

**REGULAR MEETING, February 17, 2009**

The Regular Session of the Deadwood City Commission convened on February 17, 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, Georgeann Silvernail, and Lenny Schroeder. All motions passed unanimously unless otherwise stated.

**APPROVAL OF MINUTES**

Silvernail moved, Klamm seconded, to approve the minutes of February 9, 2009, with a motion addition to the bid opening for the water meters. Roll Call: Aye-All. Motion carried.

**APPROVAL OF DISBURSEMENTS**

Silvernail moved, Schroeder seconded, to approve the February 17, 2009 disbursements. Roll Call: Aye-All. Motion carried.

AASLH MEMBERSHIP SERVICES	ARCHIVES MEMBERSHIP	100.00
ABC	SUPPLIES	683.05
ALCO	DVD PLAYER, LIQUID SOAP	79.55
AMERICAN LEGION POST 31	2009 GOVERNMENT DAY	50.00
AMERICAN PUBLIC WORKS ASSOC	MEMBERSHIP DUES	20.00
BEST WESTERN RAMKOTA INN	ROOM-PARKS	81.00
BH CHEMICAL	SUPPLIES	1,377.27
BH PIONEER	ADVERTISING	151.51
BH POWER	SPEED SIGN	38.42
BH PURE, INC.	RENTAL	36.25
BUTLER	SUPPLIES	611.54
CHRIS SUPPLY	FAN	17.12
CULLIGAN	RENTAL	71.50
DAYS INN	ROOM/JR-PIERRE	46.50
DEADWOOD ECONOMIC DEV	BILL LIST	8,386.93
DEADWOOD ELECTRIC	CIRCUITS	853.73
DEADWOOD HOME CENTER	CREDIT-PINE	379.00
DEMCO, INC.	SUPPLIES	157.36
E.T. SPORTS	ACTUATOR ARM	519.95
ECOLAB	PEST CONTROL	296.50
EMERY-PRATT	BOOKS	429.86
FASTENAL	ALUMINUM HCS	4.58
FOX, TERESA	INDEXING	3,000.00
GOLDEN WEST	COMPUTER MAINT	755.13
GREEN'S MOVING & STORAGE	MOVING SERVICE	1,575.00
HAWKINS INC	CHEMICALS	209.31
HCW, INC.	REPAIRS PRV	3,206.05
HEWLETT-PACKARD CO	DOCKING STATION	180.00
HIDDEN GULCH EMBROIDERY	TROLLEY DEPT	867.48
HILLSIDE DISPOSAL	RES GARBAGE	5,731.00
INTERNATIONAL CODE COUNCIL	MEMBERSHIP-UMENTHUM	100.00
INTERSTATE BATTERIES	BATTERIES	208.80
JACOBS PRECISION WELDING	SUPPLIES	408.59
KNOLOGY	PHONE SERV/FIRE	257.81
KUSTOM SIGNALS, INC	CAMERA EQUIPMENT-PD	9,112.00
LAKER CHEMICAL, INC.	FERTILIZER	769.00
LC TREASURER	TITLES	10.00
LEHMANN, BRUCE	RFND PRKNG FEE-UNDERPMT	5.00
M&M SANITATION	MO RENTAL	307.50
MAVERICK (BLONDIE'S)	SUPPLIES	922.99
MID-STATES ORGANIZED CRIME	MEMBERSHIP-FULLER	150.00
MIDWEST TAPE	DVDS	346.65
MJZ CONSTRUCTION	ROOF REPAIRS	8,700.00
NAPA	FILTER-SUPPLIES	1,395.49
NEVE'S	SUPPLIES	35.48
NEWMAN TRAFFIC SIGNS	SIGNS	145.85
NHS OF THE BLACK HILLS	BLOCK CLUBS	7,000.00
NORTHERN TRUCK EQUIPMENT	TRUCK VAULT	2,087.00
NORTHWEST PIPE	PUMP-FLOAT SWITCH	162.80
O.C. CLEANERS INC.	CLEANING SERV-CITY HALL	780.00
OFFICE DEPOT	SUPPLIES	171.08
ONE CALL SYSTEMS	REQUEST TICKETS	6.60
RAPID DELIVERY	DELIVERY SERV	16.80
SD COMMISSION ON GAMING	FEB 09 CITY NICKELS	2,744.31
SDN COMMUNICATIONS	TWO WAY COMM LINE	346.80
SERVALL	SUPPLIES	1,211.43
SKYLINE ENGINEERING LLC	BID PHASE/PAVILION BOILER	756.00
STREICHER'S	VEHICLE GRAPHICS	292.49
STRETCH'S GLASS	BASE-ARM ASSEMBLY	492.54
THE JOURNAL OF LIGHT CONST	SUBSCRIPTION	64.95
THE NEW YORK TIMES	SUBSCRIPTION	91.00
THOMSON WEST	INFO CHARGES	152.15
TOMS, DON	LAW CO LEDGER	1,152.00
TONY DIEM	WALL OF FAME WEBSITE DEV	250.00
TRI-STATE MUSEUM	OUTSIDE DW GRANT- FINAL	4,500.00
TRIPLE K TIRE	REPAIRS	318.45
TWILIGHT FIRST AID	SUPPLIES	116.65
TWIN CITY HARDWARE & LUMBE	WINDSHIELD WASH	153.63
US - YELLOW	2009 JANUARY EDITION	297.00
WASTE CONNECTIONS, INC.	DUMPSTER/PARKS SHOP	279.82
WELLMARK BLUE CROSS AND BL	HEALTH INS PREMS FOR MAR 09	36,367.83
WINTER & COMPANY	DESIGNS GUIDELINES	16,022.50
	<b>TOTAL</b>	<b>\$ 128,624.58</b>

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### ITEMS FROM CITIZENS ON AGENDA

#### Adams Museum - Mt. Lion Mount/Sogge Collection Loan Agreements

Silvernail moved, Klamm seconded, to allow the Mayor to sign two, 2-year (2-2009-2-2011) loan agreements between the City of Deadwood and Adams Museum for the "Mountain Lion" mount and the "John Sogge Collection" exhibition to be displayed at the Adams Museum. Roll Call: Aye-All. Motion carried.

#### Days of 76 Museum/Architectural Services

Jon Mattson with the Days of 76 Committee presented a status report along with floor plans and specifications for the Days of 76 Museum project. At the end of 2008, cash and pledged contributions total approximately \$4,110,000.00 including \$3,000,000.00 pledge by the City of Deadwood and Historic Preservation. In addition, they have received \$49,000 in kind contributions. They are continuing to work and follow up on additional pledges and cash contributions and grant requests to meet their goal of \$6,000,000.00. Mattson added they would like to begin construction during the fall of 2009. Mattson said the Days of 76 Committee and Historic Preservation Commission's recommendation is to hire Lund & Associates for architectural services for the Days of 76 museum. Lund & Associates will charge \$335,000, which is 6% of the five (5) million dollar construction cost for this project. The City Attorney is reviewing the contract with Lund & Associates and once contract is reviewed this would be approved later. Silvernail moved, Klamm seconded, to approve the hiring of Lund & Associates for architectural services for the museum project. Roll Call: Aye - Silvernail, Klamm, Schroeder, Toscana. Commissioner Peterson recused himself from any action with this matter.

#### Raffle Ticket Request

Jon Mattson with the Days of 76 Committee, request permission to sell raffle tickets for a handmade "Quigley Down Under" saddle made by Jerry Croft. Raffle tickets will be sold for \$20.00 per ticket or six (6) for \$50.00 with the drawing to be held in October 2009. All proceeds from the raffle will be used for the new 76 Museum building project. No action taken, which approves raffle.

#### Ellis Consulting - FEMA

Helene Eddy with Ellis Consulting appeared on behalf of Thad Fuller (property owner in Deadwood) requesting the City to publish a notification to revise the flood plain map in the area of Black Hills Power and Timm Lane. Eddy explained that Fuller has requested a LOMAR (letter of map revision) in order to change the existing flood way map and to complete this review process. Fuller owns a piece of property located in the Pluma area had it surveyed and proceeded to haul in fill dirt. The final survey indicated that the fill dirt encroaches into the flood plain. Eddy said she has reviewed a cross section map and it has been determined that this issue involves four other property owners and they have been notified by certified mail. After much discussion, regarding the City versus FEMA flood insurance, liability issues for the City, various requirements, and the revisions to the FEMA maps. Mayor Toscana requested Ms. Eddy provide Jim Raysor with the hydrology reports and Jason Campbell with the public notification for their review. Klamm moved, Silvernail seconded, to continue this item to the February 23, 2009 meeting. Roll Call: Aye-All. Motion carried.

#### Andrew Estoclet - Taxi Service

Karin Savoie representing Black Hills Taxi Service LLC, requested permission to approve a taxicab service in the City of Deadwood. Savoie explained that they would be running the business from their home at 26 Adams. They have adequate off street parking, and felt this would not affect any parking spaces on Adams Street. According to Savoie, the applications were completed and submitted to Chief Fuller and Bob Nelson Sr. for their review. Chief Fuller informed Savoie that the Finance Office must receive a copy of their \$1,000,000 liability insurance coverage, and sales tax identification number. After discussing, Silvernail moved, Klamm seconded, to continue this request to the February 23, 2009 meeting pending possible need for Planning and Zoning review. Roll Call: Aye-All. Motion carried.

### PUBLIC HEARING/BID OPENINGS

#### Set Public Hearing

Peterson moved, Silvernail seconded, to set a public hearing on March 9 at 5:10 p.m. to waive vending fee and approve Special Event Wine License for Department of Agriculture at Lucky Nugget Gambling Hall. Roll Call: Aye-All. Motion carried.

## REGULAR MEETING, February 17, 2009

### FINANCE

#### Liquor License Request

Peterson moved, Silvernail seconded, to allow the B.P.O. Elk's Lodge to use their liquor license on February 28, 2009 at the Deadwood Pavilion for the Deadwood Fire Department Banquet. Roll Call: Aye - All. Motion carried.

#### Payment Request

Peterson moved, Silvernail seconded, to allow the Finance Office to write a check to Neighborworks Dakota Home Resources for \$4,000 from the Bed & Booze fund for the 2009 Campaign for Homeownership, a budgeted item. Roll Call: Aye - All. Motion carried.

#### Payment Request

Peterson moved, Schroeder seconded, to allow the Finance Office to write a check to Prairie Hills Transit for \$7,500 from Commission Professional Service line item, a budgeted item. Roll Call: Aye - All. Motion carried.

#### Phone Vote - Results

A phone vote was taken on Thursday, February 12, 2009 to approve the request by Deadwood Alive to shoot their black powder firearms in the Bullock Parking Lot between 6:00-6:30 p.m. on Friday, February 13, 2009 during a memorial service at Bullies for Hugh McGraw. Aye- All.

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

#### Agreement - Neighborhood Housing Service (NHS)

Silvernail moved, Peterson seconded, to allow the Mayor to sign the agreement between Historic Preservation and Neighborhood Housing Services (NHS) for Revolving Loan administration for \$86,900 from January - December 2009. Roll Call: Aye - All. Motion carried.

#### "Outside of Deadwood" Grants - 2009

Kevin Kuchenbecker informed the Commission that sixteen (16) grant applications were submitted to Historic Preservation for the "Outside of Deadwood" grants project. Kuchenbecker said seven (7) grants and one (1) loan were approved. The approved grants are: The Booth Society - Exterior Renovations for Booth & WPA Houses-\$14,750, B.H. Playhouse - Heating/Air Conditioning-\$17,500, B.H. Historical Preservation Trust, Inc. - restore mill & frame at Gold Mountain Mine-\$25,000, Hermosa Arts & History-Hermosa School/Masonic Lodge-\$25,000, Spearfish Valley Community Hall-Restoration project of Hall-\$10,000, Fall River County Historical Society-Rehabilitation of Pioneer Museum-\$14,500, Lead-Deadwood High School-Auditorium Curtain Replacement-\$7,500, Historic Homestake Opera House-Women's Lounge-\$25,000. Silvernail moved, Peterson seconded, to accept the recommendations for the "Outside of Deadwood" grant allocations for a total of \$139,250 for the first half of 2009. Roll Call: Aye-All. Motion carried.

#### Dakota Conference

Silvernail moved, Peterson seconded, to award the sponsorship of \$1,000 for the 2009 Dakota Conference at Augustana to be held April 24-25, 2009. Roll Call: Aye-All. Motion carried.

#### Information - Meeting Rescheduled

Mayor Toscana announced that the City of Deadwood Design Guidelines meeting that was previously scheduled for February 25 had been changed to March 11, 2009 at 6:00 p.m. and will be held in the Commission Chambers at City Hall.

### STREETS/WATER/LIBRARY

#### Annual Library Fundraiser

Schroeder moved, Klamm seconded, to approve the request to serve wine at 435 Williams Street (city-owned building) for the seventh Annual "Parti de Chocolat" on February 28, 2009 from 7:00 to 10:00 p.m., not February 21 as previously approved. Roll Call: Aye-All. Motion carried.

#### Repair Request

Schroeder moved, Klamm seconded, to approve the repairs to the PRV station at Ferguson Field, not to exceed \$3,300, to be paid from the Water Fund. Roll Call: Aye-All. Motion carried.

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**POLICE/FIRE**

**Accept Resignation**

Klamm moved, Silvernail seconded, to accept the resignation of Dan Szarkowski, patrol officer, effective February 11, 2009. Roll Call: Aye - All. Motion carried.

**Hire Request**

Klamm moved, Schroeder seconded, to approve the hiring of Zachariah Bell, patrol officer, effective February 18, 2009 at \$16.91 per hour, 90% of prevailing wage. Roll Call: Aye-All. Motion carried.

**Training Request**

Klamm moved, Silvernail seconded, to allow Dustin Schumacher to attend CPR Instructor Class and pay registration fee of \$25. Roll Call: Aye-All. Motion carried.

**PARKS/RECREATION/TROLLEY**

**Grant Easement - SD Department of Transportation**

Silvernail moved, Peterson seconded, to allow the Mayor to sign the grant agreement with South Dakota Department of Transportation for the Deadwood Trolley. Roll Call: Aye-All. Motion carried.

**Lead-Deadwood Elementary - Summer Camp Grant**

Jim Raysor explained that the Lead-Deadwood Elementary School is applying for a grant through the community foundation, allowing the Rec Center Summer Camp participants to utilize the school three (3) days a week for three (3) hours each day to access the library, computers, and gym, and provide a staff person during this time. Silvernail moved, Schroeder seconded, to approve the entering into an agreement between the City of Deadwood-Rec Center and Lead-Deadwood Elementary for the summer camp grant. Roll Call: Aye-All. Motion carried.

**LEGAL BUSINESS**

**Ordinance #1114 - First Reading**

City Attorney Jason Campbell requested first reading of Ordinance #1114 repealing Section 13.12.070, Garbage Rates due to redundancy with Ordinance #1111, recently passed. Silvernail moved, Peterson seconded, to approve first reading of Ordinance #1114. Roll Call: Aye - All. Motion carried.

**MAYORS BUSINESS**

**Travel Request**

Klamm moved, Silvernail seconded, to allow Kevin Kuchenbecker to travel to Pierre on February 20 to attend legislative hearing on gaming tax. Roll Call: Aye - All. Motion carried.

**ITEMS FROM CITIZENS NOT ON AGENDA**

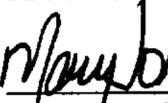
**Concerned Resident**

Niles Harris resides at 396 Williams, asked the Commission if the City has an ordinance pertaining to the number of unrelated persons living in a one family dwelling and if the City allows weekend rentals. He added that there is an increase in traffic along with many parking issues on Williams Street. Toscana said the City does have an ordinance pertaining to the number of families living in a one family dwelling and a vacation rental ordinance. Toscana asked Mr. Harris to visit with the Planning and Zoning Director, Bernie Williams and the Police Department regarding this matter.

**ADJOURNMENT**

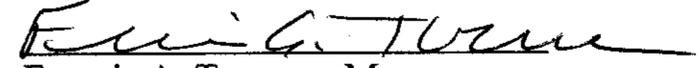
Toscana moved, Peterson seconded, to adjourn the regular session at 5:30 p.m. The next regular meeting will be at 5:00 p.m. on Monday, February 23, 2009.

ATTEST:

  
Mary Jo Nelson, Finance Officer



DATE: 2/23/09

BY:   
Francis A. Toscana, Mayor