

REGULAR MEETING, March 1, 2010

The Regular Session of the Deadwood City Commission convened on March 1, 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 February 22, 2010. Roll Call: Aye-All. Motion carried.

FEBRUARY, 2010 PAYROLL: COMMISSION, \$2,730.76; ATTORNEY, \$1,505.84; FINANCE, \$13,841.04; PUBLIC BUILDINGS, \$2,035.83; POLICE, \$38,822.87; FIRE, \$4,234.70; BUILDING INSPECTION, \$3,316.56; STREETS, \$24,461.30; PARKS, \$14,937.18; LIBRARY, \$5,631.96; RECREATION CENTER, \$5,061.14; HISTORIC PRESERVATION, \$13,838.63; WATER, \$13,377.11; PARKING METER, \$7,620.80; TROLLEY, \$12,740.59; PARKING RAMP, \$5,356.27; RUBBLE SITE, \$1,651.00. **PAYROLL TOTAL: \$171,163.58.**

FEBRUARY, 2010 PAYROLL PAYMENTS:

Internal Revenue Service, \$39,688.34; S.D. Retirement System, \$18,805.36; Delta Dental, \$3,329.72.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Schroeder seconded, to approve the March 1, 2010 disbursements with additional bill. Roll Call: Aye-All. Motion carried.

ABC	SUPPLIES	55.20
ALCO	SUPPLIES	146.64
ALLTEL	PD PHONES	131.06
AMERICAN LEGION	GOVT DAY	50.00
BELL, ZACHARIAH	REIMBURSE	83.00
BH POWER	UTILITIES	4,459.39
BH SPECIAL SERV	CLEANING	924.00
CHAMBERLIN ARCHITECTS	76 MUSEUM PRJ	5,603.79
COMPANION LIFE	INSURANCE	217.80
CULLIGAN	WATER	16.50
CUSTOM MICRO	LIC-MAINT	3,150.00
DAKOTA BUSINESS	MAINT	80.85
DAKOTA SUPPLY	SUPPLIES	2,534.00
DWD CHAMBER	BILLS	2,852.00
DWD ECONOMIC DEV	FEES - FEB'10	1,580.02
DWD ELECTRIC	SUPPLIES	402.70
FARMER BROS	SUPPLIES	46.08
FASTENAL	SUPPLIES	540.00
HEIMAN	GLOVES	840.08
HSBC BUSINESS SOL	ACTUATOR	166.77
IKON	SUPPLIES	62.00
KNOLOGY	SERVICE	801.24
LC REGISTER DEEDS	FILING FEE	22.00
MOTOROLA	DIGITAL RADIO	1,504.00
NHS OF THE BH	CONTRACT-1ST QTR	21,725.00
NORTHERN TRUCK	VAULT	2,105.00
PITNEY BOWES	POSTAGE	500.00
QWEST	SERVICE	263.92
R & B SUPPLY	TOOLS	263.98
SCOTT PETERSON MOTORS	TOOLS	220.00
SD COMM GAMING	GOLD DUST PYMT	10,977.27
SERVALL	SUPPLIES	91.95
SD ANIMAL CONTROL	REGIS FEES	200.00
SD PUB HEALTH	TESTING	24.00
SOUTH SIDE	DIESEL	10,256.99
SPECIALTY VEHICLES	HOLDER	90.94
STREICHER'S	GRAPHICS	275.50
STRETCH'S	MIRROR	118.90
SUMMIT SIGNS	SIGNS	119.00
TRIPLE K	REPAIRS	157.07
TC HARDWARE	WATER	60.61
USPS	POSTAGE	217.81
USPS	POSTAGE	178.36
WEST RIVER HIST CONF	SPONSORSHIP	500.00
	TOTAL	\$ 74,728.97

ITEMS FROM CITIZENS ON AGENDA

Property Tax Abatement

Finance Officer Mary Jo Nelson informed the Commission that Marsha E. Morse, 20 Washington, is requesting the abatement of her 2009 property taxes parcel #30025-05100-110-00. According to Lawrence County Equalization office, a doorknocker was left at the residence, no response from Morse, so the renovations were presumed to be complete. Morse called the L.C. Equalization office upon receiving her property tax notice in February 2010 and an inspection was completed. Klamm moved, Peterson seconded, to deny the property tax abatement for the year 2009 for Marsha E. Morse at 20 Washington Street 2010 taxes were adjusted by Lawrence County. Roll Call: Aye-All. Motion carried.

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BH Wedding Chapel - Carriage Permit

Faith Goehring appeared before the Commission to request permission for the renewal of a carriage permit for 2010. According to Chief Fuller, the City ordinance states that Goehring needs to provide the Police Department with a detailed list of scheduled events, dates, times and routes. Fuller said Goehring recently made a request to provide carriage rides from the grocery store parking lot to the Days of 76 grounds for five hours on a Saturday. He expressed safety concerns with the time and route due to traffic congestion and possible inclement weather conditions. Fuller said that if Goehring has a special request other than the original approved route he feels these need to be reviewed by the Commission for their approval or denial. Peterson moved, Klamm seconded, to approve the renewal of the 2010 carriage permit for Black Hills Wedding Chapel with the stipulation that Goehring provides a detailed list of events and a 24-hour notice to the Police Department, and any special requests other than the approved route must be placed on the City agenda for the Commission's approval or denial. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS/BID OPENINGS

Public Hearing

Silvernail moved, Schroeder seconded, to approve the application transfer of the Retail (On-Off Sale) Malt Beverage License (RB-3185) for Historic Deadwood Convention Facility, LLC dba Wooden Nickel, Iron Horse Inn, and Martin Mason Hotel at 5-9 Lee Street. Roll Call: Aye-All. Motion carried.

Public Hearing

Silvernail moved, Schroeder seconded, to waive the vendor fee and approve the special malt beverage/wine license at the Masonic Temple for the Historic Preservation Symposium on May 14-16, 2010. Roll Call: Aye-All. Motion carried.

Bid Opening - (Continued from 2/22/2010)

Toscana moved Silvernail seconded, to accept the bid from Haldeman-Homme for the archive storage system in the amount of \$41,076.38 plus freight (bid opened 2/22/2010.) Roll Call: Aye-All. Motion carried.

FINANCE

Raffle Request

The Commission received a request from Iota Chapter of Delta Kappa Gamma (Honorary Women's Educational Society) to hold a raffle drawing. Tickets will be sold at the Lead-Deadwood Elementary School with the drawing for a quilt to be held on April 17, 2010, tickets are \$1.00 each or six for \$5.00. No action was taken.

17 Fillmore

Peterson moved, Schroeder seconded, to allow the Finance Office to write off the unpaid balance of \$530.12 on 17 Fillmore (Jim Callahan) due to bankruptcy proceedings and stop billing the property "off but charged" status. Roll Call: Aye-All. Motion carried.

Change Meeting Date

Commissioner Peterson said in order to comply with the state law; the Local Review Board meeting has been rescheduled for Monday, March 15, 2010 at 9:00 a.m. to review assessments. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING & ZONING/PUBLIC BUILDINGS/SAFETY

Employee Resignation

Toscana moved, Schroeder seconded, to accept the resignation of intern Mallory Everett effective February 23, 2010. Roll Call: Aye-All. Motion carried.

Surplus Gillmore Property

Historic Preservation Officer Kevin Kuchenbecker informed the Commission that the task force met to discuss various options for the Gillmore Apartments recently acquired by the City due to default on a historic preservation loan. Historic Preservation Commission recommendations are to surplus the Gillmore property and sell by sealed bid process. Kuchenbecker informed the Commission of the protection requirements, as this property is a contributing resource in the Deadwood National Historic Landmark District. The task force agreed that additional protection (in addition to City's ordinances,

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guidelines and laws) should be in the form of a covenant or conservation easement to run with the property. Items to be listed in covenant or conservation easement are: no construction, alteration or remodeling or any other activity shall be permitted unless approved by Historic Preservation Commission or State Historic Preservation Officer affirming that such reconstruction, repairs, rehabilitation, or restoration will meet The Secretary of the Interior's Standards for the Treatment of Historic Properties as codified in 36 CFR 68. Structure cannot be moved, relocated, or demolished at any time. Current and future owners agree to maintain the property in good and sound state of repair according to the Secretary of the Interior's Standards for the Treatment of Historic Properties to prevent deterioration and to preserve the historical integrity of the property, which makes the property eligible for listing on the National Register of Historic Places. Any and all current or future owners of the resource to waive their right to utilize SDCL 1-19B-27 with regards to any notification to demolish, materially alter, remodel, relocate, or put to a different use after 180 days written notice of the owner's proposed action has been given to the local historic preservation commission. Silvernail moved, Klamm seconded, to accept the recommendations of the task force and HPC to accept sealed bids and allow the City Attorney to prepare the covenants for the Gillmore property. Roll Call: Aye-All. Motion carried.

17 Fillmore

Silvernail moved, Schroeder seconded, to satisfy the mortgage due to bankruptcy proceedings at 17 Fillmore for \$3,555.19 in the Revolving Loan Fund. Roll Call: Aye-All. Motion carried.

Outside of Deadwood Grants

Silvernail moved, Schroeder seconded, to approve the grant for High Plains Western Heritage Center - Stabilization work on Meeker Ranch for \$2,500.00. Silvernail moved, Schroeder seconded, to approve the grant for Black Hills Historic Preservation Trust Inc. - Exhibit "Women of the West: Ranching and Rodeo 2010 for \$7,500.00. Roll Call: Aye-All. Motion carried.

Change Order #1 - 111 Williams

Kevin Kuchenbecker explained that High Grade Excavation is requesting a change order for the retaining wall project at 111 Williams Street. The change order is for the addition of stairs for \$1,845.00, which is 15% of the original bid new bid total, is \$14,145.00. Due to the changes, Kuchenbecker requested the Commission approve the change order pending final drawing from the engineer. Silvernail moved, Klamm seconded, to approve Change Order #1 for 111 Williams retaining wall project as requested. Roll Call: Aye-All. Motion carried.

STREETS/WATER/LIBRARY

Purchase Request

Schroeder moved, Klamm seconded, to approve the purchase of supplies from Genpro to convert additional sign trailer to solar power at a cost not to exceed \$2,500.00, to be paid from the Streets budget. Roll Call: Aye-All. Motion carried.

Travel Request

Schroeder moved, Klamm seconded, to allow Dean Schallenkamp to travel to Mitchell May 13-14, 2010 to attend a boiler operation conference, total estimated cost \$425.00. Roll Call: Aye-All. Motion carried.

POLICE/FIRE

2009 Fire Department Report

Klamm moved, Silvernail seconded, to acknowledge receipt of the 2009 Fire Department Annual Report. Roll Call: Aye-All. Motion carried.

Hire Request

Klamm moved, Silvernail seconded, to approve the hiring of Justin Lux as a reserve officer at \$10.00 per hour effective March 1, 2010, pending certification. Roll Call: Aye-All. Motion carried.

Advertise Position

Klamm moved, Silvernail seconded, to allow the Police Department to advertise the position for a summer ordinance officer. Roll Call: Aye-All. Motion carried.

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Travel Request

Klamm moved, Schroeder seconded, to allow Dustin Schumacher to attend the Search Warrant Writing class in Johnston, Iowa, at no cost to the City. Roll Call: Aye-All. Motion carried.

PARKS/RECREATION/TROLLEY

Wage Increase

Silvernail moved, Schroeder seconded, to approve the wage increase for Rec Center employee Eric Simonyak from \$9.50 to \$10.00 per hour when working as Rec Center Manager, effective February 25, 2010, after completion of two year's of service as manager. Roll Call: Aye-All. Motion carried.

Use of Trolley

Silvernail moved, Klamm seconded, to allow the trolley to travel to Reptile Gardens on April 14, 2010 at no cost for the Animal Control Seminar. Roll Call: Aye-All. Motion carried.

Purchase Request

Silvernail moved, Schroeder seconded, to approve the purchase of 15,000 brochures for the trolley system at a cost of \$1975.00, to be paid 1/2 from Historic Preservation Public Ed and 1/2 from Trolley budget. Roll Call: Aye-All. Motion carried.

LEGAL

Ordinance #1127 - First Reading

Klamm moved, Silvernail seconded, to approve first reading of Ordinance #1127 Amending 12.20 Snow Removal, 12.20.020 Duty of Owner requesting record owner to sprinkle or spread suitable material on snow/ice to prevent the walk from becoming slippery and dangerous to travel. Roll Call: Aye-All. Motion carried.

MAYORS BUSINESS

Hire Request

Silvernail moved, Klamm seconded, to approve the hiring of Robert Nelson Jr. for the Zoning Administrator position effective April 5, 2010 at \$47,500.00 annually, with one-year review. Roll Call: Aye-All. Motion carried.

Advertise Position

Silvernail moved, Klamm seconded, to allow the Water Technician position to be advertised in house for five days and advertise outside if no suitable candidates apply. Roll Call: Aye-All. Motion carried.

ITEMS FROM MAYOR, COMMISSIONERS, DEPARTMENT HEADS NOT ON AGENDA

Update for Pleasant Street-45 Burnham Project

Public Works Director said the contractor opened Pleasant Street, heating process for one day and will place two sewer taps for the 45 Burnham construction project, as previously discussed on February 22, 2010.

Surplus Trailer - Fire Department

Chief Mohr informed the Commission that the Fire Department surplus trailer would be utilized and transferred to the Parks Department rather than surplus as previously requested.

Cancellation of Municipal Election

Finance Officer Mary Jo Nelson informed everyone of the cancellation of the City of Deadwood's Municipal Election scheduled for April 13, 2010 for the Mayor – Three (3) Year Term. She said Francis A. Toscana was the only one to file a petition with the City Finance Office and will serve a three (3) year term.

Ladder Truck Update

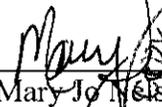
Commissioner Schroeder gave an update on information he received from Rapid City's Fire Station #3 on 100' ladder trucks and will meet with the Fire Department to discuss the information.

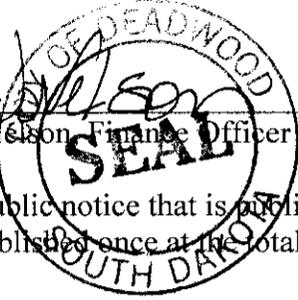
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ADJOURNMENT

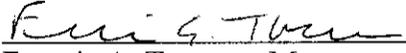
Klamm moved, Silvernail seconded, to adjourn the regular session at 5:45 p.m. The next regular meeting will be at 5:00 p.m. on Monday, March 8, 2010.

ATTEST:


Mary Jo Nelson, Finance Officer



DATE: 3-8-10

BY: 
Francis A. Toscana, Mayor

For any public notice that is published one time:

Published once at the total approximate cost of _____.