EXECUTIVE SESSION/REGULAR MEETING, December 7, 2009

The Regular Session of the Deadwood City Commission convened on December 7, 2009 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, Lenny Schroeder, and Georgeann Silvernail. Commissioner Joe Peterson was absent. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES
Schroeder moved, Silvernail seconded, to approve the minutes of November 30, 2009. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS
Silvernail moved, Klamm seconded, to approve the December 7, 2009 disbursements. Roll Call: Aye-All. Motion carried.

ABC	SUPPLIES	15.25
ALCO	SUPPLIES	87.06
ARMSTRONG	MAINT	271.00
BH CHEMICAL	SUPPLIES	1,137.18
BH PIONEER	PUBLICATIONS	10.00
BH POWER	UTILITIES	1,213.75
BUSINESSWEEK	RENEWAL	110.00
CEDAR SHORE HOTEL	LODGING	327.80
COMPANION LIFE	PREMIUMS	217.80
COMPUTER SUPPORT SERV	TRAINING	50.00
CRESCENT ELECTRIC	PARTS	72.23
CULLIGAN	RENTAL	81.00
DEADWOOD ELECTRIC	BULBS	1,073.78
DEADWOOD HOME	BULBS	693.05
EMERY-PRATT	BOOKS	144.04
ENERGY ELECTRIC	CEMETERY ST.	198.27
FOX, TERESA	INDEXING	3,934.00
GENES LOCK SHOP	SERVICE	73.00
GOLDEN WEST	PAGERS	1,759.44
GREAT WESTERN TIRE.	TIRES-LOADER	3,520.80
HILLS MATERIALS	ROAD BASE	99.73
IMAGO NORTH AMERICA	REPAIRS	455.91
INTERSTATE BATTERY	BATTERIES	53.67
JACOBS WELDING	SUPPLIES	220.15
JUNIOR LIBRARY GUILD	SUPPLIES	318.00
KEN'S CAMPER	JACK	34.60
KNOLOGY	PHONES SERV	770.80
LAWSON PRODUCTS, INC.	BITS	203.83
LEAD-DWDREGIONAL HOSPITAL	TESTING	36.00
LEAD-DWD SANITARY DIST	USAGE CHRG	19,979.04
LEAD-DWD REGIONAL HOSPITAL	SPEC EVENT	1,155.00
MDU	UTILITIES	4,094.12
NAPA	SUPPLIES	3,745.17
NEVE'S	UNIFORMS	92.54
PUBLIC SAFETY EQUIP	SUPPLIES	783.00
RAPID DELIVERY	DEL SERV	8.80
SD DEPT. OF CORRECTIONS	FIREWISE	6,824.49
SD FEDERAL PROPE	CABINETS	340.15
SD GOVERNMEMTAL	MEMBERSHIP	50.00
SD GOVERNMENTAL	MEMBERSHIP	130.00
SD RURAL WATER	MEMBER DUES	410.00
SD STATE ARCHIVE	MICROFILM	230.40
STATE INDUSTRIAL PRODUCTS	RACK	452.06
STRETCH'S	WINDSHIELD	474.15
SUMMIT SIGNS	SIGNS	95.00
TEMPERATURE TECHNOLOGY	MAINT AGRMT	1,125.00
TC HARDWARE	SUPPLIES	3,125.74
WEST RIVER INTERNATIONAL	REPAIRS	529.06
WESTERN COMMUNICATIONS	ANTENNA-SERV	56.00
WESTERN MECHANICAL	BOILER	12,466.38
	TOTAL	**$ 73,348.24**

ITEMS FROM CITIZENS ON AGENDA

Tentexkota - Deadwood Mountain Grand Update
George Mitchell representing Tentexkota appeared before the Commission to discuss the unpaid change orders amounting to over $70,000.00. Mr. Mitchell and Tim Conrad explained that the developers for the Deadwood Mountain Grand project have been working with an interested party for possible financing of the hotel and entertainment center. Mitchell added that they should have a decision on the financing package by the end of December and if this goes through the project would commence in late March or April. Mitchell told the Commission he did not want to discuss the financing details in an open meeting however he would meet with them on a one-on-one basis. Commissioner Silvernail referenced the unpaid change orders and Mitchell's response was when the City has met their contribution of $1.7 million then Tentexkota will be responsible for any costs that exceed this amount. The Commission took no action on this matter.

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PUBLIC HEARINGS/BID OPENINGS

Results from Bid Opening (December 7, 2009)
Kevin Kuchenbecker informed the Commission of the bid opening held on December 7, 2009 at 2:00 p.m. for the demolition and reconstruction of retaining walls located at the following locations: 15 Forest Avenue (#2008-192); 38 Jefferson Street (#2008-166); 81 Stewart Street (#2008-185); and 111 Williams Street (#2005-053)" for the City of Deadwood. Bids are as follows:

City of Deadwood Bid Tab for Retaining Walls
Bid opening held December 7, 2009 @ 2:00 p.m.

Plan Holders														
	Bond	Add 1	Add 2	Bid	Bond	Add	Bid	Bond	Add 1	Bid	Bond	Add 1	Add 2	Bid
High Grade Excavating Forgey Construction	X	X	X	$43,382.28	X	X	$21,929.85	X	X	$18,806.26	X	X	X	$12,300.00
RCS Construction	X	X	X	$46,800.00	X	X	$45,800.00	X	X	$21,500.00	X	X	X	$44,000.00
Sabo Construction Inc.	X	X	X	$40,800.00	X	X	$25,300.00	X	X	$14,300.00	X	X	X	$12,360.00

Kuchenbecker requested that no action be taken to allow time to notify the property owners by mail and meet with them to discuss their portion of the cost for the project. Kuchenbecker added that the bids are valid for thirty-(30) days.

Set Public Hearing
Klamm moved, Silvernail seconded, to set a public hearing for the 2010 liquor license renewal at The Lodge of Deadwood at 5:05 p.m. on December 21, 2009. Roll Call: Aye-All. Motion carried.

Set Public Hearing
Klamm moved, Schroeder seconded, to set a public hearing for the Silverado/Franklin New Year's Eve Ball drop street closure at 5:07 p.m. on December 21, 2009. Roll Call: Aye-All. Motion carried.

Set Public Hearing
Silvernail moved, Schroeder seconded, to set a public hearing for street closure and relaxation of open container ordinance during the Mardi Gras event at 5:10 p.m. on December 21, 2009. Roll Call: Aye-All. Motion carried.

FINANCE

Payment Request
Silvernail moved, Klamm seconded, to approve the payment of $1,158.60 for the 2010 Municipal League Dues, to be paid from Commission Professional Service line item. Roll Call: Aye-All. Motion carried.

Scanning Program Upgrade
Klamm moved, Sivernail seconded, to approve the upgrade to File Director scan program with Active Data Systems, pay two equal payments of $5,000.00, less credit for existing software, Finance Department budgeted $4,000 in 2009. Roll Call: Aye-All. Motion carried.

Ordinance #1125 - First Reading
Finance Officer Mary Jo Nelson provided the Commission with detailed documentation regarding the various funds that require a budget supplement for 2009. After discussing, Silvernail moved, Klamm seconded, to approve first reading of Ordinance 1125 Supplemental Budget Appropriation #3 for 2009. Roll Call: Aye-All. Motion carried.

Hills Limited Partnership TIF District
Finance Officer Mary Jo Nelson explained that Tax Increment Financing District (TIF) for the Hills Limited Partnership was dissolved on June 2, 2008 and requested permission to distribute proceeds according to the 2008 taxes payable 2009 mil levy. Lead-Deadwood School District - $8,888.77; Lawrence County - $2,908.66; City of Deadwood - $3,248.36; and Lead-Deadwood Sanitary District - $509.55. Silvernail moved, Klamm seconded, to approve payments as requested. Roll Call: Aye-All. Motion carried.

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Employee Resignation
Silvernail moved, Schroeder seconded, to accept the resignation of Walter Brent, parking ramp attendant, effective November 18, 2009. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING & ZONING/PUBLIC BUILDINGS/SAFETY

Travel Request
Klamm moved, Schroeder seconded, to allow Kevin Kuchenbecker and the Historic Preservation Commissioners to attend South Dakota Governor's Conference on Tourism in Pierre January 20-21, 2010, requesting $150.00 for registration, $15.00 for luncheon, lodging, use of City vehicle, and meals not covered at conference. Roll Call: Aye-All. Motion carried.

Sign Ordinance - Revisions
City Attorney Jason Campbell explained the proposed amendment to the City's Sign Ordinance to read as follows: Internally illuminated signs shall not be allowed, except outside the federally designated Deadwood National Historic Landmark District, as indicated on the zoning map (see 17.68.010 (b)). Silvernail moved, Schroeder seconded, to approve first reading for the revised sign ordinance as requested. Roll Call: Aye-All. Motion carried. Schroeder added Planning and Zoning Commission recommended this change.

Purchase Request
Silvernail moved, Klamm seconded, to approve the purchase request for nine replacement historic light pole arms at a cost of $9,882.00 and shipping from Spring Creek Electric, to be paid from Historic Preservation Capital Asset line item. Roll Call: Aye-All. Motion carried.

Advertise Position
Silvernail moved, Klamm seconded, to approve the request to advertise for the Zoning Administrator position. Roll Call: Aye-All. Motion carried.

Findings of Fact - James Fletcher, 350 Williams
Silvernail moved, Klamm seconded, to approve the Findings of Fact for the application of James Fletcher for an 18' variance from Section 17.20.040.B front yard setback as recommended by the Deadwood Planning and Zoning Commission. Located at Lot 8, less the southwest 20' and all of Lot 9, Block G, City of Deadwood, Lawrence County, South Dakota. Roll Call: Aye-All. Motion carried.

Final Plat - Marvin J. Lehman Properties, LLC, 3 Pearl, & 16 Park
Klamm moved, Silvernail seconded, to approve the final plat for Marvin J. Lehman Properties, LLC: The purpose of the plat is to divide the three (3) existing lots into two (2) larger lots, no variance is needed due to the existing structures are five (5) feet from the lot line. Deadwood Planning and Zoning Commission recommended approval of the final plat as follows: Plat of Lots A and B, Block 7, Highland Park Addition Formerly Lots 1 through 6, Block 7 all located in the NW 1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Roll Call: Aye - Silvernail, Klamm, Toscana. Abstain - Schroeder. Motion carried.

STREET/WATER/LIBRARY

Contract - Conrad Electric
Donovan Renner explained that due to significant ice build up on the Denver Pump House he recommends we place heat tape on the roof. Schroeder moved, Silvernail seconded, to approve the contract between the City of Deadwood and Conrad Electric to eliminate ice build up at the Denver Street pump house for $1,835.37. Roll Call: Aye-All. Motion carried.

Contract - Olson's Construction
Schroeder moved, Silvernail seconded, to approve the increase in the contract with Olson's Construction from $31,115 to $37,949.32 due to quantity adjustment for the removal and reconstruction of concrete panels project for Cemetery, Denver, and Lower Main Street. Roll Call: Aye-All. Motion carried.

Purchase Request
Schroeder moved, Klamm seconded, to approve the purchase of 5,500 gallons of premium from Southside at $2.42 per gallon, totaling $13,310.00. Roll Call: Aye-All. Motion carried.

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POLICE/FIRE

Travel Request
Klamm moved, Silvernail seconded, to allow Alex Hamann to travel to Rapid City for EMT renewal course January 15-17, 2010, requesting use of City vehicle. Roll Call: Aye-All. Motion carried.

PARKS/RECREATION/TROLLEY

Use of Trolley - Waive Fee
Silvernail moved, Klamm seconded, to allow the use of a trolley to transport the Stop and Grow students to the Adams House for a holiday tour on December 8, 2009 and waive the group trolley fee. Roll Call: Aye-All. Motion carried.

Use of Trolley - Waive Fee
Silvernail moved, Klamm seconded, to allow the use of a trolley to transport middle school students to Dumont Trailhead on January 30, 2010, and waive the group trolley fee. Roll Call: Aye-All. Motion carried.

LEGAL BUSINESS

Request Executive Session
City Attorney Jason Campbell requested an Executive Session following the Regular Session for contractual matters with no action to be taken.

MAYORS BUSINESS

Employee Policy Manual Change
Mayor Toscana informed the Commission that a request has been made to amend the Employee Policy Manual regarding the reimbursement of unused sick leave. Toscana explained that 1/4 of unused sick leave is currently only paid out to those who retire. The proposed amendment is to add the death of an employee to this policy. Toscana said that an employee would be reimbursed for unused sick leave at their regular rate of upon retirement or death of the employee, providing the following conditions are met and at the following rates: After completion of at least three (3) years of continuous employment, compensation shall be at the rate of 25% for all unused sick leave up to the maximum allowable of 960 hours, with the exception of the police personnel whose rate shall be at 20% for all unused sick leave up to a maximum allowable for 1200 hours. (Revised 12/14/1998 minutes.) (Revised 12/07/2009 minutes.)
Silvernail moved, Klamm seconded, to approve the policy change regarding accrued sick leave payout as requested. Roll Call: Aye-All. Motion carried.

EXECUTIVE SESSION/ADJOURNMENT
Silvernail moved, Klamm seconded, to adjourn the regular session at 5:40 p.m. and convene into Executive Session for contractual matters with no action to be taken. The next regular meeting will be at 5:00 p.m. on Monday, December 14, 2009.

ATTEST:
Mary Jo Nelson, Finance Officer

DATE: 12/14/09

BY: Francis A. Toscana, Mayor

For any public notice that is published one time:
Published once at the total approximate cost of _____.