

REGULAR MEETING, January 7, 2008

The Regular Session of the Deadwood City Commission convened on January 7, 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 December 31, 2007 as presented with correction. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Griffith moved, Silvernail seconded, to approve the January 7, 2008 disbursements. Roll Call: Aye-All. Motion carried.

ALCO STORES, INC.	FLASH MEMORY	49.98
BLACK HILLS POWER & LIGHT	ELECTRICITY/PUBLIC BUILDINGS	3,254.47
BLACK HILLS SPECIAL SERVICE	TROLLEY CLEANING	903.00
BLONDIE'S IGA	ALCOHOL SWABS	284.68
CINDY RISCHÉ	REIMBURSE CINDY CLOTHING ALLOW	68.90
CULLIGAN OF THE NORTHERN	HBOTTLED WATER/REC CENTER	11.00
DEADWOOD CHAMBER & VISITOR	BED & BOOZE	143,750.00
DEADWOOD HOME CENTER	CREDIT-MOGULBASE SODIUM BULB	1,420.96
FIRE DEPARTMENT TRAINING	N THERMAL IMAGINING	30.90
GALL'S INC.	HWY TRIANGLE KIT	110.94
INTEGRITY FORD	TANK ASY-RADIATOR OV	122.14
JACOBS PRECISION WELDING	9' OF 1-1/2" 14 GA SQ TUBING	16.63
KBS, INC	BLK/WHT METER,COLOR METER	33.99
KUSTOM SIGNALS, INC	KUSTOM SIGNALS, INC	9,486.00
LAWRENCE COUNTY TREASURER	VEHICLE TITLES	5.00
LEAD DEADWOOD SANITARY	DISLEAD DEADWOOD SANITARY DISTRIC	20,139.30
LEAD-DEADWOOD POST PROM	CO2008 POST PROM CONTRIBUTION	100.00
MID-STATES ORGANIZED	CRIMEANNUAL MEMBRSHIP FEE	150.00
MONTANA DAKOTA UTILITIES	NATURAL GAS/GAYVILLE	5,282.14
NORTHWEST PIPE FITTINGS,	ISEAL	159.12
REIF, SCOTT	SAFETY REIMBURSEMENT/S REIF	173.56
RONDA MORRISON	TRVL/DUES BH AREA FINANCE MTNG	45.30
SCHALLENKAMP, DEAN	SAFETY REIMB./D SCHALLENKAMP	136.15
SERVALL UNIFORM AND LINEN	MATS, TOWELS. BAG	39.56
SOUTH DAKOTA PUBLIC HEALTH	COLIFORM TESTING/REC CENTER	60.00
SOUTH DAKOTA STATE TREASURER	DECEMBER SALES TAX	2,542.52
TEMPERATURE TECHNOLOGY,	INMAINTENANCE/REC CENTER	61.53
TRIPLE K TIRE & REPAIR	TIRE REPAIR-TUBE	145.30
TWILIGHT FIRST AID & SAFETY	BUPRPHEN/SUPER BIOTIC	66.55
TWIN CITY HARDWARE & LUMBER	CREDIT FOR POLY PUSHERS	2,510.26
WELLS FARGO BANK, NA	DEBT SERV PMNT,REGIS PRINCIPAL	339,630.00
TOTAL		\$530,789.88

ITEMS FROM CITIZENS ON AGENDA

Surplus City Property Request

Les Job, residing at 2 Pluma Hill appeared before the Commission to ask if the City would consider surplusing a small portion of land that adjoins his property. According to Job, he indicated that the small section of land from the Mickelson Trail and the Black Hills Power and Light pole yard does not benefit anyone and would allow him access to the back of his garage. Job said he would like to obtain this portion of land to park his vehicles and allow access to the Mickelson Trail. Mayor Toscana explained that the City has certain procedures to follow when surplusing property: 1) the land would need to be appraised; 2) if the appraised amount were over \$500, the land would then be sold either through a realtor, sealed bids, or an auction. Toscana asked Bernie Williams, Planning, and Zoning Director to obtain the legal description and square footage for this property for discussion at the January 14 meeting. Silvernail moved, Speirs seconded, to continue to the January 14, 2008 meeting. Roll Call: Aye - All. Motion carried.

PUBLIC HEARINGS/BID OPENINGS

Public Hearing - Prohibiting Deer Feeding

Mayor Toscana informed everyone that the City of Deadwood does have an Ordinance (Ordinance #971 - Adopted in 2000) currently prohibiting of feeding deer on City-Owned real property within the City Limits of Deadwood. Toscana said the purpose of this hearing is to take the input of Deadwood residents to see if they would like the City to adopt an Ordinance prohibiting the baiting/feeding of deer on not only City property but private property as well. Toscana opened the public hearing by asking Deadwood residents in the audience that are in favor of an ordinance prohibiting the feeding/baiting of deer throughout the City of Deadwood to speak to the issue. Minnie Stanley, resident of Taylor Street, spoke of the public's safety and the dangers these deer cause even in the middle of the day. Stanley added this is a very dangerous situation and would the

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City to take measures on the issue. Bob Nelson Sr., City of Deadwood Transportation Director, contacted five of the cities that have ordinances prohibiting the baiting/feeding of deer and all stated they have no problem with the enforcement of this ordinance. Nelson referenced the wording on these ordinances which states the enticing of deer to eat such an unnatural food source has an effect on enticing deer from their natural habitat into an unnatural urban environment, thereby endangering the deer and resulting in an unnatural growth in population, loss of deer's instinctive avoidance of humans, endangering persons and domestic animals, and resulting in property damage. According to Nelson, the five cities that have adopted this ordinance are Hot Springs, Custer, Rapid City, Whitewood, and Lead. Jim Raysor contacted South Dakota State Game, Fish, and Parks Department to inquire about State laws prohibiting the feeding/baiting of big game. Raysor said it is against the State law to bait big game animals for any purpose and referenced the wording of the State law and how it references the same issues stated in the City adopted ordinances. Sharon Schaefer, Cliff Street resident, told the Commission that no matter what the City does the deer will continue to come through the City, as this is their normal ranging area for the deer population. Toscana closed the public portion of the hearing and asked the Commission for their comments. Commissioner Speirs asked if having a bird feeder in your yard be considered a way of feeding/baiting the deer. City Attorney Jason Campbell said that the wording in most ordinances states that if the bird feeders are placed five feet off the ground this does not constitute as feeding/baiting the deer. Commissioner Silvernail said the large number of deer in her Burnham Hill neighborhood is very dangerous not only for the motorists but the predators are following the deer into her neighborhood and would like to see the City take action on this problem. Commissioners, Klamm and Griffith expressed their concerns with adding another City ordinance, which would involve more time and work for Police Department. Griffith added that the City of Deadwood is surrounded by BLM and national forest land and how would the City keep the deer out of the town. The Commission expressed their concerns with these issues and decided to continue the public hearing to the January 22, 2008 meeting. Toscana suggested that Deadwood residents direct their comments on this issue in either writing or verbal to Jim Raysor or Bob Nelson Sr. Silvernail moved, Griffith seconded, to continue this hearing to the January 22, 2008 meeting. Roll Call: Aye - All. Motion carried.

Set Bid Opening

Speirs moved, Silvernail seconded, to set a bid opening for a 1991 Ford pickup with sander on Tuesday, January 22, 2008 at 5:10 p.m. (item surplused on Resolution 2007-09). Roll Call: Aye - All. Motion carried.

Set Public Hearing

Griffith moved, Speirs seconded, to set a public hearing for the transfer of a retail liquor license #5536 and a retail malt beverage license #3319 from Wild West Winner's Inc. to Badlands Gaming LLC dba Lucky Nugget Casino to be held on January 22, 2008 at 5:05 p.m. Roll Call: Aye - All. Motion carried.

FINANCE/HISTORIC PRESERVATION

Resolution 2008-01

Silvernail moved, Speirs seconded, to approve Resolution 2008-01 to Establish Wages for City of Deadwood Employees for 2008. Roll Call: Aye - All. Motion carried.

RESOLUTION NO: 2008-01

CITY OF DEADWOOD EMPLOYEE WAGES FOR THE YEAR 2008

BE IT RESOLVED by the Deadwood City Commission that the City of Deadwood hereby approves the following wages for City of Deadwood employees for the year 2008: Ken Batka, \$16.01 per hour; Douglas Bechen, \$10.00 per hour; Deanna Berglund, \$14.60 per hour; Janel Blotz, \$8.50 per hour; Chester Borsch, \$10.32 per hour; Jerry Boub, \$10.32 per hour; Richard Bracha, \$9.29 per hour; Anthony Bradley, \$17.79 per hour; Walter Brent, \$9.29 per hour; Daniel Bridenstine, \$15.86 per hour; Richard Brooks, \$10.32 per hour; Chancellor Burleson, \$10.32 per hour; William Burleson, \$18.55 per hour; Cole Burrington, \$7.00 per hour; Donald Byrum, \$10.32 per hour; Jason Campbell, \$65,000.00 per year; Jeanette Chaney-Moodie, \$39,000.00 per year; Randi Coddington, \$9.00 per hour; Henry Cordes, \$10.32 per hour; Gregory Crotty, \$14.46 per hour; Cliff Dower, \$15.86 per hour; Karla Dower, \$9.29 per hour; Christine Elliott, \$9.29 per hour; Kenneth Elliott, \$9.29 per hour; Richard Elliott, \$10.32 per hour; Julie Evenson, \$14.65 per hour; Stephen Fisher, \$9.29 per hour; Kelly Fuller, \$59,000.00 per year; Joel Fundaun, \$7.00 per hour; Gary Gould, \$17.79 per hour; Nyla Griffith, \$6,500.00 per year; Alex Hamann, \$17.79 per hour; Terry Hansen, \$10.32 per hour; Chelsie Hart, \$9.50 per hour; Carol Hauck-Reif, \$13.00 per hour; Kenneth Hawki, \$43,000.00 per year; Robert Hegr, \$9.00 per hour; Roanne Hudson, \$9.29 per hour; Darlene Hulm, \$9.29 per hour; Francis Iverson, \$10.32 per hour; Arlys Janke, \$8.00 per hour; Milly Kitzmiller, \$9.29 per hour;

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Mike Klamm, \$6,500.00 per year; Donald Kryger, \$18.55 per hour; Kevin Kuchenbecker, \$58,000.00 per year; Janet Lanphear, \$13.69 per hour; James Lee, \$15.86 per hour; James Lehto, \$17.79 per hour; Robert Lester, \$19.10 per hour; Verla Little, \$16.01 per hour; Glen Longden, \$10.32 per hour; Donald Luckie, \$9.00 per hour; Jessica Marshall, \$7.00 per hour; John Marshall, \$16.01 per hour; Richard Marsolek, \$10.32 per hour; Robert Mattox, \$13.87 per hour; James Mattson, \$8.00 per hour; Kip Mau, \$17.79 per hour; Deborah Maynard, \$13.19 per hour; Kenneth Mertens, \$18.15 per hour; Robin Millard, \$7.50 per hour; Douglas Miller, \$10.32 per hour; Ronda Morrison, \$18.55 per hour; Richard Nelin, \$9.29 per hour; Art Nelson, \$10.32 per hour; Gregory Nelson, \$17.79 per hour; Mary Jo Nelson, \$62,000.00 per year; Robert Nelson Jr., \$16.13 per hour; Robert Nelson Sr., \$47,500.00 per year; Roberta Odson, \$10.32 per hour; Michael Olsen, \$8.77 per hour; Virginia Peterson, \$7.50 per hour; Randy Pfarr, \$16.13 per hour; Jim Phillips, \$10.32 per hour; Delmore Pidde, \$9.00 per hour; Lois Pidde, \$9.29 per hour; Edward Pierce, \$9.29 per hour; Charles Quenzer, \$17.20 per hour; Donna Quenzer, \$8.50 per hour; Jerold Rachtetto, \$14.46 per hour; Robert Radensleben, \$15.86 per hour; Jim Raysor, \$68,000.00 per year; Kenneth Rehberg, \$10.32 per hour; Scott Reif, \$13.74 per hour; Donovan Renner, \$18.55 per hour; Cynthia Rische, \$13.69 & \$11.35 per hour; Michael Runge, \$16.25 per hour; Jeffrey Rutz, \$11.35 per hour; Larry Ryan, \$10.32 per hour; Dean Schallenkamp, \$13.74 per hour; Dustin Schumacher, \$17.79 per hour; Kristy Schumacher, \$10.50 per hour; Georgeann Silvernail, \$6,500.00 per year; Erik Simonyak, \$7.50 per hour; Sarah Solano, \$14.06 per hour; Mark Speirs, \$6,500.00 per year; James Sternhagen, \$8.00 per hour; William Stone, \$10.32 per hour; Colin Thompson, \$16.01 per hour; Lloyd Thompson, \$10.32 per hour; Chris Tomford, \$11.35 per hour; Teresa Tomford, \$12.32 per hour; Francis Toscana, \$9,500.00 per year; Denise Trewhella, \$9.29 per hour; John Tridle, \$15.15 per hour; Keith Umenthum, \$19.19 per hour; Greg Wagner, \$10.32 per hour; Bernadette Williams, \$54,000.00 per year; Charles Wuitschick, \$10.32 per hour.

Dated this 7th day of January, 2008.

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Francis A. Toscana

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Payment Request

Silvernail moved, Speirs seconded, to allow the Finance Office to pay \$1,000 to Twin City Senior Citizens Center from the Commission Professional Services, a budgeted item. Roll Call: Aye - All. Motion carried.

Payment Request

Silvernail moved, Speirs seconded, to allow the Finance Office to pay \$10,000 to Black Hills Vision Campaign from the Bed and Booze fund, a budgeted item. Roll Call: Aye - All. Motion carried.

Payment Request

Silvernail moved, Speirs seconded, to allow the Finance Office to pay \$1,096.60 for the 2008 South Dakota Municipal League Membership Dues from the Commission Professional Services, a budgeted item. Roll Call: Aye - All. Motion carried.

Payment Request

Griffith moved, Speirs seconded, to allow the Finance Office to pay Deadwood Economic Development \$22,000 from the Commission Professional Services, a budgeted item. Roll Call: Aye - All. Motion carried.

2008 Municipal Election Date

Silvernail moved, Speirs seconded, to set the municipal election date on Tuesday, April 8, 2008 for two Commission seats with three-year terms. Roll Call: Aye - All. Motion carried.

Travel Request

Toscana moved, Speirs seconded, to allow Kevin Kuchenbecker to attend the South Dakota Tourism Conference in Pierre on January 15-16, 2008. Roll Call: Aye - All. Motion carried.

Payment Request

Silvernail moved, Speirs seconded, to approve the payment to Gunderson, Palmer, Goodsell, and Nelson for \$2,571.50 for the Richard Krone counterclaim, to be paid from the Attorney line item. Roll Call: Aye - All. Motion carried.

Travel Request

Speirs moved, Silvernail seconded, to allow Kevin Kuchenbecker to travel to Pierre for the Preserve South Dakota meeting on Friday, January 18, 2008. Roll Call: Aye - All. Motion carried.

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POLICE/FIRE

Travel Request

Klamm moved, Griffith seconded, to allow Rob Lester and Kelly Fuller to attend Incident Command 300 training in Spearfish on January 18-19, 2008 and use of a City vehicle. Roll Call: Aye - All. Motion carried.

Purchase Request

Klamm moved, Griffith seconded, to approve the Police Department's purchase of a Motorola digital radio from Western Communications at \$1,855.21. Roll Call: Aye - All. Motion carried.

PLANNING/ZONING/PUBLIC BUILDINGS/TROLLEY

Wage Increase

Silvernail moved, Griffith seconded, to approve the wage increase for trolley driver Robert Hegr from \$8.00 to \$9.00 per hour, after completion of 18 months of service, effective January 7, 2008. Roll Call: Aye - All. Motion carried.

LEGAL BUSINESS

Street Sweeper Agreement

Due to a date error on the invoice for the street sweeper, City Attorney Jason Campbell requested this item be continued to the January 14, 2008 meeting. Silvernail moved, Speirs seconded, to continue the signing of the agreement. Roll Call: Aye - All. Motion carried.

Executive Session

Mayor Toscana requested an Executive Session for personnel matters with no action to be taken.

MAYORS BUSINESS

Review Sign Ordinance

Mayor Toscana suggested to the Commission that the City amend the sign ordinance regarding the Review Commission. The current ordinance Section 15.32.160 of Chapter 15.32 states that the Historic Preservation Commission has the authority to review the signs requests. Toscana requested that the Planning and Zoning Commission serve as the sign Review Commission for the City of Deadwood. Toscana said the reason for this amendment is to expedite the Historic Preservation Commission meetings. Mayor Toscana directed City Attorney Jason Campbell to prepare the amended ordinance.

Proposed Drink Tax - Discussion

Mayor Toscana informed everyone that the South Dakota Municipal League is asking the communities in the State for their position on proposed legislation that would have the effect of raising the price of an alcoholic beverage by approximately five cents (the "nickel a drink" bill). If the legislation should pass, it would allocate 15% (approximately \$2.63 million) of the revenue to be shared by municipalities, in proportion to the population of each municipality to the total population of all municipalities. The municipality of Deadwood would receive approximately \$7,226.90. Toscana said the counties have noticed an increase in law enforcement costs due to alcohol related issues. The revenue that would be generated would be distributed to the counties to aid in the increasing costs of law enforcement, the prosecution of alcohol related offenses and offer special programs for offenders. Toscana said a survey was conducted with sixty-(60) counties and 45 counties were in favor and 15 opposed to the proposed tax. After much discussion, the Commission remains neutral on this issue.

ITEMS FROM CITIZENS NOT ON AGENDA

Finance Office

Finance Officer Mary Jo Nelson announced that the petitions for the vacate Commission seats may be picked up at the Finance Office starting January 25, 2008 and must be returned by February 29, 2008.

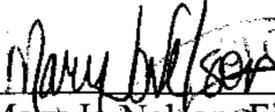
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ADJOURNMENT

Speirs moved, Toscana seconded, to adjourn the meeting to Executive Session at 5:55 p.m. for personnel matters with no action to be taken. The next regular meeting will be at 5:00 p.m. on Monday, January 14, 2008.

ATTEST:

DATE: 1-14-08



Mary Jo Nelson, Finance Officer

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



