

REGULAR MEETING, January 20, 2009

The Regular Session of the Deadwood City Commission convened on January 20, 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 (via conference call), and Lenny Schroeder. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Peterson moved, Schroeder seconded, to approve the minutes of January 12, 2009. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Klamm moved, Schroeder seconded, to approve the January 20, 2009 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	MAINT. CONT	434.60
ABC	OFFICE FURNITURE	895.91
ADAMS MUSEUM	OPERATING EXPENSES	87,700.00
AINSWORTH-BENNING	CONCRETE-BLANKET	1,542.39
ALBERTSON ENGINEERING	RETAIN WALL ENG-58 PLEASANT	1,050.00
ALCO STORES, INC.	TOTES FOR XMAS SUPPLIES	64.95
ARGUS LEADER	12/08-SUBSCRIPT	313.76
BEST WESTERN RAMKOTA INN	MOTEL RM-HAWKI	280.00
BH ELEVATOR	12/08-BRDWAY RAMP	202.04
BH PIONEER	PUBLIC NOTICES-2008	867.00
BH POWER	SPEED SIGN	10.75
BH PURE	RENTAL	42.00
BLACK HILLS VISION	2009 ANNUAL INSTALLMENT	10,000.00
BORDER STATES ELECTRIC	JUNCTION BOX-LIGHTS	71.89
BUTLER	SERVICE CALL/938G	264.00
CHAINSAW CENTER	KIT ACCESSORY	174.00
CLERK OF COURTS	DBL PMT-APPEAL BOND-CASE06-513	250.00
CULLIGAN	RENTAL	75.00
DEADWOOD CHAMBER	JAN. BILL LIST	229,164.96
DEADWOOD ELECTRIC	BULBS	1,724.42
DR SHEILA SIEGLER	CONSERVATION REPORT	1,738.34
DUNCAN PARKING TECH	SUPPLIES	403.89
EMERY-PRATT	BOOKS	132.03
ENVIRONMENTAL PRODUCTS	12/08 FILTERS	632.17
FASTENAL	BATTERIES	76.48
FIRST MIDWEST BANK	COPIER	92.90
FOX, TERESA	INDEXING 1878-79	3,000.00
GAYLORD BROS.	ARCHIVE SUPPLIES	328.80
GUSTAFSON BUILDERS	SLIME PLANT FACADE	87,563.58
JACOBS WELDING	BOSS CUTTING EDGES	236.60
JULIN, SUZANNE	HISTORY INTERVIEWS	2,200.00
KEN HAWKI	REIMBURSE CONF	81.50
KNOLOGY	PHONE CHARGES	351.33
KUSTOM SIGNALS	12/08 RAPTOR RP-1	3,208.00
LC REGISTER OF DEEDS	FILING FEE	44.00
LAWSON PRODUCTS	TOOL SET	199.01
M & T FIRE	HI-TEMP SHIELD	308.19
M&M SANITATION	TOILET RENTAL/OAKRIDGE-2008	307.50
MARTHA STEWART LIVING	12/08 - SUBSCRIPTION	28.00
MARTIN & MASON HOTEL	REIMBURSEMT- RESEARCH REQUEST	120.00
MAVERICK ENTERPRISES	SUPPLIES	15.22
MIDWEST TAPE	DVDS	159.53
MDU	UTILITIES-DEC 08	670.98
MUTH ELECTRIC	MICKELSON TRL PROJECT	1,537.50
NAPC	YEARLY DUES	130.00
NEVE'S UNIFORMS	12/08 UNIFORMS	190.76
OMNIGRAPHICS	12/08 - BT2008 ANNUAL	63.55
PAPER DIRECT	SUPPLIES	138.10
PONTIUS, JERRY	REIMBURSE SUPPLIES	96.15
RACHETTO, TRENT	SAFETY REIMB. -2009	198.97
SD ASSOC OF CODE ENFORCE	ANNUAL MEMBERSHIP/2009	40.00
SD DEPT OF LEGISLATIVE AUD	AUDIT 2007	15,950.00
SD MUNICIPAL ATTORNEYS' ASSOC	2009 MEMBERSHIP-JASON CAMPBELL	20.00
SERVALL UNIFORM AND LINEN	12/08 - SUPPLIES	46.68
SEW IT GOES	REPAIR GRASS BAG/MOWER	25.00
SOCIETY OF BLACK HILLS PIONEERS	2007-08 BOOKLETS	2,000.00
SD BUILDING OFFICIALS	UMENTHUM MEMBERSHIP 09	50.00
SOUTH DAKOTA SOCIETY	2009 INSTRUCTORS CONF/DUES	60.00
SOUTH SIDE	DIESEL FUEL/ALL DEPT.-2008	5,065.22
SPEARFISH SEAMLESS	GUTTERS-35 LINCOLN-PIKE	1,058.05
SPECIALTY VEHICLES	MODULE CNTR BOX	177.21
SPIRO'S RESTORATION	WALL, PORCH, SIDING-38 VANBUREN	3,411.82
STRETCH'S	REPLACEMENT FOR CASE	633.85
TDG COMMUNICATIONS	WALL OF FAME	60.00
THOMSON WEST	CHGS-DEC 08	152.15
TOMS, DON	LAWRENCE CO LEDGER PROJECT	576.00
TWIN CITY HARDWARE	PAINT GRANT	398.04
VAN VLACK, COREY	REFUND OF REC CNTR MEMBERSHIP	37.50
WELLMARK	FEB 2009 HEALTH INS PREMIUMS	33,839.94
WESTERN COMMUNICATIONS, IN	BATTERY	6.00
WESTERN STAR, INC.	SERV CALL-GARAGE DOOR #4	106.68
WIERINGA, ANN	REIMBURSE CONF	52.00
WINTER & COMPANY	DESIGN GUIDELINES	9,837.50
WOLFF'S PLUMBING	FURNACE REPAIR/HIST CNTR	502.00
	TOTAL	\$513,486.39

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ITEMS FROM CITIZENS ON AGENDA

Deadwood Stage Run - Revision Request

Joy McCracken and Bill Pearson appeared before the Commission on behalf of the Deadwood Stage Run Development. They explained the proposed language changes in the agreement between the Deadwood Stage Run, LLC and Neighbor Works and the City of Deadwood in Tax Increment Financing District #8 (TIFD #8.) In Phase I, the original agreement stated a minimum of eight (8) lots might be purchased for \$39,900 with 2 years to build. The proposed change is fifteen (15) lots may be purchased at \$39,900 or less with 4 years to build. McCracken stated this revision allows Neighbor Works to sell lots with a marginal profit to families who will occupy the home as their primary residence. Schroeder moved, Klamm seconded, to approve changes to the said agreement contingent upon the City Attorney's review and approval. Roll Call: Aye - Schroeder, Silvernail, Klamm, Toscana. Abstain - Peterson. Motion carried.

Katie Bauer - Snow Removal Bill

Katie Bauer and Don Wittfoth, residing at 22 Jefferson, appeared before the Commission to discuss the bill they received for snow removal services that took place on November 22, 2008. Bauer said the bill was \$351.00 and feels it is excessive and would be willing to pay a portion of the bill. Bauer added their garage door was damaged by City and filed a report with the City. Mayor Toscana reassured them that the City would be responsible for repairing the garage door. After much discussion, the Commission took no action on this matter. Amount is owed by property owner/renter.

Kim Fundaun - Snow Removal Bill

Kim Fundaun, residing at 4 Burlington, appeared before the Commission to discuss the bill he received for the snow removal services that took place on December 22, 2008. Fundaun said he did not receive a notice and felt that the City should have contacted him regarding this matter. Mayor Toscana reiterated the fact that the Snow Removal Ordinance (Chapter 12.20) does not require the City to send out notices to individuals that are in violation. The City is required to publish the Snow Removal Ordinance and notices in the City's legal newspaper (Lawrence County Journal) and Black Hills Pioneer publication. Toscana said the Ordinance and Public Notices regarding snow removal were published in the following publications: Lawrence County Journal - December 17 & 24, 2008, and a courtesy publication in the Black Hills Pioneer - December 12, 13, 16 & 18, 2008. After much discussion, the Commission took no action on this matter. Amount is owed by property owner.

Marcia Morse - Snow Removal Bill

Wyatt Morse, residing at 20 Washington, confirmed that he City does not have to send out written notices and the Mayor replied yes. Morse told the Commission that he owns a home in Deadwood however; he does not live here fulltime so therefore he needs to subscribe to the local newspaper to receive public notices pertaining to City laws. The Commission took no action. Amount is owed by property owner.

Convention Center - Chuck Vanderziel

Klamm moved, Schroeder seconded, to continue this item until the January 26, 2009 meeting to allow the City Attorney to review prior to Commission's approval. Roll Call: Aye - All. Motion carried.

PUBLIC HEARING/BID OPENINGS

Public Hearing - Mardi Gras Event

Sarah Anderson requested the relaxation of the open container ordinance and street closures for the Mardi Gras Event on February 20 and 21, 2009. No one spoke in opposition to the request. Klamm moved, Schroeder seconded, to approve the relaxation of the open container ordinance on Main Street from Four Aces to the Masonic Temple from 5:00 p.m. to 10:00 p.m. on February 20 and 21, 2009. Schroeder moved, Klamm seconded, to approve the street closure from Four Aces to the Masonic Temple from 6:15 p.m. to 8:00 p.m. on February 20 and 21, 2009 or until parade ends. Roll Call: Aye - All. Motion carried.

Table Deadwood Pavilion Boiler Bid to 1-26-2009 Meeting

Toscana moved, Schroeder seconded, to table the bid award for the Deadwood Pavilion boiler project until the January 26, 2009 meeting. Roll Call: Aye - All. Motion carried.

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FINANCE

Official Depositories

Peterson moved, Schroeder seconded, to approve the designations of First Western Bank, Deadwood, SD, Wells Fargo Bank, Deadwood, SD, and South Dakota Public Funds Investment Trust as official depositories for the City of Deadwood per SDCL 9-22-6. Roll Call: Aye-All. Motion carried.

Payment Request

Peterson moved, Schroeder seconded, to allow the Finance Office to pay CASA \$3,500 from the Commission professional service line item, budgeted item. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING & ZONING/PUBLIC BUILDING/SAFETY

Archeological Collections

Peterson moved, Schroeder seconded, to accept the archeological collections from a variety of excavations in the City of Deadwood and begin proper stewardship of the historical record these artifacts represent. Roll Call: Aye - All. Motion carried.

Green's Moving and Storage Contract

Schroeder moved, Peterson seconded, to approve the entering into a contract with Green's Moving and Storage to move archeological collection, amount not to exceed \$1,575.00 Roll Call: Aye - All. Motion carried.

Purchase Request

Toscana moved, Peterson seconded, to approve the purchase of a laptop and docking station for the Historic Preservation Officer at a cost not to exceed \$2,500.00. Roll Call: Aye - All. Motion carried.

Dr. Suzanne Julin Contract

Peterson moved, Klamm seconded, to approve the entering into a contract with Dr. Suzanne Julin to develop a written history of the first twenty years of gaming in Deadwood, cost not to exceed \$4,000. To be paid from Historic Preservation Public Education line item, budgeted item. Roll Call: Aye - All. Motion carried.

STREETS/WATER/LIBRARY

Annual Library Fundraiser

Schroeder moved, Klamm seconded, to approve the request to serve wine at 435 Williams (city-owned building) for the seventh Annual "Parti de Chocolat" on February 21, 2009 from 7:00 p.m. to 10:00 p.m. Roll Call: Aye - All. Motion carried.

Purchase Request

Schroeder moved, Klamm seconded, to approve the expenditure not to exceed \$80,000 for new meter reader and meter heads. Schroeder moved, Klamm seconded, to set a bid opening at 5:10 p.m. on February 9, 2009. Roll Call: Aye - All. Motion carried.

POLICE/FIRE

Purchase Request

Klamm moved, Schroeder seconded, to approve the purchase of a light bar from Light and Siren at cost of \$1,299.95 for Police Department. Roll Call: Aye - All. Motion carried.

Purchase Request

Klamm moved, Schroeder seconded, to approve the purchase of a truck vault from Northern Truck Equipment Co. at a cost of \$2,087.00 for Police Department. Roll Call: Aye - All. Motion carried.

Travel Request

Klamm moved, Schroeder seconded, to allow four firefighters to attend the Mid Winter Muster on February 14-15, 2009, in Rapid City, requesting \$15/ea for registration, meals, and use of vehicle. Roll Call: Aye - All. Motion carried.

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Travel Request

Klamm moved, Schroeder seconded, to allow Dustin Schumacher to attend EMT refresher course on January 30 to February 1, 2009 in Rapid City, requesting lunches and use of City vehicle. Roll Call: Aye - All. Motion carried.

PARKS/RECREATION/TROLLEY

Use of Trolley

Silvernail moved, Peterson seconded, to approve the request from the Deadwood Chamber to allow the trolley to travel to Lead for the Hybrid Association meeting on January 31, 2009 at no charge. Roll Call: Aye - All. Motion carried.

Construction Manager at Risk for Rec Center

Silvernail moved, Peterson seconded, to approve and proceed with the Construction Manager at Risk and hire Ainsworth Benning and TSP, Inc. for the Deadwood Rec Center project. Roll Call: Aye - All. Motion carried.

LEGAL BUSINESS

SD Wine License On-Off Sale Fees

Peterson moved, Schroeder seconded, to continue this item until the January 26, 2009 meeting. Roll Call: Aye - All. Motion carried.

OC Cleaning Inc. Contract

Schroeder moved, Klamm seconded, to allow the Mayor to sign the contract between the City of Deadwood and OC Cleaning Inc. for temporary cleaning services in City Hall. Roll Call: Aye - All. Motion carried.

Petition to Vacate a Portion of Lee Street

Klamm moved, Schroeder seconded, to continue this item until the January 26, 2009 meeting due to the absence of the City Attorney. Roll Call: Aye - All. Motion carried.

MAYORS BUSINESS

Executive Session

No Executive Session for Legal Matters due to City Attorney's absence.

ITEMS FROM CITIZENS NOT ON AGENDA

Rec Center Proposals

Jim Raysor thanked all the firms that submitted proposals for the Construction Manager at Risk for the renovation of the Rec Center.

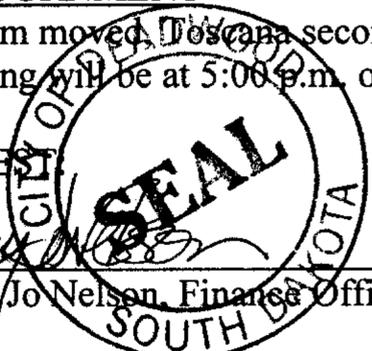
Police Department

Chief Fuller announced at the Police Department's Awards Banquet recently Alex Hamann was named Officer of the Year and Dawn Allen was named Reserve Officer of the Year. Fuller congratulated them both on their recognitions.

ADJOURNMENT

Klamm moved, Toscana seconded, to adjourn the regular session at 6:00 p.m. The next regular meeting will be at 5:00 p.m. on Monday, January 26, 2009.

ATTEST


Mary Jo Nelson, Finance Officer

DATE: 1-26-09

BY: Francis A. Toscana
Francis A. Toscana, Mayor