REGULAR MEETING, August 31, 2009

The Regular Session of the Deadwood City Commission convened on August 31, 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, Joe Peterson, Lenny Schroeder and Georgeann Silvernail. Commissioner Mike Klamm was absent. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Silvernail moved, Schroeder seconded, to approve the minutes of August 24, 2009. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Peterson seconded, to approve the August 31, 2009 disbursements with the additional bill. Roll Call: Aye-All. Motion carried.

1ST STOP GUN	SLINGS-STOCKS	218.50
ABC	SUPPLIES	274.39
ADAMS MUSEUM	OPERATING EXPENSES	4,501.60
ATCO INTERNATIONAL	SUPPLIES	148.00
BH POWER	UTILITIES	9,312.76
BH PURE	WATER	19.50
CAMPBELL SUPPLY	ROUNDUP	99.98
CETEC ENGINEERING	ENG SERVICES	6,000.00
CHAINSAW CENTER	CONES-COVERS	238.36
CONRADS BIG "C"	BALLASTS	839.15
CULLIGAN	WATER	37.50
DAKOTA BUSINESS CENTER	MONTHLY MAINT-KONICA COPIER	84.05
DAKOTA GRAPHICS	CARDS	70.00
DAKOTA SUPPLY	BULBS	179.04
DEADWOOD CHAMBER	RIDE ACROSS AMERICA	536.25
DEADWOOD FIRE DEPT	KOOL DWD NITES	555.00
DEADWOOD HOME CENTER	SUPPLIES	369.33
DUSTIN ELL CONST	LOAN DISB	2,658.31
ECOLAB	PEST CONTROL	306.00
GOLDEN WEST	ENG.LABOR-DOORS	685.00
GRACE LUTHERAN CHURCH	GRANT	4,800.00
GREAT WESTERN TIRE	REPAIRS	344.95
GRIZZLY SIGN & DESIGN	DECALS-TROLLEY #152	900.00
IDVILLE	BADGE REELS	135.00
JACOBS PRECISION WELDING	FLAT BAR	33.33
KNOLOGY	SERVICE	1,356.47
KOALA ELECTRIC	LOAN DISB	8,330.15
LC REGISTER OF DEEDS	FILING FEE	22.00
LIGHT AND SIREN	STROBE	35.60
MATTSON, JON	FEE BID 1-6	665.00
MAVERICK (BLONDIES)	SUPPLIES	15.24
MC GARD	LOCKS	212.58
NEWMAN SIGNS	SIGNS	119.21
PRESERVE SOUTH DAKOTA	MEMBERSHIP	50.00
ROCKINGTREE	SUPPLIES	150.00
SD CONTINUING LEGAL EDUCATION	SUBSCRIPTION	500.00
SERVALL	MATS	185.33
SD PUBLIC HEALTH	TESTING	24.00
SD STATE ARCHIVE	RESEARCH-COPIES	779.00
SUMMIT SIGNS	SIGNS	401.50
TOMS, DON	LC LEDGERS	1,152.00
TRIPLE K	REPAIRS	1,087.82
TRUGREEN CHEM-LAWN	FERTILIZER	574.50
TWILIGHT FIRST AID	SUPPLIES	294.50
TWIN CITY HARDWARE	PAINT GRANT	506.09
USPS-DWD	POSTAGE-WATER BILLS	179.59
WESTERN MECHANICAL SERVICE	REPAIRS-BOILER	27,017.17
YELLOW PAGES INC.	AD-MT. MORIAH	177.00
	TOTAL	**$ 77,810.75**

ITEMS FROM CITIZENS ON AGENDA

Dakota Coffee Request- (Continued 8-24-2009)

Dakota Coffee representative appeared before the Commission to request the cancellation of their lease in the Sherman Street Parking Lot effective August 24, 2009. Silvernail moved, Peterson seconded, to approve the cancellation of the Dakota Coffee lease as requested by the owners. Roll Call: Aye-All. Motion carried.

Prospector Bowl Request

Bob Phillips, Kiwanis representative, requested additional funding for the redesigning of the artwork for the programs for Prospector Bowl in the amount of $500.00. Toscana suggested that the City donate $250 and requested the Deadwood Chamber donate $250. Peterson moved, Silvernail seconded, to approve the expenditure of $250 from the Bed and Booze Fund. Roll Call: Aye-All. Motion carried.

REGULAR MEETING, August 31, 2009

PUBLIC HEARINGS/BID OPENINGS

Public Hearing
Silvernail moved, Peterson seconded, to approve the street closure for Main Street from Wall Street to Deadwood Street from Noon to 7:00 p.m. on Friday, September 4, 2009 for the Sturgis Mustang Rally. Roll Call: Aye-All. Motion carried.

FINANCE

Resolution 2009-17
Peterson moved, Silvernail seconded, to approve Resolution 2009-17 to Designate Business Improvement District (BID) #7 Boundaries and Appoint BID #7 Board Members for 2009-2010. Roll Call: Aye - All. Motion carried.

RESOLUTION 2009-17
DESIGNATING BUSINESS IMPROVEMENT DISTRICT NO. 7 BOUNDARIES
AND
APPOINTING BUSINESS IMPROVEMENT DISTRICT NO. 7 BOARD MEMBERS

WHEREAS, the City of Deadwood has by previous resolution, ordinances, and action established and designated the boundaries of Business Improvement District No. 7 for the City of Deadwood pursuant to SDCL 9-55-5; and

WHEREAS, SDCL 9-55-5 requires the appointment of a Business Improvement District's Board by the Mayor, with the approval of the governing body; and

WHEREAS, the Hotel/Motel Business Improvement District members have recommended the following individuals for appointment as board members for a term of one (1) year from August 1, 2009 through July 31, 2010;

BE IT FURTHER RESOLVED by the City of Deadwood, by its Mayor and with the approval of the City Commission, having first established the above boundaries, that the following members are appointed to the Business Improvement District Board District No. 7 for a term of one (1) year from August 1, 2009 through July 31, 2010:

Rich Turbiville-Mineral Palace
Gary Todd-Gold Country Inn
Pat Roberts-Best Western Hickok House
Richard Granberry-Penny's Motel
Jim Luger-Bullock Properties
Joe Henning-BH Inn and Suites
Paul Bradsky-Cadillac Jack's
Gordon Mack-Cedarwood Inn
Brad Hemmah-First Gold
Ken Gienger-Celebrity/The Mint
Steve Olsen-Comfort Inn
Dave Larson-Deadwood Dick's
Tracy Island-Deadwood Gulch Resort
Craig Murdock-Hickok Hotel, Iron Horse Inn
Ron Island-Super 8
Tom Nelson-Holiday Inn Express, Hampton Inn Four Aces
Tom Rensch-Franklin Hotel
Paula Katon-Thundercove
Dexter Koehne-Butch Cassidy
Blake Haverberg-Martin Mason

Dated this 31st day of August, 2009.

CITY OF DEADWOOD
Francis A. Toscana, Mayor

ATTEST:
Mary Jo Nelson, Finance Officer

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Resolution 2009-18
Peterson moved, Silvernail seconded, to approve Resolution 2009-18 to Appoint Business Improvement Districts (BID) #1-6 Board Members for 2009-2010. Roll Call: Aye - All. Motion carried.

RESOLUTION 2009-18
APPOINTING BUSINESS IMPROVEMENT DISTRICTS #1-6
BOARD MEMBERS

WHEREAS, the City of Deadwood has by previous resolution, ordinances and action established and designated the boundaries of Business Improvement Districts 1, 2, 3, 5 and 6 for the City of Deadwood; and

WHEREAS, SDCL 9-55-5 requires the appointment of a Business Improvement

Districts Board by the mayor, with the approval of the governing body; and

WHEREAS, the Business Improvement Districts members and taxpayers have decided to continue the establishment of the Business Improvement Districts 1, 2, 3, 5 and 6 within the City of Deadwood for Business Improvement Districts purposes and activities and levying assessments for the 2010 calendar year; and

WHEREAS, the Business Improvement Districts members have recommended the following for appointment as board members for a term of one (1) year;

NOW THEREFORE, BE IT RESOLVED by the City of Deadwood that the following members are appointed to the Business Improvement Board for Districts 1, 2, 3, 5 and 6 for the period from August 1, 2009, to July 31, 2010.

Ron Island	Tom Rensch
Pat Roberts	Christi Mclain
Brad Hemmah	Mary Dunne Larson
Tom Nelson	Mike Trucano
Donnie Patton	Rich Turbiville
Ken Gienger	Paul Bradsky
Craig Murdock	Steve Olsen
Ron Russo	

Dated this 31st day of August 2009.

CITY OF DEADWOOD
/s/ Francis A. Toscana, Mayor

ATTEST:
/s/ Mary Jo Nelson, Finance Officer

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HISTORIC PRESERVATION/PLANNING & ZONING/PUBLIC BUILDINGS/SAFETY

Travel Request

Toscana moved, Peterson seconded, to allow Kevin Kuchenbecker to attend South Dakota Historical Society Board of Trustees Meeting on September 11, 2009 to review the Historic Preservation budget. Roll Call: Aye-All. Motion carried.

Repair Request

Public Works Director Jim Raysor explained that the damage to the handicap ramp at the Adams Museum is a result of water seeping into the concrete from the railings. Raysor provided a repair proposal with two options and suggested approving Option 1 due to the lower cost and the work would be done onsite. The cost is $7,343.00. Williams Architects will pay $2,500, MAC Construction, Co., Inc. will pay $2,500, Adams Museum, and the City will pay $2,500, less a $700 credit to the City for concrete removal leaving the balance of $1,800 to be paid by the City. Toscana moved, Silvernail seconded, to approve Option 1 with the $1,800 expenditure to repair the handicap ramp at the Adams Museum, to be paid from the Historic Preservation Capital Asset line item. Roll Call: Aye-All. Motion carried.

Award Outside Deadwood Grant

Silvernail moved, Schroeder seconded, to approve the "Outside of Deadwood" grant for the stabilization of the Jones Building (Hole in the Wall Bar) in Whitewood as follows: Grant Amount: $13,200, Emergency Grant: $10,000, Loan: $10,000. Preserve South Dakota will also be providing assistance. Roll Call: Aye-All. Motion carried.

Loan Agreement - Bullock Dice Cup

Schroeder moved, Peterson seconded, to allow the Mayor to sign a loan agreement between the City of Deadwood and the Adams Museum & House, Inc. for the Bullock Dice Cup until August 31, 2010. Roll Call: Aye-All. Motion carried.

STREETS/WATER/LIBRARY

Parking Ramp Discussion (Continued 8-24-2009)

In response to previous question, Mike Albertson informed the Commission that it would be too expensive to force a change in the construction type for two floors now and add a third floor later. Conrad requested that the Commission make a motion to apply for the loan to keep the project moving forward. Historic Preservation Officer Kevin Kuchbecker prepared spreadsheet with detailed costs for proposed parking ramp, which Mayor distributed to the Commission. Toscana said if the City decides to add the third story there are some concerns regarding whether or not this project would be approved by the National Parks Service and Historic Preservation office in Pierre. Kuchenbecker said that these are federal funds, which involves a Section 106 review. Kuchbecker said we are being observed by the National Parks Service and State Historic Preservation office, and added that he has received emails from both offices regarding their concerns with a third story facility and the adverse affect this would

have on a national historic landmark. Toscana said he attended a Business Improvement District (BID) #7 meeting last week and obtained verbal approval from BID #7 that they would assume the obligation to pick up the revenue shortfall, should the current developer cease doing business. An agreement between Deadwood Mountain Grand, BID #7, and the City would be drawn up prior to the construction of the parking ramp. Commissioner Silvernail questioned the progress at Deadwood Mountain Grand and the possibility of the County parking in that lot again since there is no construction. Toscana reiterated the fact that if the City Commission passes a resolution to proceed with the application process, the City is not committed to spend one dime. Toscana added that the other question still needs to be answered is whether this loan counts against the City's constitutional debt limit. Peterson moved, Schroeder seconded, to prepare a resolution allowing the City to proceed with the application process for the proposed parking ramp based on the assumption of a three level parking structure. Roll Call: Aye: Peterson, Schroeder, Toscana. Nay: Silvernail. Motion Carried.

Purchase Request
Schroeder moved, Peterson seconded, to approve the purchase of 2,500 gallons of diesel fuel at $2.28 per gallon from Southside Oil. Roll Call: Aye - All. Motion carried.

Lease 2, 938H Caterpillar Wheel Loaders
Schroeder moved, Silvernail seconded, to approve the leasing of two (2) 938H Caterpillar Wheel Loaders from Butler Machinery, using City of Custer bid opened on September 2, 2008, per their minutes of that same date. The total cost is $302,684 ($151,342 per loader) five annual payments of $21,737.25 and sixth of $63,000 per loader, interest rate of 4.25%, and buyback of $95,000 after 5 years or 5,000 hours. Roll Call: Aye - All. Motion carried.

Purchase Request
Jim Raysor informed the Commission that the WASP Rubble site is in need of a dozer. He has visited with the City of Lead regarding this purchase. Raysor added he has located a dozer for $13,900 from the Federal Surplus list. Schroeder moved, Silvernail seconded, to approve the purchase of a dozer for the WASP Rubble site and if over $25,000, request for bids. Roll Call: Aye - All. Motion carried.

Hire Request
Schroeder moved, Silvernail seconded, to approve the hiring of Larry Lesmeister to work at the WASP Rubble site effective September 1, 2009 at $8.00 per hour. Roll Call: Aye - All. Motion carried.

Garbage Contract Specifications
Schroeder moved, Silvernail seconded, to approve the bid specifications for the three-year term garbage collection contract for the cities of Deadwood and Lead and set bid opening on October 9 at 1:00 p.m. with the results to City Commission on October 13, 2009. Roll Call: Aye - All. Motion carried.

Travel Request
Schroeder moved, Silvernail seconded, to allow Donovan Renner, Bob Nelson Jr., Randy Pfarr, and Jim Raysor to attend the South Dakota Water and Wastewater Conference in Spearfish on September 15-17, 2009, and use of City Vehicle. Roll Call: Aye - All. Motion carried.

Advertise for Bids
Jim Raysor informed the Commission that he received the plans and engineers estimate from Cetek Engineering for the repairs of the sloughing behind McKenna's Gold. The plan involves the removal of the street and reconstruction using gabion baskets to tie back to re-establish a firm surface. The estimate is $42,500. Schroeder moved, Silvernail seconded, to allow the Street Department to advertise for bids to repair slough behind McKenna's Gold. Roll Call: Aye - All. Motion carried.

POLICE/FIRE

Change Date - Certification Request
Toscana moved, Silvernail seconded, to change the enrollment/attendance date to February 7 to April 30, 2010 for the Law Enforcement Certification Course for Officer Zacariah Bell. Roll Call: Aye - All. Motion carried.

Wage Increase
Toscana moved, Silvernail seconded, to approve the wage increase of Tammy Kohler, Ordinance Officer from $13.22 to $13.96 effective August 28, 2009 after one year of service, which is 95% of prevailing wage. Roll Call: Aye - All. Motion carried.

REGULAR MEETING, August 31, 2009

PARKS/RECREATION/TROLLEY

Employee Resignation
Silvernail moved, Schroeder seconded, to accept the resignation of Russell Prince (Parks) and Peggy McDonald (Mt. Moriah) effective August 28, 2009. Roll Call: Aye-All. Motion carried.

Employee Resignation
Silvernail moved, Schroeder seconded, to accept the resignation of Mike Olsen from the Rec Center effective August 1, 2009. Roll Call: Aye-All. Motion carried.

Sign Board Conversion
Silvernail moved, Schroeder seconded, to accept the recommendation by the Safety Committee to pay GenPro Energy Solutions, LLC to convert one sign board to solar power at a cost of $2,664.14, including two-year warranty on electric/batteries, and 25 years on module. Roll Call: Aye - All. Motion carried.

LEGAL BUSINESS

Parking Lease - Rachetto/Peterson
Silvernail moved, Schroeder seconded, to allow the Mayor to sign the parking lease agreement between the City of Deadwood and Rachetto/Peterson offices for two (2) spaces in the Miller Street Parking lot at $50 plus tax per space, effective September 1, 2009. Roll Call: Aye-Silvernail, Schroeder, Toscana. Abstain: Peterson. Motion carried.

Contract - Hills Materials
Schroeder moved, Silvernail seconded, to allow the Mayor to sign a contract between the City of Deadwood and Hills Materials to pave a portion of Gott Street at a cost not to exceed $7,984.00. Roll Call: Aye-All. Motion carried.

Contract - M & T Fire
Silvernail moved, Schroeder seconded, to continue this item indefinitely due to the lack of information from the Fire Department. Roll Call: Aye - All. Motion carried.

MAYORS BUSINESS

Surplus Engine House
Mayor Toscana informed everyone that Fred and Natalie Ormiston have requested that the City consider the possibility of selling the Engine House. Toscana said in the interim he was dealing with the South Dakota Game, Fish & Parks office to see if State was interested in purchasing the building. After consideration, the State declined. Toscana suggested that the City could take sealed bids, hold an auction, or hold a public hearing to allow for input from the Historic Preservation Commission and the public. Silvernail moved, Peterson seconded, to hold a public hearing at 5:05 p.m. on September 21, 2009, to discuss the possibility of declaring the Engine House surplus property. Roll Call: Aye - All. Motion carried.

Meeting Date Change
Mayor Toscana announced that the next Commission meeting would be held on Tuesday, September 8, 2009, at 5:00 p.m. in observance of Labor Day.

ADJOURNMENT
Silvernail moved, Schroeder seconded, to adjourn the regular session at 5:55 p.m. The next regular meeting will be at 5:00 p.m. on Tuesday, September 8, 2009.

ATTEST: Mary Jo Nelson
Mary Jo Nelson, Finance Officer

SEAL
CITY OF DEADWOOD SOUTH DAKOTA

DATE: 9-8-09
BY: Francis A. Toscana
Francis A. Toscana, Mayor

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