

**REGULAR MEETING, July 14, 2008**

The Regular Session of the Deadwood City Commission convened on July 14, 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**

Schroeder moved, Klamm seconded, to approve the minutes of July 14, 2008. Roll Call: Aye-All. Motion carried.

**APPROVAL OF DISBURSEMENTS**

Silvernail moved, Klamm seconded, to approve the July 14, 2008 disbursements. Roll Call: Aye-All. Motion carried.

A & B WELDING	CYLINDER RENTAL	90.21
ABC	ARCHIVE SUPPLIES - FLASH DRIVE	114.01
ACCURATE HYDRO-SEEDING	HYDRO SEEDING/MM SNOW DUMP	779.63
ADAMS MUSEUM DBA ADAMS HO	PUBLIC EDUCATION	3,924.19
ALCO STORES, INC.	FOAM CUPS, GATORADE, SANDWICH	15.15
AMANO MCGANN	CPASS CARDS FOR BRDWY PRK RMP	2,153.75
BIRDSALL SAND & GRAVEL	CONCRETE/REPAIR VARIOUS AREAS	652.75
BLACK HILLS ELEVATOR, LLP	LIBRARY ELEVATOR SERVICE	396.00
BLACK HILLS POWER & LIGHT	ELECTRICITY-BC WELCOME SIGN	60.31
BLACK HILLS PURE, INC.	HOT & COLD RENTAL	28.50
BLACK HILLS WEEKLY GROUP	RENEWAL	48.00
BLONDIE'S IGA	CREDIT FOR ARCH CAMP SUPPLIES	248.57
CAPTAIN CLEAN OF THE NORTH	CLEAN HALL CARPET-23 WASHINGTO	100.00
COPY COUNTRY	RETURN PLANS	10.40
CULLIGAN OF THE NORTHERN	HOT-COLD COOLER RENTAL/PARKS	88.00
DAKOTA GRAPHICS	BROCHURES, SCHEDULES, PASSLOGS	469.50
DAKOTA SPRAY EQUIPMENT	REPAIR KIT GUN/PAINT SPRAYERS	139.95
DAYS OF '76, INC.	DAYS OF '76 RODEO	91,073.85
DEADWOOD CHAMBER	JULY CHAMBER BILL LIST	401,823.02
DEADWOOD HOME CENTER	2X4X12 FIR	74.36
EDDIE'S TRUCK SALES	BODY SHOP INVOICE	6,566.00
EMERY-PRATT COMPANY	BOOK	464.57
ENERGY ELECTRIC COMPANY	REPAIR SIGNAL/85-LOWER MAIN	155.04
FARMER BROTHERS CO	COFFEE	139.23
FOX, TERESA	NEWSPAPER INDEXING - SEPT 1899	1,500.00
GAYLORD BROS.	ARCHIVE SUPPLIES	350.42
GENES LOCK SHOP	KEYS	3.78
GOLDEN WEST TECHNOLOGIES,	SR ENGINEER LABOR REG	2,924.00
GOVERNMENT FINANCE	GOVERNMENT FINANCE OFFICERS AS	50.00
GUSTAFSON BUILDERS	LOAN DISB	8,656.07
HAWKINS CHEMICAL INC.	CHEMICALS/REC CENTER	452.68
HERCULES HARDWARE	GLASS CLEANER	132.03
HILLS MATERIALS COMPANY	BASE COURSE/GOTT SAMPSON-ETC	1,225.78
HILLSIDE DISPOSAL	ROLL-OFF DUMPSTER/T C DUMP	330.00
HOT SPRINGS CITIZENS	N. RIVER 2007 GRANT FINAL	25,000.00
JACOBS PRECISION WELDING	PLATE-CR-CUT-KEY WAY-RO-PKR	116.94
KEN'S CAMPER	ARCH CAMP SUPPLIES	10.70
KODET ARCHITECTURAL GROUP	ARCHITECTURAL SERVICES/RC	432.54
M&M SANITATION	ARCH CAMP	160.00
MAVERICK ENTERPRISES DBA	12 PK WATER	21.61
MEN'S HEALTH	RENEWAL	27.97
MONTANA DAKOTA UTILITIES	LIBRARY UTILITY	194.16
NAPA AUTO PARTS	CHAMBER/WATER TANKER	775.71
NHS OF THE BLACK HILLS	PAINT GRANT - PAINT THE TOWN	22,129.85
ONE CALL SYSTEMS, INC.	LOCATE REQUEST TICKETS	36.00
ORIENTAL TRADING	MISC ITEMS	252.30
PIERCE, DAVID	REIMB./MOTEL-MEALS-WATER OFF	376.04
PITNEY BOWES	POSTAGE MACHINE INK CARTRIDGE	79.48
PIZZA HUT	SIX PIZZA'S	34.99
PONTIUS, JERRY	TONER, INK JET CARTRIDGES	232.08
PRAIRIE INDUSTRIES, LLC	5.5 SQ.FT. ALUM SANDED & POLIS	202.69
REDBOOK	RENEWAL	15.97
SDN COMMUNICATIONS	TWO WAY COMMUNICATION LINE	346.80
SERVALL	MOPS-MAT/PAVILION	941.49
SD GAMING COMMISSION	JULY 2008 CITY NICKELS	14,091.18
SD STATE TREASURER	JUNE 2008 SALES TAX	4,754.80
SOUTH SIDE SERVICE	MOBILE 1 OIL	43.50
STRETCH'S	WINDSHEILD INSTALLED	680.95
STURDEVANT'S AUTO PARTS	AIR FILTER/DUMP DOZER	62.70
TIM CONRAD ELECTRIC	REPAIR LIGHT POLE-RODEO GROUND	1,073.17
TURKEY GRAPHIX INC.	ARCH CAMP T-SHIRTS	399.00
TWILIGHT FIRST AID	SUPPLIES	344.25
TWIN CITY HARDWARE	SUPPLIES	533.27
VERSUSLAW, INC	SD BAR PROF 365	407.40
WASTE CONNECTIONS, INC.	DUMP & RETURN DUMPSTERS	721.19
WELLS FARGO BANK, NA	2ND HALF INTEREST ONLY	84,630.00

**TOTAL**

**\$ 684,368.48**

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ITEMS FROM CITIZENS ON AGENDA

JP Towing Request

Joanne Eastman with JP Towing appeared before the Commission to request permission to lease a portion of the "Cold Storage" area (City owned property) to store wrecked and towed vehicles for their business. Commissioner Silvernail asked how long these vehicles would be stored and Ms. Eastman replied one week to ten days. Ms. Eastman stated that JP Towing has liability insurance and would provide a copy to the Finance Office. Mayor Toscana explained the process that the City must follow in order to lease City property to a private party and a fees associated with this request. Silvernail moved, Klamm seconded, to set a public hearing on August 11, 2008 at 5:10 p.m. for the request from JP Towing to lease City owned property. Roll Call: Aye - All. Motion carried.

Raffle Request

Tim Brennan representing The License Beverage Dealers of South Dakota appeared before the Commission to request that the vending fee be waived for the selling of raffle tickets on a 2008 Harley Davidson Motorcycle during the Days of 76 and the 2008 Rally. Mr. Brennan stated that this is a non-profit organization and the tickets would be sold at the Mineral Palace. Silvernail moved, Klamm seconded, to approve the request to waive the vending fee. Roll Call: Aye - All. Motion carried.

Segway Tours

Darin Gourde with Segway Tours appeared before the Commission to request permission to move from the Rodeo Grounds location and lease the back portion of the Engine House on a permanent basis. Mayor Toscana explained the process the City must follow in order to lease City property to a private party. Silvernail moved, Klamm seconded, to set a public hearing on August 4, 2008 at 5:15 p.m. for the request to lease a portion of the Engine House located in the Sherman Parking Lot for Segway Tours. Roll Call: Aye - All. Motion carried.

Gourde requested placing a booth on Main Street to sign people up for tours and suggested several locations to the Commission. The Commission expressed their concerns with the booth request and discussed the possibilities of Segway Tours becoming a permanent business versus their current temporary business status. Mayor Toscana directed Bernie Williams, Planning, and Zoning Administrator to visit with the City Attorney on this matter.

PUBLIC HEARINGS/BID OPENINGS

Public Hearing

Bernie Williams presented an overview of the petition to vacate a portion of Charles Street for the property owners involved and to clarify legal descriptions for all parties. Tim Johns, Attorney representing Robert and Barbara Blue, Jerry and Linda Bryant, and Gerold Mohr and Sharon Schaefer explained that the property needs to be re-platted for clarification purposes and are requesting that the Commission approve this request. Mayor Toscana added that this portion of Charles Street has been a problem for quite some time and would eliminate future issues with the sewer and utility easements. Linda Fritz representing Claim Jumpers told the Commission that she is not in opposition of this request however; she explained they have an egress issue that pertains to their property. Mayor Toscana told her that this would be considered a separate issue and needs to be addressed at a Planning and Zoning meeting and then brought before the City Commission for approval. Bernie Williams asked Mr. Johns if this plat would be forthcoming before the end of the year and Johns replied yes. Williams added the sewer easement must be added and access for Jerry Bryant's property. Silvernail moved, Klamm seconded, to approve Resolution 2008-20 to vacate a portion of Charles Street along Lots 22, & 23, Block 75, Lot 19 Block 78, within a portion of Railroad R.O.W. and a portion of the NE 1/4 of Section 27, T5N, R3E, B.H.M. City of Deadwood. Roll Call: Aye - All. Motion carried.

**RESOLUTION 2008-20**

**VACATING A PORTION OF CHARLES STREET**

WHEREAS, a Petition to Vacate a Portion of Charles Street was filed with the City of Deadwood and the City thereafter published notice of said vacation in the Lawrence County Journal on the 11th and 18th days of July, 2008, and;

WHEREAS, a hearing was held on the vacation of said street on the 14th day of July, 2008, and there were no objections to said vacation, and;

WHEREAS, a plat of that portion of Jackson Street which is proposed for vacation having been prepared, a copy of said plat being attached hereto and incorporated herein as Exhibit "A",

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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- 1) That portion of Charles Street as shown in the attached Exhibit "A", be and the same is hereby vacated.
- 2) That this Resolution of Vacation along with Exhibit "A" be recorded with the Lawrence County Register of Deed's Office.

The above resolution having been declared passed by a vote of two-thirds (2/3) of the members of the City Commission of the City of Deadwood.

Dated this 14th day of July, 2008.

CITY OF DEADWOOD:  
/s/ Francis Toscana, Mayor

ATTEST:  
/s/ Finance Officer

\* \* \* \* \*

**Public Hearing - Kool Deadwood Nites**

Sarah Anderson, Deadwood Chamber outlined their requests for street closures and relaxation of open container regulations and the use of the Interpretative Lot during the Kool Deadwood Nites event on August 22, 23 & 24, 2008. Peterson moved, Schroeder seconded, to allow relaxation of open container ordinance on Friday and Saturday, 22, & 23 during events and concerts from noon to 10:00 p.m. each day from the Masonic Temple to Four Aces. Roll Call: Aye - All. Motion carried.

Silvernail moved, Peterson seconded, to approve the special malt beverage permit on Thursday, August 21, 2008 from 5:00 p.m. to 10:00 p.m. for the Deadwood Gaming Association for a fundraising dance and the History and Information Center parking lot and Deadwood Chamber to sell beer during dance. Roll Call: Aye - All. Motion carried.

Silvernail moved, Klamm seconded, to allow street closures for Friday and Saturday, August 22 & 23 for Kool Deadwood Nites concert closure - Main Street closed from Deadwood to Wall Streets for concerts and set up. Traffic allowed down Main Street from Parking Ramp to Four Aces. From 5:00 am August 22 through 11 pm August 23. Sunday, August 24 for Kool Deadwood Nites Parade - All of Main Street from the Masonic Temple to Four Aces and Hwy 14A from the Rodeo Grounds to Main Street for Kool Deadwood Nites Parade from 8:45am until parade ends (Police Department to direct traffic during parade.) Sunday August 26, for Kool Deadwood Nites Show and Shine - All of Main from the Masonic Temple to Four Aces for Kool Nites Show and Shine. Parking will be allowed on both sides of the street from Pine Street to Four Aces. Traffic is allowed ONLY down Main from Wall for access to parking ramp. Emergency lanes will left open from Wall to Pine Street from 8:00 am to 2:00 pm. Roll Call: Aye - All. Motion carried.

Silvernail moved, Klamm seconded, to waive the temporary vending fee for the Deadwood Chamber to sell Deadwood Kool Nites event merchandise. Roll Call: Aye - All. Motion carried.

Peterson moved, Silvernail seconded, to allow the use of the Interpretive Lot at no charge from Thursday, August 21 at 1:00a.m. to 2:00 p.m. Sunday, August 24. Roll Call: Aye - All. Motion carried.

Silvernail moved, Schroeder seconded, to allow the Chamber to use Ferguson Field on Saturday, August 23 until 9:00 a.m. on Sunday, August 24, 2008. Roll Call: Aye - All. Motion carried.

**Public Hearing - Legends Ride**

Silvernail moved, Schroeder seconded, to allow motorcycle parking on Thursday, August 7, 2008 - A portion of Main Street in front of Deadwood Tobacco Company west side only from 1:00 p.m. to 3:00 p.m. Deadwood Chamber to provide security for this event. Roll Call: Aye - All. Motion carried.

Silvernail moved, Peterson seconded, allow the street closure on Thursday, August 7, 2008 - Pine to Deadwood Street from 9:00 am to 3:00 pm for Legends Ride participants to register at the Silverado-Franklin Hotel & Gaming Complex. Roll Call: Aye - All. Motion carried.

**Public Hearing - Wine License**

Silvernail moved, Klamm seconded, to approve the retail (on-off) sale wine license for Deadwood Tobacco Company at 628 Main Street (basement) for John & Vaughn Boyd. Roll Call: Aye - All. Motion carried.

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**Public Hearing - Motorcycle Parking for Rally 2008**

Klamm moved, Silvernail seconded, to allow motorcycle parking on Main Street starting Saturday, August 2 through August 9, 2008 from the Franklin Hotel to Four Aces, on the northwest side only from 10:00 a.m. to 2:00 a.m. daily. Roll Call: Aye - All. Motion carried.

**Public Hearing - Fort Pierre Ride Event**

Silvernail moved, Klamm seconded, to approve the street closure for Main Street from Deadwood Street to Four Aces starting at 11:00 a.m. to 2:00 p.m. on Friday, August 15, 2008 for the Fort Pierre to Deadwood Ride Event. Roll Call: Aye - All. Motion carried.

Silvernail moved, Klamm seconded, to approve the relaxation of open container ordinance on Friday and Saturday, August 15 & 16, 2008 from 4:00 p.m. to 9:00 p.m. for a dance and entertainment at the Days of 76 Rodeo Grounds for the Fort Pierre event. Roll Call: Aye - All. Motion carried.

Silvernail moved, Klamm seconded, to approve the special malt beverage permit from 4:00 p.m. to 9:00 p.m. for the BBQ at the Days of 76 Rodeo Grounds. Roll Call: Aye - All. Motion carried.

Peterson moved, Silvernail seconded, to continue the public hearing for the request to sell malt beverage and wine August 14-17, 2008 at the Deadwood Pavilion for the Fort Pierre Auction event. Deadwood Chamber will confirm the time schedule for the auction and the Finance Officer will contact the S.D. Department of Revenue regarding the selling of wine and malt beverage and report to Commission on July 21, 2008. Roll Call: Aye - All. Motion carried.

**Bid Opening - City Parking Lots**

Jim Raysor opened and read the sole bid from Hills Materials for the Four (4) City Parking Lot Repair project, bid bond provided. The bids are as follows:

<b>City Parking Lot</b>	<b>Cost</b>
Miller Parking Lot	\$16,870.60
Lower Main Parking Lot	\$19,445.00
Sherman Street Parking Lot	\$21,995.40
Railroad Street Parking Lot	\$3,393.60

Jim Raysor recommended to the Commission to accept the bid from Hills Materials Company in the amount of \$61,704.60, plus one (1%) percent for the performance bond. Project is to be completed by August 30, 2008. Silvernail moved, Klamm seconded, to accept the bid for \$61,704.60 from Hills Materials Company. Roll Call: Aye - All. Motion carried.

**Set Bid Opening**

Silvernail moved, Peterson seconded, to set a bid opening on August 11 at 2:00 p.m. for the Deadwood Mountain Grand exterior rehabilitation project to be paid from Historic Preservation bonded funds. Roll Call: Aye - All. Motion carried.

**HISTORIC PRESERVATION/PLANNING AND ZONING/PUBLIC BUILDINGS/SAFETY**

**Grant Request - "Outside of Deadwood"**

Mayor Toscana informed the Commission that the Historic Preservation Commission approved eight (8) grant applications for the "Outside of Deadwood" grants project. The approved grants are: Buffalo Gap - Auditorium - \$10,000, Civilian Conservation Corps - Visitors Information Center - \$25,000 (exhibits only), Emmanuel Episcopal Church - Stained Glass Windows/Building Repair - \$16,000, Frawley Ranches, Inc. - Anderson House Restorations - \$25,000 with 50-year easement, Keystone Area Historical Society - Keystone Area Historical Museum - \$25,000, Madison Ranch - Foundation Work - \$15,000 with 50-year easement, Tri-State Museum - \$4,500, Verendrye Museum Inc. - \$25,000. Silvernail moved, Peterson seconded, to accept the recommendations for the "Outside of Deadwood" grant allocations for a total of \$145,500 for the second half of 2008. Roll Call: Aye - All. Motion carried.

**Non-Profit Grant**

Peterson moved, Silvernail seconded, to approve the 2008 Deadwood Not-for-Profit Grant to the Deadwood Masonic Temple not to exceed \$3,500. Roll Call: Aye - All. Motion carried.

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Agreement - Switch Engine Request

Klamm moved, Silvernail seconded, to allow the Mayor to sign the agreement with Black Hills Fort Pierre Railroad Roundhouse and the City of Deadwood for the loan request of the 1938 Whitcomb Switch Engine. Roll Call: Aye - All. Motion carried.

AIA Document - Deadwood Mountain Grand

Silvernail moved, Klamm seconded, to allow the Mayor to sign the AIA documents for \$178,100 with Gustafson Builders for the stabilization of the Deadwood Mountain Grand gable addition. City Attorney researched this request and stated in a memo provided for the Commission that the work to be done by Gustafson Builders in this instance is peculiar and/or unique such that bids not required. Roll Call: Aye - All. Motion carried.

20 Denver - Retaining Wall Extension

Silvernail moved, Schroeder seconded, to allow Lehman Construction to file a 30-day extension on the retaining at 20 Denver due to wetter than normal spring. Roll Call: Aye - All. Motion carried.

STREETS/WATER

Hire Request

Schroeder moved, Klamm seconded, to approve the utilization of Experienced Works and to hire Pat O'Ban to clean the Public Works and Parks shop at \$8.00 per hour (City to pay \$4.00 per hour and Experienced Works to pay \$4.00 per hour for 30 days. After 30 days City pays 100% of wage.) Roll Call: Aye - All. Motion carried.

Purchase Request

Schroeder moved, Silvernail seconded, to approve the purchase of a vacuum hose at a cost of \$1,600 plus shipping, a budgeted item. Roll Call: Aye - All. Motion carried.

POLICE/FIRE

Travel Request

Klamm moved, Schroeder seconded, to allow Kelly Fuller and Ken Mertens to travel to Rapid City for Law Enforcement Policies and Procedures, plus the use of City vehicle and lunch. Roll Call: Aye - All. Motion carried.

MAYORS BUSINESS

Appoint Committee

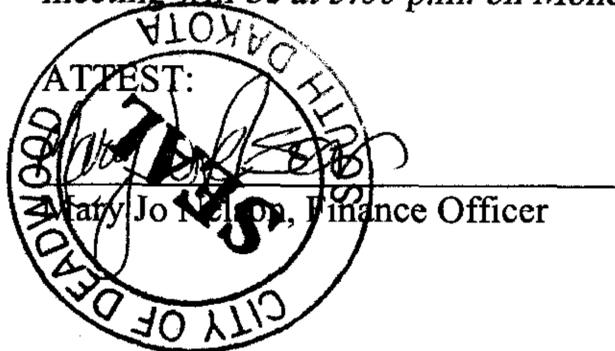
Mayor Toscana informed the Commission that a request that was made during the Historic Preservation budget process to review and access all the City-owned buildings and properties. Toscana appointed Willie Steinlicht, Ron Green, Chuck Williams, and Chuck Turbiville to a committee to assess the conditions of structures and utilization of City-owned property. Toscana added a report would be forth coming by year-end.

Executive Session

Mayor Toscana requested an Executive Session following the Regular Session for legal matters with no action.

ADJOURNMENT

Toscana moved, Schroeder seconded, to adjourn the regular session at 6:15 p.m. The next regular meeting will be at 5:00 p.m. on Monday, July 21, 2008.



DATE: 7/21/08

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

