

EXECUTIVE SESSION/REGULAR MEETING, April 6, 2009

The Regular Session of the Deadwood City Commission convened on April 6, 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.

CONDOLENCES

On behalf of the Commission and City of Deadwood, Mayor Toscana extended condolences to the Katon Family for the passing of Dennis Katon who passed away last Thursday. Dennis served as a City Commissioner in the 1970's.

APPROVAL OF MINUTES

Klamm moved, Schroeder seconded, to approve the minutes of April 1, 2009 with a motion correction. Roll Call: Aye-All. Motion carried.

MARCH 2009 PAYROLL: COMMISSION, \$2,730.76; ATTORNEY, \$5,384.62; FINANCE, \$13,707.05; PUBLIC BUILDINGS, \$2,053.67; POLICE, \$37,056.37; FIRE, \$4,157.78; BUILDING INSPECTION, \$3,230.41; STREETS, \$23,151.08; PARKS, \$14,031.69; PLANNING & ZONING, \$4,307.70; LIBRARY, \$6,094.94; RECREATION CENTER, \$6,397.90; HISTORIC PRESERVATION, \$11,172.55; WATER, \$12,427.51; PARKING METER, \$7,027.52; TROLLEY, \$11,685.28 PARKING RAMP, \$5,152.48; RUBBLE SITE, \$1,071.00. **PAYROLL TOTAL: \$170,840.31.**

MARCH 2009 PAYROLL PAYMENTS:

Internal Revenue Service, \$38,156.64; S.D. Retirement System, \$18,870.68; Delta Dental, \$3,039.72.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Schroeder seconded, to approve the April 6, 2009 disbursements. Roll Call: Aye-All. Motion carried.

ABC	SUPPLIES	298.51
BH CHEMICAL	SUPPLIES	2,431.04
BH POWER	UTILITIES	3,008.42
CULLIGAN	WATER	35.50
DAKOTA BUSINESS CENTER	MNTHLY MAINT	42.35
DAKOTA SUPPLY GROUP	METERS	65,535.00
DEADWOOD ELECTRIC	CIRCUIT	1,366.94
DEADWOOD FIRE DEPARTMENT	REIMBURSE	275.00
DEADWOOD HOME CENTER	PLYWOOD	278.93
GOLDEN WEST TECHNOLOGIES, GOVERNMENT FINANCE OFFICER	SERVICE-FINANCE	439.23
HEWLETT-PACKARD	PUBLICATION	28.00
HILLS MATERIALS	COMPUTER	642.00
KLUNDER, KURT	BASE COURSE	356.46
KNOLOGY	DUSTIN SCHUMACHER	25.00
LEAD DEADWOOD SANITARY	PHONES	589.82
NAPA	EQR & USAGE CHGS	22,645.02
PETTY CASH-FINANCE	BATTERY CABLE CONNECTOR	2,578.29
PITNEY BOWES INC	REIMBURSE	99.44
SD HUMANITIES COUNCIL	POSTAGE	500.00
SD STATE TREASURER	BOOK FESTIVAL 2009	10,000.00
TWIN CITY ANIMAL SHELTER	MARCH 2009 SALES TAX	2,976.46
W.S. DARLEY & CO.	2009 SPAY/NEUTER FUNDS	3,000.00
WESTERN COMMUNICATIONS	TRAFFIC CONES	651.91
	MOBILE	100.20
	TOTAL	\$117,903.52

ITEMS FROM CITIZENS ON AGENDA

Request Vending Permit - Margaret Fry

Margaret Fry submitted a written letter to the Commission requesting a permit for vending food on the streets of Deadwood, using a small cart, and operating on weekends only. Planning and Zoning Administrator, Bernie Williams and City Attorney, Jason Campbell discussed the request and made a decision that this would require a temporary vending license. A temporary vending license in Deadwood is valid for 14 days at a cost of \$750.00. Ms. Williams will notify Ms. Fry in writing of the requirements of a temporary vending license.

Gott Street/Williams Street Residents (Continued from 4-1-2009)

Dave Thompson, Williams Street resident, appeared before the Commission requesting proper signage for the residents of Gott/Williams Street. Chief Fuller and Chief Mohr reassured Thompson that the addresses of these residents would be flagged in the dispatch system to clarify and improve services with the Police, Fire, Ambulance, and Emergency services personnel. Mayor Toscana said the street has a sign and is named Gott Street however; it is not mapped as a City street. Bernie Williams, Planning and Zoning Administrator concurred with Toscana and said that Gott Street is not a platted City street, so therefore it is not maintained or paved. City Attorney Jason Campbell said he researched this issue and City has no records showing that the City has expended funds and/or

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maintained this street. After much discussion, Mayor Toscana directed Bernie Williams, Jim Raysor, and Jason Campbell to review the matter and continue this item to the April 20, 2009 meeting.

PUBLIC HEARINGS/BID OPENINGS

Advertise/Set Bid Opening

Schroeder moved, Silvernail seconded, to approve the advertising and to set a bid opening for two retaining walls in retaining wall program on May 4, 2009 at 5:15 p.m. Properties are: 316 Williams Street and 58 Pleasant Street. Roll Call: Aye-All. Motion carried.

FINANCE

Property Tax Abatement

Peterson moved, Silvernail seconded, to allow the Mayor to sign the property tax abatement for the City after the 2008 purchase of Kellar properties: 30075-00002-000-00, 30075-00001-000-10, 30075-00009-000-00. Roll Call: Aye-All. Motion carried.

Employee Resignation

Peterson moved, Schroeder seconded, to accept the resignation of parking ramp attendant, Tasha Graham, effective April 16, 2009. Roll Call: Aye-All. Motion carried.

Advertise Position

Peterson moved, Schroeder seconded, to allow the Broadway Parking Ramp to advertise for the vacant position. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING & ZONING/PUBLIC BUILDING/SAFETY

Deadwood Chamber Lease Renewal

Klamm moved, Silvernail seconded, to allow the Mayor to sign the three (3) year renewal lease between the City of Deadwood and Deadwood Chamber for the use of the Deadwood Pavilion. Roll Call: Aye-All. Motion carried.

Conditional Use Permit - Cell Tower Site

Bernie Williams, Planning, and Zoning Administrator informed the Commission that Scott Goble with SWS, LLC submitted a request for a Conditional Use Permit to allow cell tower sites on the Hampton Inn located at 531 Main Street. The Planning and Zoning Commission approved the request. Silvernail moved, Klamm seconded, to accept and approve the recommendation of the Planning and Zoning Commission. Roll Call: Aye-All. Motion carried.

Change of Zoning - First Reading

Bernie Williams informed the Commission that Richard L. Granberg (Penny Motel, owner) submitted a Change of Zoning application for the property known as 822 Main Street. The current zoning of this property is R1-Residential District and is being proposed as C1-Commercial District. The proposed zoning is being requested in order to allow the single-family residence to be used as a nightly rental for the Penny Motel, with adequate parking. Williams stated two (2) residents, Keith Shostrom (830 Main) and Ferd Bakenhol (834 Main) objected to this request. Planning and Zoning Commission met April 1, 2009 to consider this request however, the request was denied due to a conflict with the Comprehensive and Land Use Plan regarding protection of existing neighborhoods, and precedence would be set which would open the doors to other requests in residential areas for commercial uses. Williams read two letters: 1) Keith Shostrom opposing this request, 2) Richard Granberg asking the Commission to consider his application. A petition was also received with fourteen (14) signatures in favor. Commissioner Peterson recused himself from this matter. After much discussion, Silvernail moved, Toscana seconded, to accept the recommendation by the Planning and Zoning Commission to deny the rezoning request. Roll Call: Aye-Silvernail, Schroeder, Toscana. Nay-Klamm. Motion carried.

STREETS/WATER/LIBRARY

Discussion - Snow Removal Policy (Continued from 4-1-2009)

Commissioner Schroeder reviewed the proposed snow removal policy presented at the April 1 meeting and suggested that in the absence of the Public Works Director should a "call out" be necessary after regular work hours that determination would be made by the Police Department, Mayor, and/or Street Department Commissioner. Toscana opened up the discussion to the public. Gary Todd, Gold

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Country Inn, complimented the City crews for doing a fine job of snow removal. Todd said it has been a tough couple of weeks with the amount snow received and the City does not need the added expense or hassle to haul away snow from his business or other businesses. Mayor Toscana said that the City crews should not be going on to private property to remove snow, as this is a liability issue. David Thompson, Williams Street resident, stated that the residents are being neglected due to the City assisting with the snow removal for the commercial properties. Thompson added that the City needs to focus on the residents first and the businesses second. Commissioner Peterson said he does not feel the residents are being neglected. Mark Bergstein, John Street resident, expressed his concerns with the snow packed sidewalk from McKenna's Gold to the Four Aces and would like to see the City be responsible for the shoveling of this sidewalk. Toscana concurred with Bergstein that this sidewalks need to be maintained by the residents in a more timely manner however, this section is not the City's responsibility. Tom Blair, Ryan Road resident, said he heard many rumors regarding snow removal and suggested that the City hold a public meeting to discuss issues and put the rumors to rest and to change insurance carriers due to the possibility of liability issues. Mike Trucano, Main Street resident, thanked the City crews and commented, "no one moves snow like the City of Deadwood." Trucano added he would like a copy of the proposed snow removal policy. Commissioner Schroeder requested this item be continued.

Purchase Request

Schroeder moved, Klamm seconded, to approve the purchase of 5,500 gallons of diesel fuel at \$1.65 per gallon from Southside. Roll Call: Aye-All. Motion carried.

PARKS/RECREATION/TROLLEY

Discussion - Summer Camp Supervision

After discussing the position and qualifications needed for the Summer Camp Program, Silvernail moved, Peterson seconded, to allow the Rec Center to advertise for a summer camp supervisor at \$9.00 per hour. Roll Call: Aye-All. Motion carried.

LEGAL BUSINESS

Ordinance #1116 - Second Reading

There being no comment on Ordinance #1116 Amending Title 16-Subdivisions, Klamm moved, Silvernail seconded, to approve the second reading of said ordinance. Roll Call: Aye-All. Motion carried.

Parking Lease Renewals

Silvernail moved, Klamm seconded, to allow the Mayor to sign the thirty-six (36) month parking lease renewal with Adams Law Offices. Roll Call: Aye-All. Motion carried.

Silvernail moved, Klamm seconded, to allow the Mayor to sign the thirty-six (36) month parking lease renewal with TDG Communications. Roll Call: Aye-All. Motion carried.

Silvernail moved, Klamm seconded, to allow the Mayor to sign the thirty-six (36) month parking lease renewal with Silverado. Roll Call: Aye-All. Motion carried.

Silvernail moved, Klamm seconded, to allow the Mayor to sign the thirty-six (36) month parking lease renewal with Rchetto/Peterson. Peterson recused himself from this matter. Aye: Silvernail, Klamm, Schroeder, Toscana. Roll Call: Aye-All. Motion carried.

Silvernail moved, Klamm seconded, to allow the Mayor to sign the thirty-six (36) month parking lease renewal with First Western Bank. Roll Call: Aye-All. Motion carried.

MAYORS BUSINESS

Discussion - Appointment of Appeals Board (Continued from 4-1-2009)

Mayor Toscana requested this item be continued to the April 20, 2009 meeting.

Executive Session

Mayor Toscana requested a brief Executive Session for legal matters with no action to be taken following the regular meeting.

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ITEMS FROM CITIZENS NOT ON AGENDA

Police Department

Chief Fuller presented the Commission with the Police Department's 2008 Annual Report.

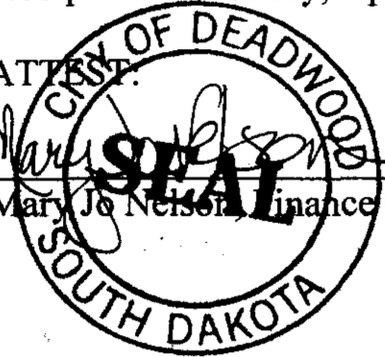
ADJOURNMENT

Klamm moved, Schoreder seconded, to adjourn the regular session at 6:10 p.m. and convene into Executive Session for legal matter with no action to be taken. The next regular meeting will be at 5:00 p.m. on Monday, April 13, 2009.

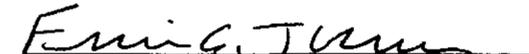
ATTEST:



Mary Jo Nelson, Finance Officer



DATE: 4-13-09

BY: 
Francis A. Toscana, Mayor