EXECUTIVE SESSION/REGULAR MEETING, November 3, 2008

The Regular Session of the Deadwood City Commission convened on November 3, 2008 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 November 3, 2008. Roll Call: Aye-All. Motion carried.

OCTOBER 2008, PAYROLL: COMMISSION, $2,730.76; ATTORNEY, 4,806.90; FINANCE, $12,194.85; PUBLIC BUILDINGS, $1,661.68; POLICE, $36,452.45; FIRE, $4,003.94; OAKRIDGE, 0.00; BUILDING INSPECTION, 3,070.40 STREETS, $21,506.29; PARKS, $16,088.84; PLANNING & ZONING, $4,153.84; LIBRARY, $5,748.25; RECREATION CENTER, $5,555.15; HISTORIC PRESERVATION, $12,309.75; WATER, $11,136.19; PARKING & TRANSPORTATION, $19,846.04; PARKING RAMP, $5,285.21; RUBBLE SITE, $2,055.50; MT. MORIAH, $3,934.25 PAYROLL TOTAL: $172,540.29.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Klamm seconded, to approve the November 3, 2008 disbursements with additional bill. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	MONTHLY MAINTENANCE	1,117.81
ABC	SUPPLIES	226.18
AMERICAN RED CROSS	PROVIDER FEES FOR CPR/8@$5	40.00
ARMSTRONG EXTINGUISHER	ANNUAL MAINT,RECHG FIRE EXTING	100.00
BEST WESTERN KELLY INN-YAN	TRAVEL TO YANKTON	46.50
BH POWER	ELECTRICITY/BC WELCOME SIGN	31.07
BH PURE, INC.	2 5 GALLON WATER AND CUPS	19.00
BUFFALO GAP COMMUNITY CENTER	2008 OUTSIDE OF DW GRANT FINAL	10,000.00
CULLIGAN	BOTTLED WATER-SALT	69.00
DAKOTA BUSINESS CENTER	MNTHLY MAINTENANCE-COPIER	25.80
DAKOTA GRAPHICS	BROCHURES	482.50
DEADWOOD CHAMBER & VISITOR	SEPT/OCTOBER BILL LIST	26,085.18
DEADWOOD DEVELOPMENT CO	UPS SHIP-8/28-AMBIENT CONTROL	36.52
DEADWOOD ECONOMIC DEVELOPM	OCT-OPERATION-BROADWAY RAMP	1,580.02
DEADWOOD FIRE DEPARTMENT	SUPPLIES-FIRE PREVENTION WK	715.00
DEADWOOD GRANITE & MARBLE	HEADSTONE GRANTS	1,800.00
DEADWOOD HOME CENTER	UNDERLAYMENT/RETURNED	734.91
DEADWOOD LEAD ARTS COUNCIL	3RD QUARTER INSTALLMENT	2,025.00
DIVERSIFIED INSPECTIONS	BUCKET TRUCK INSPECTION	463.25
DREAM DESIGN INTL., INC	ST. AMBROSE PROJECT	6,902.32
ECOLAB PEST ELIMINATION	RODENT-PEST CONTROL/CITY HALL	299.50
EVERGREEN SLATE COMPANY	COPPER NAILS-SLATE/HC ROOF RPR	1,336.84
FARMER BROTHERS CO	BREAKROOM SUPPLIES	80.01
FASTENAL CO	ALUMINUM GRINDING WHEELS	27.68
FORGEY CONSTRUCTION LLC	WILLIAMS ST PANEL REPLACEMENT	37,669.00
FRANK'S TREE SERVICE	REMOVE TREE LIMBS	600.00
GALL'S INC.	CLOTHING ALLOWANCE	35.49
GOLDEN WEST	COMPUTER ISSUES	200.00
GUSTAFSON BUILDERS	SLIME PLANT ROOF	121,164.12
HD SUPPLY WATERWORKS	REPAIR COUPLING	142.24
HILLS MATERIALS COMPANY	REPAIRS SHERMAN ST PARK LOT	46,576.54
HILLSIDE DISPOSAL	OCT RESIDENTIAL GARBAGE	5,071.00
INTERNATIONAL ASSOCIATION	WELLNESS/FITNESS CD	15.00
INTERSTATE BATTERIES	6V 5000mAh NiCd/WATER DEPT.	69.80
J & J CONSTRUCTION	LOAN DISB-CREGER-51 TAYLOR	8,337.78
KIMBALL MIDWEST	XMAS TREE ASST. BOLT ASST.	171.22
KIRCHHEVEL, AMY	LOAN DISB-316 WILLIAMS	4,413.10
KNOLOGY	MONTHLY PHONE CHARGES	654.42
KUCHENBECKER, KEVIN	TRAVEL REIMBURSEMENT	881.74
LC REGISTER OF DEEDS	FILE FEE-BALKENHOL-834 MAIN ST	22.00
LAWRENCE TITLE COMPANY	TITLE	25.00
LAWSON PRODUCTS, INC.	ANGLE VISE	111.95
LITTLE SPEARFISH CONSERVATION	2007 OUTSIDE OF DW GRANT	5,151.00
MADISON RANCH	2008 OUTSIDE OF DW GRANT FINAL	15,000.00
MAVERICK ENTERPRISES	BATTERIES	21.83
MIKE RUNGE	DOMAIN FOR CENTURY AWARDS	192.45
NEVE'S UNIFORMS, INC.	UNIFORM PANTS - JIM	80.04
NEW DEAL TIRE	42.88 TONS TIRE DISPOSAL	8,147.20
NORTHWEST PIPE FITTINGS, I	COMP UNION COUPLING-CURB STOP	327.01
PHEASANTLAND INDUSTRIES	DECALS,LOGOS-FIRE DEPT	39.48
QUALITY SERVICES, INC.	DAYS OF 76 ARCHEOLOGY	952.00
SAFETY BENEFITS, INC.	SAFETY CONFERENCE-11/12-13	240.00
SALZSIEDER CONSTRUCTION	WATER LINE REPLACED/312 MAIN	887.75
SERVALL	SUPPLIES	396.08
SD PUBLIC HEALTH	TESTING/REC CENTER	48.00
STATE RADIO COMMUNICATIONS	TELETYPE SVC	1,800.00
SUPERIOR SANITATION	CAMERA INSPECTION/CONDUIT	250.00
TRIPLE K TIRE & REPAIR	4 NEW TIRES & LABOR	1,123.84
TWILIGHT FIRST AID	REPLENISH FIRST AID KIT	138.75
TWIN CITY HARDWARE	IMPACT DRIVER SET	1,678.19
USA BLUEBOOK	HYDRANT MARKERS	199.70
ZIEGLER BUILDING CENTER	ARMSTRONG RHINO-BASE	247.36
	TOTAL	**$317,325.17**

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ITEMS FROM CITIZENS ON AGENDA

Committee for Saving Cemeteries - Mt. Moriah Vandalism
Jeannine Guern and Vernon Davis, members of the Society of the Black Hills Pioneers and Lawrence County Historical Society appeared before the Commission to discuss the recent vandalism that took place in the Mt. Moriah Cemetery along with other cemeteries in the surrounding area that have been vandalized. Davis spoke about the high cost of repairs and the investigations process associated with this unlawful act. On behalf of these two organizations, Mr. Davis brought a sign, which states there is a cash reward for the arrest and conviction of persons responsible for the desecration of cemetery property. Davis said that they are placing these signs in cemeteries throughout the area and offering a $500.00 reward. Mayor Toscana thanked Vernon and Jeannine for their dedication on this matter.

Water Bill Issue
Deadwood resident, Bob Christman, appeared before the Commission to discuss his recent water bill and the excessive gallons of consumption (over 103,000 gallons.) Christman does not understand how he used that many gallons of water. A Water department employee notified Mr. Christman of the excessive consumption prior to the billing and they researched the issue. It was determined that the problem might not be resolved until next spring when the underground sprinkler system will be turned back on and the Water Department will then test the lines between the City line and Mr. Christman's line.

PUBLIC HEARINGS/BID OPENINGS

Set Bid Opening
Klamm moved, Silvernail seconded, to set a bid opening at 5:15 p.m. on November 24 for four properties in the retaining wall program. Roll Call: Aye - All. Motion carried.

FINANCE

Tour Bus License Applications
Commissioner Silvernail requested that the renewal of the Mt. Moriah Tour Bus License applications be continued to the November 17 meeting to allow Jim Raysor, Kelly Fuller, Commissioner Klamm, and Commissioner Silvernail to meet with the tour bus operators to discuss issues. Silvernail moved, Klamm seconded, to continue this item to the November 17 meeting. Roll Call: Aye - All. Motion carried.

Position Description Changes
Peterson moved, Silvernail seconded, to approve position description changes to reflect a change in supervision for Keith Umenthum from Bernie Williams to Jim Raysor. Roll Call: Aye - All. Motion carried.

Payment Request
Peterson moved, Silvernail seconded, to allow the Finance Office to pay South Dakota Municipal League Workers Compensation Fund $52,253 for 2009 Workers Compensation Insurance, to be paid from Commission Insurance line item. Roll Call: Aye - Silvernail, Klamm, Peterson, Schroeder. Abstain: Toscana. Motion carried.

HISTORIC PRESERVATION/PLANNING & ZONING/PUBLIC BUILDINGS/SAFETY

Information - Design Guidelines
Kevin Kuchenbecker informed the Commission that the City has entered into a contract with Winter & Company from Boulder, Colorado to develop Design Guidelines for the City of Deadwood. Kuchenbecker said the consultant is requesting a joint meeting with Historic Preservation and City Commission, and Planning and Zoning Commission on November 5 at 5:30 p.m. to discuss the development of design guideline.

Purchase Request
Klamm moved, Schroeder seconded, to approve the purchase of two metal storage cabinets at a cost not to exceed $1,000.00 to be paid from the Archive budget. Roll Call: Aye - All. Motion carried.

Hire Request
Klamm moved, Schroeder seconded, to approve the hiring of Dragoo Cabinetry to construct two display cases to house the Sogge Collection at the History & Information Center, costs not to exceed $3,700, to be paid from Historic Preservation Public Education line item. Roll Call: Aye - All. Motion carried.

Safety Committee Recommendation
Silvernail moved, Klamm seconded, to approve the recommendation made by the Safety Committee to purchase sixteen (16) backup batteries for lights at a cost of $169 each for City Hall, total cost of expenditure is $2,704 from Napa Parts, and the cost includes government pricing. Roll Call: Aye - All. Motion carried.

Safety Committee Recommendation
Silvernail moved, Schroeder seconded, to allow Bob Nelson Sr., Jim Raysor, Donovan Renner, Scott Reif, and Bill Burleson to attend Safety and Loss Control Safety Conference November 12 and 13, plus $240 registration fees, plus $405 for lodging, lunch and use of a City Vehicle. Roll Call: Aye - All. Motion carried.

Electrical Lines - History & Information Center
Jim Raysor informed the Commission that he along with Mayor Toscana, and Commissioner Klamm met with Tim Conrad of the Deadwood Mountain Grand establishment to discuss the possibilities of burying the utilities behind the Fremont, Elkhorn, and Missouri Valley Passenger Station (aka Visitors Center). The estimated costs range from $75,000 to $125,000 depending on the amount of work to be completed by the Public Works Department. Raysor added Black Hills Power would assist with the project. Kevin Kuchenbecker said this project was presented to the Historic Preservation Commission and they recommended proceeding and utilizing bonded funds. According to Finance Officer Mary Jo Nelson, the City must obtain legal descriptions for all effected properties and submit them to the bond counsel in order for them to be added to the City's ground lease. Nelson said the approximate cost to add this project to the City's bond is $3,000-$5,000 and added the City should proceed as soon as possible. Silvernail moved, Klamm seconded, to proceed with said project. Roll Call: Aye - All. Motion carried.

STREETS/WATER/LIBRARY

Repair Request
Jim Raysor informed the Commission that three quotes were received for the reconstruction of storm and sanitary sewer and replacement of water service repairs on Pleasant Street. McDirt Excavating submitted the lowest quote of $15,637.65. Schroeder moved, Silvernail seconded, to accept the low quote from McDirt Excavating for $15,637.65 for repairs to Pleasant Street. Roll Call: Aye - All. Motion carried.

Ryan Road/Sherman Street Repairs
Schroeder moved, Klamm seconded, to allow the City to enter into an agreement with Bill Schmidt Construction to repair 3 Ryan Road (Chad Blair - $1,346) and 150 Sherman Street (Homestake, Adams Research Center- $973) at a total cost of $2,319 due to private construction. Per Jim Raysor the City will pay invoices and amounts will be billed back to private parties involved. Roll Call: Aye - All. Motion carried.

Purchase Request
Schroeder moved, Klamm seconded, to approve the purchase of 5,500 gallons of gasoline from Southside at a cost of $1.91 per gallon. Roll Call: Aye - All. Motion carried.

Change Order - William/Shine Street
Schroeder moved, Klamm seconded, to approve the change order for Williams/Shine Street from Forgey Construction for a quantity adjustment, a total cost of $5,539.24. Roll Call: Aye - All. Motion carried.

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POLICE/FIRE

Grant Award
Chief Fuller explained this grant assists in the funding of programs to reduce alcohol related traffic accidents and safety related incidents. Klamm moved, Silvernail seconded, to accept the grant award from the South Dakota Department of Public Safety for $19,870 to the Deadwood Police Department. Roll Call: Aye - All. Motion carried.

Advertise - Patrol Officer
Klamm moved, Silvernail seconded, to allow the Police Department to advertise for a Patrol Officer to establish an eligibility list. Roll Call: Aye - All. Motion carried.

PARKS/RECREATION/TROLLEY

Purchase Request
Silvernail moved, Klamm seconded, to approve the purchase of a digital camera system for the Trolley Department from at a cost of $1,930, a budgeted item. Roll Call: Aye - All. Motion carried.

LEGAL BUSINESS

Ordinance #1110 - Second Reading
There being no comment on Ordinance #1110 Amending Chapter 10.12 Stopping, Standing and Parking, Silvernail moved, Klamm seconded, to approve second reading of said ordinance. Roll Call: Aye - Silvernail, Klamm, Peterson, Toscana. Nay: Schroeder. Motion carried.

Phone Vote - 10-29-2008
A phone was taken on Wednesday, October 29 to allow City Attorney to travel to Pierre on November 3, 2008 to meet with the Attorney General's Office regarding revenue for speeding tickets on State highways within municipalities. Aye - All. Motion carried.

Information - Attorney General's Office
City Attorney Jason Campbell reported on the meeting that was held in Pierre at the Attorney General's Office regarding the City of Coleman and the issuing of speeding tickets on State trunk highways through Coleman. The City of Coleman was keeping the revenue from these tickets. The Attorney General's Office did not agree with the actions made by the City of Coleman. According to Campbell, all other cities send the revenue through the court system so the fees associated with speeding tickets are paid. The Attorney General Office offered an informal opinion that no traffic tickets on State highways within a municipality can be written as a City ordinance violation, but must be State violations. Campbell stated there is currently a dispute as to the validity of that opinion and the consensus was that there is a declaratory action being filed against the City of Coleman for judicial ruling on whether the Attorney General's opinion is correct. Campbell along other City attorneys from the State will assist the City Attorney for the City of Coleman to research this issue further. Campbell added that depending on the outcome of this matter there could be some legislative changes forthcoming.

MJZ Construction Contract Change
City Attorney Jason Campbell explained that MJZ Construction requested to change their previously approved contract. The request would be to waive Item 12, which requires MJZ to provide the City with a Performance Bond. Campbell said that the contract amount is under the statutory amount to require a performance bond. Campbell spoke with MJZ's attorney and it was determined that since the amount is under the statutory amount, MJZ Construction would submit a cashier's check to the City Finance Office for 10% of the quoted amount ($750.00). Silvernail moved, Schroeder seconded, to approve the recommendation made by the City Attorney to modify the previously signed contract between the City and MJZ Construction. Roll Call: Aye- All. Motion carried.

MAYORS BUSINESS

Request Executive Session
Mayor Toscana requested an Executive Session following the Regular Session for personnel matters with no actions.

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ITEMS FROM CITIZENS NOT ON AGENDA

Water Study Committee
Commissioner Peterson informed the Commission that the Water Study committee met on November 3, to discuss the proposed changes made by the South Dakota Rural Water Association. Peterson said the committee accepted all proposed changes and directed the City Attorney to prepare an Ordinance for the November 10 meeting.

ADJOURNMENT
Toscana moved, Silvernail seconded, to adjourn the regular session at 5:50 p.m. The next regular meeting will be on Monday, November 10, 2008.

ATTEST: Mary Jo Nelson
Mary Jo Nelson, Finance Officer

DATE: 11-10-08
BY: Francis A. Toscana
Francis A. Toscana, Mayor

CITY OF DEADWOOD SEAL SOUTH DAKOTA