening**

Peterson moved, Silvernail seconded, to approve Resolution 2008-14 to Declare Surplus Property (Abandoned Vehicles) and set a bid opening on June 2, 2008 at 5:10 p.m. with a minimum bid of \$100. Roll Call: Aye - All. Motion carried.

**RESOLUTION NO. 2008-14**

**A RESOLUTION TO DECLARE THE FOLLOWING SURPLUS PROPERTY**

**BE IT RESOLVED** by the Deadwood City Commission that the City of Deadwood approve the following vehicle list to be declared surplus and sold to interested parties.

1978 Olds DLT	3N69R8X214319
1983 Chevrolet Romanwhl	1GBEG25H0D7167875
1985 Chevrolet C10	1GCDC14H6FJ177766
1986 Ford Taurus	1FABP30U2GA106372
1986 Dodge B150	2B7GB13T7GK528292
1986 Chevrolet CT105	1G8CT18R8G0111039
1987 Ford Vic	2FABP73F1HX164213
1989 Chevy Cel	1G1AW51W5K6161102

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1989 Chevy Beretta	1G1LW14W2KE124012
1990 Saab 900	YS3AK46D9L7027024
1990 Chevrolet Cavalier	1G1JC14G0LJ229424
1990 Ford Probe	1ZVPT20C0L5103323
1990 Chevy Lumina	2G1WN54T6L9105710
1992 Saab 90A	YS3CK55B0N1023559
1992 Saab 900	YS3AK35E4N2021250
1992 Olds Cutlass	1G3WH54T9ND374806
1994 Plymouth Acc	3P3AA4636RT324452

Dated this 19th day of May, 2008

CITY OF DEADWOOD

ATTEST:

/s/ Francis A. Toscana, Mayor

/s/ Mary Jo Nelson, Finance Officer

HISTORIC PRESERVATION/PLANNING & ZONING/PUBLIC BUILDINGS/SAFETY

Resignation - Historic Preservation

Toscana moved, Peterson seconded, to accept the resignation of Rob Mattox, effective June 4, 2008. Roll Call: Aye - All. Motion Carried.

Travel Request

Toscana moved, Schroeder seconded, to allow Mike Runge to travel to Yankton on May 23 & 24, 2008 to deliver the Hickok exhibit at a cost not to exceed \$400. Roll Call: Aye - All. Motion Carried.

Change Order - Rodeogrounds Project

Silvernail moved, Klamm seconded, to approve Change Order #1 for the Grandstand renovation for HCW Construction for \$30,669.66. This change order is within legal limits of 15% or \$25,000, which ever is greater. Roll Call: Aye - All. Motion Carried.

STREETS/WATER/LIBRARY

Travel Request

Schroeder moved, Klamm seconded, to allow Jim Raysor to travel to Oacoma on May 29, 2008 for a Board Meeting of the South Dakota Water and Waste Water Association, requesting the use of City vehicle only. Roll Call: Aye - All. Motion Carried.

POLICE/FIRE

Resignation - Police Department

Klamm moved, Schroeder seconded, to accept the resignation of Colin Thompson, part time police officer, effective April 27, 2008. Roll Call: Aye - All. Motion carried.

Hire Request - Police Department

Klamm moved, Silvernail seconded, to approve the hiring of Matthew Symonds as part time police officer, effective May 19, 2008 at 90% of prevailing full time officer wage, or \$16.01 per hour. Roll Call: Aye - All. Motion carried.

Travel Request

Klamm moved, Schroeder seconded, to allow eight (8) firefighters to attend Firefighters School in Spearfish from June 4-7, 2008 at a cost of \$50 each plus meals. Roll Call: Aye - All. Motion carried.

PARKS/RECREATION/TROLLEY

Trolley Request

Silvernail moved, Klamm seconded, to allow the use of a trolley for the Deadwood Chamber FAM Tours on May 29 & 30, 2008. Roll Call: Aye - All. Motion carried.

LEGAL BUSINESS

Ordinance #1101 - Second Reading

City Attorney Jason Campbell said this ordinance amends Chapter 5.28 Peddlers, Solicitors, and Transient Merchants, which amends sections 5.28.010, 5.28.020, 5.28.030, 5.28.040, 5.28-060, and 5.28.090 and adding a new section 5.28.035 that pertains to "Display of Merchandise." After first reading

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on April 14, 2008, Mayor Toscana directed the Finance Officer to prepare a fee schedule for the second reading of Ordinance #1101. Campbell said the issues addressed in Ordinance #1101 are: public versus private land, any monitorin would be addressed by the Planning and Zoning Administrator rather than the Police Department, and fees are now for inside versus outside activities. Violations of this chapter maybe punishable by the maximum fine and jail as prescribed for a Class 2 Misdemeanor under South Dakota law for each offense. Planning and Zoning Administrator read a comment from Tom Page opposing Ordinance #1101. Klamm moved, Silvernail seconded, to approve modifications and second reading of Ordinance #1101. Roll Call: Aye - All. Motion carried.

**MAYORS BUSINESS**

**Park and Rec Board Recommendation**

Silvernail moved, Klamm seconded, to approve the name dedication for the City Baseball Fields to "Keene Park." Roll Call: Aye - All. Motion carried.

**Meeting Date Change - Memorial Day Holiday**

Mayor Toscana announced the next regular meeting would be at 5:00 p.m. on Tuesday, May 27, 2008, due to the Memorial Day Holiday.

**ITEMS FROM CITIZENS NOT AGENDA**

**Deadwood Alive**

David Soma appeared before the Commission to invite the residents of Deadwood to a free performance of "The Trial of Jack McCall" on Thursday, May 22 at 8:00 p.m. at the Masonic Temple. Soma also provided the upcoming summer schedule of Deadwood Alive performances, which will begin Friday, May 23 & will run through Labor Day.

**Executive Session**

Commissioner Silvernail requested an executive session to follow the regular meeting for contractual matters with no action to be taken.

**Change Order #1 - 20 Denver Street**

Lehman Construction is requesting a change order to facilitate the construction of a retaining wall at the rear of 20 Denver Avenue (Ragatz residence). It was discovered the waterline was hand dug and does not set below the frost line so in order to facilitate the retaining wall project it is necessary to excavate and bury the water line. The amount of the change order is \$1,328.00. Kuchenbecker requested that this be published in the local news publications and a phone vote preceding the publication.

**Phone Vote Results - 20 Denver Street**

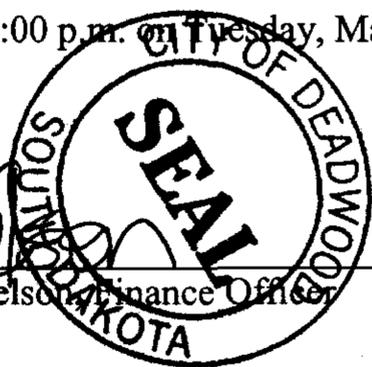
A phone vote was taken on Tuesday, May 21, 2008 to approve the Change Order #1 for 20 Denver for \$1,328.00 to excavate and bury the water line for the retaining wall project. Aye - Peterson, Silvernail, Schroeder, and Klamm.

**ADJOURNMENT**

Peterson moved, Toscana seconded, to adjourn the regular session at 6:00 p.m. and convene into executive session for contractual matters with no action following the meeting. The next regular meeting will be at 5:00 p.m. on Tuesday, May 27, 2008.

ATTEST:

  
Mary Jo Nelson, Finance Officer



DATE: 5/19/08

BY: Francis A. Toscana  
Francis A. Toscana, Mayor