

**EXECUTIVE SESSION/REGULAR MEETING, June 22, 2009**

The Regular Session of the Deadwood City Commission convened on June 22, 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, Lenny Schroeder and Georgeann Silvernail. All motions passed unanimously unless otherwise stated.

**APPROVAL OF MINUTES**

Silvernail moved, Schroeder seconded, to approve the minutes of June 15, 2009. Roll Call: Aye-All. Motion carried.

**APPROVAL OF DISBURSEMENTS**

Silvernail moved, Klamm seconded, to approve the June 22, 2009 disbursements. Roll Call: Aye-All. Motion carried.

ABC	SUPPLIES	166.67
ALLTEL	PD PHONES	269.38
BH ELEVATOR	MO SERV	303.06
BH POWER	UTILITIES	16,271.88
BUTLER	SUPPLIES	8.37
COW COUNTRY	PANEL GATES	2,050.00
CULLIGAN	WATER	6.50
DAKOTA SUPPLY GROUP	METER	112.74
DEADWOOD FIRE DEPARTMENT	REGISTRATION	50.00
DEADWOOD HOME CENTER	LAMP	28.32
GROLL, LARRY	REIMBURSE	18.00
HILLS MATERIALS	BASE COURSE	1,545.45
HOGAN, STEVE	REIMBURSE	84.80
HSBC BUSINESS SOLUTIONS	WELDER	429.99
INTERSTATE BATTERY	BATTERIES	66.98
JACOBS PRECISION WELDING	BOX LID	182.68
JARDEE, NITA	REIMBURSE	95.93
KEN'S CAMPER	PROPANE	37.10
LAWSON PRODUCTS	RIVET ASST	51.96
M&M SANITATION	MO RENTAL	464.30
MAVERICK (BLONDIES)	SUPPLIES	9.16
MORRISON, RONDA	REIMBURSE	49.00
NELSON, MARY JO	REIMBURSE	66.40
NEWMAN TRAFFIC SIGNS	SIGNS	118.93
NORTHWEST PIPE	COUPLING	109.50
OFFICE DEPOT	SUPPLIES	212.41
SERVALL	SUPPLIES	92.78
SD PUBLIC HEALTH	TESTING	48.00
STANGER, RICHARD	REIMBURSE	18.00
SUMMIT SIGNS	SIGNS	85.50
TEMPERATURE TECH	MAINT	1,125.00
TRAFFIC CONTROL CORP	LIGHT	178.00
TRIDLE, JOHN	REIMBURSE	94.97
TRUGREEN CHEM-LAWN	HERBICIDE	1,367.00
TWILIGHT	SUPPLIES	68.80
TWIN CITY HARDWARE	SUPPLIES	71.35
WELLARD, KEITH	REIMBURSE	18.00
WELLMARK BLUE CROSS	HEALTH INS	35,889.20
WESTERN COMMUNICATIONS	BRACKET	6.00
WHISTLER GULCH CAMPGROUND	WORK CAMP SITES	3,000.00
ZEP MANUFACTURING	SUPPLIES	187.42
	<b>TOTAL</b>	<b>\$ 65,059.53</b>

**ITEMS FROM CITIZENS ON AGENDA**

**Keith Robison-Linda Freidel - Property Assessment**

Linda Freidel, Deadwood property owner at corner of Lincoln and Jackson, appeared before the Commission to request a rebate of \$150.50 for snow removal charges. Freidel said she allowed City to plow snow on to her property during the snow removal process. Mr. Robison, property manager, explained he came to remove snow at this property and was not able to due to the City plowing the snow onto the sidewalk and was not able to use a snow blower due to the snow being icy and packed down. Commissioner Silvernail reiterated that all residents and or property owners must abide by the City ordinances whether it pertains to snow removal or lawn mowing. Freidel told the Commission that she has owned this property for eleven years and within that timeframe has received three phone calls and two written citations (snow removal and mowing) from the City. Freidel gave the Commission a list of various property owners in Deadwood that are in violation of the City Nuisance Ordinance (weeds/mowing) and asked why these properties remain to be unkept. Chief Fuller said that with the amount of rain and inclement weather they are behind but told her the City crews will be out this week to take care of these properties. Chief Fuller reassured Ms. Freidel that she was not being singled out and other property owners receive the same citations when in violation of City ordinances. Freidel added that the curb is deteriorating and would like to the City to inspect her sidewalk and curbing. Mayor Toscana directed the Public Works Director to inspect the curb at this location. After much discussion, Silvernail moved, Klamm seconded, to deny the request to rebate the \$150.50 for the snow removal charge. Roll Call: Aye-All. Motion carried.

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### Bob Christman - 3 Amelia

Mr. Christman appeared before the Commission to request a refund on his September 2008 water bill. Toscana explained that Christman's usage for this particular month was over 103,000 gallons of water. At that time, Christman had winterized his underground sprinkler system and the problem was not resolved. The usage since that time has not been that high. Recently the Water Department evaluated Christman's water meter, in-door plumbing, and underground sprinkler system and did not find any leaks at this time. Raysor said it is possible to use that much water with a running toilet. After much discussion, Mayor Toscana suggested waiting two months before a decision is made. Silvernail moved, Schroeder seconded, to continue this matter until September 1, 2009. Roll Call: Aye-All. Motion carried.

## PUBLIC HEARINGS/BID OPENINGS

### Set Bid Opening

Silvernail moved, Schroeder seconded, to set a bid opening on July 10, 2009 at 2:00 p.m. for Rec Center Phase 3-Construction and Materials Bid Packages (due to rejection of bids on June 8, 2009.) Roll Call: Aye-All. Motion carried.

### Set Public Hearing

Silvernail moved, Klamm seconded, to set a public hearing for street closure on June 29, 2009 at 5:10 p.m. for July 4th parade. Roll Call: Aye-All. Motion carried.

## FINANCE

### Payment Request

Peterson moved, Silvernail seconded, to allow the Finance Office to contribute \$5,000 to the City of Lead for Gold Camp Jubilee 4th of July Celebration from the General Fund Professional Services, a budgeted item. Roll Call: Aye-All. Motion carried.

### Transfer Request

Peterson moved, Silvernail seconded, to allow the Finance Office to transfer \$5,000 from the General Fund to the Rubble Site Fund for the 2009 contribution, per agreement with Deadwood, Lead, and Central City. Roll Call: Aye-All. Motion carried.

### Payment Request

Peterson moved, Silvernail seconded, to allow the Finance Office to contribute \$4,000 to NeighborWorks Dakota Home Resources for the Campaign for Home Ownership from the Bed and Booze Fund, a budgeted item. Roll Call: Aye-All. Motion carried.

## HISTORIC PRESERVATION/PLANNING & ZONING/PUBLIC BUILDINGS/SAFETY

### St. Ambrose Cemetery Ordinance (Continued from 6-15-2009)

Jim Raysor said he and Kevin Kuchenbecker have discussed burials at the St. Ambrose Cemetery. They are proposing to take the 20' x 40' section that has been radar ground penetrated with 37 probable and possible graves located and have this section surveyed. Once the area is surveyed and platted, the recordation for future, gravesites could be underway. Jim Raysor will contact local surveyors this week and will provide more information for the next meeting. Silvernail moved, Schroeder seconded, to continue. Roll Call: Aye-All. Motion carried. Toscana requested this be put on the agenda for June 29, 2009 meeting.

## STREETS/WATER/LIBRARY

### Hire Request

Jim Raysor Public Works Director explained that behind McKenna's Gold (lower Williams Street) the toe of the hillside is gone, causing sloughing to occur and is in need of stabilization. Raysor requested hiring Cetek Engineering to evaluate and prepare a stabilization plan to remedy this problem area. Commissioner Klamm asked if the owners have been contacted regarding this problem and Raysor commented that the owners do not see this as a problem. Klamm said he would like to see this cost assessed back to the property owner and does not feel it is the City's responsibility to pay for the bill. Schroeder moved, Silvernail seconded, to approve the hiring of Cetek Engineering to prepare a plan to stabilize the hillside behind Lower Williams Street at a cost of \$7,500. Roll Call: Aye-All. Motion carried.

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### Contract - RHS Inc.

Schroeder moved, Klamm seconded, to approve the entering into a contract with RHS Inc. to tape brick streets at crosswalks (Sherman and Pine) for \$23,097.50, to be paid from Historic Preservation Capital Asset line item. Roll Call: Aye-All. Motion carried.

## PARKS/RECREATION/TROLLEY

### Rec Center - Cell Phone Allowances

Silvernail moved, Peterson seconded, to approve the addition of the Rec Center Manager John Tridle to the list of employees receiving the cell phone allowance of \$50 per month. Roll Call: Aye-All. Motion carried.

### Use of Trolley

Silvernail moved, Peterson seconded, to allow the trolley to travel to Belle Fourche and Lead on July 4th for the parades. Roll Call: Aye-All. Motion carried.

### Use of Trolley

Silvernail moved, Peterson seconded, to allow the trolley to travel to Belle Fourche on June 25, 2009 for third party testing. Roll Call: Aye-All. Motion carried.

## LEGAL BUSINESS

### Agreement - Lehmen Construction

Klamm moved, Silvernail seconded, to allow the Mayor to sign the Retaining Wall Agreement with Lehmen Construction for 39 Terrace for \$11,895. Roll Call: Aye-All. Motion carried.

### Agreement - Lehmen Construction

Klamm moved, Silvernail seconded, to allow the Mayor to sign the Retaining Wall Agreement with Lehmen Construction for 24 Raymond for \$53,640. Roll Call: Aye-All. Motion carried.

### Ordinance #1118 - First Reading

City Attorney Jason Campbell requested first reading for Ordinance #1118 Amending Chapter 10.12 Stopping, Standing and Parking per Parking and Transportation committee's request. The new sections are 10.12.031 through 10.12.045 regarding procedures for residential parking areas. Campbell explained that the new procedures allow neighborhoods to come to Parking and Transportation committee to petition for residential parking only in their neighborhoods. Silvernail moved, Klamm seconded, to approve first reading of Ordinance #1118 Amending Chapter 10.12 Stopping, Standing, and Parking, Residential Parking. Roll Call: Aye-All. Motion carried.

### Lease Agreements - City Slot Machines

Silvernail moved, Schroeder seconded, to allow the Mayor to sign the Lease Agreements with Silverado, Gold Dust Gaming/Four Aces, Tin Lizzie, and Cadillac Jacks for City Slot Machines, Five Cents or Less, 3-year lease July 2009 through June 2012. Roll Call: Aye-All. Motion carried.

### Lease Agreement - SDDOT Property

Klamm moved, Silvernail seconded, to allow the Mayor to sign the Lease Agreement between the City of Deadwood and the South Dakota Department of Transportation regarding the use of property during the Days of 76 Events, July 13-August 1, 2009. Roll Call: Aye-All. Motion carried.

### Agreement - Davis Property

Silvernail moved, Schroeder seconded, to allow the Mayor to sign an Agreement for Use of Property between Tim Davis and the City of Deadwood to allow Archeology Camp access to Davis property (Lot 1 of Probate Lot 149B, Deadwood, Lawrence County, South Dakota from June 1, 2009 through July 3, 2009. Roll Call: Aye-All. Motion carried.

### Agreement - Muth Electric-Mickelson Trail Project

Silvernail moved, Klamm seconded, to allow the Mayor to sign the amended contract (to include pink sheets as requested by the South Dakota Department of Transportation Department) with Muth Electric for the Mickelson Trail Lighting Project for \$320,912. Roll Call: Aye-All. Motion carried.

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MAYORS BUSINESS

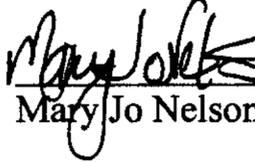
Request Executive Session

Mayor Toscana requested an Executive Session following Regular Session for personnel and union negotiations with no action to be taken.

ADJOURNMENT/EXECUTIVE SESSION

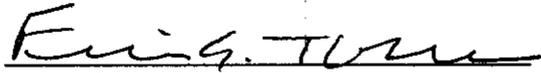
Toscana moved, Schroeder seconded, to adjourn the regular session at 6:10 p.m. and convene into Executive Session for personnel and union negotiations with no action to be taken. The next regular meeting will be at 5:00 p.m. on Monday, June 29, 2009.

ATTEST:

  
Mary Jo Nelson, Finance Officer



DATE: 6-29-09

BY:   
Francis A. Toscana, Mayor