REGULAR MEETING, August 17, 2009

The Regular Session of the Deadwood City Commission convened on August 17, 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, and Lenny Schroeder. Commissioner Georgeann Silvernail was absent. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Klamm moved, Schroeder seconded, to approve the minutes of August 10, 2009. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Schroeder moved, Peterson seconded, to approve the August 17, 2009 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	LEASE	748.33
ABC	SUPPLIES	388.05
ADAMS MUSEUM	EXPENSES	5,669.73
ALBERTSON ENGINEERING	RW 58 PLEASANT	400.00
BH POWER	UTILIITES	32.70
BH PURE	RENTAL	42.00
BH SPECIAL SERVICE	CLEANING	1,638.00
BH WEEKLY GROUP	PUBLICATIONS	1,279.11
BH WINDOW CLEANING	INT CENTER	226.00
CLEARWATER CONSULTING	REPAIR/COMPUTER	235.00
CULLIGAN	WATER	10.00
DAKOTA GRAPHICS	SUPPLIES	150.00
DAKOTA SUPPLY GROUP	SUPPLIES	179.04
DEADWOOD ALIVE	PAYMENT	22,500.00
DEADWOOD ECONOMIC DEV	CONTRACT	1,580.02
DEADWOOD GULCH RESORT	RFND TEMP VENDING	750.00
DEADWOOD HOME CENTER	PAINT GRANT	382.74
DEADWOOD LEAD ARTS COUNCIL	2ND PAYMENT	1,862.50
DEADWOOD ROADHOUSE	REFUND MALT-WINE FEES	750.00
DUNCAN PARKING TECH	GLARE DOME	330.01
EMERY-PRATT	BOOKS	375.15
EMMANUEL EPISCOPAL CHURCH	OUTSIDE DWD GRANT	8,365.32
FASTENAL	CLIP	20.03
FIRST GOLD HOTEL	REFUND TEMP VENDING	750.00
FOX, TERESA	INDEXING	4,372.00
GOLDEN WEST	COMPUTER SERVICE	441.38
GUSTAFSON BUILDERS	FACADE DWD MTN GRAND	42,057.38
HCW, INC.	CITY HALL BASEMENT	2,854.59
HILLS MATERIALS	CONCRETE	365.42
HILLSIDE DISPOSAL	RESIDENTIAL GB	5,071.00
INTOXIMETERS	MOUTHPIECES	240.00
JACOBS PRECISION WELDING	TUBING	54.34
JARDEE, NITA	REIMB	24.88
KEN'S CAMPER	PROPANE	14.90
KNOLOGY	PHONE SERV	704.85
LARSON, WILLARD	BOOKS	52.90
LC TREASURER	TITLE,TAX,PLATES-09 TROLLEY	3,756.37
MACROVISION	TRANSFER VHS TO DVD	65.00
MAVERICK (BLONDIES)	SUPPLIES	59.43
MIDWEST TAPE	DVD - CORALINE	75.97
MDU	UTILITIES	10.85
MORRIS TOWING	TOWING	75.00
NAPA	BULBS	49.35
ONE CALL SYSTEM	TICKETS	20.90
PETE LIEN & SONS	CONCRETE	167.75
PITNEY BOWES INC	POSTAGE	500.00
PONTIUS, JERRY	REIMBS - HYDRO-GEAR PART	22.76
QWEST	PHONE SERVICE/RC CAMP/FBALL FL	173.76
ROLLING STONE	SUBSCRIPTION	25.94
SD DEPT OF REVENUE	MALT BEV LIC	150.00
SERVALL	SUPPLIES	617.67
SD STATE ARCHIVE	COPIES	22.00
SD STATE TREASURER	UNCLAIMED CHECK HUGHES	5.00
SPEARFISH VALLEY COMMUNITY	OUTSIDE DW GRANT	3,554.09
STURDEVANT'S	TAPER CUP	12.99
SUMMIT SIGNS	SIGNS-FLAGS	186.00
TOMS, DON	LEDGER PROJECT	1,152.00
TRIPLE K	REPAIRS	442.34
TWIN CITY HARDWARE	PAINT GRANT	1,491.67
VERENDRYE MUSEUM INC.	OUTSIDE OF DW GRANT	5,000.00
VIOSOFTWARE CORPORATION	FRONT PAGE	299.91
WEST PAYMENT CENTER	MUNIC.LAW COUNSEL	152.15
WINTER & COMPANY	DESIGN GUIDELINES	6,000.00
	TOTAL	**$ 129,006.27**

ITEMS FROM CITIZENS ON AGENDA

S.D. Department of Legislative Audit

Allen Schaefer, S.D. Department of Legislative Audit informed the Commission that he is in the process of conducting the City of Deadwood's 2008 audit and presented the engagement letter to Mayor Toscana for his signature. Schaefer invited the Commission to visit with him at any time if

they had questions or concerns. Peterson moved, Klamm seconded, to allow the Mayor to sign the letter of engagement. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS/BID OPENINGS

Public Hearing
Klamm moved, Schroeder seconded, to approve the street closure for the NAJA Shriner Parade from Four Aces to Masonic Temple on Saturday, June 26, 2010 from 9:30 to 11:00 a.m. or until parade ends. Roll Call: Aye-All. Motion carried. Klamm moved, Schroeder seconded, to grant the exception to the vending ordinance pursuant to City Code 5.28.060 for the NAJA Shrine Circus events at the rodeo grounds on June 26, 2010. Roll Call: Aye-All. Motion carried.

Public Hearing
Klamm moved, Schroeder seconded, to allow the parade to assemble at the Lower Main Parking Lot and continue up Main Street to the Broken Boot Mine on September 25, 2009 beginning at 2:00 p.m. until parade ends. Roll Call: Aye-All. Motion carried.

Set Public Hearing
Peterson moved, Klamm seconded, to set a public hearing on August 31, 2009 at 5:10 p.m. for Sturgis Mustang Rally street closure. Roll Call: Aye-All. Motion carried.

Set Public Hearing
Schroeder moved, Klamm seconded, to set a public hearing on September 8, 2009 at 5:05 p.m. for public notification that Perpetual Care Cemetery Funds will be expended to chip seal the road at the Oak Ridge Cemetery. Roll Call: Aye-All. Motion carried.

FINANCE

Renew Software Support
Peterson moved, Schroeder seconded, to approve the renewal of the on-site support and software assurance with Active Data Systems for the ScanFile software at a cost of $4,288.20, budgeted items from Finance and Historic Preservation funds. Roll Call: Aye-All. Motion carried.

Proposed Parking Update
Commissioner Peterson informed everyone that Finance Officer Mary Jo Nelson contacted Lynn Endorf with Dorsey and Company (Bond Counsel) with the question regarding the potential parking ramp bond issue. Rural Development and the Deadwood Mountain Grand (Slime Plant) developers have approached the City and would the City to take on construction of the parking ramp. The Commission would like reassurance that if the City decides to construct a parking ramp that this bond would not count against the City's constitutional debt limit. According to Endorf, if the bonds were paid by revenue and not a general obligation of the City this would not count against the debt limit. Toscana told the Commission that he received only one opposing phone call regarding this proposed project. Tom Blair appeared before the Commission to ask if the owners of the land beneath the proposed parking structure would grant a long-term easement to the City. Blair said he could not imagine that the City would build a structure on land they do not own. Toscana told Blair that he presented a good question that has not been resolved yet. Toscana said his understanding is that the developer would deed that portion of land back to the City and the perpetual easement with the VFW, would be transferable to the City of Deadwood from the developer. The VFW would have thirty-(30) parking spaces on the main level of the parking structure. Toscana said the question that remains to be answered is can the City use City funds on property the City does not own but has a perpetual lease. Blair added that maybe residents do not understand the magnitude of this issue and if we are tying the City's money to someone and the ability to repay, what happens if the revenue source goes away? Blair added the Lower Main Parking lot is less than half-full, with exceptions for special events. Toscana asked the Commission for direction. Commissioner Klamm feels the third floor is needed. Toscana suggested continuing for a week and directing the Public Works Director to meet with Lund Associates to ascertain the cost of the additional floor. Klamm moved, Schroeder seconded, to continue this matter to the August 24, 2009 meeting to determine the cost of the third level for the parking structure. Roll Call: Aye - All. Motion carried.

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HISTORIC PRESERVATION/PLANNING & ZONING/PUBLIC BUILDINGS/SAFETY

GIS Support from Lawrence County
Historic Preservation Officer Kevin Kuchenbecker, requested permission to enter into a Memorandum of Understanding (MOU) to provide the City of Deadwood and the Deadwood Historic Preservation Commission with Geographical Information Services (GIS) from the Lawrence County Equalization (Assessor's) office. The costs are not to exceed $7,290.00 or approximately 15 hours per week for the remainder of the calendar year at $27 per hour beginning September 1, 2009. The MOU would have the option to be renewable on an annual basis upon mutual agreement by both parties. This is a budgeted item from the GIS line item. Peterson moved, Schroeder seconded, to enter into a Memorandum of Understanding between the City and Lawrence County for GIS services not to exceed $7,290 with the option to renew annually. Roll Call: Aye - All. Motion carried.

Hire Request
Peterson moved, Schroeder seconded, to approve the hiring of Dennis Sabo to replace steps at the Deadwood Library ($4,234) and tuck-point the porch area ($750) total cost not to exceed $4,984, to be paid from Historic Preservation Capital Asset line item, and ask City Attorney to prepare contract. Roll Call: Aye - All. Motion carried.

STREETS/WATER/LIBRARY

Employee Resignation
Schroeder moved, Klamm seconded, accept the resignation of John Hopkins from the Rubble Site, effective August 14, 2009. Roll Call: Aye-All. Motion carried.

Purchase Request
Schroeder moved, Klamm seconded, to approve the purchase of 5,500 gallons of premium-unleaded gasoline from Southside at $2.61 per gallon. Roll Call: Aye - All. Motion carried.

POLICE/FIRE

Employee Resignation
Klamm moved, Schroeder seconded, accept the resignation of Ordinance Officer Alexandra Lindemann-Johnson, effective August 23, 2009. Roll Call: Aye-All. Motion carried.

PARKS/RECREATION/TROLLEY

Employee Resignations
Schroeder moved, Klamm seconded, accept the resignations of the following employees: Alana Kightlinger effective August 21, 2009, Trevor Tridle effective August 28, 2009, Nita Jardee, Kaitlan Middlemas, Randy Cyr, and Nick Silvernail effective August 14, 2009. Roll Call: Aye-All. Motion carried.

LEGAL BUSINESS

Contract - Horsley Specialties
Klamm moved, Schroeder seconded, to allow the Mayor to sign an agreement between the City of Deadwood and Horsley Specialties, Inc. for the removal and disposal of mold at the Deadwood Rec Center at a cost of $3,120. Roll Call: Aye-All. Motion carried.

Ordinance #1119 - Second Reading
Klamm moved, Schroeder seconded, to approve the second reading of Ordinance #1119 Amending Chapter 12.36 Oakridge Cemetery to adopt rules for St. Ambrose Cemetery. Roll Call: Aye-All. Motion carried.

ITEMS FROM CITIZENS NOT ON AGENDA

Original Deadwood Tours Complaint
Jan Van Tassel, Original Deadwood Tour bus operator, appeared before the Commission with a complaint that he received a ticket for having two of his buses parked on Main Street in front of the Midnight Star. Chief Fuller said he was on patrol at that time and saw the two Original Deadwood Tour buses along with a third motor coach all parked on Main in a one block section at one time. Chief Fuller reiterated the fact that this is a safety issue and the Police Department needs to enforce the

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City ordinances to promote and ensure public safety for pedestrians and motorists. Mayor Toscana suggested to Van Tassel that he present the issue and ticket at the next Parking and Transportation meeting.

ADJOURNMENT

Peterson moved, Klamm seconded, to adjourn the regular session at 5:40 p.m. The next regular meeting will be at 5:00 p.m. on Monday, August 24, 2009.

ATTEST:

Mary Jo Nelson, Finance Officer

DATE: 8-24-09

BY: Francis A. Toscana, Mayor

For any public notice that is published one time:

Published once at the total approximate cost of _____.