REGULAR MEETING, November 9, 2009

The Regular Session of the Deadwood City Commission convened on November 9, 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, Klamm seconded, to approve the minutes of November 2, 2009. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Schroeder moved, Klamm seconded, to approve the November 9, 2009 disbursements. Roll Call: Aye-All. Motion carried.

A & B WELDING	PROPYLENE	93.25
ABC	SUPPLIES	51.84
AINSWORTH-BENNING	REC CENTER	753,774.50
ARMSTRONG EXTINGUISHER	MAINT	3,453.00
BH CHEMICAL	SUPPLIES	2,866.62
BH LAND ANALYSIS	GIS DATA	600.00
BH PIONEER	AD	282.00
CULLIGAN	RENTAL	31.50
DAKOTA SUPPLY GROUP	SUPPLIES	425.00
DEADWOOD HOME	SUPPLIES	109.31
DORSEY & WHITNEY	LEGAL SERVICES	11,000.00
ECOLAB	PEST CONTROL	306.00
ENVIRONMENTAL EQUIPMENT	SUPPLIES	36.83
FIRST NATIONAL BANK	TRUSTEE FEE$	17,294.75
GENES LOCK SHOP	KEYS	12.00
JACOBS WELDING	TUBING	206.03
JUNEKS SERVICE	SWITCH	43.92
KNOLOGY	PHONES	272.82
LAWSON PRODUCTS	POWER PEGS	372.05
LEAD DWD SANITARY DIST	USAGE CHRGS	21,444.02
M & T FIRE	SUPPLIES	40.80
MAVERICK (BLONDIES)	SUPPLIES	9.40
MDU	UTILITIES	3,296.14
NAPA	AUTO SUPPLIES	4,510.43
NEVE'S	UNIFORMS	109.40
NEWMAN SIGNS	POSTS	361.03
QUILL	KEY BOARD HLDRS	682.47
RAPID DELIVERY	DEL SERV	17.60
RUSHMORE COMMUNICATIONS	BATTERIES	1,728.00
SAFETY BENEFITS, INC.	REGISTRATION FEE	165.00
SD COMMISSION ON GAMING	OCT SLOTS	17,693.18
SD DEPT OF REVENUE	RB-LIC TRNSFR	75.00
SERVALL	SUPPLIES	685.04
SHAMROCK SUPPLIES	PLOW	521.55
SD STATE TREASURER	SALES TAX	3,505.44
SUMMIT SIGNS	6-SIGNS	276.00
TEMPERATURE TECHNOLOGY	MOTOR	245.14
TRIPLE K	PADS,ROTORS	1,102.42
TWILIGHT	SUPPLIES	712.95
TC ANIMAL SHELTER	R&N PROCEED$	80.70
WASTE CONNECTIONS	DUMP-RETURN	719.82
WESTERN COMMUNICATIONS	SUPPLIES	326.05
	TOTAL	**$ 849,539.00**

ITEMS FROM CITIZENS ON AGENDA

Resolution 2009-28

Chuck Turbiville requested approval of Resolution 2009-28 to Apply for Energy Efficiency and Conservation Block Grant for Deadwood Economic Development Corporation. This resolution would allow Deadwood Economic Development to apply for a $100,000 grant to make upgrades to the grocery store heating and cooling systems and upgrade the store lighting to a more energy efficient system. Klamm moved, Silvernail seconded, to approve Resolution 2009-28. Roll Call: Aye-All. Motion carried.

RESOLUTION #2009-28
ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT
EECBG "On Behalf Of" APPLICATION RESOLUTION

WHEREAS, the City of Deadwood has identified the need for the implementation of energy conservation measures, and
WHEREAS, City of Deadwood has identified the need to apply for an "On Behalf Of" Energy Efficiency and Conservation Block Grant (EECBG) for the Deadwood Economic Development Corporation, to upgrade the certain Deadwood Economic Development Corporation facilities; and,
WHEREAS, the City of Deadwood proposes to undertake the following projects:

Deadwood Economic Development Corporation – Upgrades to the grocery store heat and cooling systems and upgrade the store lighting to a more energy efficient system.

WHEREAS, the City of Deadwood is eligible to apply to the State of South Dakota for Energy Efficiency and Conservation Block Grant (EECBG) assistance for the proposed project(s) as

1) City of Deadwood is included in the latest Census of Governments (2007) as an incorporated municipality; and
2) City of Deadwood has a governance structure with an elected official and governing body; and
3) City of Deadwood was not eligible for a direct allocation of EECBG under the ARRA program; and

WHEREAS, with the submission of the EECBG application the City of Deadwood assures and certifies that all EECBG program requirements will be fulfilled,
THEREFORE, BE IT RESOLVED that the governing body of the City of Deadwood duly authorizes the Mayor to sign and submit all necessary paperwork for the EECBG application on behalf of the City of Deadwood for the Deadwood Economic Development Corporation.

Dated at Deadwood, Lawrence County, South Dakota, this 9th day of November 2009.

ATTEST:
/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD
/s/ Francis Toscana, Mayor

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Tour Bus License Renewals
Klamm moved, Schroeder seconded, to approve the Mt. Moriah Tour Bus Licenses for Alkali Ike, Boot Hill, Original Deadwood Tours for the 2010 season. Roll Call: Aye-All. Motion carried.

NeighborWorks - Holiday Lights
Erin Sabers requested permission to waive the group trolley fees and allow the use of a trolley for the annual Tour of Lights, to view Holiday decorations in Deadwood, Central City, and Lead on December 8, 10, 15, and 17. Interested parties may call NeighborWorks at 578-1401 for reservations. They are asking for a donation of cans of food for the Lord's Cupboard. Silvernail moved, Peterson seconded, to approve the use of trolley and waive trolley group fees for the Tour of Lights. Roll Call: Aye-All. Motion carried.

FINANCE

Payment Request
Peterson moved, Schroeder seconded, to approve the payment of $62,543.00 to SDML Workers Compensation Fund for workers compensation insurance, to be paid from Commission Insurance line item. Peterson added our experience modifier went from .93 to 1.07, which in turn increases the City's premium. Roll Call: Aye-Peterson, Schroeder, Klamm, Silvernail. Abstain-Toscana. Motion carried.

Grant Thornton Request
Peterson moved, Silvernail seconded, to allow the Mayor to sign the engagement letter with Grant Thornton to perform final arbitrage calculation on Series 1999-2000 Certificates of Participation (COP) refund, for $4,000 and to be paid from Historic Preservation funds held at First National Bank. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING & ZONING/PUBLIC BUILDINGS/SAFETY

Engine House Report
Deadwood Economic Development Director Chuck Turbiville provided the Commission with three (3) Fair Market Values from three local realtors for the Engine House. They are as follows:

Fair Market Value for Engine House
$175,000
$200,000 to $250,000, if gaming were allowed $100,000 to $150,000
$30,000 to $50,000

Mayor Toscana explained that the City needs the fair market value of the property in order to proceed with a sealed bids process. The board of appraisers must determine a value and the Commission must accept the amount. Schroeder moved, Peterson seconded, to continue this item to the November 16, 2009 meeting to allow the board of appraisers to determine a value for the Engine House. Roll Call: Aye-All. Motion carried.

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Change Order Update - Rec Center Security/Sound System
Public Works Director Jim Raysor requested that the Commission approve the security system/conduit allowance proposal presented by Ainsworth Benning for $38,143.00 and postpone the sound system proposal to a later date. Schroeder moved, Klamm seconded, to accept the security system/conduit proposal as requested. Roll Call: Aye-All. Motion carried.

Travel Request
Toscana moved, Silvernail seconded, to allow Kevin Kuchenbecker to travel to Pierre on November 19 for the Historic Preservation Coordination meeting, requesting meal and use of City vehicle. Roll Call: Aye-All. Motion carried.

STREETS/WATER/LIBRARY

Payment Request
Schroeder moved, Klamm seconded, to approve the additional expense for water line repairs on Dakota Street previously approved on June 8, 2009 (not to exceed $12,500), and pay Ainsworth Benning $9,094.68, total cost of project is $17,698.00. Roll Call: Aye-All. Motion carried.

POLICE/FIRE

Discussion - Purchase Fire Truck
Fire Chief Trent Mohr requested permission to move forward with the possibility of purchasing a new or used ladder truck. The "Fire Truck" committee has prepared a plan with possible funding and bid specifications, which needs to be finalized and then reviewed by the City Attorney. Commissioner Klamm explained that the existing 1982, 100-foot ladder truck which was donated seven years ago by the Glendola, N.J. Fire Department is slow in response time and said he is concerned with the location of the new convention center (Lodge at Deadwood) on top of Deadwood Hill. Toscana asked Mohr what a new fire truck would cost and Mohr replied $1 million or more. Chief Mohr said they have been in contact with two manufacturers and are researching the possibility of a purchasing a demo truck rather than a brand new one. The City could realize a cost savings if they were able to purchase a demo rather than a new truck, added that due to the state of the economy, and low interest rates this could be an opportune time to make this purchase. Commissioner Peterson said that the purchasing a fire truck was discussed at budget time and it was determined there is no money for a fire truck in 2010 and maybe not even in 2011. After discussing possible and various funding options, Toscana concurred and said, it is not going to cost much to see where the market is and see if the City could afford this purchase. He said that the notice to bidders needs to state for both new and used ladder trucks and the City has the right to reject any and all bids. Klamm moved, Toscana seconded, to allow the Fire Department to finalize the bid specifications for the purchase of a new or used ladder truck. Roll Call: Aye-Klamm, Toscana, Peterson, Schroeder. Nay-Silvernail. Motion carried.

Purchase Request
Klamm moved, Silvernail seconded, to approve the purchase of lockers from ABC Business for the Police Department at a cost of $2,029.50 (including freight.) Roll Call: Aye-All. Motion carried.

Purchase Request
Klamm moved, Schroeder seconded, to approve the purchase of a commercial hood system for the Fire Department from M & T Fire Safety at a cost not to exceed $2,200.00. Roll Call: Aye-All. Motion carried.

PARKS/RECREATION/TROLLEY

Discussion - Transportation to The Lodge at Deadwood
Trolley Manager Bob Nelson Sr. told the Commission that he was contacted by a private contractor regarding the possibility of providing transportation from the downtown area to the convention center (The Lodge at Deadwood.) Nelson told the contractor that the Commission would need to discuss this proposal. Toscana said since the proposal exceeds the bid limit of $25,000, the City would need to bid the proposal. Discussion continued with regard to the private contractor's proposal, bidding options, and possible funding. Toscana said the committee is moving forward with possible transportation options. Bob Nelson Sr. said that he has applied for a Capital Assistance Grant through the South Dakota Department of Transportation if approved the City would be able to purchase a trolley that meets the requirements to transport passengers to The Lodge at Deadwood. Nelson added he received a letter from the State accepting the City's grant application pending the availability Federal funding. Commission took no action.

REGULAR MEETING, November 9, 2009

LEGAL BUSINESS

Resolution 2009-27
Silvernail moved, Klamm seconded, to approve Resolution 2009-27 to Vacate Cleveland Heights Street (Ron Robley properties.) Roll Call: Aye-All. Motion carried.

RESOLUTION 2009-27
RESOLUTION TO VACATE CITY STREETS AND A PORTION OF CITY STREET

WHEREAS, a petition for the vacation of certain streets, alleys and other appropriate property has been filed before the Deadwood City Commission, by all owners of record of lands abutting or comprising the areas to be vacated; and,

WHEREAS, Ronald Robley, petitioner, is joined by the following property owners: Perry Roth; Roger & Sharon Styer; Mary Lafrentz; Larry & Lisa Schwindt; Terry & Debra Brunner; Arne & Carol Sjomeling; and the City of Deadwood, all landowners abutting the areas to be vacated.

WHEREAS, the petitioners requested vacation of the following streets and alleys: All of -- 1) Elmer Avenue; 2) Hopkins Avenue; 3) Kennedy Avenue; 4) St. Charles Street; 5) Four (4) alleys and, 5) A portion of Wabash Avenue, All located within the Cleveland Heights Addition, to the City of Deadwood. The public rights-of-way proposed for vacation are platted in the Cleveland Heights Addition to the City of Deadwood, shown in Plat Book 1, Page 179.

WHEREAS, a public hearing was held on August 3, 2009, after due notice to the public, and no objections were made or received, and

WHEREAS, the public interest will be better served by vacating the streets and alleys, and that such streets and alleys have not been used or traveled as streets or alleys for more than twenty (20) years. Access to the parcels adjacent to the rights-of-way would not be adversely affected by the proposal.

WHEREAS, the vacation of the platted streets and alleys would cause no inconvenience to the public because they are non-existent on the ground and are only projected on the plat as future streets. No public road or alley, with the exception of a portion of Wabash Street, has been constructed in the rights-of-way, and there is no evidence that the rights-of-way have been used by the public and there are no plans for future public use of the rights-of-way.

IT IS HEREBY RESOLVED, pursuant to SDCL 9-45-7, that the public interest will be better served by the proposed vacating of the aforementioned streets and alleys as shown on Exhibit "A", attached hereto.

IT IS FURTHER RESOLVED that this resolution of vacation be recorded with the Register of Deeds, Lawrence County, South Dakota and that the Deadwood City Commission shall publish and file this Resolution as statutorily provided.

November 9, 2009

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

ATTEST:
/s/ Mary Jo Nelson, Finance Officer

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ITEMS FROM MAYOR, COMMISSIONERS, DEPARTMENT HEADS NOT ON AGENDA

Burnham Residence
Commissioner Silvernail expressed once again her concerns with the on-going construction project at 45 Burnham. Silvernail told the Commission that the yard is torn up and a natural spring runs across this property. There have been numerous accidents due to the water runoff, which crosses Pleasant Street, and freezes causing motorists to slide through the stop sign and into the telephone pole. Public Works Director Jim Raysor contacted Mr. Munro's contractor on November 6, 2009, informing them that they did not obtain permission from the City to place the dumpster on the street, which narrows the street to a single lane and poses a safety issue. Along with the runoff and no drainage system, a raw sewage problem exists. Raysor asked him to come to the Commission meeting to request permission and obtain approval for this dumpster to be placed on the street. Raysor told the contractor if they did not appear at the Commission meeting on November 9 the dumpster would be removed. Scott Munro, property owner, did not appear so the dumpster will be removed as of November 10, 2009. Raysor said these issues are ongoing and the City could declare this property a nuisance. The sewer line does not meet the code requirements. Therefore the City would re-route the line out to Burnham Avenue to meet compliance requirements and bill back the charges for this work to the contractor/property owner. City Attorney Jason Campbell will start the legal proceedings to declare this property a nuisance.

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ADJOURNMENT

Silvernail moved, Klamm seconded, to adjourn the regular session at 6:00 p.m. The next regular meeting will be at 5:00 p.m. on Monday, November 16, 2009.

ATTEST: DATE: 11-16-09

Mary Jo Nelson, Finance Officer BY: Francis A. Toscana, Mayor

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

SEAL
SOUTH DAKOTA