

EXECUTIVE SESSION/REGULAR MEETING, May 4, 2009

The Regular Session of the Deadwood City Commission convened on May 4, 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 Silvermail. All motions passed unanimously unless otherwise stated.

SWEAR IN COMMISSIONERS

Finance Officer Mary Jo Nelson administered the Oath of Office to incumbents Commissioner Mike Klamm and Commissioner Georgeann Silvermail.

SWEAR IN CITY ATTORNEY

Finance Officer Mary Jo Nelson administered the Oath of Office to City Attorney Jason Campbell.

APPROVAL OF MINUTES

Silvermail moved, Peterson seconded, to approve the minutes of April 27, 2009. Roll Call: Aye-All. Motion carried.

APRIL 2009 PAYROLL: COMMISSION, \$2,730.76; ATTORNEY, \$5,384.62; FINANCE, \$13,843.42; PUBLIC BUILDINGS, \$1,714.42; POLICE, \$36,286.08; FIRE, \$4,157.78; BUILDING INSPECTION, \$3,230.40; STREETS, \$29,885.41; PARKS, \$15,246.84; PLANNING & ZONING, \$4,307.70; LIBRARY, \$6,077.84; RECREATION CENTER, \$6,253.71; HISTORIC PRESERVATION, \$12,384.07; WATER, \$14,381.89; PARKING METER, \$6,875.20; TROLLEY, \$10,424.19 PARKING RAMP, \$4,913.66; RUBBLE SITE, \$765.00. **PAYROLL TOTAL: \$178,862.99.**

APRIL 2009 PAYROLL PAYMENTS:

Internal Revenue Service, \$40,973.49; S.D. Retirement System, \$20,510.90; Delta Dental, \$3207.80.

APPROVAL OF DISBURSEMENTS

Silvermail moved, Peterson seconded, to approve the May 4, 2009 disbursements with two (2) additional bills. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	CONTRACT	385.91
ABC	SUPPLIES	65.26
ALCO	SUPPLIES	35.95
AMSTERDAM PRINTING	PENS	201.07
BARTLETT, EVELYN	REPAIRS	74.96
BH POWER	UTILITIES	2,923.97
BH SWIMMING	CERT COURSE	175.00
CLERK OF COURTS	SERVICE	50.00
CREATIVE PRODUCT SOURCING	DARE PRODUCTS	179.81
CULLIGAN	SUPPLIES	47.00
D & D ELECTRIC	COMPUTER SERV	150.00
DAKOTA SUPPLY GROUP	MODULES	177.02
DAKOTALAND DOORS	REPAIRS	120.75
DEADWOOD HOME	REBAR	286.08
EMERY-PRATT	BOOKS	156.10
FASTENAL	DISCS	289.67
FITNESS	RENEWAL	9.99
FOX, TERESA	INDEXING	1,746.00
GOLDEN WEST	SERV CALL	55.00
GREAT WESTERN TIRE	SERV CALL	83.00
HIDDEN GULCH EMBROIDERY	SUPPLIES	386.92
HILLS MATERIALS CO	BASE	82.62
HOLIDAY INN EXPRESS	LODGING	184.50
INDIAN COUNTRY TODAY	SUBSCRIPTION	52.00
INTERSTATE BATTERY	BATTERIES	242.00
JACOBS WELDING	BAR-ROD	12.88
KNOLOGY	PHONE SERV	1,354.56
LANDSTROM, CODY	LIBRARY EVENT	200.00
MAVERICK (BLONDIES)	SUPPLIES	44.03
MIDWEST TAPE	AUDIO BOOKS	66.98
MDU	UTILITIES	5,715.11
NEVE'S UNIFORMS	UNIFORMS	640.15
PETTY CASH	REIMBS	45.85
PONTIUS, JERRY	REIMBS	890.22
SERVALL	MATS & TOWELS	56.69
SD STATE HISTORICAL SOC	ANNUAL MBRSHIP	35.00
SD PUBLIC ASSURANCE	INSURANCE-EQUIPMT	2,249.75
SD PUBLIC HEALTH	TESTING/WATER	72.00
SD SUPREME COURT CLERK	FILING FEE	75.00
SPORTS ILLUSTRATED	SUBSCRIPT	89.04
TEE'S PLUS	DARE ITEMS	520.33
THOMSON WEST	CHGS	152.15
TRIPLE K	REPAIRS	228.00
TURFWERKS	PUMP	100.00
TWILIGHT FIRST AID	VESTS	478.10
TWIN CITY HARDWARE	PVC GRATE	1,546.99
USPS	WATER BILLS	177.14
	TOTAL	\$22,910.55

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ITEMS FROM CITIZENS ON AGENDA

Days of 76 Museum Request

Jon Mattson, Days of 76 Committee, appeared before the Commission to request permission for the City to sponsor a grant application from the South Dakota Department of Transportation Stimulus Funds for the Days of 76 Museum project. The application deadline is May 8, 2009 and the grant amount is for \$250,000. Silvernail moved, Klamm seconded, to allow the City to sponsor the grant application for the Days of 76 Museum project. Roll Call: Aye-All. Motion carried.

Arbor Day Proclamation

Joann Eastman informed the Commission that the Arbor Day celebration would be held at the Oak Ridge Cemetery on Friday, May 8, 2009 at 10:00 a.m. Eastman added they would like permission to use the trolley to transport elementary students to the event. Mayor Toscana signed the proclamation and proclaimed May 8, 2009 as Arbor Day in Deadwood.

PUBLIC HEARINGS/BID OPENINGS

Public Hearing

Silvernail moved, Schroeder seconded, to grant the use of the Sherman Street Parking Lot for the Mickelson Trail Marathon on June 7, 2009. Roll Call: Aye-All. Motion carried.

Bid Opening

Mary Jo Nelson, Finance Officer, opened the following bids for the retaining walls at 58 Pleasant and 316 Williams.

<u>Contractor</u>	<u>Bid</u>	<u>Bid Bond</u>
Corr Const.	\$55,355.00	x
RCS Const.	\$64,400.00	x
Ainsworth Benning	\$66,170.00	x
Lehmen Const.	\$94,450.00	x
Ainsworth Benning	\$31,840.00	x
Lehmen Const	\$34,884.00	x
RCS Const.	\$37,000.00	x
Corr Const.	\$53,925.00	x

Kevin Kuchenbecker requested more time to review bids and place on the agenda for the May 11, 2009 meeting.

Set Public Hearing

Klamm moved, Schroeder seconded, to set a public hearing at 5:10 p.m. on May 18 for Wild Bill Days Event requesting open container, street closure, and waiver of vending fee for the Optimist Club. Roll Call: Aye-Klamm, Schroeder, Peterson, Silvernail. Abstain - Toscana.

Set Public Hearing

Klamm moved, Schroeder seconded, to set a public hearing at 5:15 p.m. on May 18 for the Northern Hills Community Band street closure request during the Days of 76 events. Roll Call: Aye-All. Motion carried.

FINANCE

Hire Request

Peterson moved, Silvernail seconded, to approve the hiring of Alfred Burnham for the parking ramp attendant position, effective May 5, 2009 at \$8.00 per hour. Roll Call: Aye-All. Motion carried.

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HISTORIC PRESERVATION/PLANNING & ZONING/PUBLIC BUILDING/SAFETY

Annexation Request

Bernie Williams, Planning and Zoning Administrator, informed the Commission that a Petition for Annexation has been submitted by Deadwood Stage Run for Tract D-2, formerly Tract D of M.S. 696 Palisades Placer, all located in the NE 1/4 and the SE 1/4 of Section 15, T5N, R3E, B.H.M., Lawrence County, South Dakota (containing 1.68 acres, plus or minus). Silvernail moved, Klamm seconded, to approve the annexation request submitted by Deadwood Stage Run. Roll Call: Aye-All. Motion carried.

Resolution 2009-11

Silvernail moved, Klamm seconded, to approve Resolution 2009-11 to Annex Certain Real Estate, as presented. Roll Call: Aye-All. Motion carried.

**RESOLUTION 2009-11
RESOLUTION TO ANNEX CERTAIN REAL ESTATE**

WHEREAS, a Petition has been filed with the City of Deadwood, Lawrence County, South Dakota in the manner and form required by law, requesting the voluntary annexation of certain real estate pursuant to SDCL 9-4-1, and legally described (map attached as Exhibit "A" incorporated herein by this reference) as:

Tract D-2, formerly Tract D of M.S. 696 Palisades Placer, All Located in the NE 1/4 and the SE 1/4, Section 15, T5N, R3E, B.H.M., Lawrence County, South Dakota (containing 1.68 acres, plus or minus); and

WHEREAS, it has been determined that it would be in the public interest for the City of Deadwood to annex the above described real estate consisting of approximately 1.68 acres for use in the future residential and commercial development of the City of Deadwood; and

WHEREAS, it appears that the owner of the contiguous territory owns 100 percent of the above described real estate, constitutes 100 percent of the registered voters of the contiguous territory and has voluntarily signed the Petition now before the City of Deadwood and that said property should be annexed into the City of Deadwood, South Dakota; now, therefore,

IT IS HEREBY RESOLVED, pursuant to SDCL 9-4-1, by the City of Deadwood, South Dakota, that the following described real estate which is contiguous to the boundaries of the City of Deadwood be, and the same is hereby annexed (map attached as Exhibit "A" incorporated herein by this reference):

Tract D-2, formerly Tract D of M.S. 696 Palisades Placer, All Located in the NE 1/4 and the SE 1/4, Section 15, T5N, R3E, B.H.M., Lawrence County, South Dakota (containing 1.68 acres, plus or minus).

Date: May 4, 2009.

ATTEST:
/s/ Mary Jo Nelson, Finance Officer

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

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Change Order #3 - 45 and 47 Forest Avenue

Silvernail moved, Klamm seconded, to approve Change Order #3 for 45 and 47 Forest Avenue requesting the addition of 30 days to allow for hillside stabilization for the retaining wall projects with final completion date to May 5, 2009. Roll Call: Aye-All. Motion carried.

STREETS/WATER/LIBRARY

Purchase Request

Schroeder moved, Klamm seconded, to approve the purchase of forty-(40) 5-gallon buckets of yellow paint from Twin City Hardware at \$70 each for a total cost of \$2,800, to be paid from Street Department budget. Roll Call: Aye-All. Motion carried.

Purchase Request

Schroeder moved, Klamm seconded, to approve the purchase of twelve (12) 5-gallon buckets of crosswalk paint from Twin City Hardware at \$90 each for a total cost of \$1,080, for brick streets, to be paid from Historic Preservation capital asset line for brick streets. Roll Call: Aye-All. Motion carried.

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Purchase Request

Schroeder moved, Klamm seconded, to approve the purchase of four (4) 55-gallon barrels of crack seal at \$760 each for city streets from Team Laboratories, at a cost of \$3,040 plus shipping. Roll Call: Aye-All. Motion carried.

Advertise Position - WASP

Schroeder moved, Klamm seconded, to approve the advertising for a WASP employee for one day per week, at \$8.00 per hour. Roll Call: Aye-All. Motion carried.

Travel Request

Schroeder moved, Klamm seconded, to allow Keith Umenthum to attend Annual Institute Days in Rapid City on June 2, 2009 at a cost of \$90 plus use of City vehicle and lunch. Roll Call: Aye-All. Motion carried.

Lawrence County Request

Schroeder moved, Silvernail seconded, to allow the City to waive the building permit fee for Lawrence County for the remodeling of garages into offices at 80 Sherman Street. Roll Call: Aye-All. Motion carried.

POLICE/FIRE

Phone Vote - Fire Department

A phone vote was taken on April 29, 2009 to allow the Fire Department to purchase a computer at a cost not to exceed \$1,500. Aye - Klamm, Peterson, Silvernail, Toscana.

Parking and Transportation Repair Request

Klamm moved, Silvernail seconded, to approve the hiring of Dennis Forgey to repair the Sherman Street Parking Lot wall at a cost of \$8,500. Roll Call: Aye-All. Motion carried.

PARKS/RECREATION/TROLLEY

Safety Committee Request

Silvernail moved, Peterson seconded, to allow the Lead-Deadwood Elementary School to use the Sherman Street Parking Lot for the 4th and 5th Grade Triathlon on May 13-14, 2009. Roll Call: Aye-All. Motion carried.

LEGAL

Contract - Sabo Construction

Silvernail moved, Klamm seconded, to allow the Mayor to sign the contract with Sabo Construction for storm sewer project between Forest and Centennial Streets for \$4,899.62. Roll Call: Aye-All. Motion carried.

Contract - Forgey Construction

Silvernail moved, Klamm seconded, to allow the Mayor to sign the contract with Forgey Construction for the hillside stabilization project (bid on April 27, 2009) for \$33,045.65. Roll Call: Aye-All. Motion carried.

Resolution 2009-10

Klamm moved, Schroeder seconded, to approve Resolution 2009-10 to Use Bonded Funds to Renovate the City of Deadwood's City Hall Basement. Roll Call: Aye-All. Motion carried.

RESOLUTION 2009-10

RESOLUTION TO USE BONDED FUNDS TO RENOVATE THE CITY OF DEADWOOD'S CITY HALL BASEMENT

WHEREAS, the Deadwood City Commission issued Certificates of Participation in the amount of \$9,990,000.00 on December 15, 2003; and

WHEREAS, the security for such Certificates of Participation is in the form of a Ground Lease and Easement Agreement, dated as of November 1, 1990, with The First National Bank in Sioux Falls; and

WHEREAS, additional security for such Certificates of Participation is in the form of a Lease-Purchase Agreement, also dated as of November 1, 1990, and also with The First National Bank in Sioux Falls; and

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WHEREAS, the Fourth Amendment to Ground Lease and Easement Agreement, dated March 12, 2007, provided for City Hall Restoration/Acquisition as follows: Acquisition and restoration of the former Fish and Hunter Warehouse, a 22,000 square foot structure, for use as the new City Hall. Restoration includes site work and development of a climate-controlled archival storage area in the basement; with the following legal description: A Portion of Lots 1,3,5, 7, 9, 11, 13, 15, 17, 19, 21, 23, Block 26 in the Original Townsite, City of Deadwood, Lawrence County, South Dakota; and

WHEREAS, the Ninth Amendment to Lease-Purchase Agreement, dated March 12, 2007, also provided for City Hall Restoration/Acquisition as follows: Acquisition and restoration of the former Fish and Hunter Warehouse, a 22,000 square foot structure, for use as the new City Hall. Restoration includes site work and development of a climate-controlled archival storage area in the basement; with the following legal description: A Portion of Lots 1,3,5, 7, 9, 11, 13, 15, 17, 19, 21, 23, Block 26 in the Original Townsite, City of Deadwood, Lawrence County, South Dakota; and

WHEREAS, the Deadwood City Commission has deemed it necessary, proper and in the public interest to use funds from the aforementioned Certificates of Participation to remodel the basement of City Hall to provide for further archival storage, now, therefore,

BE IT RESOLVED, that the Deadwood City Commission does hereby enact this resolution, effective immediately, and authorize the use of funds from the Certificates of Participation originally issued on December 15, 2003, in an amount to be determined.

Date: May 4, 2009

ATTEST:
/s/ Mary Jo Nelson, Finance Officer

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

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Contract - Ainsworth Benning

Silvernail moved, Klamm seconded, to allow the Mayor to sign the contract between the City of Deadwood and Ainsworth Benning to set the maximum price for Rec Center at \$5,670,000. Roll Call: Aye-All. Motion carried.

Contract - Mark Speirs

Klamm moved, Schroeder seconded, to allow the Mayor to sign the contract between the City of Deadwood and Mark Speirs to paint the Adams House for \$1,500. Roll Call: Aye-All. Motion carried.

Request Executive Session

Jason Campbell, City Attorney, requested an Executive Session for Legal matters in addition to the Personnel and Union Negotiations with no action to be taken.

MAYOR'S BUSINESS

Appoint Commission President/ Commission Appointments

Silvernail moved, Klamm seconded, to make the following Commission appointments: Georgeann Silvernail to serve as Commission President and Parks, Recreation, Trolley Commissioner and the City representative to the Deadwood Chamber of Commerce, and Neighbor Works (NHS) representative; Mike Klamm - Police, Fire Commissioner; Joel Peterson - Finance Commissioner and Black Hills Council of Local Governments representative; Lenny Schroeder - Public Works Commissioner and Library Board representative; Mayor Francis Toscana - Historic Preservation, Planning and Zoning, Public Buildings and Safety. Roll Call: Aye - All. Motion carried.

Appoint Department Heads

City Attorney Jason Campbell swore in the following Department Heads: Mary Jo Nelson, Finance Officer, Kelly Fuller, Chief of Police and Chairman of Parking and Transportation Committee, Jim Raysor, Public Works Director, City Planner, and Cemetery Sexton, Bernadette Williams, Planning and Zoning Administrator, Kevin Kuchenbecker, Historic Preservation Officer, Bob Nelson Sr., Transportation Director/Risk Services Director, Jeanette Chaney-Moodie, Librarian, Trent Mohr, Fire Chief. Silvernail moved, Peterson seconded, to appoint the City of Deadwood Department Heads. Roll Call: Aye - All. Motion carried.

ITEMS FROM MAYOR, COMMISSIONERS, DEPT. HEADS NOT ON AGENDA

Use of Trolley

Silvernail moved, Peterson seconded, to allow the use of the trolley to transport Preschool students to Lead on May 18 and 19, 2009. Roll Call: Aye - All. Motion carried.

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Stimulus Grants

Jim Raysor, Public Works Director, told the Commission he has concerns with the South Dakota Department of Transportation Stimulus Grants that are being applied for: 1) the City sidewalk grant project and 2) the Days of 76 Museum grant. Raysor explained that one could supersede the other and will research this matter further and report the Commission.

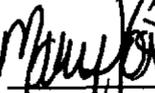
Free Dump Week Schedule

Jim Raysor announced that free dump week has been scheduled for May 11-16, 2009 from 8:00 a.m. to 4:00 p.m. Residents from Deadwood, Lead, and Central City will be allowed to haul their own refuse to the WASP Dump free of charge. Please note some charges will apply.

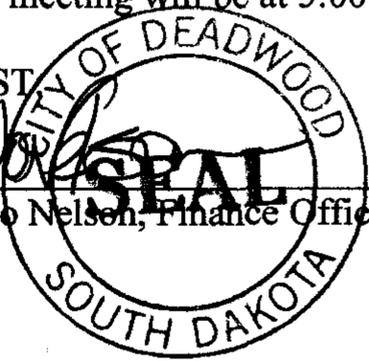
ADJOURNMENT/EXECUTIVE SESSION

Klamm moved, Toscana seconded, to adjourn the regular session at 5:35 p.m. and convene into Executive Session for legal, personnel, and union negotiations, with no action to be taken. The next regular meeting will be at 5:00 p.m. on Monday, May 11, 2009.

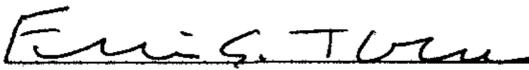
ATTEST



Mary Jo Nelson, Finance Officer



DATE: 5-11-09

BY: 
Francis A. Toscana, Mayor