REGULAR MEETING, October 1, 2007

The Regular Session of the Deadwood City Commission convened on October 1, 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

Silvernail moved, Speirs seconded, to approve the minutes of September 24, 2007 as presented. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Speirs seconded, to approve the October 1, 2007 disbursements with additional bill. Roll Call: Aye-All. Motion carried.

A & B BUSINESS EQUIPMENT	MAINTENANCE AGREEMENT	597.04
A & B WELDING	COMPRESSED OXY, ACETYLENE	59.12
ABC	1 MAP	5,541.23
ADAMS MUSEUM DBA ADAMS HOU	ADAMS HOUSE OPERATING	3,697.23
ALLTEL	ALLTEL	146.54
ALPINE IMPRESSIONS	WORK CLOTHES	65.00
AMERICAN TECHNICAL SERVICE	HARC BUILDING	1,300.00
ARMSTRONG EXTINGUISHER SER	HAZ TRIP CHG-DEMAND TANK	60.20
BIRDSALL SAND & GRAVEL	HARC SIDEWALK	152.75
BLACK HILLS PIONEER	MONTHLY COMMUNITY AD/RC	10.00
BLACK HILLS POWER & LIGHT	ELECTRICITY/PUBLIC BUILDINGS	13,606.67
BLACK HILLS PURE, INC.	3 FIVE GALLON WATER	15.75
BROKEN BOOT GOLD MINE, INC	BROKEN BOOT GRANT	540.00
BUTLER MACHINERY COMPANY	TRAVEL FOR SERVICE CALL	160.00
CHAINSAW CENTER/DAKOTA REN	WHEEL-SP. TUBE-SCREW-SPACER	92.13
CHEMSEARCH	HAND INSTANT ANTISEPTIC LOTION	221.62
CITY OF LEAD	2007 OUTSIDE DW GRANT - FINAL	1,900.00
CREATIVE IRON WORKS / B H	POWDER COAT LETTERS/ REGAL RED	525.76
CRUM ELECTRIC SUPPLY CO.	OUTPUT CARD FOR SCADA SYSTEM	388.10
CULLIGAN OF THE NORTHERN H	BOTTLED WATER/REC CENTER	38.00
DAKOTA GRAPHICS	BROCHURE PRINTING	956.50
DAKOTA SUPPLY GROUP	TRACE METER RADIO READ HEAD	188.11
DEADWOOD CHAMBER & VISITOR	SEPT. BILL LIST	24,542.15
DEADWOOD ECONOMIC DEVELOPM	SALARY / TURBIVILLE	1,580.02
ENVIRONMENTAL PRODUCTS COM	PLEATED AIR FILTERS/PUB. BLDGS	372.40
ESRI	ARC GIS SERVER LICENSE	10,012.69
FASTENAL COMPANY	NUTS-BOLTS-FASTENERS-SCREWS	83.77
FINE HOMEBUILDING	YEARLY SUBSCRIPTION	65.95
GREAT WESTERN TIRE, INC.	SERVICE CALL-TWO TIRES-SEALER	277.70
HAWKINS CHEMICAL INC.	CHEMICALS/REC CENTER POOL	668.21
HCW, INC.	WEED CONTROL/CITY PROPERTY	767.35
HD SUPPLY WATERWORKS	102C3H VALVE REPAIR KIT	300.23
HIDDEN GULCH EMBROIDERY	DIGITIZING	144.72
HILLS MATERIALS COMPANY	BASE COURSE-SHERMAN ST. LOT	13,709.75
HILLSIDE DISPOSAL	SEPTEMBER RES GARBAGE	5,071.00
INTERSTATE BATTERIES	ALK BAT BNDXKING/10V.1.5AH NIC	216.00
JACOBS PRECISION WELDING	24' OF 4" PIPE/SIDEWALK-HARC	235.00
KODET ARCHITECTURAL GROUP,	ARCHITECTURAL-REIMBURSABLES/RC	15,406.62
LAWRENCE COUNTY REGISTER O	LAUER - 11 LINCOLN	44.00
LAWRENCE COUNTY TREASURER	TITLE IN - MCCALLUM- 675 MAIN	220.00
LAWSON PRODUCTS, INC.	GRAY SANDBLAST PAINT-HEX SET	324.72
LEAD DEADWOOD SANITARY DIS	CITY'S SHARE/NH WATER STUDY	27,577.70
LYNN'S DAKOTA MART	(5) BOXES OF DIXIE CUPS/REC C	15.11
M&M SANITATION	MONTHLY TOILET RENTALS	277.50
MARSHA MORSE	LOAN DISBURSE - 20 WASH- MORSE	64.75
MIKE RUNGE	REIMBURSE DEDUCTIBLE	750.00
MISSOURI HISTORICAL SOCIET	PHOTO USE	67.00
MONTANA DAKOTA UTILITIES	NATURAL GAS/GAYVILLE PUMP HSE	1,324.93
NAPA AUTO PARTS	CHROME	2,481.93
NEWMAN TRAFFIC SIGNS	SIGN/MARTIN-MASON HOTEL	32.62
NORTHWEST PIPE FITTINGS, I	PVC REPAIR COUPLING	35.70
OLSON, BONNIE	OLSON, BONNIE	5.00
POWERPLAN	O-RING-HYDRAULIC-S & H	54.05
PRAIRIE WAVE	PHONE SERVICE/PARKS SHOP	1,703.38
QWEST	FOOTBALL FIELD PHONE/SCHOOL	340.62
RAPP SALES COMPANY	GLOVES-BLOW OFF NOZZLE-GARNET	126.50
REGIONAL MAPLE LEAF COMMUN	AD/TEENAGE SURVIVAL HANDBOOK	199.00
ROB MATTOX	MILEAGE FOR CONFERENCE	74.00
ROBERT RADENSLEBEN	SAFETY RE./PRE. SAFETY GLASSES	197.28
SOUTH DAKOTA STATE HISTOR	ANNUAL FUNDING	51,500.00
SOUTH DAKOTA COMMISSION ON	OCTOBER CITY NICKELS	14,091.18
SOUTH DAKOTA PUBLIC HEALTH	COLIFORM TESTING	24.00
SPEARFISH HUSKY	(3) SWITCHES-(1) CS BAR OIL	64.00
TEMPERATURE TECHNOLOGY, IN	QUARTERLY MAINT. AGREEMENT	1,147.96
TIM CONRAD ELECTRIC (DEADW	BATTERIES-FIRE PANEL	875.36
TRIPLE K TIRE & REPAIR	TIE ROD BARS & ENDS / SUPPLIES	625.46
TRUGREEN CHEM-LAWN	WEED CONTROL/ROTARY PARK	2,292.75
TWIN CITY HARDWARE & LUMBE	PAINT GRANT - 402 WILLIAMS	605.77
USA BLUEBOOK	DPD DISP.-PRESS. GAUGE-PAINT	143.20
WELLMARK BLUE CROSS AND BL	OCTOBER PREMIUM	35,073.66
WESTERN COMMUNICATIONS, IN	WIDEBAND PORT. ANTENNA	24.00
WESTERN STATES FIRE PROTEC	FIRE SPRINKLER SYS. INSPECTION	195.00
WORLEY, ELEANOR	WORLEY, ELEANOR	5.00
	TOTAL	$246,298.44

REGULAR MEETING, October 1, 2007

ITEMS FROM CITIZENS ON AGENDA

Additional Parking – School District
The Lead- Deadwood School District requested eight (8) parking spaces on Williams Street behind the school. Bob Nelson., who represented Parking and Transportation, recommended the approval of the eight (8) parking spaces. The parking spaces will be located from the school driveway and go up the hill on Williams Street. Silvernail moved, Speirs seconded to follow the recommendation of the Parking and Transportation Committee to approve eight (8) parking spaces to be used by the school on a trial basis for thirty (30) days.

Request from Deadwood Chamber
Silvernail moved, Speirs seconded, to allow the Deadwood Chamber to sell beer from 6:00-9:00 pm at the Deadwood Pavilion for a Boxing Event on October 6, 2007. Roll Call: Aye – All. Motion carried.

PUBLIC HEARINGS/BID OPENINGS

Public Hearing
Griffith moved, Speirs seconded, to approve the convention center liquor license (CL-503) transfer from Holiday Inn Express Hotel and Suites to Gold Dust Lodging Group, LLC. Roll Call: Aye – All. Motion carried.

Bid Opening – City Hall Roof Replacement
Jim Raysor, Public Works Director/City Planner read the bids for Lowe Roofing – $99,690.00 and Black Hills Roofing – $93,788.00. Raysor stated he would like some time to consider the proposed bids. Speirs moved, Griffith seconded to continue the bid opening at the October 9, 2007 meeting. Roll Call: Aye - All. Motion carried.

Bid Opening - Selby Street retaining wall
Jim Raysor read the bids for Forgey Construction – $179,736.00, Lehmann Construction - $197,500.00 and RCS – $246,000.00. The bids did not fall with the 10% requirement to negotiate. Speirs moved, Silvernail seconded to continue the bid opening at the October 9, 2007 meeting. Roll Call: Aye - All. Motion carried.

Set Public Hearing - Blondie's IGA at 124 Sherman Street
Silvernail moved, Speirs seconded to set a Public Hearing at 5:10 pm on October 15, 2007 for a package (off sale) malt beverage license for Blondie's IGA at 124 Sherman Street. Roll Call: Aye - All. Motion carried.

Set Bid Opening – 2 Dudley barn restoration
Griffith moved, Speirs seconded to set bid opening at 5:15 pm on October 22 for 2 Dudley Barn restoration. Roll Call: Aye - All. Motion carried.

FINANCE/HISTORIC PRESERVATION-MAYOR FRANCIS TOSCANA

Set Public Hearing -
Speirs moved, Silvernail seconded to set a Public Hearing for Resolution 2007-18 Intent to Continue Business Improvement District #7 at 5:10 pm on November 12, 2007.
Roll Call: Aye - All. Motion carried.

Resolution 2007-19 - Appointing Business Improvement District #7 Board Members-.
Griffith questioned a name of a board member that had recently sold their property. Mary Jo Nelson, Finance Officer, stated she had tried to contact Board members in regard to this and had received no response. Until a replacement is chosen Nelson said they could use Holiday Inn Express designee. Griffith moved, Speirs seconded to approve Resolution 2007-19 - Appointing Business Improvement District #7 Board Members. Roll Call: Aye - All. Motion carried.

RESOLUTION 2007-19
DESIGNATING BUSINESS IMPROVEMENT DISTRICT NO. 7 BOUNDARIES
AND
APPOINTING BUSINESS IMPROVEMENT DISTRICT NO. 7 BOARD MEMBERS

REGULAR MEETING, October 1, 2007

Craig Murdock	Ron Island
Mike Rodman	Tom Rensch
Dennis Anderson	Dennis Katon
Blake Haverberg	

Dated this 1st day of October, 2007.

ATTEST:
/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD
Francis A. Toscana, Mayor

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STREETS AND WATER/LIBRARY-COMMISSIONER MARK SPEIRS

Approve Change Order #1 - at a cost of $1,252.10 on McGovern Hill project. Jim Raysor, Public Works Director/City Planner explained that the work on McGovern Hill will impact Pine Street and the SD DOT sent a list of recommendations in regard to the closure of Pine Street that far exceeded what the City would have required so that was the reason for the additional cost. Speirs moved, Silvernail seconded to approve Change Order #1 - at a cost of $1,252.10 on McGovern Hill project. Roll Call: Aye - All. Motion carried.

POLICE/FIRE-COMMISSIONER MIKE KLAMM

PLANNING AND ZONING/PUBLIC BUILDINGS/TROLLEY- COMMISSIONER GEORGEANN SILVERNAIL

Reject trolley bid
Mary Jo Nelson, Finance Officer and Bob Nelson, Transportation Director, stated they were under the assumption the person bidding from Custer for the trolley was doing so for the City of Custer. The person bidding was doing so on a personal basis and that puts the bid process under a new set of rules. Silvernail moved, Toscana seconded to reject the bid received September 24, 2007 and ask permission to advertise sealed bids in the official newspaper. Roll Call: Aye - All. Motion carried.

Appoint board of appraisers to value surplus trolley
Mayor Toscana appointed Bob Nelson, Mark Speirs and Mike Klamm to act as surplus trolley appraisers. Silvernail moved, Griffith seconded to approve the board of appraisers as named. Roll Call: Aye - All. Motion carried.

Set Bid Opening
Silvernail moved , Speirs seconded to set the bid opening for the surplus Trolley at 5:10 pm on October 29, 2007. Roll Call: Aye - All. Motion carried.

Resolution 2007-17 Resolution to Vacate Right of Way (approved on September 24, 2007).
Bernie Williams, Zoning Administrator, explained this is a vacation of a stairway right-of way from Taylor Street to the Miller Street Parking lot. Silvernail moved, Griffith seconded to approve the vacation of the stairway right-of-way on the Lucas Hoch property. Roll Call: Aye - All. Motion carried.

RESOLUTION NO. 2007-17

A RESOLUTION TO VACATE A SIX (6) RIGHT-OF-WAY EASEMENT AS SHOWN ON THE EXHIBIT THEREOF ATTACHED HERETO AND BY REFERENCE INCORPORATED HEREIN.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DEADWOOD THAT:

WHEREAS, a Petition was presented by Lukas Hoch of 44 Taylor Avenue, Deadwood, South Dakota and filed in the Office of the Finance Officer a request to vacate a six (6) foot right-of-way on Lot 64, Block 35, and/or – due to there being a discrepancy between the survey, the Sanborn Maps of the City of Deadwood and the deed, that such easement is shown on the drawings attached hereto and by reference incorporated herein as though fully set forth;

WHEREAS, the City of Deadwood relocated an alternate stairway, extending from Taylor Avenue to adjoin Miller Street Parking Lot, located below the subject lots, and such stairway is currently located between Lots B and C, a subdivision of Lots 66-68, Block 35 and Lot 65, Block 35, all located in the City of Deadwood, Lawrence County, South Dakota.

WHEREAS, the subject six (6) foot right-of-way as shown on Exhibit "A" and Exhibit "B" has not been used for over twenty (20) years, and the City has abandoned any use of said portion of right-of-way and there is no public purpose in retaining said right-of-way at such location.

WHEREAS, no properties will be denied access to the public street system as a result of this vacation.

BE IT RESOLVED by the Commission of the CITY OF DEADWOOD, that the following-described portion of public right-of-way in Block 35 be vacated, subject to any water, sewer, or utility lines, above or underground, located in the proposed vacated property be designated as having a ten foot (10') easement on each side of said line for the maintenance and repair of the same. For all practical reasons, the public right-of-way is considered to be in the following described property:

Lot 64, Block 35, O.T., City of Deadwood, Lawrence County, South Dakota
As platted by P.L. Rogers Map; EXCEPTING: a strip six (6) feet wide
Along the Northerly line of said premises which has been conveyed to the
City of Deadwood for street purposes.

SAID RESOLUTION having been declared passed by a vote of two-thirds (2/3) of the members of the Commission of the CITY OF DEADWOOD.

Dated this 1st day of October, 2007

ATTEST:
/s/ Mary Jo Nelson, City Finance Officer

CITY OF DEADWOOD
/s/ Francis Toscana, Mayor

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Safety Committee recommendation
Silvernail moved, Speirs seconded to accept the recommendation of the Safety Committee to approve the Special Event Permit for 2008 Volksmarch on August 28-September 1, 2008. Roll Call: Aye - All. Motion carried.

PARKS/RECREATION-COMMISSIONER NYLA GRIFFITH
LEGAL BUSINESS
Second reading of Ordinance #1088 Amending Ordinance #1060 for Adoption of the Building Code
Silvernail moved, Speirs seconded to approve Ordinance #1088 Amending Ordinance #1060 for Adoption of the Building Code. Roll Call: Aye - All. Motion carried.

Permission for Mayor to sign
Griffith moved, Silvernail seconded to allow mayor to sign the contract between City of Deadwood, Historic Preservation and Dream Design International for St. Ambrose Restoration. Roll Call: Aye - All. Motion carried.

Permission for Mayor to sign
Silvernail moved, Speirs seconded to allow mayor to sign Assignment of Church Parking Lease Roll Call: Aye - All. Motion carried.

MAYORS BUSINESS

Proclamation-Fire Prevention Week
Mayor Toscana read the proclamation. Silvernail moved, Speirs seconded to approve the proclamation of Fire Prevention Week. Roll Call: Aye - All. Motion carried.

WHEREAS, the City of Deadwood has been requested to designate the boundaries of Business Improvement District No. 7 for the City of Deadwood pursuant to SDCL 9-55-5; and

WHEREAS, SDCL 9-55-5 requires the appointment of a Business Improvement District's Board by the Mayor, with the approval of the governing body; and

WHEREAS, the Hotel/Motel Business Improvement District members have recommended the following individuals for appointment as board members for a term of one (1) year from January 1, 2008 through December 31, 2008;

NOW THEREFORE, BE IT RESOLVED by the City Commission for the City of Deadwood that the boundaries for the Deadwood Business Improvement District No. 7 shall be established as follows:

The city limits of the City of Deadwood and any annexations thereto, including but not limited to the following lodging establishments and any lodging establishments not listed which are established in the future which shall automatically become a part of this District and be included within such boundaries:

NAME	BUSINESS ADDRESS
76 Bullock Express	68 Main Street
Best Western Hickok House	137 Charles Street
Branch House	37 Sherman 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 Dick/Nickel Dicks	51 Sherman Street
Hickoks Iron Horse Inn	27 Deadwood Street
Hickoks Hotel	685 Main Street
DGR Hospitality	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
Jackpot Inn	S. Hwy. 85
Martin and Mason Hotel	33 Deadwood Street
Mineral Palace	605 Main Street
Penny Motel	818 Main Street
Super 8	196 Cliff Street
Terrace Motel	250 Main Street
The Mint	638 Main Street
Thunder Cove Inn	311-315 Cliff Street

BE IT FURTHER RESOLVED by the City of Deadwood, by its Mayor and with the approval of the City Commission, having first established the above boundaries, that the following members are appointed to the Business Improvement District Board District No. 7 for a term of one (1) year from January 1, 2008 through December 31, 2008:

Linda Denbeste	Rich Turbiville
Gary Todd	Pat Roberts
Lance Henrickson	Kellar Properties Designee
Dexter Kochne	Paul Bradsky
Gordon Mack	Brad Hemmah
Ken Gienger	Steve Olson
Dave Larson	Tracy Island

REGULAR MEETING, October 1, 2007

Permission to schedule flu shots
The County Health Nurse will charge the City a flat fee of $18 dollars per flu shot with no hourly rate paid. It was agreed by the Commission that the spouses of city employees could receive a shot if they paid the $18 fee. Silvernail moved, Speirs seconded to schedule the flu shots for employees, firefighters, and commissioners at $18 per shot. Roll Call: Aye - All. Motion carried.

ITEMS FROM CITIZENS NOT ON AGENDA

ITEMS FROM MAYOR, COMMISSIONERS, DEPT. HEADS NOT ON AGENDA
ADJOURNMENT
Speirs inquired about placing WALK/ DON'T WALK signs at the bottom of Shine Street. The Commission informed him that it has been looked at and found to be cost prohibitive due to electrical updates, replacing all of the signs that exist there at this time and having to tear up the street. The cost would run around $300,000.00 to $350,000.00.

Bob Nelson informed the Commission that the city was awarded a Section 5309 Grant from the SD DOT for 2008 to purchase a new trolley. Toscana congatulated Nelson on his work getting the grant. Silvernail moved, Speirs seconded to sign the grant. Roll Call: Aye - All. Motion carried.

ADJOURNMENT
Toscana moved, Speirs seconded, to adjourn the regular session at 5:35 p.m. The next regular meeting will be at 5:00 p.m. on Tuesday, October 9, 2007. Next meeting held on Tuesday, October 9 due to observance of Native American Day on October 8, 2007.

ATTEST: DATE: _____

_____ BY: _____
Mary Jo Nelson, Finance Officer Francis A. Toscana, Mayor