

EXECUTIVE SESSION/REGULAR MEETING, January 11, 2010

The Regular Session of the Deadwood City Commission convened on January 11, 2010 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 January 4, 2010. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Schroeder seconded, to approve the January 11, 2010 disbursements. Roll Call: Aye-All. Motion carried.

ABC	SUPPLIES	113.07
ACTIVE DATA	SCANFILE PRG	5,000.00
ADAMS MUSEUM	10 ALLOCATION	87,700.00
ALCO STORES	SUPPLIES	22.46
BH CHEMICAL	SUPPLIES	909.89
BH PIONEER	PUBLICATIONS	302.50
BH POWER	UTILITIES	29.28
BLOOMERS	FLOWERS	50.00
BRIDENSTINE, DANIEL	REIMBURSE	200.00
CHRISTENSEN CONTRACTING	10 SNOW REMOVAL	2,990.00
CULLIGAN	RENTAL	77.40
DAKOTA CUSTOM WOODWORKS	BASEMENT PROJ	300.00
DAKOTA GRAPHICS	TICKETS	266.94
DAKOTA SUPPLY	COUPLINGS	456.23
DEADWOOD ECONOMIC DEV	10 ALLOCATION	21,000.00
DEADWOOD ELECTRIC	PRV PRJ	2,016.71
EMERY-PRATT COMPANY	BOOKS	28.95
ENVIRONMENTAL PRODUCTS	FILTERS	569.64
FIRST BAPTIST CHURCH	10 PARKING LEASE	3,600.00
FOX, TERESA	DIGITAL	3,404.00
GENES LOCK SHOP	KEYS-SERV. CALL	454.32
GOLDEN WEST	PAGERS	148.40
HILLSIDE DISPOSAL	ROLL-OFFS DUMP	660.00
JACOBS WELDING	TUBING	12.50
KARAS TECHNICAL SERVICES	RADIO ALARM	4,294.18
KNOLOGY	PHONE SERV	275.97
LAKER CHEMICAL	PAV BOILER	1,958.50
LC TREASURER	10 REGIS-TROLLEYS	386.50
LEAD DWD REGIONAL HOSPITAL	TESTING	36.00
LEAD DWD SANITARY DISTRICT	USAGE	20,079.38
M&S CONSTRUCTION	10 SNOW REMOVAL	10,735.00
MCDIRT EXCAVATION	ROAD BASE	162.50
MCLEODS	TICKETS	1,073.06
MDU	UTILITIES	500.37
NAPA	SUPPLIES	2,548.78
PITNEY BOWES	SUPPLIES	153.97
RAPID DELIVERY	DELIVERY	68.20
SD DEPT OF HEALTH	FLU SHOTS	870.43
SDN COMMUNICATIONS	COMM LINE	346.80
SERVALL	SUPPLIES	1,180.21
SHOCKEY SAND & GRAVEL	10 SNOW REMOVAL	2,535.00
SD DEPT TOURISM	REGIS FEES	300.00
SD STATE TREASURER	DEC SALES TAX	2,954.31
SOUTH SIDE	REPAIRS	196.95
STRETCH'S	TIRES	3,794.98
TIME	SUBSCRIPTION	3.00
TRIPLE K	REPAIRS	33.95
TURBIVILLE, CHARLES	REIMBURSE	29.00
TC HARDWARE	BATTERIES	14.99
US POST OFFICE	POSTAGE	44.00
VISITOR INDUSTRY ALLIANCE	FEES-LUNCHEON	30.00
WESTERN COMMUNICATIONS	INSPECTION	177.90
	TOTAL	\$ 185,096.22

ITEMS FROM CITIZENS ON AGENDA

Sanford Lab Update

Greg King, Sanford Lab representative, appeared before the Commission to give an update on the Sanford Lab. According to King, they have reached the 5090 level with the dewatering process and started reclaiming the 5000 level for the rehabilitation of a deep pump room system, which will be completed by the end of February. King added that they have processed one billion gallons of water since January 1, 2009. Dr. Jose Alonso added that the Sanford Lab had applied for a National Science Foundation Grant for \$2 million dollars and received notice that their application was approved.

Mike Griffith - Snow Removal Bill

Mike Griffith, residing at 22 Denver, appeared before the Commission to discuss the bill he received for snow removal services that took place on December 17, 2009. Griffith said the bill is for \$208.00 and feels this bill is excessive especially for the one to two inches of snow that was on his sidewalk.

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Griffith noted there are five other homeowners in his neighborhood that have not shoveled their sidewalks since the Christmas blizzard, and added that those homes are not owner occupied. Griffith asked if the City crews would be shoveling and billing those homeowners. Griffith asked the Commission why homeowners who actually live and work in Deadwood and pay taxes are penalized for such action by the City of Deadwood. Griffith told the Commission that the hourly rate of \$71.50 per hour he was billed is excessive and added that the average hourly wage in Deadwood is \$9 to \$10 per hour. Griffith requested that the Commission reconsider the exorbitant charge for the removal of one to two inches of snow on his sidewalk. Public Works Director Jim Raysor said that the Parks Department receives a list from the Ordinance Officers and City employees are sent out to shovel and maintain sidewalks. According to Raysor, he explained that the charge of \$71.50 per hour per employee which includes travel time and violators are billed a one hour flat charge. Raysor agreed that the rate of \$71.50 may seem high; however, the intent is to eliminate City employees from shoveling all the sidewalks in Deadwood. In comparing the rate with other cities within South Dakota, he said Deadwood's fees are not excessive. He said due to the amount of snow during the Christmas blizzard they are currently identifying properties that are in violation of the City snow-shoveling ordinance and added that the homeowner has had ample time to remove the snow from their sidewalks. Mayor Toscana reiterated the fact that the City snow-shoveling ordinance protects the City from liability in case of an accident. Toscana said he is out walking every day and agreed that there is so much snow the sidewalks are icy and dangerous. Commissioner Silvernail added that all residents need to follow the rules, as they are for all residents not a certain few. Raysor said that the Public Works office has received complaints from residents regarding sidewalks that are not shoveled and the City has been going out to shovel and maintain these sidewalks. Mayor Toscana agreed that the bill is high and added that the City employees are very busy shoveling and maintaining of all the City properties. Toscana said the City is not trying to balance the budget on the backs of the taxpayers with these fees. Chief Fuller requested that the Commission set specific standards and guidelines to assist the Ordinance Officers when issuing such citations. Toscana agreed with Chief Fuller that guidelines must to be set and followed. Schroeder moved, Peterson seconded, to forgive the snow removal bill for Michael Griffith for \$208.00. Roll Call: Aye-Peterson, Schroeder, Toscana. Nay-Silvernail. Abstain-Klamm. Motion Carried.

L-D Middle School Project

Lei' Ani Weiringa, 61 Madison, representing the Lead-Deadwood Middle School Project Citizen program appeared before the Commission to request financial assistance from the City of Deadwood for a summer (June-August) bus service between Lead and Deadwood for students and elderly residents. Lei' Ani presented a detailed route with stops, proposed schedules, and fees. Lei' Ani has contacted Prairie Hills Transit to discuss the option of using one of their buses and the daily costs associated with this request. Lei' Ani added they are requesting financial assistance from the City of Lead. After much discussion, Toscana explained that in order for the City of Deadwood to help subsidize this request the cost would need to be shared by the City of Lead. Toscana requested that Lei' Ani confirm the costs with Prairie Hills Transit and come before the Commission to discuss.

Mike Randall- Snowmobile Complaint

Mike Randall, 200 Charles Street (Claim Jumpers Trailer Park), appeared before the Commission to voice his concerns with the noise of snowmobiles on the Mickelson Trail early in the morning and late at night. He asked if the City could close this portion of the Mickelson Trail by Claim Jumpers Trailer Park. Toscana explained that in the past a request was made to leave the snow on the trail and allow the snowmobiles to travel to the gas stations. The Commission discussed the possibility of posting signs with time limits from "Dawn to Dusk" on the trail. Mayor Toscana directed Public Works Director Jim Raysor to discuss this issue with the SD Game, Fish, and Parks department and come before the Commission on January 19, 2010. Commissioner Klamm added that if the City closes this portion of the trail the snowmobilers will use City streets and this would cause an even larger problem for the Police Department. City Attorney will research City Ordinances and request any revision needed by the January 19 meeting.

Discussion - Racquetball Court

Dr. Jose Alonso appeared before the Commission to discuss the plans for the racquetball court in the Deadwood Rec Center and asked if they would consider the possibility of converting the racquetball court to a squash court. Alonso explained that a moveable wall could be installed in the racquetball court to convert to a squash court in a matter of minutes. Alonso said he would like the City to approve the expenditure, as this is a rapidly growing sport. Public Works Director Jim Raysor said the contractor has prepared an estimate and the estimated cost is \$11,000 to \$11,500. Alonso added that he would help fund this expenditure by contributing \$8,000.00 for the squash court. Silvernail moved, Klamm seconded, to approve the expenditure for the conversion of the racquetball court to a squash

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court and accept the contribution of \$8,000 from Dr. Jose Alonso and the City to pay the balance (approximately \$3,000) for the project. Roll Call: Aye-All. Motion carried.

FINANCE

Property Tax Abatement

Peterson moved, Silvernail seconded, to allow the Mayor to sign the request for property tax abatement for the Gillmore Apartments at 442 Williams Street: Parcel # 30025-08500-030-00, Lot 1, 2, & 3, Block L. Roll Call: Aye-All. Motion carried.

Resolution 2010-03

Mary Jo Nelson provided detailed information for the Commission clarifying the resolution to establish the cash designation balance as of December 31, 2009. Peterson moved, Silvernail seconded, to approve Resolution 2010-03 to Establish Cash Designations as of December 31, 2009. Roll Call: Aye-All. Motion carried.

Resolution 2010-03
A RESOLUTION TO ESTABLISH CASH DESIGNATIONS

Be it resolved by the Deadwood City Commission that the City of Deadwood approved the establishment of cash reserves in the following funds for capital outlay purposes per SDCL 9-21-14.1 as of December 31, 2009:

- Business Improvement District 1-6 Designated for Parking: \$370,413.00
- General Fund Designated for Fire Truck \$227,000.00
- Business Improvement District #7 Designated for Convention Center: \$550,000.00
- Parking and Transportation Designation for Trolley Replacement: \$225,000.00.

Dated this 11th day of January, 2010.

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

City of Deadwood

/s/ Francis A. Toscana, Mayor

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Resolution 2010-04

Peterson moved, Silvernail seconded, to approve Resolution 2010-04 to Make Interfund Cash Transfers. Roll Call: Aye-All. Motion carried.

**RESOLUTION 2010-04
A RESOLUTION TO MAKE THE FOLLOWING INTERFUND CASH
TRANSFERS FOR THE YEAR 2009**

Be it resolved by the Deadwood City Commission that the City of Deadwood approve the following interfund cash transfers for the year 2009.

From Historic Preservation (Fund 0215) to Trolley Department (Fund 0610) \$25,000.00 for new trolley reserve and \$92,000.00 for support of trolley operational expenses. From Historic Preservation (Fund 0215) to General Fund (Fund 0101) for impact funds \$1,322,356.00. From Historic Preservation (Fund 0215) to Water Fund (Fund 0602) for impact funds \$160,814.00.

From Historic Preservation (Fund 0215) Cash from Bond Series 2003-2004 Construction Fund to the following Capital Projects Funds Cash in the following amounts: Slime Plant Project (Fund 0505) \$917,244.93, Rec Center Renovation (Fund 0519) \$1,290,954.21, St. Ambrose Project (Fund 0544) \$15,633.40 for construction project expenses.

From Methodist Church Park Capital Projects Fund (Fund 0517) to Slime Plant Capital Projects Fund (Fund 0505) \$4,031.00 to zero out Methodist Church Park Capital Project.

From General Fund (0101) to Library Fund (Fund 0206) \$29,000.00, in support of operational expenses.

Dated this 11th day of January 2010.

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Francis A. Toscana, Mayor

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Information - TentexKota Payments

Commissioner Peterson informed the Commission that the Finance Office received all outstanding payments from TenTexKota for previously billed change orders for the Slime Plant project totaling \$34,333.00.

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HISTORIC PRESERVATION/PLANNING & ZONING/PUBLIC BUILDINGS/SAFETY

Travel Request

Archivist Mike Runge appeared before the Commission to request permission to attend the National Preservation Institute Workshop in Tucson, Arizona. Runge explained that he budgeted \$1,000 for Professional Development in 2009 and did not use that money so he requested using unspent 2009 dollars and to the existing 2010 budget of \$1,000 totaling \$2,000 toward this travel expenditure. Runge told the Commission that he would pay any expenditure that exceeds the \$1,500 limit (actual expenditures total \$1,865.28.) Mayor Toscana said the City's policy for out of state travel is limited to \$1,500.00 every other year. Commissioner Silvernail expressed her concerns with this request since the policy manual states \$1,500. After discussing, Silvernail moved, Peterson seconded, to allow the expenditure of \$1,500 towards travel and registration request for Mike Runge to attend the National Preservation Institute Workshop March 15-19, 2010. Commissioner Klamm said that the money for this request is in the budget and there he does not see a problem funding the whole trip. Mayor Toscana said the Commission has approved the \$1,500 toward this travel request and if the Commission decides to revise the out of state travel policy in the future at that point in time Runge could be reimbursed, depending on the new limit amount. Roll Call: Aye-All. Motion carried.

STREETS/WATER/LIBRARY

Payment Request

Schroeder moved, Klamm seconded, to approve the payments to additional contractors hired for snow removal: Shockey Sand & Gravel - \$2,535.00, Christensen Contracting - \$3,049.80, and M & S Construction - \$10,993.71 totaling \$16,578.51, to be paid from the Street Department budget. Roll Call: Aye-All. Motion carried. Commissioner Peterson requested that the excise tax be omitted from Christensen Contracting and M & S Construction invoices since the work is a service, not construction.

POLICE/FIRE

Payment Request

Klamm moved, Peterson seconded, to approve the payment of \$1,800.00 to ESRI, Inc. for the Fire Department GIS maintenance contract from April 2010 to April 2011. Roll Call: Aye-All. Motion carried.

Hire Request

Klamm moved, Silvernail seconded, to approve the advertising for reserve officers for the Police Department. Roll Call: Aye-All. Motion carried.

PARKS/RECREATION/TROLLEY

Wage Increase

Silvernail moved, Peterson seconded, to approve the wage increase for Roger Addington, Parks Department employee, from \$14.14 to \$14.92 per hour after completion of one year of service (95% of prevailing wage), effective January 7, 2010. Roll Call: Aye-All. Motion carried.

Purchase Request

Silvernail moved, Peterson seconded, to approve the purchase of a snow blower at a cost of \$2,799.00 from The Chainsaw Center. Roll Call: Aye-All. Motion carried.

LEGAL BUSINESS

Construction Change Directive

Jim Raysor Public Works Director explained to the Commission that the request for the Change Directive #001 for the Rec Center is to simply add the previously approved Alternates 1-4 to the original contract plus the costs of each Alternate. Klamm moved, Silvernail seconded, to allow the Mayor to sign the Construction Change Directive #001 for the Rec Center Project, which is an increase of \$791,448.24 to the Contract Sum or Guaranteed Maximum Price.

Contract - 81 Stewart Retaining Wall

Silvernail moved, Schroeder seconded, to allow the Mayor to sign the contract between the City of Deadwood, Travis Floyd, and Sabo Construction for the retaining wall project for \$14,300.00. Roll Call: Aye-All. Motion carried.

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Contract - 111 Williams Retaining Wall

Silvernail moved, Schroeder seconded, to allow the Mayor to sign the contract between the City of Deadwood, Lynette Kirkeby, and High Grade Excavating/Forgey Construction for the retaining wall project for \$12,300.00. Roll Call: Aye-All. Motion carried.

Request Executive Session

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

MAYORS BUSINESS

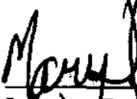
Martin Luther King Holiday Schedule

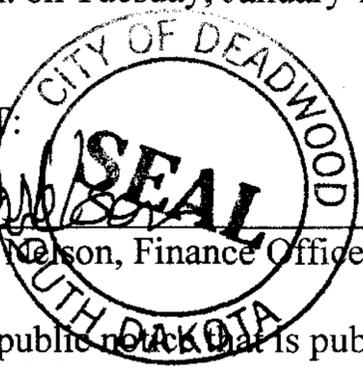
Mayor Toscana announced that due to the Martin Luther King Day on Monday, January 18, 2010, the City Commission meeting would be at 5:00 p.m. on Tuesday, January 19, 2010.

EXECUTIVE SESSION/ADJOURNMENT

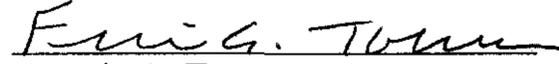
Klamm moved, Silvernail seconded, to adjourn the regular session at 6:15 p.m. and convene into Executive Session for contractual matters with no action taken. The next regular meeting will be at 5:00 p.m. on Tuesday, January 19, 2010.

ATTEST:


Mary Jo Nelson, Finance Officer



DATE: 1-19-10

BY: 
Francis A. Toscana, Mayor

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

