

REGULAR MEETING, FEBRUARY 20, 2007

The Regular Session of the Deadwood City Commission convened on February 20, 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, Georgeann Silvernail and Mark Speirs. Commissioner Griffith was absent. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Speirs moved, Klamm seconded, to approve the minutes of February 12, 2007. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Speirs moved, Silvernail seconded, to approve the February 20, 2007 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS EQUIPMENT	AFICO 2238C BILL PERIOD2-8/3-7	256.49
ABC	SUPPLIES	300.43
ADAMS MEMORIAL MUSEUM	ELEVATOR SERVICE / HARDWARE	3,600.09
ALCO STORES, INC.	GROCERY 1/09/07	110.15
ALLIED TELEPHONE	TELEPHONE DIRECTORIES Y	297.00
BH NAILWORKS LLP	BH NAILWORKS LLP	200.00
BH PIONEER	PIONEER SUBSCRIPTION 1 YR	254.80
BH POWER & LIGHT CO.	SPEED SIGN 2/08/07	39.52
BLACK HILLS AREA FINANCE	MUTCH USERA 3/22/07	75.00
BLACK HILLS CHEMICAL	WOOD TAPERED HANDLE 10/17/06	17.97
BLACK HILLS PURE, INC.	2 BOTTLES WATER	31.20
CENTER FOR WESTERN	DAKOTA CONFERENCE PRESENTER	1,000.00
CONDE NAST PUBLICATIONS	TEEN VOGUE 3 YR SUBSCRIPTION	30.00
CULLIGAN	50 LB BAG SALT (4) 1/22/07	81.50
DAKOTA GRAPHICS	MARK SPEIRS BUSINESS CARDS	286.00
DDS (DIGITAL DATA	DDS (DIGITAL DATA SERVICES, IN	300.00
DEADWOOD CHAMBER	BILL LIST 1-23 / 2-9	6,109.88
DEADWOOD ECONOMIC	SALARY, BENEFITS	3,729.94
DECKERS	REFUND PAYMENTS BID ACCT	674.43
EDDIE'S TRUCK SALES, INC.	VALVE	14.84
ELAN FINANCIAL SERVICES	BOOK -OLD GUNS & WISPERING GHO	56.43
EMERY-PRATT COMPANY	BOOKS-1/23/07	444.38
ENSIGNAL	POUCH, CHARGING CORD	54.98
FIRST MIDWEST BANK	COPIER CONTRACT - MARCH	92.90
FISCHER CONSTRUCTION	LOAN DISB-39 VANBUREN-B. HILD	400.00
FOX, TERESA	FOX, TERESA	1,500.00
FREDERICKSON LAW	FREDERICKSON LAW OFFICE, P.C.	1,081.75
GOLDEN WEST TECHNOLOGIES,	LABOR	2,248.45
HAWKINS CHEMICAL INC.	CHEMICALS/REC CENTER	266.25
HILTI INC.	2006-COMB.HAMMER TE-56-ATC	1,097.50
JACOBS PRECISION WELDING	TUBING 2/7/07	134.00
KARATKO, DONNA	FOUNDATION-26 WATER-11/07/06	890.00
KEN HAWKI	HARBOR FREIGHT-AIRFILTER	53.97
KEN'S CAMPER	20# LP TANK - PROPANE	55.57
KEVIN KUCHENBECKER	REIMBURSED EXPENSES	91.83
LAWSON PRODUCTS, INC.	LYCRA GLOVES (10) -2/2/07	39.60
LC REGISTER OF DEEDS	FILING FEE-8 SHINE-2/14/07	44.00
LC TREASURER	TROLLEY LICENSE 2007	359.50
LDG PLUMBING	LABOR-WELDER RENTAL-195 CLIFF	478.38
LYONS CONSTRUCTION	PRES WORK-20 WASHINGTON-2/14	2,562.30
M&M SANITATION	MONTHLY TOILET RENTALS	209.00
MARTHA STEWART LIVING	SUBSCRIPTION 1 YR	28.00
MICHAEL CONOVER CARPENTRY	LOAN DISB.-39 VANBUREN-2/13/07	2,700.00
MIDWEST TAPE	DVD-01/09/07	22.99
MONTANA DAKOTA UTILITIES	LIBRARY 01/26/07	1,067.27
MORRISON, KAYLA	DONATION	300.00
NAPA AUTO PARTS	GROMMET, LAMP, PIGTAIL 1/2/07	215.44
NEVE'S UNIFORMS, INC.	PANTS-T. DERBY-1/31/07	129.02
NOLA (NATIONAL ASSOC.	MEMBERSHIP	25.00
NORTHWEST PIPE FITTINGS,	BUTTERFLY VALVE,COUPLING 1/30	484.41
PEOPLE	PEOPLE SUBSCRIPTION 3 YR	310.44
PEWAG INCORPORATED	LINK DIAMOND PATTERN CHAINS	11,089.94
PRAIRIE INDUSTRIES, LLC	ALUMINUM TOOLBOX 1/22/07	6,198.49
PRINT FILE, INC.	METAL EDGE BOX	27.90
QUILL COPORTATION	OFFICE SUPPLIES 2/5/07	65.03
RAPID CITY REGIONAL	LAB-02/08/07	34.00
ROYAL ELECTRIC	BALLAST-POOL LIGHT BULB-THERM.	1,073.55
SD STATE ARCHIVES	BH PIONEER REEL 15710 & 15697	57.60
SD STATE HISTORICAL	CHINA TOWN PROJECT	5,166.46
SPEARFISH AREA HISTORICAL	SEVEN HISTORICAL PHOTOGRAPHS	245.00
STRETCH'S GLASS & CUSTOM	INSTALL GLASS IN FRAME/RC	37.36
THE CEDARTIP COMPANY	PAPERBACK BOOK	7.11
THE NEW YORK TIMES	SUBSCRIPTION 1 YR	65.00
TIM CONRAD ELECTRIC	FUSES FOR STREET LIGHTS	1,018.02
TOMS, DON	TRANSCRIBE LC LEDGER #K	1,728.00
TOSCANA, KATHY	REIMBURSEMENT HANCOCK FABRICS	13.10
TRIPLE K TIRE & REPAIR	FLAT TIRE REPAIR	10.00
TWILIGHT FIRST AID & SAFET	1ST AID KIT REFILL-LIB 1/12/07	187.29
UNIVERSITY OF ARKANSAS	GEOPHYSICAL STUDY (CEMETERIES)	4,718.00
WEST RIVER INTERNATIONAL	SWITCH	113.24
WESTERN COMMUNICATIONS	HEADSET - 12/28/06	265.00
WOLA	WOLA MEMBERSHIP	35.00
	GRAND TOTAL	\$ 67,007.69

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ITEMS FROM CITIZENS ON AGENDA

PrairieWave Resolution 2007-04 and Ordinance #1079 – First Reading

Carmen Schramm, representing PrairieWave Communications, appeared before the Commission to answer questions pertaining to the transfer of the current cable television franchise to Knology, Inc. Schramm said the anticipated closing date is late April or early May, 2007. She added the business hours and office locations would remain the same. Speirs moved, Klamm seconded, to approve Resolution 2007-04 consenting to said transfer. Roll Call: Aye - All. Motion carried.

**RESOLUTION 2007-04
RESOLUTION CONSENTING TO TRANSFER OF CONTROL**

The City of Deadwood, SD having received and reviewed a request to transfer control of the Cable Television Franchise (“Franchise”), previously awarded to PrairieWave Telecommunications, Inc., (“PrairieWave”), from its existing ultimate parent, PrairieWave Holdings, Inc. to its new ultimate parent, Knology, Inc. pursuant to an Agreement and Plan of Merger, dated January 8, 2007 (“Request”); and

The City having reviewed the Request and the attachments, and having had a Hearing, discussion and vote on the transfer;

The City finds that the transfer is acceptable and thus GRANTS ITS CONSENT to the transfer; transferring the Franchise from PrairieWave Holdings, Inc. to Knology, Inc., transferring all rights, duties, and obligations of the Franchise, and continuing said Franchise in full force and effect for its term.

Date: February 20, 2007

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

City of Deadwood

/s/ Francis A. Toscana, Mayor

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Ms. Schramm explained the purpose of Ordinance #1079 is to add the required language to the franchise to allow for a public, educational and government (PEG) access channel. Frederickson stated this allows the City to reserve one channel. According to Schramm and City Attorney John Frederickson, the approval of this ordinance would allow an outside entity to request the use of this channel and that entity would be responsible for the programming of that channel. The Commission may grant or deny the request. Silvernail moved, Speirs seconded, to approve first reading of Ordinance #1079 to add requirements related to (PEG) channel. Roll Call: Aye - All. Motion carried.

Trinity Conrad – Mardi Gras Fundraiser

Trinity Conrad said she did very well at the Mardi Gras event selling beads and requested permission to sell merchandise for the St. Patrick’s Day event. Silvernail moved, Speirs seconded, to allow Ms. Conrad to sell St. Patrick’s Day merchandise to raise money for her trip to Mexico in June. Roll Call: Aye - All. Motion carried.

Northern Hills Career Center

Duke Goodell representing South Dakota Department of Labor appeared before the Commission to inform them of the various services and programs they provide. Mr. Goodell discussed in detail the specific programs that are available for individuals and companies seeking assistance with recruitment, business services, on-the-job training and provide economic development data for new businesses. Mr. Goodell thanked the Commission for the opportunity to present their information and encouraged everyone to utilize their services.

Ordinance #1077 Excavation/Grading Fees – First Reading

Jim Raysor explained the fees discussed at the February 12, 2007 Commission meeting were placed in Ordinance #1077. Raysor reiterated the fact that the fees have not been updated since 1988 and since that time, the City adopted the International Building Code (IBC), which allows the City to adopt their own fees. Mayor Toscana asked for public comments and questions. Tim Conrad, representing the Slime Plant, said they are working on figures for this project and due to increased fees makes construction more difficult and added he is opposed to any more fees. Brad Hemmah spoke on behalf of First Gold/Deadwood Gaming Association (DGA) informing the

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Commission of an email vote conducted amongst DGA members who were all against increased fees. Dennis Katon representing Thundercove referenced the fees versus of amount of material and he said the cost for moving 100,000 cubic yards of material is approximately .04 per cubic yard compared to .40 per cubic yard for a small amount of material. Raysor stated the larger excavation projects would cost less, considering the amount of material moved. He added the existing scale was indexed using a 3% cost of living index. Katon asked the Commission to review and consider his comments. Ron Russo, representing Fairmont Oyster Bay, asked the Commission what is the driving force for this proposed ordinance. Mayor Toscana replied due to numerous excavation projects underway and reviewing the minuscule fees that have been charged for these projects, some members of the Commission and staff felt it maybe time to review and update the fee schedule. Toscana stated the City is trying to be proactive without impeding progress. Commissioner Silvernail stated she feels the fees are excessive. Commissioner Klamm referred to the numerous negative comments received and agrees that these fees are excessive. No action was taken on proposed Ordinance #1077.

PUBLIC HEARINGS/BID OPENINGS

Set Bid Opening – Historic Preservation Poster/Postcard Results

Speirs moved, Silvernail seconded, to set a bid opening at 5:00 p.m. on February 28, 2007, for the advertisement for Historic Preservation poster and postcard results to City Commission on March 5, 2007. Roll Call: Aye - All. Motion carried.

Set Public Hearing – Gold Dust Gaming, Inc. Retail Liquor/Malt Beverage License Site Transfers

Speirs moved, Silvernail seconded, to set a public hearing at 5:10 p.m. on March 5, 2007 for (On-Sale) Liquor, (On-Off Sale) Malt Beverage and (Off-Sale) Package Liquor license site transfers from Full House Inc. to Gold Dust Gaming Inc. Roll Call: Aye - All. Motion carried.

Bid Opening – Stone Wall Repair

Jim Raysor opened and read the following bids received for the Stone Wall Repair on Centennial Street. Lehman Construction, \$23,500 (Cashier's Check for \$1,175 -5% of Bid); Mainline Contracting, Inc., \$28,569, (10% Bid Bond); Munoz Logging and Construction, 29,982, (10% Bid Bond). Jim Raysor recommended accepting the low bid from Lehman Construction. Speirs moved, Silvernail seconded, to accept the low bid from Lehman Construction for \$23,500 for the Stone Wall Repair on Centennial Street subject to a performance bond and directed City Attorney, John Frederickson to draft an agreement with Lehman Construction. Roll Call: Aye - All. Motion carried.

Cancel Bid Opening – Mini-Loader and Advertise for Lease

Speirs moved, Klamm seconded, to cancel the bid opening for the mini-loader on March 12, 2007 at 5:10 p.m. Roll Call: Aye - All. Motion carried. Speirs moved, Silvernail seconded, to set a bid opening on March 19, 2007 at 5:10 p.m. for a lease/purchase for a mini loader. Roll Call: Aye – All. Motion carried.

FINANCE/HISTORIC PRESERVATION/LIBRARY

Cancel Miller Lot Parking Lease

Silvernail moved, Speirs seconded, to accept the 30-day notice from Mike Trucano to cancel two (2) parking leases in the Miller Street Parking Lot. Roll Call: Aye – All. Motion carried.

Employee Hire – Brooklyn Isaak

Silvernail moved, Speirs seconded, to hire Brooklyn Isaak as a part time employee in Historic Preservation office at \$7.50 per hour effective February 20, 2007 and resign from her position at the Rec Center on February 26, 2007. Roll Call: Aye - All. Motion carried.

Permission to Co-op with Deadwood Chamber for Television Special

Silvernail moved, Speirs seconded, to approve the expenditure of \$2,500 from Historic Preservation Advocacy line item for the sponsoring of a half-hour television special entitled *Stop the Presses: Gambling in Deadwood*. The show is to air on KOTA TV on March 7, 2007 at 6:30 p.m. and at a later date in Casper, Wyoming and North Platte, Nebraska. Roll Call: Aye - All. Motion carried.

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STREETS/WATER

Purchase Request – Cutting Blades

Speirs moved, Silvernail seconded, to approve the purchase of twenty (20) cutting blades for the motor graders at a cost of \$1,400, includes shipping. Roll Call: Aye - All. Motion carried.

Approve TSP Contract for Design of City Hall Step Project

Speirs moved, Klamm seconded, to approve the contract for the design of the City Hall step project for \$7,185. Commissioner Speirs directed Jim Raysor to design the concrete street panels on Lower Main Street. Roll Call: Aye - All. Motion carried.

PLANNING AND ZONING/PUBLIC BUILDINGS/TROLLEY

Purchase Request – Parking Ramp

Klamm moved, Speirs seconded, to approve the purchase of two additional cameras for the parking ramp at a cost of \$1,968.68 from 5 Star Audio Video, to be paid from Parking Ramp fund. Roll Call: Aye - All. Motion carried.

MAYORS BUSINESS

Purchase of Land

Toscana informed the Commission that Ken Kellar has offered 6.88 acres of land located off Lincoln Avenue. Toscana said this property was discussed at previous meetings and residents expressed their concerns with the possible development of this property. According to Toscana, Kellar made an offer to the City of \$45,000. He feels this is a good offer and this would allow the City to protect the environs in this neighborhood. Speirs moved, Silvernail seconded, to approve the offer of \$45,000 contingent upon Historic Preservation Commission concurrence and funding the purchase. Roll Call: Aye - All. Motion carried.

Planning and Zoning Commission Appointment

Mayor Toscana moved, Silvernail seconded, to approve the appointment Jim Shedd to serve on the Planning and Zoning Commission. Roll Call: Aye – All. Motion carried.

Black Hills Area Mayors Luncheon

Mayor Toscana informed everyone of the Black Hills Area Mayor’s Luncheon which will be held on Thursday, February 22, 2007 at Four Aces at noon.

ITEMS FROM MAYOR, COMMISSIONERS, DEPARTMENT HEADS NOT ON AGENDA

Firemen’s Banquet

Mayor Toscana and City Commissioners thanked the Fire Department for the annual Firemen’s Banquet held on February 17, 2007.

Fire Dept. Annual Report & Stats

Mayor Toscana thanked the Fire Department for the year-end report and stats for 2006.

Workforce Housing Update

Joy McCracken, Executive Director of Neighborhood Housing Services informed the Commission of a public forum addressing questions regarding the Community Land Trust and “Workforce Housing project. The first meeting is on Tuesday, February 27, 2007 at 2:00 p.m. at Deadwood City Hall, Commission Room to answer questions concerning a Community Land Trust. The second meeting is on Wednesday, February 28, 2007 at 10:00 a.m. at Deadwood City Hall, Century Room featuring “Building Better Neighborhoods.”

ADJOURNMENT

Toscana moved, Speirs seconded, to adjourn the regular session at 6:10 p.m. The next regular meeting will be at 5:00 p.m. on Monday, February 26, 2007.

ATTEST:

DATE: _____

Mary Jo Nelson, Finance Officer

BY: _____
Francis A. Toscana, Mayor