REGULAR MEETING, December 13, 2010

The Regular Session of the Deadwood City Commission convened on December 13, 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, Bruce Oberlander, Joe Peterson, Lenny Schroeder, and Georgeann Silvernail passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Silvernail moved, Schroeder seconded, to approve the minutes of December 6, 2010. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Schroeder moved, Silvernail seconded, to approve the December 13, 2010 disbursements. Roll Call: Aye-Schroeder, Silvernail, Peterson, Toscana. Abstain-Oberlander. Motion carried.

A & B BUSINESS	LEASE	107.84
ABC BUSINESS	SUPPLIES	76.86
ADAMS MUSEUM	SUPPLIES	257.14
ALCO	ADAPTOR	47.15
ALLEN, MEL	P&Z MTGS	175.00
AMERICAN TECHNICAL	DAYS 76 PRJ	3,552.00
ARBOR DAY FOUNDATION	MEMBERSHIP	40.00
BEST WESTERN RAMKOTA	LODGING	210.00
BH CHEMICAL	SUPPLIES	238.64
BH PIONEER	PUBLICATIONS	713.13
BH POWER	UTILITIES	517.77
BOMGAARS	AIR HOSE REEL	127.19
BOUMAN KRAUS, PC	OVERPAYMENT ORMISTON	32,955.80
BUTLER	PARTS	301.24
CENTRAL-AIR HEATING	LOAN DISB	5,725.00
CULLIGAN	RENTAL	88.00
DAKOTA GRAPHICS	ENVELOPES	180.00
DARIN DEROSIER	HP MTGS	250.00
DEADWOOD ELECTRIC	BULBS	82.32
DEADWOOD HOME	SUPPLIES	35.96
DIVERSIFIED INSPECTIONS	INSPECT TRUCK	459.85
DOOLITTLE, JAMES	NEGOTIATIONS	800.00
FALL RIVER HISTORICAL	GRANT	20,000.00
FARRIER, MARIE	P&Z MTGS	150.00
FASTENAL	SUPPLIES	209.10
FETERL, RONDA	HP MTGS	250.00
FITNESS DIRECT	EQUIPMENT-REC	6,028.00
FLAT EARTH SIGN CO	SIGN-REC	3,820.00
FRIEND WHITEWOOD CEMETERY	GRANT	7,500.00
GAYLORD BROS.	SUPPLIES	500.48
GOLDEN WEST	STORAGE	678.75
GOLDRUSH BROADCASTING	AD	180.00
GREEN, SHEREE	P&Z MTGS	125.00
HILLS MATERIALS	BAL CHIP-SEAL	466.53
HILLSIDE DISPOSAL	ROLL OFFS	680.00
JACOBS WELDING	PARTS	28.16
KNOLOGY	SERVICE	369.21
KUSTOM SIGNALS	EXT WARRANTY	636.00
LC HISTORICAL	GRANT	4,462.70
LAWSON PRODUCTS	SUPPLIES	222.34
LEAD-DWD SAN DIST	USAGE	23,034.33
LOCKS BY BERNIE	CLOWSER COLLECT	95.00
LUND ASSOCIATES	CADILLAC JACKS-PRJ	3,750.00
MENARD'S	LIGHTS	449.70
MICHAEL TODD & CO	CURB STOPPERS	3,459.60
NAPA	SUPPLIES	76.15
OBERLANDER, MARY ANN	HP MTGS	250.00
OCCUPATIONAL HEALTH	TESTING	965.50
OFFICE DEPOT	SUPPLIES	266.31
OLSEN, MIKE	HP MTGS	175.00
OLSON, STEVE	HP MTGS	250.00
PACK HORSE LIQUOR	BATTERIES	10.15
PASTPERFECT SOFTWARE	ANNUAL MAINT	424.00
PETTY CASH/HP	REIMBURSE	148.42
PFARR, RANDY	REIMBURSE	47.74
PIKE, MATTHEW	HP MTGS	200.00
QUILL	SUPPLIES	83.01
RAGATZ, MIKE	LOAN DISB	3,600.00
RC JOURNAL	AD	142.30
RYAN, LARRY	P&Z MTGS	175.00
SD COMM ON GAMING	CITY SLOTS	17,693.18
SD DEPT-HEALTH	SERVICES	829.00
SD DEPT REVENUE	MALT BEV	150.00
SD DEPT OF ENVIRONMENT	OP CERT	24.00
SDN COMMUNICATIONS	COMM LINE	571.20
SHEDD, JIM	P&Z MTGS	175.00
SD STATE TREASURER	SALES TAX	3,853.83
SOUTH SIDE	TIRES	560.00
STEINLICHT, WILLIE	HP MTGS	250.00
STRETCH'S	BATTERY PAC	250.70
TDG COMMUNICATIONS	WALL OF FAME	1,040.00
TEMPERATURE TECHNOLOGY	MAINT. AGRMNT	1,125.00
TOMS, DON	LC LEDGER PRJ	2,304.00
TC HARDWARE	SUPPLIES	340.26
WASTE CONNECTIONS	DUMPSTER/RES GB	7,517.71
	TOTAL	**$167,533.25**

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ITEMS FROM CITIZENS ON AGENDA

Sanford Lab Update
Bill Harlan, Sanford Lab Representative, appeared before the Commission to give an update on the Sanford Lab. Harlan said that the recent news received from the National Science Foundation Board rejecting the expected $29 million needed by the underground laboratory was quite a blow to everyone and they will continue to work on more possible funding. Harlan added they would have funding through 2011. Numerous projects along with experiments are continuing to move forward at this time.

Days of 76 Committee
Ted Thompson and Pat Roberts representing the Days of 76 Committee informed everyone that the Days of 76 Rodeo were the recipients of the Badlands Circuit Rodeo of the Year Award, Women's Professional Rodeo Association (WPRA) award, and the top honor was the 11th Professional Rodeo Cowboy Association Midsize Rodeo of the Year Award. Thompson thanked the City of Deadwood, Mayor, and City Commission for their dedication and financial support. Mayor Toscana along with the Commission congratulated and thanked Thompson, Roberts, and the committee for all their hard work and dedication.

Oak Ridge Cemetery
Janet Mason and Arlene Gustafson appeared before the Commission to ask if they had reached a decision on the two cemetery plots at the Oak Cemetery. Mayor Toscana said that Arleth Surveying has recently surveyed the cemetery and the City is verifying the information. Much discussion on the following issues with the existing cemetery map (prior to the recent survey), layout of the plots (six plots per row not eight), and map never being recorded with the County due to the lack of the surveyor's seal and surveyor no longer in business. Also the issue of Mason and Gustafson not being able to provide proof of the 1978-1979 purchase and the City does not have record of the purchase, Commissioner Oberlander said the City is willing to accommodate and suggested the option of selling the two plots at the cost of what they were sold at in 1978-1979. City Finance Office will research the cost of plots. Oberlander moved, Silvernail seconded, to provide two plots at the Oakridge Cemetery at the cost of the 1978-1979 purchase prices for Janet Mason and Arlene Gustafson. Roll Call: Aye-All. Motion carried.

Bid Opening - Mt. Moriah
Wayne Morris appeared before the Commission for clarification of the Notice to Bidders for the Mt Moriah Concession bid opening that was held on December 6, 2010 at 2:00 p.m. Morris questioned the contract length since the bid publication was not specific about three years versus one year term. The Mayor informed Mr. Morris this contract was for a one year term.

PUBLIC HEARINS/BID OPENINGS

Set Public Hearing
Silvernail moved, Schroeder seconded, to set a public hearing on December 20, 2010 at 5:10 p.m. for applications for retail (on-off) sale wine license for 2010 and retail (on-off) sale malt beverage license for 2010-2011 for Deadwood Resort LLC dba The Lodge at Deadwood at 100 Pine Crest Lane. Roll Call: Aye-All. Motion carried.

FINANCE

Resolution 2010-26
Peterson moved, Silvernail seconded, to approve Resolution 2010-26 to Close Certain Accounting Funds. Roll Call: Aye-All. Motion carried.

RESOLUTION 2010-26
A RESOLUTION TO CLOSE CERTAIN
ACCOUNTING FUNDS IN THE CITY OF DEADWOOD

Be it resolved by the Deadwood City Commission that on December 13, 2010, the City of Deadwood will close the following funds and allow Finance Officer to transfer unexpended cash to General Fund.

Special Revenue Fund 0272 named as UDAG, Cash Balance $9,796.19
Capital Projects Fund 0519 named as Rec Center Renovation, Cash Balance $57,100.86

Dated this 13th day of December, 2010.

Attest:
/s/ Mary Jo Nelson, Finance Officer

City of Deadwood
/s/ Francis A. Toscana, Mayor

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REGULAR MEETING, December 13, 2010

Ordinance #1139 - First Reading
Peterson moved, Silvernail seconded, to approve first reading of Ordinance #1139 to Amend Chapter 5.040.020 and Delete Chapter 5.040.030, On-Sale Alcoholic Beverage Service (permitting licensees to sell, serve, or allow alcoholic beverages to be consumed Sundays and Memorial Day except between the hours of 2:00 p.m. and 7:00 a.m.) Roll Call: Aye-All. Motion carried.

Ordinance #1138 - Second Reading
Peterson moved, Silvernail seconded, to approve second reading of Ordinance #1138 Supplemental Budget Appropriation #2 for 2010. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING/ZONING/PUBLIC BUILDINGS/SAFETY

Purchase Request
Silvernail moved, Peterson seconded, to approve the purchase of three water sensors for Archives Department from Dakota Security for $1,493.07, to be paid from Historic Preservation Capital Assets. Roll Call: Aye-All. Motion carried.

Advertise Position
Silvernail moved, Oberlander seconded, to allow the Archives Department to advertise for a regular part time Assistant City Archivist at 19 hours per week, starting at $7.50 per hour. Roll Call: Aye-All. Motion carried

PARKS/RECREATION/TROLLEY

Wage Increase
Silvernail moved, Peterson seconded, to approve the wage increase for trolley driver, Steve Hogan, from $8.00 to $9.00 per hour effective December 10, 2010 after 18 months of service. Roll Call: Aye-All. Motion carried.

LEGAL BUSINESS

Ordinance #1137 - Second Reading
Silvernail moved, Schroeder seconded, to approve second reading of Ordinance #1137 Amending Chapter 12, Streets, Sidewalks, and Public Places (prohibiting smoking on all City property, entrances, parks, public buildings/places.) Roll Call: Aye-All. Motion carried.

Affidavit - Engine House
Silvernail moved, Schroeder seconded, to allow the Mayor to sign the Commercial Affidavit for the Engine House property. Roll Call: Aye-All. Motion carried.

Agreement - Mt. Moriah Concessions
Silvernail moved, Oberlander seconded, to allow the Mayor to sign the Concessions Agreement between the City of Deadwood and Mel and Deb Maynard for the furnishing and operation of the facility from May 1, 2011 to September 30, 2011 for $5,010.00. Roll Call: Aye-All. Motion carried.

Parking Lease
Silvernail moved, Schroeder seconded, to allow the Mayor to sign the 2011 Broadway Ramp Parking Lease between the City of Deadwood and the South Dakota Gaming Commission for $1,500.00 per month from January 1, 2011 through December 31, 2011 (15 spaces). Roll Call: Aye-All. Motion carried.

Closing Documents - Gilmore Property
Silvernail moved, Schroeder seconded, to allow the Mayor to sign the following closing documents for the Gilmore property between the City of Deadwood and J & T Keehn Rentals, LLC: Warranty Deed, Satisfaction of Mortgages (2), Real Estate Closing Statement, and Commercial Affidavit. Roll Call: Aye-All. Motion carried. Closing is tentatively set for December 20, 2010.

MAYORS BUSINESS

Discussion - Holiday Pay
Mayor Toscana informed the Commission of a recent discussion regarding the Rec Center employees and part time holiday pay. The Rec Center would like to possibly be open certain holidays, which according to the City policy manual would entitle part time employees to be paid holiday pay. The Commission discussed the option of changing this policy for the Rec Center only that part time

employees would be paid straight time not holiday pay. Commissioners Silvernail and Oberlander agreed that the Rec Center should be open during certain holidays allowing the youth to utilize the Rec Center. After much discussion, an amended policy would be prepared for the December 20, 2010 meeting.

Appoint Committee - City Storage
Mayor Toscana appointed Commissioners Silvernail, Oberlander, and City Department Heads to be a committee to assess City storage needs at the Timm Lane property.

ADJOURNMENT
Silvernail moved, Peterson seconded, to adjourn the regular session at 5:45 p.m. The next regular meeting will be at 5:00 p.m. on Monday, December 20, 2010.

ATTEST: Mary Jo Nelson
Mary Jo Nelson, Finance Officer

DATE: December 27, 2010
BY: Georgeann Silvernail
Francis A. Toscana, Mayor

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