

REGULAR MEETING, January 22, 2008

The Regular Session of the Deadwood City Commission convened on January 22, 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 Nyla Griffith, Mike Klamm, Georgeann Silvernail and Mark Speirs. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Silvernail moved, Speirs seconded, to approve the minutes of January 14, 2008. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Speirs seconded, to approve the January 22, 2008 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	MAINT.-COPIES/SHOP COPIER	21.73
ABC	2 STORAGE BOXES	8.20
ALCO STORES, INC.	PLASTIC STPLS-INFLATE NEEDLES	11.65
AMERICAN PUBLIC WORKS	WA MEMBERSHIP DUES/J RAYSOR	220.00
BILL BURLESON	REIMBUR./LUNCH-MSHA TRAINING	9.00
BLACK HILLS POWER & LIGHT	ELECTRICITY/PUBLIC BUILDINGS	1,744.50
BLACK HILLS PURE, INC.	HOT & COLD COOLER RENTAL	14.75
BLACK HILLS WEEKLY GROUP	2ND RUN NOTICE TO BIDDERS	655.33
BLONDIE'S IGA	PUREX FABRIC SOFTENER/RC	17.17
CASA	CASA	3,500.00
CULLIGAN	BOTTLED WATER/CITY SHOP	6.50
D & F TRUCK AND AUTO	REPAIR KIT, SOLENOID, STARTER	434.15
DAKOTA SUPPLY GROUP	8' LIGHT BULB	341.64
DANIEL BRIDENSTINE	REIMB./LUNCH-MSHA TRAINING	9.00
DOUBLE-K, INC	ARM REST	99.92
ELAN FINANCIAL SERVICES	REGIS. FOR SD TOURISM CONF	503.27
FIRST MIDWEST BANK	COPIER PAYMENT/CITY SHOP	92.90
GALL'S INC.	CLOTHING ALLOWANCE	55.94
GOLDEN WEST	SR ENG LABOR REG	516.25
J.P. TOWING	DEAD STORAGE LOWER MAIN LOT	75.00
JACOBS PRECISION WELDING	10'/ 1-1/2: X 16 GA SQ TUBING	12.00
JAMES RAYSOR	REIMB./GAS-FOOD-SDWWA MEETING	81.00
KELLY FULLER	REIMBURSE DEDUCTIBLE	750.00
KEN HAWKI	2 STEP FOLDING STEP STOOL	37.94
KMART	GARLAND	14.99
LAWRENCE COUNTY TREASURER	2 VEHICLE TITLE FEES	10.00
M&M SANITATION	MONTHLY TOILET RENTALS-2007	210.00
MOTOROLA	DIGITAL RADIOS	1,704.00
NAPA AUTO PARTS	BACK UP LAMP, BATTERY	1,226.65
NEWMAN TRAFFIC SIGNS	BRACKETS-BOLTS-WASHERS	105.23
NORTHERN STATE UNIVERSITY	DONATION REQUEST	100.00
PONTIUS, JERRY	TROLLEY JACK COMBO	76.22
PRAIRIE INDUSTRIES, LLC	BUILD FENDER SKIRTS	250.00
QWEST	PARKING RAMP PHONE SERVICE	111.91
SERVALL	BLK MATS, TOWELS	39.56
SOUTH SIDE SERVICE (SANITO	SOUTH SIDE SERVICE (SANITO OIL	93.15
THOMSON WEST	THOMSON WEST	144.90
TWILIGHT FIRST AID	SAFETY GLOVES	134.55
WATER ENVIRONMENT FED	MEMBERSHIP/WATER ENVIRON. FED	142.00
ZEP MANUFACTURING	HAND SANITIZER, DISPENSER	128.73
	TOTAL	\$ 13,709.73

ITEMS FROM CITIZENS ON AGENDA

Surplus City Property Request (Continued 1-7-2008)

Bernie Williams, Planning, and Zoning Director informed the Commission that after researching Les Job's request to surplus City property it was discovered that Black Hills Power and Light owns this property. No action was taken.

National Honor Society Request

Trinity Conrad with the Lead-Deadwood High School National Honor Society requested permission to sell beads at the Mardi Gras celebration on February 1 & 2 prior to the parade. Conrad said the proceeds would go the "Make a Wish Foundation." Silvernail moved, Speirs seconded, to allow the National Honor Society to sell Mardi Gras merchandise during the Mardi Gras celebration on February 1 & 2, 2008 from 5:00 p.m. until parade begins. Roll Call: Aye - All. Motion carried.

PUBLIC HEARINGS/BID OPENINGS

Public Hearing – Deer Feeding (Continued 1-7-2008)

Silvernail moved, Speirs seconded, to open and continue the public hearing on the proposed deer-feeding ordinance that was continued from January 7, 2008. Toscana asked the City staff if they had received any comments from the public on this issue. Jim Raysor received four calls: three of which were in favor and one neutral, providing the City would not take measures of shooting the

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deer in City limits. Bob Nelson Sr. received two calls: one in favor and one call saying an ordinance will not prohibit the deer coming in to Deadwood to feed. Commissioners Griffith and Klamm said they received calls from opposite sides of town and everyone they spoke with were in favor of an ordinance. Commissioner Speirs received one call opposed to deer feeding. Commissioner Silvernail presented to the Commission a list of twenty-five residents with their address and signatures all in favor of the City adopting an ordinance against the feeding of deer in Deadwood. Minnie Stanley, Deadwood resident sent a letter to the Commission expressing her concerns and stated she is in favor of the proposed ordinance. Sharon Schaefer said emotionally that her daily activities are extremely limited and she loves the wildlife and it would break her heart if she could not have them in her yard. Schaefer spoke of her neighbor that feeds pigeons and she feels this is more dangerous to feed them due them carrying disease and flying from yard to yard. Schaefer said she would not want to stop her neighbor from feeding the pigeons because he feeds them in his yard and he enjoys feeding the pigeons. Schaefer said they live on the creek and have no choice but to have the wildlife and birds come drink from the creek. Schaefer stated her time outside is limited and she enjoys watching the deer. Ms. Schaefer asked the Commission to not stop her from doing what she really enjoys on her own property. Commissioner Klamm said he was glad this public hearing was continued. This allowed the Commission more time to hear from more residents of Deadwood and their feedback on the issue. He said it makes the Commission's decision easier when they do have feedback from the residents. Commissioners Klamm said he does understand Ms. Schaefer's feelings and comments however, according to the wildlife experts the residents are not doing the wildlife any justice by feeding them. Schaefer added they only feed them two cups of feed. She also stated she should have gone out and gathered signatures but she is too crippled and not able. Commissioner Griffith agreed with Klamm's comments and said she appreciated Schaefer's feelings and comments. Schaefer told the Commission that they would have to put her in jail because she will not stop feeding the deer. Commissioner Griffith said that the deer would probably not go away but on the other hand, there are many residents that would like to see the City adopt an ordinance prohibiting the feeding of deer. Ms. Schaefer told the Commission she would not make any guarantees and she will not stop feeding the wildlife. Commissioner Silvernail said she understands Ms. Schaefer's feelings and the deer will continue to come to the creek to drink. Schaefer reiterated the fact that the feeding of the wildlife is extremely important to her and they are her enjoyment. City Attorney Jason Campbell researched other cities ordinances pertaining to this issue. Campbell discussed details of these ordinances that he reviewed and said if the ordinance is adopted and is violated this would be a civil penalty with the authority of a class two-misdemeanor status and the amount of the fine is \$500.00. He said if a repeat offense occurs, the fine gradually increases, as the number of infractions increases. This could be complaint driven and if there was not a complaint for a specific property an investigation would not be needed. The proposed ordinance requires height limitations for bird feeders, however it does not keep residents from planting any natural vegetation. Open feeders would not be allowed in residents yards. Silvernail moved, Klamm seconded, to allow the City Attorney to draft an ordinance on the prohibiting of feeding deer within the City of Deadwood. Toscana explained the ordinance process and this ordinance would be on the agenda for the next two meetings to allow the first and second reading to take place and for the Commission to approve each reading. The public would have an opportunity to comment on this ordinance at either of these two meetings. Toscana said if the City passes the ordinance it could be referred to the vote of the residents of Deadwood. Toscana requested the letter and list of residents be part of the official record, a copy of which is on file at the Finance Office. Roll Call: Aye - All. Motion carried.

Public Hearing – Badlands Gaming Inc.

There being no objections, Speirs moved, Griffith seconded, to approve the retail (on-off sale) liquor license (5536) and the retail (on-off sale) malt beverage license (3319) transfers for Badlands Gaming Inc. dba Lucky Nugget Casino at 604-624 Main Street, previously held by Wild West Winners Inc. Roll Call: Aye - All. Motion carried.

FINANCE/HISTORIC PRESERVATION

Travel Request

Griffith moved, Klamm seconded, to allow Kevin Kuchenbecker to travel to Pierre on January 23, 2008 for the legislative session. Roll Call: Aye - All. Motion carried.

Contract – Neighborhood Housing Services

Griffith moved, Silvernail seconded, to allow the Mayor to sign the contract between the City of Deadwood and Neighborhood Housing Services for the administration of the Deadwood Historic

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Preservation Revolving Loan and Fund Grants for the period of January 1, 2008, through December 31, 2008 for \$86,900.00. Roll Call: Aye - All. Motion carried.

Contract – Suzanne Julin

Silvernail moved, Speirs seconded, to allow the mayor to sign the contract with Suzanne Julin to conduct ten (10) oral history interviews, at a cost of \$5,500. This is a budgeted item. Roll Call: Aye-All. Motion carried.

STREETS/WATER/LIBRARY

Purchase Request

Speirs moved, Klamm seconded, to approve the purchase of 5,500 gallons of premium from Southside at \$2.76 per gallon. Roll Call: Aye-All. Motion carried.

POLICE/FIRE

Fire Department Roster

Klamm moved, Griffith seconded, to remove Jake Bernards and add Wesley Coffield and Seth Martens from the Fire Department roster for workers compensation purposes effective January 10, 2008. Roll Call: Aye – All. Motion carried.

Wage Increase

Klamm moved, Silvernail seconded, to approve the wage increase of Ken Merten from \$18.15 to \$19.10 per hour effective January 23, 2008, 100% of prevailing wage after completion of two years of service. Roll Call: Aye – All. Motion carried.

Maintenance Request

Klamm moved, Speirs seconded, to allow Dakota Electric to trench and hook up the speed sign on the opposite side of Pioneer Way (between McKinley Apartments and Cadillac Jacks) in the amount of \$3,390, to be paid from Parking and Transportation. Roll Call: Aye – All. Motion carried.

Travel Request

Klamm moved, Griffith seconded, to allow Alex Hamann to attend Basic Spanish for Law Enforcement Training in Glendive, MT on May 7-9, requesting use of a City vehicle. Roll Call: Aye – All. Motion carried.

Travel Request

Klamm moved, Griffith seconded, to allow Terri Tomford and Cindy Rische to attend the Animal Control Seminar in Huron on April 16-18; cost for Terri Tomford is \$470 plus the use of a City vehicle. Note: the South Dakota Animal Control Association pays Cindy Rische's expenses. Roll Call: Aye – All. Motion carried.

PLANNING/ZONING/PUBLIC BUILDINGS/TROLLEY

Plat for Silvernail and Schroeder

Bernie Williams, Planning, and Zoning Director informed the Commission the residence located at 17 Park, encroached onto the Silvernail property; therefore, the proposed plat will secure a small portion of Lot 1, Block 8 Highland Park Addition to clear up the encroachments onto the Silvernail property and to delineate the boundaries of the properties. Williams said the Planning and Zoning Commission approved the final plat at their January 16, 2008 meeting. Plat of Lots A and B, Block 8, Highland Park Addition, Formerly Lot 1, and Lot 5, all of Lot 11 Excepting Easterly 20' thereof a the rear of Lots 8, 9 and 10 and the Northwestern Corner of Lot 6, Block 8, All located in the Highland Park Addition, NW 1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Note: Waisanen sold 47 Burnham to Leonard Schroeder prior to the final plat. Toscana moved, Griffith seconded, to approve plat for 17 Park and 47 Burnham. Roll Call: Aye: Klamm, Griffith, Speirs, Toscana. Abstain: Silvernail. Motion carried.

Findings of Fact - Deadwood Rec Center

Silvernail moved, Griffith seconded, based on these findings, the Deadwood Planning and Zoning Commission recommended approval of the findings of fact and the Deadwood Board of Adjustment grants the request for variance from Section 17.48.040.B front yard setbacks and Section 17.48.040 E. height requirements in the PU - Public Use District, Lots 13-41, Block 36,

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O.T., located in the City of Deadwood, Lawrence County, South Dakota as recommended by Planning and Zoning. Roll Call: Aye – All. Motion carried.

Repair Request

Silvernail moved, Speirs seconded, to allow Eddie's Truck to repair the trolley at a cost of \$1,531. Roll Call: Aye - All. Motion carried.

PARKS/RECREATION

Hire Request - Work Campers

Griffith moved, Silvernail seconded, to approve the hiring of the work campers at a cost of \$500 per month per camper for the 2008 summer season (May 15 - September 15). Roll Call: Aye - All. Motion carried.

LEGAL BUSINESS

Ordinance #1096 – Second Reading

There being no comment on Ordinance #1096 to Change Authority to the Planning and Zoning Commission to serve as the Sign Review Commission for the City of Deadwood, Klamm moved, Griffith seconded, to approve second reading of said ordinance. Roll Call: Aye - All. Motion carried.

Ordinance #1097 – Second Reading

There being no comment on Ordinance #1097 Amending Chapter 15.12 Electrical Code - Commercial Wiring, Klamm moved, Griffith seconded, to approve second reading of said ordinance. Roll Call: Aye - All. Motion carried.

MAYORS BUSINESS

Parks and Rec Broad Resignation

Mayor Toscana accepted with regret the resignation of Teri Adler from the Parks and Rec Board. Toscana encourages anyone interested in serving on this board to please contact Jim Raysor at 578-3082.

ITEMS FROM CITIZENS NOT ON AGENDA

Police Department

Chief Fuller announced at the Police Department's Awards Banquet recently Ken Mertens was named Officer of the Year and Kristie Schumacher was named Reserve Officer of the Year. Fuller congratulated them both on their recognitions.

Bid Opening

Finance Officer Mary Jo Nelson announced that Tuesday, January 29, 2008 at 2:00 p.m. is the bid opening for Deadwood Resorts LLC (Ramkota) Convention Center. Nelson will be providing the Commission with the results of the bid opening on February 4, 2008.

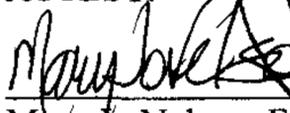
Recognition of Service

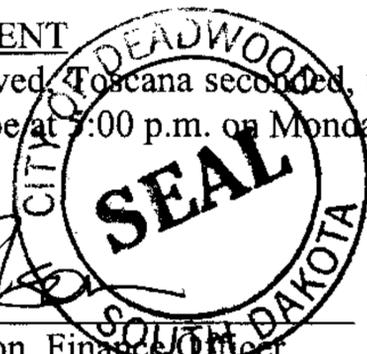
Commissioners Griffith and Silvernail thanked Teri Adler for all her hard work and time serving on the Parks and Rec Board.

ADJOURNMENT

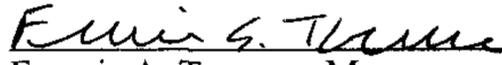
Silvernail moved, Toscana seconded, to adjourn the regular meeting at 5:45 p.m. The next regular meeting will be at 7:00 p.m. on Monday, January 28, 2008.

ATTEST:


Mary Jo Nelson, Finance Officer



DATE: 01/28/08

BY: 
Francis A. Toscana, Mayor