

EXECUTIVE SESSION/REGULAR MEETING, July 27, 2009

The Regular Session of the Deadwood City Commission convened on July 27, 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, Schroeder seconded, to approve the minutes of July 20, 2009. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Klamm moved, Schroeder seconded, to approve the July 27, 2009 disbursements. Commissioner Silvernail requested that the invoices for Quality Services, Inc. in the amount of \$15,271.25 and \$22,035.75 be held until the August 3 meeting due to questions. Roll Call: Aye - Klamm, Schroeder. Nay: Peterson, Silvernail, Toscana. Motion failed. Toscana then moved, Peterson seconded, to approve the July 27, 2009 disbursements with the exception of the two invoices for Quality Services, Inc. totaling \$37,307.00. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	MO MAINT	542.38
A & B WELDING	CARBON DIOXIDE	40.87
ABC	SUPPLIES	301.67
ADAMS MUSEUM	OPERATING EXPENSES	14,006.63
AINSWORTH-BENNING	CMAR/REC CNTR	37,406.25
ALCO STORES, INC.	SUPPLIES	24.25
ALLTEL	PD PHONES	130.61
BH CHEMICAL	SUPPLIES	1,397.35
BH POWER	UTILITIES	9,433.39
BH PURE	WATER	5.75
BH SPECIAL SERV	CLEANING SERV	1,501.50
CAMPBELL, JASON	REIMBURSE	45.28
CHUBBY CHIPMUNK	TRAINING	94.50
CULLIGAN	WATER	28.00
DAKOTA GRAPHICS	BROCHURES-REPRINTS	2,748.50
DAKOTA PLAINS AUCTION	ARTIFACTS	5,152.00
DAKOTA SUPPLY	MODULES	347.27
DAKOTA WESLEYAN UNIVERSITY	WEB SPONSOR	150.00
DEADWOOD ALIVE	2ND QTR PAYMENT	22,250.00
DEADWOOD DEV CO	SHIPPING	10.72
DEADWOOD ECONOMIC DEV	JULY 09 PAYMENT	1,580.02
DEADWOOD HOME CENTER	SUPPLIES	33.85
DEADWOOD RESORT, LLC	CONSTRUCTION DRAW	2,922,509.00
EDDIE'S TRUCK SALES	SPRING	3.91
GOLDEN WEST	COMPUTER SUPPORT	4,855.00
GUSTAFSON BUILDERS	SLIME PLANT FACADE	21,287.43
HCW, INC.	RENOVATION CHUTES	7,036.70
HILLSIDE DISPOSAL	RES GARBAGE	5,071.00
INTERSTATE BATTERY	BATTERIES	497.40
JACOBS WELDING	SQ TUBE	87.11
JULIN, SUZANNE	ORAL HISTORIES	1,140.00
KEN HAWKI	REIMBS	15.50
KNOLOGY	PHONE SERV	1,816.15
MAVERICK (BLONDIES)	SUPPLIES	46.25
MOHR, TRENT	PROF SERV	49.95
MUTH ELECTRIC.	MICKELSON PROJECT	21,768.75
NATIONAL TRUST MAIN ST	MEMBERSHIP 2009	250.00
NEWMAN TRAFFIC SIGNS	SIGNS	56.34
OFFICE DEPOT	SUPPLIES	579.97
PONTIUS, JERRY	REIMBS	536.53
PUBLIC SAFETY CENTER, INC.	VESTS	217.63
SABO CONSTRUCTION	SELBIE ST	4,899.62
SD HUMANITIES	DWD FESTIVAL-09	5,000.00
SD PUBLIC HEALTH	TESTING	24.00
SOUTHSIDE	KEROSENE	11,506.11
SPALDING FLY PREDATORS	SUPPLIES	208.90
SPEARFISH VALLEY COMM	GRANT	5,102.05
STATE RADIO COMM	TELETYPE	1,800.00
STRETCH'S	REPAIR	214.23
STURDEVANT'S	ACD BATTERIES	309.96
SURPLUS CENTER	JF340 ENGINE	233.50
TOMS, DON	LC LEDGERS	1,152.00
TOSCANA, KATHY	REIMBS	65.00
TRIPLE K TIRE	LABOR FULES PS SYSTEM	118.00
TC HARDWARE	SUPPLIES	560.29
UMENTHUM, KEITH	REIMBS	58.29
VANWAY TROPHY	PLATES	28.50
WESTERN STAR, INC.	WIRE	86.16
WWHA / WILD WEST HISTORY A	MEMBERSHIP	45.00
ZEP	SUPPLIES	185.83
	TOTAL	\$3,116,652.85

EXECUTIVE SESSION/REGULAR MEETING, July 27, 2009

ITEMS FROM CITIZENS ON AGENDA

Poppy Day - Thank you

Les Karas representing Disabled American Veterans (DAV) thanked the Mayor and City Commission for their continued support and assistance they receive from everyone in the community. No action taken.

Additional Parking Ramp - Discussion

Mayor Toscana informed everyone that the USDA Rural Development-South Dakota and Deadwood Mountain Grand would be discussing the possibility of the City of Deadwood owning an additional parking ramp, which was initially going to be built by the developer Deadwood Mountain Grand. George Mitchell representing Deadwood Mountain Grand stated that due to the economic times, they would need to either increase the capital or reduce the costs of the Slime Plant project to be able to build the parking ramp. Tim Potts with USDA Rural Development-South Dakota, informed the Commission that they offer a community facilities assistance program for services that are essential for cities. The interest rates currently are at 4.375% (effective until September 30, 2009) with long term financing for assets up to forty-(40) years. Potts gave an example of financing \$3.6 million with monthly payments of \$16,000 and the cost of \$80.00 per space per month. According to Potts, if the project meets the program guidelines and the City is an eligible applicant, the costs would be reviewed for amount of the loan. Cam Lund with Lund & Associates explained that the parking ramp would be located across from the Slime Plant (behind the County/City Offices) and is a single elevated level structure with 200 (car) spaces with an additional 67 motorcycle spaces. Commissioner Silvernail asked if the designed structure could be expanded if needed. He said not with the current design but they could redo the schematics to expand the structure. A third level was discussed however; Kevin Kuchenbecker said the initial height of the first level had to be increased for the purpose of emergency vehicle access. Kuchenbecker said the schematics could be changed to accommodate a third level if needed and approved by the Historic Preservation Commission (HPC). HPC expressed concerns that the ramp would be taller than the VFW building. Cam said Lund has various schematics designed for this structure and would be able to present them at a meeting. Mayor Toscana asked what parking agreements are currently in place with the County offices and VFW. Commissioner Silvernail said the County offices have 70 spaces from 6:30 a.m. to 5:30 p.m. Monday-Friday, Sheriff's Office has 10 spaces (24-7) and VFW allowed 10 spaces (24-7). Commissioners Schroeder, Silvernail, and the Mayor agreed that more spaces are needed for this structure. Mayor Toscana asked Potts about a timeline for this project funding and he replied that an environmental study along with various agency reviews need to be completed in a timely manner. Potts reminded the Commission that the interest rate of 4.375% is good until September 30, 2009 and they change quarterly. Mayor Toscana requested that a public hearing be set for August 10, 2009 to discuss this matter. Toscana directed Commissioner Schroeder, Jim Raysor, and Kevin Kuchenbecker to work with the developer and their architects to come up with a plan for the addition of a second and third level. Commissioner Silvernail asked if this would go against the City's debt limit and Toscana replied that the City would need to hire bond counsel to make this determination. Mayor Toscana thanked everyone that has been involved. Klamm moved, Peterson seconded, to set a public hearing at 5:15 p.m. on August 10, 2009 to discuss the possibility of City-Owned Parking Ramp on Water Street. Roll Call: Aye-All. Motion carried.

Ordinance Violations - 85 Charles

Chuck Turbiville, Deadwood Economic Development Director, and Shanna Knox, owner of Rockin Locks Salon (83 Charles) appeared before the Commission to express their concerns with a property located at 85 Charles Street. Turbiville explained that since he requested that this issue be placed on the agenda as of last Friday some of these issues have been addressed. For example, the weeds have been cut down and the hole in the foundation has been boarded. Turbiville also thanked property owner Dennis Sabo for responding to this matter. Shanna Knox expressed concerns with drainage issues, crumbling foundation, possible mold, and the stability of the structure. Knox has made numerous complaints and said it is just an eye sore to the whole neighborhood and would to see something done as soon as possible. City Building Inspector Keith Umentum provided pictures of the structures dilapidated foundation, windows and the hole in the roof. Umentum said neither home has rain gutters, thus causing the drainage problem. A building permit was purchased for this property in 2004; Umentum added he has discussed the condition of the property with Sabo numerous times. A number of code issues need to be rectified such as the completion of the foundation, repairs to the roof, and making the home weather tight. Dennis Sabo, property owner, told the Commission he had applied for various assistance programs and was denied. Since that time, he has been working on these projects as time and money allows. Toscana asked Kevin Kuchenbecker if 85 Charles is a contributing structure for possible Historic Preservation funding. Kuchenbecker said he would research funding and assistance programs and would be in contact with Sabo. The Demolition by Neglect ordinance

EXECUTIVE SESSION/REGULAR MEETING, July 27, 2009

was also discussed at length. Turbiville asked if there could be a timeline set for this project to be completed. Silvernail moved, Peterson seconded, to continue this matter to the October 5, 2009 meeting. Roll Call: Aye-Klamm, Peterson, Silvernail, Toscana. Abstain: Schroeder. Motion carried.

PUBLIC HEARINGS/BID OPENINGS

Public Hearing

Dean Kinney with KBHB Radio, a sponsor of the Black Hills Tractor Drive event requested permission to close a portion of Main Street on August 15, 2009. Silvernail moved, Peterson seconded, to approve the street closure for Main Street from Wall to Deadwood Street for the Black Hills Tractor Drive from noon to 5:00 p.m. on August 15, 2009. Roll Call: Aye-All. Motion carried.

Set Public Hearing

Silvernail moved, Klamm seconded, to set a public hearing at 5:05 p.m. on August 17 for the NAJA Shriner Circus parade and waiver of vending fee (event to be held on June 26, 2010.) Roll Call: Aye-All. Motion carried.

Set Public Hearing

Peterson moved, Silvernail seconded, to set a public hearing at 5:10 p.m. on August 17 for the Homecoming Parade to be held in September 25, 2009. Roll Call: Aye-All. Motion carried.

Set Public Hearing

Peterson moved, Silvernail seconded, to set a public hearing at 5:05 p.m. on August 10 for on-off sale wine license for John, Patricia & Matthew Jackson dba Belle Joli Winery at 594 Main Street. Roll Call: Aye-All. Motion carried.

Set Public Hearing

Peterson moved, Klamm seconded, to a public hearing for on-off sale malt beverage license for Patrick Kirwan dba Pam's Purple Door at 637 Main Street on August 10 at 5:10 p.m. Roll Call: Aye-All. Motion carried.

FINANCE

Resolution 2009-16

Peterson moved, Silvernail seconded, to approve Resolution 2009-16 to Declare the Following Surplus Property. Roll Call: Aye-All. Motion carried.

RESOLUTION NO. 2009-16

A RESOLUTION TO DECLARE THE FOLLOWING SURPLUS PROPERTY

BE IT RESOLVED by the Deadwood City Commission that the City of Deadwood approve the following to be declared surplus:

2002 Molly Trolley - VIN# 1FCMF53SX20A03551 Title # 1145971

Trolley to be sold to the City of Rapid City dba Rushmore Plaza Civic Center for \$10,000.00.

Dated this 27th day of July, 2009.

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Francis A. Toscana, Mayor

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HISTORIC PRESERVATION/PLANNING & ZONING/PUBLIC BUILDINGS/SAFETY

Alternates - Rec Center Renovation Project

Finance Officer Mary Jo Nelson provided the Commission with a memorandum with possible funding sources for the Rec Center Alternates. After discussing, Klamm moved, Silvernail seconded, to approve the following alternates for the Rec Center project: Alternate #1 - Running Track \$455,954.14; Alternate #2 - Basement (including elevator) \$227,409.48; Alternate #3 Racquetball Court \$67,522.59; Alternate #4 - Water Feature \$40,562.03; total of 1-4 Alternates \$791,448.24. Roll Call: Aye-All. Motion carried.

Plat Approval

Planning and Zoning Administrator, Bernie Williams explained that the purpose of this final plat request is to define the boundaries of a Metes and Bounds legal description which was reviewed by City Staff and P & Z Commission who and approved plat request at the July 22, 2009 Special Meeting.

EXECUTIVE SESSION/REGULAR MEETING, July 27, 2009

Silvernail moved, Peterson seconded, to approve final plat for Aspen Storage 3 of Wilmington Placer M.S. 848, located in the unplatted portion of Wilmington Placer, M.S. 848, in the SW 1/4 of Section 13, T5N, R3E, B.H.M., lying inside the city limits of the City of Deadwood, Lawrence County, South Dakota. Roll Call: Aye-All. Motion carried.

Travel Request

Silvernail moved, Peterson seconded, to allow Deanna Berglund and Bernie Williams to attend the Western Planners Conference in Spearfish on September 9-11, 2009 at a cost of \$500 plus lunches and use of vehicle. Roll Call: Aye-All. Motion carried.

STREETS/WATER/LIBRARY

Wage Increase

Schroeder moved, Klamm seconded, to approve the wage increase of Patricia Oban from \$8.00 to \$8.50 per hour effective July 17, 2009, after completion of one year's service. Roll Call: Aye-All. Motion carried.

Purchase Request

Schroeder moved, Klamm seconded, to approve the purchase of two cubes of street pavers at a cost of \$1,858 and shipping from I-29 Brick and Stone Co. to be paid from HP Capital Asset line item. Roll Call: Aye-All. Motion carried.

Land Swap - Lou Curatolo

Jim Raysor informed the Commission that a meeting was held to discuss this request made by Lou Curatolo. According to Raysor, Curatolo agrees that the City land more value than his piece of property. After discussing this matter, they reached an alternative to the land swap. Raysor explained that Curatolo is building a home on his property and would like to place his excavation dirt on the City's property and fill the low-lying areas, which would improve the conditions of the City property. Curatolo agreed to provide proper drainage and re-vegetate the area when the filling process is completed. Schroeder moved, Klamm seconded, to ask City Attorney to prepare an agreement for Lou Curatolo to place excavation fill on City property and to re-vegetate to standards set by the City. Roll Call: Aye-All. Motion carried.

POLICE/FIRE

Fire Department Roster

Klamm moved, Silvernail seconded, to remove Corey VanVlack from the Fire Department roster, effective July 9, 2009 for workers compensation purposes. Roll Call: Aye-All. Motion carried.

LEGAL BUSINESS

Contract - Dennis Sabo

Silvernail moved, Klamm seconded, to allow the Mayor to sign a contract between the City of Deadwood and Dennis Sabo for the repairs of a wooden retaining wall on Selbie Street for \$2,000.00. Roll Call: Aye-All. Motion carried.

Contract - Pro-Steam

Silvernail moved, Klamm seconded, to allow the Mayor to sign a contract between the City of Deadwood and Pro-Steam for the cleaning of carpets at City Hall and Police Department for \$1,150.00. Roll Call: Aye-All. Motion carried.

Contract - Bullock Chair

Schroeder moved, Silvernail seconded, to allow the Mayor to sign a loan agreement between the City of Deadwood and the Adams Museum & House, Inc. for the Bullock Chair and Dice Cup until July 28, 2010. Roll Call: Aye-All. Motion carried.

MAYORS BUSINESS

Request Executive Session

Mayor Toscana requested an Executive Session following Regular Session for union negotiations and contractual matters with no action to be taken.

EXECUTIVE SESSION/REGULAR MEETING, July 27, 2009

ITEMS FROM CITIZENS NOT ON AGENDA

Days of 76

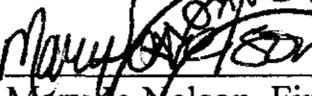
Commissioner Joe Peterson, representing the Days o 76 Committee, thanked the City Commission and all City departments who worked very hard and helped with the Days of 76 events, which were very successful again this year.

ADJOURNMENT/EXECUTIVE SESSION

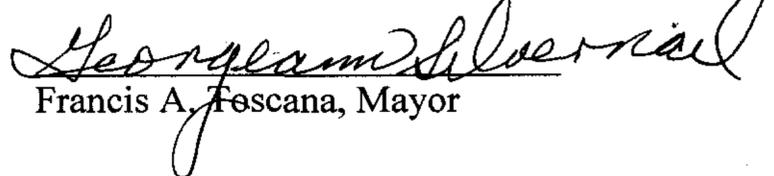
Schroeder moved, Toscana seconded, to adjourn the regular session at 6:15 p.m. and convene into Executive Session for union negotiations and contractual matters with no action to be taken. The next regular meeting will be at 5:00 p.m. on Monday, August 3, 2009.

ATTEST:

DATE: 8/3/09



Mary Jo Nelson, Finance Officer

BY: 
Francis A. Fescana, Mayor

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

