

EXECUTIVE SESSION/REGULAR MEETING, JANUARY 22, 2007

The Regular Session of the Deadwood City Commission convened on January 22, 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

Griffith moved, Silvernail seconded, to approve the minutes of January 16, 2007. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Griffith seconded, to approve the January 22, 2007 disbursements. Roll Call: Aye-All. Motion carried.

ALLTEL	KELLY, KEVIN, KEITH CELL BILLS	233.82
DATA FLOW	1099, W-2- 1/10/07	130.70
ELAN FINANCIAL SERVICES	ONLINE WORKSHOP-ARCHIVES	392.73
GALL'S INC.	TRAFFIC ARROW - 11/06/06	214.98
GOLDEN WEST TECHNOLOGIES,	TECH/ENGINEER LABOR-1/08/07	105.00
J.P. COOKE COMPANY	A-27 AA LIC TAG-1/09/07	39.62
J.P. TOWING	DEAD STORAGE SHERMAN ST-1/14	50.00
LEAD-DEADWOOD SCHOOL	PURCHASE OF SCHOOL LOTS	85,212.00
NEVE'S UNIFORMS, INC.	SGT STRIPES (2) - 1/10/07	14.46
NEWMAN TRAFFIC SIGNS	T-ECG012018/2 EC FILM 1/10/07	57.16
SD DEPARTMENT OF REVENUE	06/07 MALT BEV TRANSFER-BUFFAL	75.00
STATE FIRE MARSHALL	BOILER INSPECTION 9/12/06	480.00
TWILIGHT FIRST AID	KIT REFILL PD- 1/12/07	97.30
TWIN CITY ANIMAL SHELTER	2007 SPAY & NEUTER FUNDS	3,000.00
WESTERN COMMUNICATIONS	CABLE, POWER-1/16/07	26.25
ZEP MANUFACTURING C	CHLOR-RETAIN 1/04/07	89.92

GRAND TOTAL \$90,218.94

ITEMS FROM CITIZENS ON AGENDA

PrairieWave

Carmen Schramm representing PrairieWave Communications informed the Commission her company was approached by three different entities regarding a public access or a combined Governmental/Educational channel. Ms. Schramm explained there have been several meetings held in the Northern Hills area and representatives from the City of Deadwood, Lead, Spearfish, and school districts. According to Schramm, the existing franchise would require an addendum with the PEG (Public Educational/Governmental) access language and would need to be approved prior to any requests brought forth. Schramm added PrairieWave's only responsibility is to provide the channel. They are not requesting any fee for this channel, but Black Hills State University may require a cost-share to administer the channel for interested parties. An example would be the televising of public meetings such as the Commission and School Board meetings. Toscana reiterated the fact that if the City decides to amend the existing franchise, the City is not committed nor obligated financially at this point. He said there will be costs associated with this public access channel should the City decide to participate in the program. Griffith moved, Klamm seconded, to continue to January 29, 2007 to allow the City Attorney to review and prepare the addendum to the franchise. Roll Call: Aye - All. Motion carried.

Deadwood Stage Run Project Plan

Chuck Vanderziel of the Black Hills Council of Local Governments requested the Commission to consider Deadwood Stage Run developers plan regarding the "Workforce Housing" included in TIF #8. Pat Wyss, representing Deadwood Stage Run presented the Commission with a copy of the proposed description of the lot sales for the project. Mr. Wyss said a total of 20 lots would be provided at a reduced cost of \$39,900 to Neighborhood Housing Services (NHS) for "workforce housing." They proposed allocating twenty lots, ten to be sold within six months of the completion of site preparation, and ten lots to be sold within one year. After the twelve (12) month period, lots not sold within this timeframe will go back to the developer and sold on the open market with the cost to be determined by the developer. Mr. Wyss added the proposed size of the workforce homes are approximately 1,100 square feet with a single car garage. Mayor Toscana asked how much time would be allowed for the Neighborhood Housing homebuyers to complete the building of the home and Wyss replied two years from the time of purchase. The Commission raised questions pertaining to the location of the lots, the restrictions on types of homes, and the timeframes allowed for NHS homebuyers to purchase lots. Toscana questioned the timeframe for the actual selling of

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the lots and Mr. Pearson's response was that would depend on a couple of factors: 1) Commission's approval of the project and 2) seeking bids and contractors for the construction phase of the lots. Mr. Wyss added they would like to start as soon as possible. Mayor Toscana and Mr. Vanderziel both indicated the developers are required to follow the state bidding law if this project becomes a TIF. Toscana asked Joy McCracken, NHS Executive Director, regarding possible stipulations for the housing project and McCracken replied the affordable housing task force discussed that income restrictions would apply to interested parties. McCracken said the task force has researched setting up a possible community land trust, which would take approximately six (6) months to complete and allows landownership to stay with the community. The homebuyer would own the home but not the land, and this reduces the cost of the home. Mr. Wyss suggested that NHS could purchase all twenty (20) lots and Ms. McCracken replied that she does not have the financial resources to do so. Ms. McCracken said NHS does have resources to purchase two lots and build two spec homes but are seeking assistance from local partners to help to reduce the cost. Vanderziel explained this project consists of three phases; phase I of the development includes 20 lots for workforce housing, 20 single-family lots and 42 town home sites. Commissioner Griffith expressed her concerns with the six month time allotted and would like to see the timeframe extended to one year. After discussing the proposal and covenants, McCracken informed the Commission that she did not receive a copy of the proposed project plan. Commissioner Silvernail suggested that NHS and Deadwood Stage Run representatives meet and discuss the details of the project plan. Silvernail moved, Speirs seconded, to continue to February 5, 2007. Commissioner Griffith asked if they would be able to present a plan sooner. Silvernail amended the motion and Speirs seconded, to continue this item to the January 29, 2007 meeting and requested Deadwood Stage Run and NHS to provide written documentation for the Commission packets for distribution on Friday, January 26, 2007. Roll Call: Aye – All. Motion carried.

PUBLIC HEARINGS/BID OPENINGS

Public Hearing – Mardi Gras Open Container

Joe Hamm requested the relaxation of the open container ordinance for the Mardi Gras celebration. No one spoke in opposition to the request. Griffith moved, Speirs seconded, to approve said request for Friday, February 9 and Saturday, February 10, 2007, from 5:00 p.m. to 10:00 p.m. Roll Call: Aye - All. Motion carried.

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

Silvernail moved, Speirs seconded, to approve the transfer for the Buffalo Bodega Complex to Midwest Motels of Deadwood II for retail (on-sale) liquor (License # 5535) and retail (on-off sale) malt beverage (License #2576) licenses at 622 Main Street. Roll Call: Aye - All. Motion carried.

FINANCE/HISTORIC PRESERVATION/LIBRARY

Payment Request – Black Hills Council of Local Governments

Speirs moved, Silvernail seconded, to pay the 2007 dues for the Black Hills Council of Local Governments for \$1,879.44, to be paid from Commission professional services line item. Roll Call: Aye – All. Motion carried.

2007 Contribution Request – Neighborhood Housing

Speirs moved, Silvernail seconded, to make a 2007 contribution of \$4,000 to Neighborhood Housing-Campaign for Home Ownership, to be paid from Bed and Booze funds, a budgeted item. Roll Call: Aye – All. Motion carried.

2007 Contribution Request – Prairie Hills Transit

Speirs moved, Silvernail seconded, to make a 2007 contribution to Prairie Hills Transit for \$6,500 from Commission professional services, a budgeted item. Roll Call: Aye – All. Motion carried.

STREETS/WATER

Resolution 2007-02 – Timm Lane

Jim Raysor informed the Commission the bridge on Timm Lane is in disrepair and would be eligible for federal funding. The funding provided would be approximately 90% of the engineers estimated construction cost of \$195,000, of which the City would be responsible for 10% or \$19,500. The City is eligible for a 90/10 grant and in order for this bridge to be replaced on the list for replacement; the Commission must pass Resolution 2007-02, Federal Aid Surface

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Payment Request – State Radio Communications

Silvernail moved, Speirs seconded, to approve payment to State Radio Communications for \$1,800.00 for the teletype service for January – June 2007, a budgeted item. Roll Call: Aye - All. Motion carried.

Wage Increase – Ken Mertens

Silvernail moved, Speirs seconded, to approve the wage increase for Ken Mertens, Police Department from \$16.16 per hour to \$17.05 per hour, effective January 23, 2007 (95% of prevailing wage after one year of service). Roll Call: Aye – All. Motion carried.

Employee Hire Request – Josh Trumbley

Silvernail moved, Griffith seconded, to approve the hiring of Josh Trumbley at \$6.50 at Police Department for the School to Work intern program, effective January 23, 2007. Roll Call: Aye - All. Motion carried.

Ordinance #1078 – First Reading

Chief Fuller stated that the purpose of Ordinance #1078 is to amend chapter 10.08 entitled Traffic Control Regulations of the Deadwood Municipal Code. Fuller said the Police Department has received numerous calls complaining of the engine braking within City limits and requested the Commission to approve Ordinance #1078. Fuller spoke with S.D. Department of Transportation regarding this issue and the DOT will be placing prohibition signs throughout the City. Silvernail moved, Speirs seconded, to approve first reading of Ordinance #1078. Silvernail moved, Speirs, seconded, to approve the revision made by the City Attorney in paragraph A. Roll Call: Aye - All. Motion carried.

Employee Training Request – Cindy Rische

Silvernail moved, Speirs seconded, to allow Cindy Rische to attend HazMat Training in Sturgis on February 3 and 4, 2007. Requesting the use of a city vehicle and lunch only. Roll Call: Aye - All. Motion carried.

Employee Resignation – Police Department

Silvernail moved, Speirs seconded, to accept the resignation of Teri Tomford, Ordinance Officer, effective February 7, 2007. Roll Call: Aye - All. Motion carried.

Permission to Advertise – Police Department

Silvernail moved, Griffith seconded, to advertise for an Ordinance Officer, in-house for five (5) days and advertise in local newspapers if necessary. Roll Call: Aye – All. Motion carried.

ITEMS FROM MAYOR, COMMISSIONERS, DEPARTMENT HEADS

Executive Session

Jim Raysor requested a brief Executive Session for legal matters with no action following the regular meeting.

ADJOURNMENT

Toscana moved, Speirs seconded, to adjourn the regular session at 6:20 p.m. and convene into executive session for legal matters with no action to follow meeting. The next regular meeting will be at 5:00 p.m. on Monday, January 29, 2007.

ATTEST:

DATE: _____

Mary Jo Nelson, Finance Officer

BY: _____
Francis A. Toscana, Mayor