

EXECUTIVE SESSION/REGULAR MEETING, January 26, 2009

The Regular Session of the Deadwood City Commission convened on January 26, 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, Joe Peterson, Georgeann Silvernail, and Lenny Schroeder. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Klamm moved, Silvernail seconded, to approve the minutes of January 20, 2009. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Schroeder seconded, to approve the January 26, 2009 disbursements. Roll Call: Aye-All. Motion carried.

ABC	SUPPLIES	66.50
ALLIANCE EQUIPMENT CO	TOOL TRAY	114.00
ALLTEL	POLICE PHONES	275.79
AMERICAN PUBLIC WORKS	MEMBERSHIP-RAYSOR	226.00
BH POWER & LIGHT	ELECTRICITY/PUB BLDGS	16,121.00
BORDER STATES ELECTRIC	JUNCTION BOX	177.62
BUTLER	SWITCH/143H CAT	32.78
CARGILL, INC.	ENHANCED DEICER	2,797.04
CULLIGAN	WATER-SALT	27.00
DAKOTA SUPPLY GROUP	COUPLING	229.68
DEADWOOD ECONOMIC DEVELOPMENT	JAN-OPERATION-BROADWAY	1,580.02
DEADWOOD ELECTRIC	SWITCHES	51.02
FARMER BROTHERS CO	BREAKROOM COFFEE	89.44
HEWLETT-PACKARD COMPANY	COMPUTER/REC	320.00
HILLS MATERIALS COMPANY	SAND FINES	918.34
KEN HAWKI	REIMBSMT FOR CAN OPENER	127.92
LAWSON PRODUCTS, INC.	SUPPLIES	142.51
LIGHT AND SIREN	LIGHT	220.32
MATTSON, JAMES R.	REIMBURSE	5.00
MOLLY CORPORATION	DOOR MOTOR & FREIGHT	180.00
NORTHERN HILLS CASA	2009 CONTRIBUTION	3,500.00
SD COMMISSION ON GAMING	JAN 2009 CITY NICKELS	2,744.31
TWIN CITY HARDWARE	SUPPLIES	113.43
TWO WHEELER DEALER	AEROBIC BARS	57.63
WOLFF'S PLUMBING	MOTOR-CAPACITO	226.84
ZEP MANUFACTURING	SUPPLIES	473.96
	TOTAL	\$ 30,818.15

PUBLIC HEARING/BID OPENINGS

Public Hearing

Silvernail moved, Peterson seconded, to waive the vendor and bond fee for the Historic Preservation Symposium to be held at the Masonic Temple on May 1-3, 2009. Roll Call: Aye-All. Motion carried.

Award Pavilion Boiler Bids - Continued from (1-12-2009)

Jim Raysor informed the Commission that in 2008, \$102,000 was budgeted but not expended and in 2009, an additional \$65,000 was budgeted for this repair. Raysor recommended to the Commission that the bid for the Deadwood Pavilion Boiler Replacement project be awarded to the low bidder Western Mechanical Services, Inc. for \$164,486. Silvernail moved, Schroeder seconded, to accept the low bid from Western Mechanical Services. Roll Call: Aye - All. Motion carried.

FINANCE

Resolution 2009-04

Peterson moved, Silvernail seconded, to approve Resolution 2009-04 Extending Workers Compensation Coverage to Specific Individuals for 2009. Roll Call: Aye-All. Motion carried.

RESOLUTION NO. 2009-04

A RESOLUTION EXTENDING WORKERS' COMPENSATION COVERAGE TO SPECIFIC INDIVIDUALS FOR THE YEAR 2009

BE IT RESOLVED by the Deadwood City Commission that the City of Deadwood extend the South Dakota Municipal League Workers' Compensation benefit for coverage on the following individuals who are not automatically covered because they are appointed or elected to their positions:

City Commission: Francis A. Toscana, Joe Peterson, Mike Klamm, Lenny Schroeder, and Georgeann Silvernail;

Historic Preservation Commission: Darin Derosier, Ronda Feterl, Mary Ann Oberlander, Mike Olsen, Steve Olson, Matt Pike and Willie Steinlicht;

Planning & Zoning Commission: Mel Allen, Marie Farrier, Sheree Green, Larry Ryan and Jim Shedd;

Library Board: Shirley Bergen, Randi Coddington, Jackie Phearson, Mark Speirs and Mike Runge;

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Parks & Recreation Board: Shirley Black, Tom Blair, Henry Cordes, Sue Hart and Brad Steinlicht;
Police Department Reserve Officers: Dawn Allen, Kenneth Batka, Doug Bechen, Ashlee Finnesand, Josh Hillers, Verla Little, Jeffrey Rutz, Kristy Schumacher, Matthew Symonds, and Chris Tomford;
Deadwood Volunteer Fire Department: Randy Addington, Ken Allen, Danny Arnold, John Bigney, Wesley Coffield, Pat Eastman, Verne Edstrom, Sandy Glover, Bill Glover, Gary Gould, Larry Groll, Francis Iverson, Mike Klamm, Seth Martens, Jeff Millard, Trent Mohr, Christopher Patterson, Jerry Pontius, Richard Stanger, Allen Sternhagen, Kathy Toscana, Cory VanVlack, Greg Wagner, Ben Weiss, Keith Wellard and Anne Wieringa.

Deadwood Fire Department Oversight Committee: Georgeann Silvernail and Robert Sjomeling.
The Finance Office will be notified of any personnel changes to the above-mentioned committees and commissioners.

Dated this 26th day of January, 2009.

CITY OF DEADWOOD
/s/ Francis A. Toscana, Mayor

ATTEST:
/s/ Mary Jo Nelson, Finance Officer

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Payment Request

Peterson moved, Silvernail seconded, to allow the Finance Office to pay Black Hills Council of Local Governments \$2,062.80 for 2009 dues from the Commission Professional Service line item. Roll Call: Aye-All. Motion carried.

Payment Request

Peterson moved, Klamm seconded, to allow the Finance Office to pay Teen Court the 2009 budgeted allocation of \$8,500 (\$4,000 from Police budget, \$4,500 from Commission budget.) Roll Call: Aye-All. Motion carried.

Payment Request

Peterson moved, Silvernail seconded, to allow the Finance Office to pay Grant Thornton \$4,500 for arbitrage calculation from Historic Preservation. Engagement letter approved and signed on October 27, 2008 by City Commission. No liability and no payment due to the IRS. Roll Call: Aye-All. Motion carried.

Travel Request

Peterson moved, Silvernail seconded, to allow Finance Officer Mary Jo Nelson to attend Municipal Government Day in Pierre on February 4, requesting use of vehicle. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING & ZONING/PUBLIC BUILDING/SAFETY

Final Plat - Deadwood Stage Run, LLC

Silvernail moved, Schroeder seconded, to approve the final plat for Deadwood Stage Run, LLC: The purpose of the plat was to subdivide fifteen (15) lots for Neighbor Works Dakota Home Resources for transfer purposes: Deadwood Stage Run Addition: Lots 3, 8, 9, 11, 13, 14, 15, 17, 19, 21, 22, 25, 27, 29 and 30, Block 2 of Palisades Tract of Deadwood Stage Run Addition to the City of Deadwood, All located in the SW 1/4 Section 14, the SW 1/4 of Section 15, the NE 1/4 of Section 22 and the N 1/2 NW 1/4 Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Roll Call: Aye - Silvernail, Klamm Schroeder, Toscana. Abstain: Peterson. Motion carried.

Findings of Fact - Alltel Communications, Inc

Silvernail moved, Schroeder seconded, to approve the Findings of Fact for the conditional use permit for the construction of a cell tower (Alltel Communications, Inc.) located on Deadwood Hill: Part of Government Lot 15, Section 14, T5N, R3E, B.H.M., City of Deadwood, South Dakota. Roll Call: Aye-All. Motion carried.

Findings of Fact - Liberty Madison

Silvernail moved, Peterson seconded, to approve the Findings of Fact for the conditional use permit for a Massage Therapy business at 652 Main Street for Liberty Madison as recommended by the Deadwood Planning and Zoning Commission. Located at Lot 14, Block 19, City of Deadwood, South Dakota. Roll Call: Aye-All. Motion carried.

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STREETS/WATER/LIBRARY

Repair Request

Schroeder moved, Klamm seconded, to approve the hiring of Liquid Engineering to clean the Deadwood Hill water tank at a cost not to exceed \$2,900.00. Roll Call: Aye - All. Motion carried.

Update on Water Main Break

Jim Raysor explained that the water main break on Pioneer Way between Burnham and the Four Aces consisted of a 450-foot section of cast iron pipe and is the only pipe that has not been replaced since gaming started. Due to the location and the inclement weather conditions, the City will not replace this section at this time. The replacement costs have not determined however, Raysor anticipated the cost to be approximately \$7,000.

Travel Request

Schroeder moved, Klamm seconded, to allow Jim Raysor to attend South Dakota Public Works Association meeting in Pierre on February 3-4, 2009, requesting \$25 registration fee, lodging, meals, and use of vehicle. Roll Call: Aye - All. Motion carried.

POLICE/FIRE

Purchase Request

Klamm moved, Schroeder seconded, to approve the purchase for the Police Department of a Motorola XTL 1500 radio from Westcom at a cost of \$1,855.20. Roll Call: Aye - All. Motion carried.

PARKS/RECREATION/TROLLEY

Grant Application - City Step Rehabilitation

Jim Raysor informed the Commission that the City had applied for an 80/20 grant to upgrade our "Urban Trails" from the South Dakota Department of Transportation. Raysor said the City received the grant for the rehabilitation of the City steps and railings and the project will commence this summer or early fall. Silvernail moved, Peterson seconded, to allow the Mayor to sign the grant application for the City Step rehabilitation. Roll Call: Aye - All. Motion carried.

Hire Request - Work Campers

Silvernail moved, Peterson seconded, to approve the hiring of Hank and Debbie Toppin, and Norman and Norma Ross as work campers at a cost of \$500 per month per camper for the 2009 summer season May 15 - September 15, 2009. Roll Call: Aye - All. Motion carried.

LEGAL BUSINESS

SD Wine License On-Off Sale Fees

City Attorney Jason Campbell explained that due to a recent request from a vendor wanting set up a display and hold an on sale-sale wine tasting event, and an off-sale license allowing them to sell package wines. Campbell said that State statutes allow this as long as they are South Dakota Wineries however, the City does not have fees for such activity. After much discussion regarding fees, no motion was made; the suggestion was made to direct Campbell to draft an ordinance or resolution to set fees.

Petition to Vacate a Portion of Lee Street (Continued 1-20-09)

Silvernail moved, Peterson seconded, to acknowledge the petition to vacate a portion of Lee Street and set a public hearing on February 9, 2009 at 5:05 p.m. Roll Call: Aye - All. Motion carried.

Convention Center Lease Agreement (Continued from 1-20-09)

Silvernail moved, Schroeder seconded, to allow the Mayor to sign the lease agreement for the Deadwood Convention Center between the City of Deadwood and Deadwood Resort L.L.C. Roll Call: Aye - All. Motion carried.

Quitclaim Deed - Deadwood Resort L.L.C.

Silvernail moved, Schroeder seconded, to allow the Mayor to sign the quitclaim deed to Deadwood Resort, L.L.C. for Deadwood Resort Lot 1. Roll Call: Aye - All. Motion carried.

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MAYORS BUSINESS

Request Executive Session

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

Executive Session

Mayor Toscana informed the Commission of an executive session on Wednesday, January 28 with the Historic Preservation Commission for contractual matters with no action to be taken.

ADJOURNMENT

Silvernail moved, Toscana seconded, to adjourn the regular session at 5:30 p.m. and convene into executive session for legal matters with no action to be taken. The next regular meeting will be at 5:00 p.m. on Monday, February 2, 2009.

GUEST:



Mary Jo Nelson, Finance Officer

DATE: 2/2/09

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