

EXECUTIVE SESSION/REGULAR MEETING, JANUARY 16, 2007

The Regular Session of the Deadwood City Commission convened on January 16, 2007, 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 Nyla Griffith, Mike Klamm, Georgeann Silvernail and Mark Speirs. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Silvernail moved, Speirs seconded, to approve the minutes of January 8, 2007. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Griffith moved, Klamm seconded, to approve the January 8, 2007 disbursements. Roll Call: Aye-All. Motion carried.

A.T.D. YELLOW PAGES	YELLOW PAGE LISTING	297.00
ABC	OFFICE SUPPLIES	302.25
ADAMS MUSEUM DBA ADAMS	2007 BUDGET - SALARIES	87,700.00
ALCO STORES, INC.	ALCO STORES, INC.	45.14
AMERICAN LIBRARAY ASSOC	MEMBERSHIP ID: 1055946	210.00
AMERICAN RED CROSS	06-CPR CLASS/RC EMPLOYEES	24.00
BARBARA LIMBO	06-CPR CLASS TRAINER	150.00
BH PIONEER	LETTERS TO SANTA	96.64
BH POWER & LIGHT CO.	06-ELECTRICITY-FIRE DEPT. SIRE	53.57
BLACK HILLS ELEVATOR, LLP	QUARTERLY SERVICES-LIBRARY	75.00
BLACK HILLS PURE, INC.	2 5 GALLON WATER	37.00
BLACK HILLS VISION	2007 ANNUAL INSTALLMENT	10,000.00
BLACK HILLS WEEKLY GROUP	NOVEMBER 20, 2006 MINUTES	856.10
CAMPBELL SUPPLY	06-TRAILER/PARKS SHOP	1,325.00
CASA	DONATION FOR 2007	2,500.00
CENTRAL PARTS WAREHOUSE	07-ELECTRIC JOY STICK	179.34
COLORADO PRESERVATION INC	COLORADO PRESERVATION REGISTRA	1,207.00
CULLIGAN OF THE NORTHERN	H80 LB SALT BAG (3)	129.25
DAKOTA GRAPHICS	ENVELOPES	115.00
DAKOTA SUPPLY GROUP	06-MODEL 25 METER CHAMBERS	221.13
DEADWOOD CHAMBER	DEC-JAN BILL LIST	11,033.00
DECKERS	DECKERS	76.07
EDC EDUCATIONAL SERVICES	BOOKS	242.75
ELAN FINANCIAL SERVICES	NEWSLETTER PAPER	210.45
EMERY-PRATT COMPANY	BOOKS	72.20
FIRE ENGINEERING	2 YR SUBSCRIPTION RENEWAL	75.95
FIRST MIDWEST BANK	07-COPIER PAYMENT/PUBLIC WORKS	92.90
FISCHER CONSTRUCTION	LOAN DISB-39 VAN BUREN-B. HILD	1,150.48
FOX, TERESA	NEWSPAPER INDEXING APRIL 1897	1,500.00
FREDERICKSON LAW OFFICE,	PDECEMBER FEES	3,259.30
GERVING CONSTRUCTION	47 CENTENNIAL-OESCHNER	13,394.75
GOLDEN WEST TECHNOLOGIES,	07-REPLACEMENT PAGER/WATER DEP	22,608.88
GOPHER SPORT	06-VOLLEYBALLSTANDARDS	826.85
HAMPTON INN & SUITES,	07-JR'S ROOM/COLORADO CONF.	1,485.00
HAWKINS CHEMICAL INC.	06-CHEMICALS/REC CENTER	119.50
JUNIOR LIBRARY GUILD	BOOKS	418.20
KBS, INC	BLK WHT, COLOR METER	34.26
KEN'S CAMPER	15 GAL KEROSENE	97.50
LAWSON PRODUCTS, INC.	06-FILES-DRILL BITS-BLADES	370.01
LEHMEN CONSTRUCTION CO.	RW GRANT DISB-R. WHEELER-8 SHI	3,575.00
MICROMARKETING LLC	AUDIO BOOKS	62.94
MIDWEST TAPE	DVD'S	193.91
MIKE RUNGE	POSTAGE REIMBURSTMENT & MAP	28.00
MONTANA DAKOTA UTILITIES	LIBRARY UTILITIES	546.86
NAPA AUTO PARTS	06-CREDIT FOR GASKET	4,883.83
NAPC	NAPC DUES	130.00
NATIONAL TRUST FOR HISTORINATIONAL TRUST MEMBERSHIP		115.00
NEVE'S UNIFORMS, INC.	SETS SGT STRIPES, COLLAR BRASS	74.17
NORTHWEST PIPE FITTINGS,	I VALVE-WATER PRESSURE RELIEF	63.77
ONE CALL SYSTEMS, INC.	06-LOCATE REQUEST TICKETS	21.00
PRESERVATION ACTION	MEMBERSHIP DUES	55.00
QUILL COPORTATION	TONER CARTRIDGES	500.41
SD STATE TREASURER	SALES TAX DUE FOR DEC 2006	3,073.74
SD ASSOC OF CODE	KEITH ANNUAL MEMBERSHIP	40.00
SD DEPT OF MOTOR VEHICLES	TITLE & PLATES 2006 TRAILER	13.00
SD MUNICIPAL LEAGUE	FINANCE OFFICERS' ASSOC. DUES	1,236.78
SD STATE ARCHIVES	BH PIONEER MICROFILM REEL 1568	28.80
SD STATE HISTORICAL	RESEARCH & NOTES	32.00
SD STATE HISTORICAL	SCANNING OF REPORTS	7,648.31
SD WATER & WASTEWATER	MEMBERSHIP SDWWA	20.00
THYSSEN KRUPP ELEVATOR	OVERPAID CONTRACTOR'S LICENSE	25.00
TIM CONRAD ELECTRIC	06-(3) POLE CONTACTORS/PARKS	131.44
TWIN CITY ANIMAL SHELTER	DONATION	133.65
UNIVERSITY OF WASHINGTON	INTERLIBRARY LOAN #231179	15.00

GRAND TOTAL

\$185,239.08

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ITEMS FROM CITIZENS ON AGENDA

Mardi Gras Bead Sale

Trinity Conrad requested permission for the Spanish Club to sell Mardi Gras merchandise on Main Street during the Mardi Gras Celebration on February 9 & 10 prior to the parade. Ms. Conrad added the Spanish Club will be traveling to Mexico June 5-15, 2007 and would like the opportunity to raise money for their trip. Mayor Toscana confirmed that parents of the students would supervise the group. Silvernail moved, Klamm seconded, to allow the Spanish Club to sell Mardi Gras merchandise during the celebration from 5:00 p.m. until parade begins. Roll Call: Aye - All. Motion carried.

PUBLIC HEARINGS/BID OPENINGS

Public Hearing – Proposed Excavation Ordinance

City Attorney John Frederickson stated that no action was required tonight. He added these same issues are already being addressed through current zoning ordinance. As a result, he has limited the scope with revisions to amend the fee schedule that is currently in place in the International Building Code. It is his opinion that the city cannot control growth using a fee schedule. Frederickson then advised the Commission to take comments at the meeting and he will draft an ordinance, taking into account the city incurred costs. Mayor Toscana requested Jim Raysor present the revisions and take questions from those present. After that time, Toscana opened the public hearing to hear those “in favor of” and “opposed to” proposed ordinance.

Lynn Namminga, Deadwood resident, stated that he believed we are destroying our historic environment, desecrating Deadwood Gulch, and urged the commission to pass said ordinance.

Those opposed included Tom Brady, on behalf of BY Development (Cadillac Jacks) who stated the fee must be reasonably related to the service provided. He added that the city already has these fees in place with current zoning and subdivision ordinances, and believes this is an additional tax on vehicle regulation that is taxed by the state. Dennis Katon spoke in opposition, and believes his excavation on his property has been beneficial to the city. Mike Rodman, representing Deadwood Gaming Association, urged the Commission to ask the business community for input prior to a decision. Brad Hemmah spoke on behalf of First Gold and Business Improvement District #7. He believes the current fees are adequate, and that the revenue generated from economic development more than takes care of any costs incurred by the city. Hemmah also requested that in the future, taxpayers get a document to study prior to the meeting. Mike Perceovich, Real Estate Center, believes it is irresponsible of the Commission to pass an ordinance to penalize people when there is a housing shortage in Deadwood. He added that he sees hundreds of employees driving out of the city limits daily, with no home sites available to them.

At this time, Mayor Toscana closed the public portion of the meeting, and asked for comments from the Commissioners. Silvernail added that she has a problem even raising the fee to .13 cents per cubic yard, knowing how hard it is for individuals to buy a home. Raysor informed the Commission that under the International Building Code, residential property is exempt. Klamm agreed with Silvernail, and stated that adding more costs will hurt Deadwood more than help. Speirs directed the Commission to paragraph F of the first proposal that “excavation and demolition projects will be required to post a performance bond assuring the projects completion in the amount equal to the estimated cost for the excavation/demolition component of the project” and requested that paragraph remain to protect the City against a project which may not be completed. Griffith questioned Attorney Frederickson about defending the proposed fees, and requested that Raysor gather more information and prepare a cost comparison on similar fees in like communities. Speirs moved, Griffith seconded, to continue to Monday, January 29, 2007. Roll call: Aye-All. Motion carried.

Set Public Hearing – Mardi Gras –Open Container

Griffith moved, Silvernail seconded, to set the public hearing on January 22, 2007 at 5:10 pm for the relaxation of the open container ordinance for the Mardi Gras event on February 9 and 10, 2007 from 5:00 pm to 10:00 pm. Roll Call: Aye - All. Motion carried.

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Set Public Hearing – Liquor/Malt Beverage License Transfer – Buffalo-Bodega Complex

Griffith moved, Speirs seconded, to set the public hearing for the retail (on-sale) liquor and (on-off sale) malt beverage license transfer for Bodega, Buffalo Bar and Stockade, Lady Luck and Dakota Territory on January 22, 2007, at 5:15 p.m. Roll Call: Aye - All. Motion carried.

Set Bid Opening – Centennial Street

Speirs moved, Griffith seconded, to set bid opening for Centennial Street wall repair on February 20, 2007 at 5:10 p.m. Roll Call: Aye – All. Motion carried.

FINANCE/HISTORIC PRESERVATION/LIBRARY

Payment Request – Twin City Animal Shelter

Silvernail moved, Speirs seconded, to allow the Finance Office to approve the payment of \$3,000 to the Twin City Animal Shelter for spay and neuter program, a budgeted item. Roll Call: Aye – All. Motion carried.

Training Request – City Web Site

Silvernail moved, Speirs seconded, to allow web site training to be scheduled from Gov Office, not to exceed \$1,500 and to be divided amongst the departments of each committee member who attends the training. Roll Call: Aye – All. Motion carried.

Award Non-Profit Grant - Masonic Temple

Speirs moved, Silvernail seconded, to approve the not-for-profit grant in the amount of \$58,646.18 for electrical and air-conditioning upgrades to the Masonic Temple located at 715 Main Street. Roll Call: Aye – All. Motion carried.

Award Non-Profit Grant – Broken Boot Mine

Silvernail moved, Speirs seconded, to approve the not-for-profit grant in the amount of \$19,000 for re-timbering and structural supports at the Broken Boot Mine located at 1200 Pioneer Way. Roll Call: Aye – All. Motion carried.

Sponsorship-Dakota Conference

Speirs moved, Silvernail seconded, to approve the \$1,000 sponsorship contribution from the 2007 Advocacy budget to the Center for Western Study's Dakota Conference on Northern Plains History, Literature, Art and Archaeology. Roll Call: Aye - All. Motion carried.

STREETS/WATER

Employee Hire – WASP Site

Speirs moved, Silvernail seconded, to approve the hiring of Clifford Littau as a WASP Site operator at \$8.00 per hour effective January 18, 2007. Roll Call: Aye - All. Motion carried.

Purchase Fuel

Speirs moved, Griffith seconded, to approve the purchase of 5,500 gallons of diesel fuel at \$2.01 per gallon from Southside Oil. Roll Call: Aye - All. Motion carried.

Indemnification Agreement – Van Den Eykel

Speirs moved, Silvernail seconded, to allow the Mayor to sign the indemnification agreement with Jim and Rhonda Van Den Eykel regarding snow removal onto their property. Roll Call: Aye – All. Motion carried.

Permit Renewal Application – WASP Site

Speirs moved, Silvernail seconded, to allow the Mayor to sign the 5-year permit renewal application, since the two-year renewal period has passed at the WASP Rubble Site. Roll Call: Aye – All. Motion carried.

POLICE/FIRE

Purchase Request – Police Department

Silvernail moved, Speirs seconded, to approve the purchase of a Dodge Durango from Wegner Auto, Company off the State of S.D. Contract #14997 in the amount of \$21,548.00 from, to be expended from Police budgeted funds. Roll Call: Aye - All. Motion carried.

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Sign Equipment Grant Application

Silvernail moved, Speirs seconded, to allow the Mayor to sign the equipment grant application from the Department of Public Safety for Police Department. A 20% match is required. Roll Call: Aye – All. Motion carried.

LEGAL

Settlement Agreement – Buffalo-Bodega

Griffith moved, Speirs seconded, to allow the Mayor to sign the settlement agreement between the Bodega and the City of Deadwood regarding revocation of their sound permit. Roll Call: Aye – All. Motion carried.

Executive Session

John Frederickson requested an Executive Session for legal matters no action to be taken.

MAYORS BUSINESS

Payment for Lead-Deadwood School District

Silvernail moved, Speirs seconded, to allow the Finance Office to pay the Lead-Deadwood School District \$85,212.00, the balance owed after 10% down, for a previous bid for School Lots #10, City of Deadwood, NE ¼, NW ¼, Section 26, T5N, R3E, BHM, Comprising 5.07 acres, more or less; School Lot #37, City of Deadwood, NE ¼, NW ¼, Section 26, T5N, R3E, BHM, Comprising 6.47 acres, more or less. and School Lot#13, City of Deadwood, NW ¼, Section 26, T5N, R3E, BHM, Comprising of 4.24 acres, more or less, to be paid from Historic Preservation Capital Asset line item. Roll Call: Aye – All. Motion carried.

Purchase – Planning Department

Toscana moved, Silvernail seconded, to approve the purchase of a laptop computer for the Building Inspector from the Planning Department at a cost of \$1,250. Roll Call: Aye – All. Motion carried.

ITEMS FROM MAYOR, COMMISSIONERS, DEPARTMENT HEADS

Burn Ban - Fire Department

Silvernail moved, Speirs seconded, to approve the recommendation from the Fire Department that the burn ban be lifted for the City of Deadwood. Residents are still required to obtain a burn permit. Roll Call: Aye – All. Motion carried.

Dumpster – The Mint

Griffith moved, Speirs seconded, to allow The Mint to place a dumpster on Main Street for their construction project during the weekdays, providing dumpster be and must removed from Main Street on the weekends, with a completion date of February 9, 2007. Roll Call: Aye - All. Motion carried.

ADJOURNMENT

Toscana moved, Speirs seconded, to adjourn the meeting to Executive Session at 6:10 p.m. for legal matters no action to be taken. The next regular meeting will be at 5:00 p.m. on Monday, January 22, 2007.

ATTEST:

DATE: _____

Mary Jo Nelson, Finance Officer

BY: _____
Francis A. Toscana, Mayor