REGULAR MEETING, November 16, 2009

The Regular Session of the Deadwood City Commission convened on November 16, 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, Lenny Schroeder, and Georgeann Silvernail. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Silvernail moved, Klamm seconded, to approve the minutes of November 9, 2009. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Schroeder seconded, to approve the November 16, 2009 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	LEASE	105.61
ABC	SUPPLIES	55.97
ADAMS MUSEUM	FUNDING	60.40
ADT SECURITY	SERVICE CHRG	558.59
AINSWORTH-BENNING	DAKOTA ST	9,094.68
ALBERTSON ENGINEERING	RW ENG	1,903.30
ALCO	SUPPLIES	24.40
AMERICAN LIBRARY ASSOC	MEMBERSHIP	230.00
ATCO INTERNATIONAL	SUPPLIES	132.00
BIERSCHBACH	LIGHTS	10.32
BH POWER	UTILITIES	2,246.46
BH SPECIAL SERV	CLEANING	1,008.00
BLUE DOG FRAMERS	FRAMING	241.36
CHAINSAW CENTER	LIFT	224.90
CITY OF LEAD	09 GRANT	5,440.00
COMPANION LIFE	PREMIUMS	217.80
CULLIGAN	RENTAL	67.00
DAKOTA GRAPHICS	SUPPLIES	805.00
DEADWOOD ELECTRIC	BALLAST	618.15
DEADWOOD GRANITE	HEADSTONE GRANT	450.00
DOOLITTLE, JAMES	NEGOTIATIONS	1,200.00
EMEDCO	ARCHIVE SIGNS	25.87
EMERY-PRATT	BOOKS	197.75
ENVIRONMENTAL PRODUCTS	FILTERS	63.24
FASTENAL	BATTERIES	78.24
FISH, VERONICA	LEGAL HEARINGS	333.60
FOX, TERESA	INDEXING	3,972.00
GENESIS COMPUTING SERV	REPAIRS	40.00
GOLDEN WEST	STORAGE	307.50
HD SUPPLY	REPAIRS	69.00
HICKS, LARRY	LOAN DISB	3,000.00
HILLS MATERIALS	BALLAST-BASE	233.93
I-29 BRICK COMPANY	BRICKS/REPAIR	2,125.28
IKON	SUPPLIES	62.00
JACOBS WELDING	BOLTS/PARTS	180.23
KEN HAWKI	REIMBURSE	18.00
KUSTOM SIGNALS	WARRANTY	800.00
LANPHEAR, JANET	REIMBURSE	18.00
LAWSON PRODUCTS	AIR TOOL	299.79
LEAD-DWD SCHOOL	PHONE SERV	34.34
LYNN'S	SUPPLIES	76.09
M&M SANITATION	RENTAL	307.50
MARIAH PRESS	09 GRANT	320.28
MAVERICK (BLONDIES)	SUPPLIES	25.98
MENARD'S	SUPPLIES	736.60
MDU	UTILITIES	291.03
MORRISON, RONDA	REIMBURSE	18.00
NELSON, MARY JO	REIMBURSE	18.00
NELSON, ROBERT SR.	REIMBURSE	18.00
NEWMAN SIGNS	SIGNS	237.42
NEWSWEEK	SUBSCRIPTION	41.08
NHS	CONTRACT	21,725.00
ONE CALL SYSTEMS	SUPPLIES	17.60
PONTIUS, JERRY	SUPPLIES	168.26
RAPID CITY JOURNAL	SUBSCRIPTION	192.00
RCS CONSTRUCTION	LOAN DISB	70,500.00
SANITATION PRODUCTS	PART	68.79
SDML WORKERS' COMPENSATION	RENEWAL-2010	62,543.00
SDN COMMUNICATIONS	COMM LINE	346.80
SERVALL	SUPPLIES	719.33
SEWARD & ODENBACH	ATTORNEY FEES	228.63
SKYLINE ENGINEERING	PAVILION BOILER	540.00
SD STATE ARCHIVE	MICROFILM	650.80
SOUTH SIDE	TIRES	1,660.84
SPEARFISH HUSKY	TRIMMER	212.00
ST. JOHN'S EPISCOPAL CHURCH	09 GRANT	14,240.00
STRETCH'S	HEATED MATS	4,082.30
SUMMIT SIGNS	SIGNS	53.00
SUPERIOR SANITATION	DRAIN SERV	250.00
TOMS, DON	LC PROJECT	576.00
TRIPLE K	REPAIRS	1,938.32
TWILIGHT	SUPPLIES	40.20
WEST PAYMENT CENTER	MO CHGS	192.09
WESTERN STATES FIRE	DETECTORS	1,030.00
	TOTAL	**$220,617.65**

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ITEMS FROM CITIZENS ON AGENDA

Holiday Parking Request
Sarah Anderson, Deadwood Chamber, appeared before the Commission to request free parking during the holidays. Silvernail moved, Peterson seconded, to approve free parking at all metered spaces and lots, excluding the Broadway Parking Ramp, from Thursday, November 26 through Saturday, December 26, 2009. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS/BID OPENINGS

Public Hearing - Business Improvement Districts 1-6 Tax Levy
After discussing revisions, no one was present to speak in opposition for the Intent to Continue Business Improvement Districts, and to establish the Levy of Business Occupation Tax, and Establish rates for 2010 for Districts 1, 2, 3, 4, 5, and 6 per Resolution 2009-23 passed on October 13, 2009. Silvernail moved, Klamm seconded, to close public hearing.

Public Hearing - Business Improvement District 7
No one was present to speak in opposition for the Intent to Continue Business Improvement District No. 7 for 2010 per Resolution 2008-24 passed on October 13, 2009. Silvernail moved, Klamm seconded, to close public hearing.

Set Public Hearing - 2010 Liquor and Wine Renewals
Silvernail moved, Schroeder seconded, to set a public hearing for 2010 Liquor and Wine License Renewals on November 30, 2009 at 5:10 p.m. Roll Call: Aye-All. Motion carried.

Reject Retaining Wall Bids
Mayor Toscana requested that the Commission reject the proposed bids from the bid opening that was held on November 2 for the following retaining walls: 15 Forest Avenue, 38 Jefferson, 81 Stewart Street, and 111 Williams Street. Toscana said it was discovered that Albertson Engineering did not notify the plan holders to the acceptance of the "Lock 'n' Load" alternative that was introduced and bid by High Grade Excavating, the low bidder. Silvernail moved, Klamm seconded, to reject the proposed bids as requested. Roll Call: Aye-All. Motion carried. Silvernail moved, Klamm seconded, to re-bid, advertise, and set a bid opening on Monday, December 7, 2009 at 2:00 p.m. with results to City Commission at 5:00 p.m. that same day. Roll Call: Aye-All. Motion carried.

FINANCE

Payment Request
Peterson moved, Silvernail seconded, to approve the payment for $15,020.00 to the S.D. Department of Legislative Audit for the 2008 audit, to be paid from Finance Department professional services. Roll Call: Aye-All. Motion carried.

Ordinance #1123 - First Reading
Peterson moved, Silvernail seconded, to approve first reading of Ordinance #1123 to Continue Business Improvement Districts 1-6 and Establish Assessments for 2010. Roll Call: Aye-All. Motion carried.

Set Public Hearing - Business Improvement Districts 1-6
Peterson moved, Silvernail seconded, to set a public hearing on Notice to Levy Taxes for Business Improvement Districts 1, 2, 3, 4, 5, & 6 on December 28, 2009 at 5:15 p.m. per requirement of Ordinance #1123. Roll Call: Aye- All. Motion carried.

Ordinance #1124 - First Reading
Peterson moving, Silvernail seconded, to approve first reading of Ordinance #1124 to Continue Business Improvement District 7 for 2010. Roll Call: Aye-All. Motion carried.

Set Public Hearing - Business Improvement District 7
Peterson moved, Silvernail seconded, to set a public hearing on Notice to Levy Taxes for Business Improvement District 7 on December 28, 2009 at 5:20 p.m. per requirement of Ordinance #1124. Roll Call: Aye- All. Motion carried.

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HISTORIC PRESERVATION/PLANNING & ZONING/PUBLIC BUILDINGS/SAFETY

Engine House Appraisers Report
Mayor Toscana said the appraisal committee valued the Engine House property at $100,000.00. Silvernail moved, Klamm seconded, to accept the appraisers report. Roll call: Aye- Silvernail, Klamm, Peterson, Toscana. Abstain: Schroeder. Motion carried.

Finance Officer Mary Jo Nelson informed the Commission that before a Notice to Bidders is prepared the Commission should determine the general description, stipulations, and restrictions that go along with the Engine House property and five (5) parking spaces. Mayor Toscana directed the City Attorney to prepare this document for the Commission's approval and include the following: no gaming for 20 years, 5 parking spaces, purchaser must operate a commercial business within 12 months, building cannot be moved, torn down, and the outside cannot be altered without approval of Historic Preservation.

Wage Increase
Toscana moved, Klamm seconded, to approve the wage increase for Deanna Berglund by $1.00 per hour during absence of Planning and Zoning Administrator, retroactive to October 26, 2009. Roll Call: Aye-All. Motion carried.

Purchase Request
Silvernail moved, Schroeder seconded, to approve the replacement of historic light fixtures from Historic Preservation Capital Asset line item at a cost of $2,060.00. Roll Call: Aye-All. Motion carried.

Purchase Request
Toscana moved, Klamm seconded, to approve the purchase of a desktop computer for Historic Preservation Department from Golden West, not to exceed $1,500.00, a budgeted item. Roll Call: Aye-All. Motion carried.

STREETS/WATER/LIBRARY

Travel Request
Schroeder moved, Klamm seconded, to allow Jim Raysor to travel to Oacoma for Rural Water Association Meeting November 19, 2009, requesting lunch, and use of City vehicle. Roll Call: Aye-All. Motion carried.

Payment Request
Schroeder moved, Klamm seconded, to approve the payment of $1,502.09 to Deadwood Electric to replace wire for Main Street lights, to be paid from Streets Department budget. Roll Call: Aye-All. Motion carried.

POLICE/FIRE

Purchase Request
Klamm moved, Silvernail seconded, to approve the purchase of citations for $1,074.80 from McLeod's Printing and Office Supply, to be paid from Police Department budget. Roll Call: Aye-All. Motion carried.

LEGAL BUSINESS

Assignment Lease Agreement
Klamm moved, Schroeder seconded, to allow the Mayor to sign the Assignment of Leases and Assumption Agreement for the Gillmore as the City is now the owner of that property per quit claim deed. Roll Call: Aye-All. Motion carried.

Contract - M & T Fire
Klamm moved, Silvernail seconded, to allow the Mayor to sign the contract with M & T Fire for the installation of a fire suppression system for the grill exhaust system at the Fire Department for $2,200.00. Roll Call: Aye-All. Motion carried.

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Contract - Waste Connections
Silvernail moved, Schroeder seconded, to allow the Mayor to sign the four year residential garbage service contract with the City of Lead and Waste Connections for $13.50 plus tax per month. Roll Call: Aye-All. Motion carried.

MAYORS BUSINESS

USDA Loan Application - Additional Parking Ramp
Mayor Toscana said in order to keep the loan application moving forward for the additional parking ramp the Commission needs to determine the number of levels for the parking structure. After discussing, Klamm moved, Schroeder seconded, to approve the main floor with two raised levels for the additional parking ramp (Deadwood Mountain Grand). Roll Call: Aye-Klamm, Schroeder, Peterson, Toscana. Nay: Silvernail. Motion carried.

Discussion - Christmas Eve
Klamm moved, Silvernail seconded, to approve the closing of City Hall at noon on Christmas Eve Day. The remainder of Christmas Eve Day will be considered a holiday for payroll purposes. Roll Call: Aye-All. Motion carried.

ITEMS FROM MAYOR, COMMISSIONERS, DEPARTMENT HEADS NOT ON AGENDA

David Thompson - 80 Williams
Mr. Thompson appeared before the Commission with a complaint pertaining to the recent paving of Gott Street. Thompson expressed safety concerns with the thickness of asphalt and the water runoff from the hillside above. Mayor Toscana directed the Public Works Director to meet with Mr. Thompson regarding this matter.

ADJOURNMENT
Silvernail moved, Klamm seconded, to adjourn the regular session at 5:30 p.m. The next regular meeting will be at 5:00 p.m. on Monday, November 23, 2009.

ATTEST: CITY OF DEADWOOD SEAL SOUTH DAKOTA

Mary Jo Nelson, Finance Officer

DATE: 11-24-09

BY: Francis A. Toscana, Mayor

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