

REGULAR MEETING, August 18, 2008

The Regular Session of the Deadwood City Commission convened on August 18, 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 Silvermail. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Peterson moved, Klamm seconded, to approve the minutes of August 11, 2008. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Silvermail moved, Schroeder seconded, to approve the August 18, 2008 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	MONTHLY MAINTENANCE	1,664.08
ABC	SUPPLIES	232.20
ADAMS MUSEUM	PUBLIC EDUCATION	2,870.00
ADT SECURITY SERVICES	SECURITY SYSTEM/MM HOUSE	302.47
AVENET	WEBSITE HOSTING	396.00
BH MINING MUSEUM	2007 OUTSIDE OF DW GRANT	3,975.00
BH POWER	ELECTRICITY/FIRE	21.50
BH PURE, INC.	1 5 GALLON WATER	17.25
BLACK HILLS ROOFING	ROOF AT CITY HALL	93,788.00
BLACK HILLS WEEKLY	CHARLES STREET VACATION	34.96
BRODY CHEMICAL	GLASS CLEANER	121.29
BUTLER MACHINERY	BATTERY	317.10
CAMPBELL SUPPLY	GRIT FLAP DISC/LIGHT POLES	30.90
CITY OF LEAD	OUTSIDE OF DW GRANT	7,000.00
CULLIGAN	BOTTLED REC CENTER	45.98
DAKOTA GRAPHICS	BROCHURE PRINTING	537.00
DEADWOOD CHAMBER	JULY BILL LIST	46,265.00
DEADWOOD FIRE DEPARTMENT	RALLY HOURS	271.42
DEADWOOD LEAD ARTS COUNCIL	2ND QUARTER INSTALLMENT	2,025.00
ENSIGNAL	BATTERY/BILLS CELL PHONE	45.99
EVENSON, JULIE	REIMBURSE 1/2 DEDUCTIBLE 2008	750.00
FIRST MIDWEST BANK	SEPT. PAYMENT/COPIER-SHOP	92.90
FOX, TERESA	NEWSPAPER INDEXING	1,500.00
FRANK'S TREE SERVICE	TREE REMOVAL/DUDLEY STREET	900.00
GAYLORD BROS.	ARCHIVE SUPPLIES- FOLDERS	520.33
GOLDEN WEST	OFFSITE BACK-UP	172.50
GRIMM'S PUMP	FUEL FILTER-LABOR-LEAK TESTING	302.24
HOLIDAY INN EXPRESS	RONDA LODGING	186.00
INTRICATE PLUMBING	TROUTON - 59 VAN BUREN	1,100.00
J.P. TOWING	DEAD STORAGE/ CITY LOT	275.00
KEN'S CAMPER	TONGUE/SIGN BOARD	59.13
KNOLOGY	MONTHLY PHONE CHARGES	362.90
LESTER, ROB	RALLY SUPPLIES	54.06
M&M SANITATION	MO RENTAL/OAKRIDGE	307.50
MAVERICK ENTERPRISES	SUPPLIES	32.07
NEVE'S	NAME BAR	11.59
NORTHERN STATES CONSERVATION	ARCHIVE TRAINING	425.00
NORTHWEST PIPE	SUPPLIES	5.61
ONE CALL SYSTEMS, INC.	LOCATE REQUEST TICKETS	19.00
OVERHEAD DOOR CO.	REPAIR WALL BRACKET	238.68
PITNEY BOWES INC	POSTAGE RESERVE	500.00
QUILL COPORTATION	OFFICE SUPPLIES	492.93
QWEST	PHONE	110.97
SANITATION PRODUCTS, INC.	RODDER LINE-LEADER HOSE/VACTOR	1,692.20
SD DEPARTMENT OF REVENUE	RB-THUNDERCOVE INN	125.00
SD DEPT OF ENVIRONMENT	DRINKING WATER FEE/2009	600.00
SERVALL	MATS, TOWELS, LAUNDRY BAG	51.85
SOUTH DAKOTA PLANNERS ASSOC	B. WILLIAMS 08 MEMBERSHIP	50.00
SOUTH DAKOTA STATE HISTORICAL	ARCHIVE SUPPLIES - REPORTS	72.00
SOUTH SIDE SERVICE	UNLEADED GAS	19,900.43
THOMPSON PUBLISHING GROUP	SUBSRIPTION RENEWAL	438.50
TOM'S T'S, INC.	23 T-SHIRTS	288.00
TOMS, DON	LEDGER PROJECT V	1,152.00
TRIPLE K	EXHAUST PIPE-LABOR	25.00
TWIN CITY HARDWARE	PAINT GRANT - 29 TERRACE	2,053.57
WEST RIVER INTERNATIONAL	SUPPLIES	348.28
	TOTAL	\$ 195,176.38

ITEMS FROM CITIZENS ON AGENDA

Wagon Train Thank You

Jon Mattson and George Milos thanked the Mayor, City of Deadwood, City staff and all the volunteers that were involved with the Fort Pierre/Cheyenne to Deadwood Wagon Train event. Mattson said the event was a great success and well attended. Milos thanked the City for the donation and expressed his appreciation for the local and regional media coverage. Milos added a writer from Reader's Digest would be doing a story on the wagon train event. A representative from Auction Productions, Inc. thanked the Commission and the City for the support they received and added the auction was a great success. Mattson added that \$25,000 was raised for the Days of 76 Museum. Commissioner Joe

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Peterson announced that an employee of Auction Productions, Inc. donated an original 1880-90 saloon faro table valued at \$3,000 was donated to the museum.

Shiners Presentation

Paul Holtsclaw and other Shiners committee members expressed their appreciation for the support they receive from the City of Deadwood and the City employees during the Shrine Circus event. The members presented Mayor Toscana and the City of Deadwood with a sculpture made by Ron Lee entitled "Push and Pull - We appreciate your pushing for the "NAJA Shrine Circus and Pulling for its success." Mayor Toscana thanked the Shriner's for their dedication to the City of Deadwood.

Resolution 2008-25

Silvernail moved, Peterson seconded, to approve Resolution 2008-25 Intent to Levy \$2 Occupancy Tax for 2009. Roll Call: Aye-All. Motion carried.

**RESOLUTION NO. 2008-25
RESOLUTION OF INTENT TO CONTINUE
BUSINESS IMPROVEMENT DISTRICT NO. 7**

WHEREAS, the City of Deadwood has received a recommendation by the Board of Business Improvement District No.7 pursuant to SDCL 9-55 as amended, requesting the City of Deadwood adopt a Resolution of Intent to continue a Business Improvement District and impose an occupational tax on the transient guests of hotels and motels within the City of Deadwood ; and

WHEREAS, it appearing to the City of Deadwood that the proposed district is being created to fund some of the following public projects and activities from January 1, 2009 through December 31, 2009:

Projected revenue of \$450,000.00, with 95% designated for marketing of Deadwood Mountain Grand, and 5% for legal and administrative expenses.

The 2009 budget is: \$10,000.00 Legal/Administrative
 \$12,000.00 Contingency
 \$22,000.00 Total Budget

The balance of 2009 projected revenue, or \$428,000.00, will be budgeted by separate Ordinance at such time as the need for marketing and operations expenses from the convention center arise.

NOW THEREFORE, BE IT RESOLVED by the City of Deadwood that the City hereby declares its intent to continue Business Improvement District No. 7, with the boundaries of District No. 7 to be the city limits of Deadwood, and any annexations thereto, including but not limited to the following listed lodging establishments and any lodging establishments not listed but which are established in the future which shall automatically become a part of this district and be included within such boundaries, but excluding any bed and breakfast establishments:

- | | |
|----------------------------|--------------------|
| 76 Bullock Express | 68 Main Street |
| Best Western Hickok House | 137 Charles Street |
| Black Hills Inn & Suites | Hwy. 385 South |
| Branch House | 37 Street |
| Bullock I,II,III | 635 Main Street |
| Butch Cassidy Suites | 57 Sherman Street |
| Cadillac Jack's | 360 Main Street |
| Cedarwood Inn | 103 Charles Street |
| Celebrity Hotel | 625 Main Street |
| Comfort Inn/Gulches of Fun | 305 Cliff Street |
| Deadwood Dicks Suites | 51 Sherman Street |
| Hickoks Hotel | 685 Main Street |
| Hickok's Iron Horse Inn | 27 Deadwood Street |
| Deadwood Gulch Resort | 10 Timm Lane |
| First Gold | 270 Main Street |
| Four Aces/Hampton Inn | 531 Main Street |
| Franklin Hotel | 700 Main Street |
| Gold Country Inn | 801 Main Street |
| Holiday Inn Express | 22 Lee Street |
| Martin and Mason Hotel | 37 Sherman |
| Mineral Palace | 605 Main Street |
| Penny Motel | 818 Main Street |
| Super 8 | 196 Cliff Street |

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Terrace Motel
The Mint
Thunder Cove Inn

250 Main Street
638 Main Street
311-315 Cliff Street

BE IT FURTHER RESOLVED that the City of Deadwood declares its intent to continue an occupational tax levy to be imposed on transient guests renting rooms in the above-described hotels and motels or lodging establishments. The amount of the tax shall be Two Dollars (\$2.00) per occupied room per night, which shall not apply or be imposed on any transient guest who has been offered a room by a lodging establishment on a complimentary basis and no fee or rent was charged for such room. This method for raising revenue shall be fair and equitable.

The total estimated or proposed costs for the above projects and activities is projected to be Four Hundred and Fifty Thousand Dollars (\$450,000.00), and Twenty – two Thousand Five Hundred Dollars (\$22,000.00) will be budgeted for 2009 from the revenues from this occupancy tax upon rooms rented to transient guests by lodging establishments to fund some or all of the above projects and activities; and

BE IT FURTHER RESOLVED that a hearing shall be held before the Deadwood City Commission on Tuesday, the 14th day of October, 2008 at 5:20 p.m. at the City Commission Chambers located at 102 Sherman Street, in the City of Deadwood, to consider the continuation of Business Improvement District No. 7 and the imposition of a Two Dollar (\$2.00) per room rented occupancy tax on transient guests for rooms rented by the above lodging establishments .

The City Finance officer shall give notice of this hearing by mailing a complete copy of this Resolution of Intent to each owner and user of space in all lodging establishments or hotel or motel businesses located within the proposed Business Improvement District No. 7 at least thirty (30) days prior to the public hearing.

Dated this 18th day of August, 2008.

CITY OF DEADWOOD

/s/ Francis Toscana, Mayor

ATTEST:

/s/ Mary Jo Nelson, City Finance Officer

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Set Public Hearing

Silvermail moved, Schroeder seconded, to set a public hearing for Business Improvement District (BID) #7 Occupancy Tax Levy on October 14 at 5:20 pm. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS/BID OPENINGS

Public Hearing

Silvermail moved, Klamm seconded, to approve of the Retail (On-Off Sale) Malt Beverage License for Thunder Cove Inn, 311-351 Cliff Street & 1 Katon Drive, Mineral Survey 56 & Mineral Survey 57 & part of PC 107. Roll Call: Aye- All. Motion carried.

Bid Opening

Jim Raysor opened and read the two bids received for the Engine House and Library exterior paint project. The bids are as follows:

**Engine House and Library Exterior Paint Project
Bid Opening - August 18, 2008 at 5:10 p.m.
at Deadwood City Hall
Bid Tabulation**

Engine House Bids

Contractor	Bid Security	Bid Amount
Forcoli & Sons Enterprises	Cashier's Check	\$22,230.00
Lamb Painting, LLC	Bid Bond	\$15,000.00

Library Bids

Contractor	Bid Security	Bid Amount
Forcoli & Sons Enterprises	Cashier's Check	\$35,400.00
Lamb Painting, LLC	Bid Bond	\$30,000.00

Raysor recommended to the Commission to accept the low bids for the Engine House and Library from Lamb Painting LLC. Silvermail moved, Klamm seconded, to accept the low bids from Lamb Painting LLC for \$15,000.00 for the Engine House and \$30,000.00 for the Library.

Roll Call: Aye- All. Motion carried.

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Set Bid Opening

Peterson moved, Silvernail seconded, to set a bid opening for the placement of a two (2) inch asphalt cap on portions of the Sherman Street Parking Lot at 5:10 pm on Tuesday, September 2, 2008. Roll Call: Aye- All. Motion carried.

FINANCE

Employee Resignation

Peterson moved, Silvernail seconded, to accept with regret the resignation of Alexandria Lindemann, Finance Assistant, effective August 22, 2008. Roll Call: Aye- All. Motion carried.

Information - Phone Vote - Employee Resignation

A phone vote was taken on Thursday, August 14, 2008 to accept the resignation of Deborah Maynard effective August 25, 2008, advertise in house for five (5) days, and publish classified ad in local newspapers. Aye - all. Peterson moved, Silvernail seconded, to accept and approve the phone vote taken on August 14, 2008. Roll Call: Aye- All. Motion carried.

Hire Request

Peterson moved, Silvernail seconded, to approve the hiring of Leslie Aldinger as Finance Assistant, at \$7.50 per hour, effective August 22, 2008. Roll Call: Aye- All. Motion carried.

HISTORIC PRESERVATION/PLANNING & ZONING/PUBLIC BUILDINGS/SAFETY

Employee Resignation

Toscana moved, Silvernail seconded, to accept the resignation of Danielle Bellet, intern, effective August 13, 2008. Roll Call: Aye- All. Motion carried.

STREETS/WATER

Funding Request - Northern Hills Water Study

Mayor Toscana left the Commission Room as the Commission discussed the request made by TSP for the additional amount of \$1,959.97 for the finalization of the Water Supply Study report split between City of Lead, City of Deadwood, Lead-Deadwood Sanitary District, and the state of South Dakota. Raysor said he feels these additional costs for printing and labor at \$65.00 per hour are not justified and these costs were not reflected in the original contract. Schroeder moved, Klamm seconded, to reject the request made by TSP Engineering for additional funding for the Northern Hills Water Study for one-third of \$1,959.97. Roll Call: Aye - Schroeder, Klamm, Peterson, Silvernail. Motion carried.

POLICE/FIRE

Additional Contract Information - Fire Department

Commissioner Klamm informed the Commission that a contract was prepared for their review prior to Monday's meeting. The Fire Department would like to hire Rob Mattox to perform ArcGIS services for the Fire Department at \$50.00 per hour, not to exceed \$2,500.00. Commissioner Schroeder informed the Commission that he had visited with the Rapid City Fire Department regarding the electronic concept and they no longer use this concept due to many issues they had and now have gone back to a dispatcher operations sheet. Fire Chief Trent Mohr explained how their current system works and added that the Fire Department has done research on this matter. Mohr said this is a two-phase project: Phase I - to streamline data currently in place, programming and to make it more user friendly. Phase II - data entry, floor plans and location of hazards. After much discussion, the Commission and City Attorney expressed their concerns with the wording of the contract and City's intellectual property rights. Jason Campbell stated that the City wants clarification on the product is so that there is not room for misinterpretation later on. The way the contract reads now it leaves the door wide open for this to happen. Klamm moved, Toscana seconded, to approve the contract with Rob Mattox, not to exceed \$2,500.00. Roll Call: Aye - Klamm. Nay - Toscana, Schroeder, Peterson, Silvernail. Motion Failed. Klamm moved, Silvernail seconded, to continue this discussion until September 2, 2008 and direct City Attorney to work with Rob Mattox on said contract. Roll Call: Aye- All. Motion carried.

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PARKS/RECREATION/TROLLEY

Wage Increase

Silvernail moved, Peterson seconded, to approve the wage increase for Chelsie Hart, Rec Center Assistant Manager, from \$9.50 to \$10.00 per hour, after completion of two years of service, effective August 15, 2008. Roll Call: Aye- All. Motion carried.

Employee Resignation

Silvernail moved, Schroeder seconded, to accept the resignation of Garrett Aman, Seasonal Parks employee, effective August 22, 2008. Roll Call: Aye- All. Motion carried.

MAYORS BUSINESS

Wage Increase - Police Unit

Klamm moved, Silvernail seconded, to approve the wage increase of \$1.00 per hour for the Police unit, effective January 1, 2009, after completion of union negotiations. Roll Call: Aye- All. Motion carried.

Wage Increase - City Employee Unit

Schroeder moved, Silvernail seconded, to approve the wage increase of \$1.00 per hour for the City employee unit, after completion of union negotiations. Roll Call: Aye- All. Motion carried.

ITEMS FROM CITIZENS NOT ON AGENDA

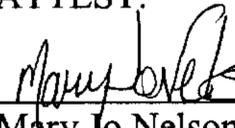
Travel Request

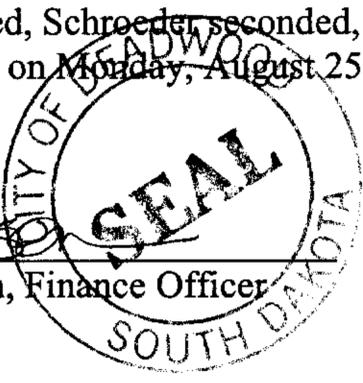
Schroeder moved, Silvernail seconded, to allow Jeanette Moodie-Chaney to travel to Washington, DC September 26-28, 2008 to attend the 2008 National Book Festival, all expenses paid by the Humanities Council. Roll Call: Aye- All. Motion carried.

ADJOURNMENT

Silvernail moved, Schroeder seconded, to adjourn the regular session at 6:00 p.m. The next regular meeting will be on Monday, August 25, 2008.

ATTEST:


Mary Jo Nelson, Finance Officer



DATE: 8-25-08

BY: 
Francis A. Toscana, Mayor

