

REGULAR MEETING, March 19, 2007

The Regular Session of the Deadwood City Commission convened on March 19, 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, Silvernail seconded, to approve the minutes of March 12, 2007. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

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

A & B BUSINESS EQUIPMENT	CONTRACT 2424- 3/17/07-3/16/08	639.56
ABC	ERASER PEN-X-ACTO-SHARPIE	615.45
ADAMS MUSEUM	ADAMS HOUSE BUILDING	5,398.65
AMERICAN LEGAL PUBLISHING	ORDINANCES; FOLIO VIEWS, INTER	965.00
BLACK HILLS POWER & LIGHT	SPEED SIGN-101 CHARLES ST	40.26
BLACK HILLS WEEKLY GROUP	JANUARY 22, 2007 MINUTES	568.15
CHICAGO ALBUMEN WORKS	PHASE 4 & 5 GLASS PLATE NEG PR	32,000.00
CULLIGAN	BOTTLED WATER/REC CENTER	43.00
DAKOTA GRAPHICS	SYMPOSIUM FLYERS & P&Z SIGNS	607.50
DEADWOOD CHAMBER	CHAMBER BILL LIST FEB - MAR 07	757.30
DEADWOOD ECONOMIC	TURBIVILLE SALARY	3,729.94
DECKERS	CUPS/REC CENTER	39.39
ED M. FELD EQUIPMENT CO.	I2.5" VALVE BODY (2) 02/09/07	838.00
EDDIE'S TRUCK SALES, INC.	BRACKET AND PIVOT	39.22
ELAN FINANCIAL SERVICES	POSTAGE REC CENTER SURVEY	640.85
FIRST MIDWEST BANK	LEASE-CITY SHOP COPIER-APRIL	92.90
FOX, TERESA	NEWSPAPER INDEXING - AUG 1897	1,500.00
FREDERICKSON LAW	MONTHLY LEGAL SERVICES	2,889.65
GERVING CONSTRUCTION	LOAN DISB.-47 CENTENNIAL-OESCH	2,688.85
GOLDEN WEST TECHNOLOGIES,	HP DYMO CARD SCANNER	331.50
GUNDERSON, PALMER,	GUNDERSON, PALMER, GOODSSELL &	2,254.50
HAUFF MID-AMERICA SPORTS	BASKETBALLS/REC CENTER	432.50
HOMESTAKE OPERA HOUSE	2004 & 2005 GRANTS	42,720.00
J.P. TOWING	DEADSTORAGE PINE ST 12/0506	75.00
JACOBS PRECISION WELDING	1/4" X 5" X 27" FLAT BOARD	6.75
JIM LEHTO	FUEL REIMBURSEMENT	67.00
KENNETH KELLAR	PURCHASE OF LAND	45,000.00
LAWRENCE COUNTY REGISTER	OFILING FEE-9 WASHINGTON-SKAGGS	66.00
LAWRENCE TITLE COMPANY	TITLE SEARCH-VAUGHN-628 MAIN	106.00
LEAD-DEADWOOD SCHOOL	2006 GRANT- AUDITORIUM	25,000.00
LEXIS LAW PUBLISHING	DWD RTF 12/06 CD-SUPPLEMENT	37.90
M&M SANITATION	MONTHLY TOILET RENTALS	209.00
MICHAEL CONOVER	LOAN DISB-39 VANBUREN-B. HILD	1,467.35
MS MAIL & MARKETING	SYMPOSIUM FLYERS MAILING	383.44
NAPA AUTO PARTS	PROTECTANT-DASH VALVE	2,110.97
NELSON, MARY JO	REIMBURSEMENT AIRFARE-TRAINING	493.61
NEWELL MUSEUM	2006 OUT OF DW GRANT CHURCH	7,560.78
NEWMAN TRAFFIC SIGNS	VAN ACCESSIBLE SIGNS	48.58
PETTY CASH/HISTORIC PRES	SYMPOSIUM PETTY CASH	223.10
PETTY CASH/PLANNING	PETTY CASH REIMBURSTMENT	108.98
PIONEER DESIGNS	SHIRTS-SCREEN SET UP-FREIGHT	291.96
PRESCO SALES & SERVICE	GRADER BLADES	1,424.00
RAPID CITY REGIONAL	LAB/CHEM OCTOBER 12/2006	97.00
SERVALL UNIFORM AND LINEN	SERVALL UNIFORM AND LINEN	249.57
SOUTH DAKOTA HUMANITIES	COPARTNERSHIP - FESTIVAL OF BOOK	10,000.00
SPEARFISH EMBROIDERY	BADGE SEW OUTS (7) 11/01/06	35.00
STREICHER'S	BOOTS:ACADIA, 40OGR INSULATED	27.80
SUMMIT SIGNS	SIGNS	437.00
SUPERIOR LAMP AND SUPPLY	LIGHT BULBS/STREET LIGHTS	168.03
THE ARCHAEOLOGICAL	MEMBERSHIP DUES	25.00
THE STOP & GROW	DONATION	9,096.00
TOMS, DON	LEDGER PROJECT	576.00
TWILIGHT FIRST AID	FIRST AID KIT FOR VISITOR CENT	170.70

GRAND TOTAL \$205,394.69

ITEMS FROM CITIZENS ON AGENDA

Optimist International Raffle

Dusty Pinske and Kymberly Reis appeared before the Commission to introduce the new Deadwood Lead Optimist Club in the Deadwood Lead area. They are trying to raise money for their first project of the year and requested permission to host a raffle. They would like to sell tickets for a lot in the Two Bit Ranch Estates. Pinske said everything raised above the cost of the land is for their non-profit club to keep so they may distribute back to the community for projects such as scholarships and grants to benefit the children in the community. The price for the tickets is \$100 for one or \$250 for three and their goal is to sell 2,000 tickets. No action taken.

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Days of 76 Museum Status Report

Debra Gangloff representing the Days of 76 Museum informed the Commission of the grant received by the Bush Foundation for \$242,687, which will extend over a two-year period with the majority of the money being paid the first year. Ms. Gangloff said they would start the Phase I portion of the museum project this spring, which requires building a 12,000 square foot storage facility on the Days of 76 property. This facility would be used to store the museum's collections while the new museum is constructed. Once the museum is completed, the storage facility would house the carriages and stagecoaches. Gangloff said the proposed plans were presented to the Historic Preservation Commission on March 14, 2007 for their review. According to Gangloff, Historic Preservation Commission (HPC) revised the existing plans so HPC will review the new plans at the March 28, 2007 meeting. Jon Mattson said in addition to the City's commitment of \$3,000,000 million dollars an extra \$325,000 has been raised so far. Mattson said the fundraising has progressed very well and the committee will continue to seek additional funding.

Change of Zoning Request

Mayor Toscana informed everyone that City Commissioners received a letter from the Lead Deadwood Regional Hospital Administrator, Sherry Bea Smith requesting the City to consider rezoning around the hospital. Toscana said they have also received correspondence from property owners located in the area who would like to have an opportunity to express their thoughts and concerns with the change of zoning request. Mayor Toscana and City Attorney John Frederickson discussed this issue and felt this should go before the Planning and Zoning Commission for their review and consideration. Ms. Smith confirmed she sent the letter regarding rezoning around the hospital at the request of the hospital's advisory council. Smith explained the members of the council are concerned with safety issues and possible changes in the landscaping. Ms. Smith said this area contains low-density commercial properties and adding a possible gaming facility near the hospital, would affect the community and neighborhood. Mike Guilbert, owner of Creekside Clinic, said it is not appropriate to have this type of business close to a hospital. He expressed his concerns and reiterated the fact that the area around the hospital is very important to the community. He said it is inappropriate to have gaming across from the hospital or next to it for several reasons: traffic congestion, life safety, noise, pollution and the surrounding areas that it also entails such as the clinics, small businesses, and residents in the area. Guilbert referenced Lower Main Street and said how the gaming has encroached upon the small businesses and residents in this area and added it does not happen over night, but over a five to ten year period. City Attorney John Frederickson said he has visited with Ms. Smith and the advisory council will be meeting to define the specific boundaries for the rezoning around the hospital. Mr. Tellinghuisen spoke on behalf of his clients, the Deadwood Gaming Association, and property owners and said they have genuine concerns about the nature of any zoning that is going to preclude or prohibit gaming in the areas that are currently for commercial use. Frederickson asked Tellinghuisen if the Deadwood Gaming Association is opposed to a distance limitation as to where gaming would be allowed and he said they would not object to a zoning buffer depending on how far the buffer extends around the hospital. Mayor Toscana asked Bernadette Williams, Planning and Zoning Administrator, to explain the process Planning and Zoning would take if the City Commission made the decision to turn it over to them. Ms. Williams said the Planning and Zoning would review the request, mail letters to property owners within 300 feet of the rezoning boundaries, hold a public hearing with the joint Planning and Zoning committee, and then make a recommendation to the City Commission based on their findings. Speirs moved, Silvernail seconded, to pass this rezoning request to the Planning and Zoning Commission for their review.

PUBLIC HEARINGS/BID OPENINGS

Bid Opening – 66 Taylor

Jim Raysor opened and read the following bids received for the demolition and reconstruction of the retaining wall at 66 Taylor Avenue. RCS Construction, \$68,600.00, Bid Bond was not provided; Broderson Bros. Construction, LLC., \$49,948.58, Bid Bond; Lehman Construction Company, Inc., \$52,850.00, Bid Bond. Jim Raysor requested more time to review the bids. Speirs moved, Griffith seconded, to continue the bid opening to March 26, 2007. Roll Call: Aye - All. Motion carried.

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Bid Opening – Mini Loader

Jim Raysor opened and read the following bids received for the Wheel Loader for purchase and or lease:

Bidder	Purchase Price	Lease Price (5-Year)	Model
RDO Equipment	\$61,110.00	\$11,897.82	2007 John Deere 244J
Sheehan Mack	\$54,732.00	\$10,495.62	Volvo L25B Compact
Butler Machinery Co.	\$48,900.00	\$8,340.00	2007 Caterpillar 904B
Titan Machinery	\$57,000.00	\$12,968.29	Case 121 E
DMI Diesel Machinery	\$63,989.00	\$11,855.00	Komatsu WA70-5
JD Evans, Inc.	\$68,000.00	\$16,217.74	2007 New Holland W50 TC

Jim Raysor requested more time to review the bids. Speirs moved, Griffith seconded, to continue the bid to March 26, 2007. Roll Call: Aye - All. Motion carried.

Public Hearing – Historic Preservation Symposium

Silvernail moved, Speirs seconded, to waive the vendor fee for the Historic Preservation Symposium on April 27-29, 2007. Mayor Toscana said this public hearing is not necessary due to the symposium being held on private property. Roll Call: Aye - All. Motion carried.

Set Bid Opening

Speirs moved, Silvernail seconded, to set a bid opening on April 16, 2007 at 5:25 pm for lights on Mickelson Trail. Roll Call: Aye - All. Motion carried.

FINANCE/HISTORIC PRESERVATION/LIBRARY

Payment Request

Griffith moved, Klamm seconded, to allow the Finance Office to pay \$5,000 from the Bed and Booze funds to Bullock Properties for Chinese New Year. This is a budgeted item. Roll Call: Aye - All. Motion carried.

Payment Request

Griffith moved, Klamm seconded, to allow the payment of \$1,440 from the Historic Preservation archeology line item, for the participation in the recordation of the Boulder ditch system in the Buena Vista tract by Dakota Research Services. Roll Call: Aye - All. Motion carried.

Archives Grant

Silvernail moved, Speirs seconded, to accept the grant of \$6,540, which was awarded by the National Heritage Preservation to develop a strategic plan for the City Archives. Roll Call: Aye - All. Motion carried.

Oral History Contract

Silvernail moved, Speirs seconded, to allow the mayor to sign the contract with Suzanne Julin to conduct fifteen (15) oral history interviews, at a cost of \$8,250. This is a budgeted item. Roll Call: Aye-All. Motion carried.

Neighborhood Housing Services Agreement

Silvernail moved, Speirs seconded, to allow the Mayor to sign the agreement with Neighborhood Housing Services for \$86,900 for the administration of revolving loan funds. Roll Call: Aye-All. Motion carried.

City Website Information

City Finance Officer Mary Jo Nelson informed the Commission that the City of Deadwood Ordinances is now available online at www.cityofdeadwood.com. Nelson explained visitors might search by title, chapter, or a word. This works very well and is available to anyone wishing to access the City ordinances.

STREETS/WATER

Free Dump Weekend

Jim Raysor announced the free dump weekend with the City of Lead and Central City has been set for Thursday, March 29 through Saturday, March 31, 2007 from 8:00 to 4:00 p.m. Residents from Deadwood, Lead, and Central City will be allowed to haul their own refuse to the WASP free of charge.

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POLICE/FIRE

Fire Department Roster

Silvernail moved, Griffith seconded, to remove Billy Sandidge from the Fire Department roster effective March 12, 2007. Roll Call: Aye – All. Motion carried.

Hire Request

Silvernail moved, Speirs seconded, to allow the hiring of Katrina Harris, Jacob Lewis, and Thomas Spritzer as reserve officers effective March 20, 2007, pending drug testing and completion of training. Roll Call: Aye – All. Motion carried.

PLANNING/ZONING/PUBLIC BUILDINGS/TROLLEY

Travel Request

Klamm moved, Griffith seconded, to allow Keith Umenthum to attend a seminar in Rapid City presented by the Hilti Company on March 26, 2007, requesting the use of City vehicle. Roll Call: Aye – All. Motion carried.

PARKS/RECREATION

Travel Request

Griffith moved, Silvernail seconded, to allow John Tridle to attend the “Build a Pool” conference in Colorado Springs, Colorado on April 10-14, 2007, requesting \$900.00 for expenses and the use of a City vehicle. Roll Call: Aye – All. Motion carried.

LEGAL BUSINESS

Termination of Lease - Qwest

Griffith moved, Speirs seconded, to allow the Mayor to sign the termination of Lease Agreement with Qwest at 735 Main Street. Roll Call: Aye – All. Motion carried.

MAYORS BUSINESS

Proclamation

Mayor Toscana read a proclamation proclaiming March 24, 2007 Lehman Trikes Day in the City of Deadwood.

ITEMS FROM MAYOR, COMMISSIONERS, DEPARTMENT HEADS NOT ON AGENDA

Qwest Parking Lot

Speirs moved, Griffith seconded, to approve the payment of \$1,142 to Black Hills Power Light for the relocation of a pole in the Qwest parking lot, to be paid from Parking and Transportation. Raysor said Black Hills Power Light would need a copy of the plat and deed. Mayor Toscana signed an agreement with Black Hills Power for the use of the power pole.

ADJOURNMENT

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

ATTEST:

DATE: _____

Mary Jo Nelson, Finance Officer

BY: _____
Francis A. Toscana, Mayor