

EXECUTIVE SESSION/REGULAR MEETING, April 20, 2009

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

APPROVAL OF MINUTES

Silvernail moved, Klamm seconded, to approve the minutes of April 13, 2009. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

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

A & B BUSINESS	LEASE	105.61
ABC	SUPPLIES	64.49
ALLTEL	PHONES	146.57
ARLENE GUSTAFSON	ELECTION	110.00
BH CENTRAL RESERVATIONS	ALLOCATION	12,500.00
BH PHYSICAL THERAPY	PRESENTATION	250.00
BH POWER	ELECTRICITY	1,725.24
BH SPECIAL SERVICES	CLEANING	903.00
BUTLER	SUPPLIES	737.87
CULLIGAN	WATER	21.50
DEADWOOD CHAMBER	BILL LIST	118,750.00
DEADWOOD ECONOMIC DEVELOPMENT	RAMP CONTRACT	1,580.02
DEADWOOD FRONTIER CLUB	REFUND PYMT	50.00
ELAINE ROBIDOU	ELECTION	135.00
FARMER BROTHERS	SUPPLIES	89.44
FIRST WESTERN INSURANCE	BOND RENWL	1,624.00
GOLDEN WEST	PHONES	318.13
HILLSIDE DISPOSAL	GARBAGE SERVICE	5,071.00
LAWSON PRODUCTS	SUPPLIES	202.55
M&M SANITATION	MONTHLY TOILET RENTAL/OR CEM	409.58
NORTHWEST PIPE	CURB STOP	138.28
PIONEER DESIGNS	T-SHIRTS	262.50
PRAIRIE HILLS TRANSIT	ALLOCATION	6,990.90
ROGERS, MACKENZI	DONATION	200.00
SANDIDGE, VERNA	ELECTION	110.00
SOUTH SIDE SERVICE	FUEL	9,452.53
TRIDLE, JOHN	REIMBURSE	55.98
TWIN CITY ANIMAL SHELTER	PROCEEDS	67.86
TWIN CITY HARDWARE	SUPPLIES	370.11
WELLMARK	INS PREMIUMS	35,046.57
	TOTAL	\$197,488.73

ITEMS FROM CITIZENS ON AGENDA

Gott Street/Williams Street Residents

David Thompson, 80 Williams St., reappeared before the Commission for resolution on his request for proper signage for the residents of Gott/Williams St. Attorney Jason Campbell stated that after meeting with Bernie Williams and Jim Raysor, the results were the following four recommendations: 1) Numbered signs in front of both residences that the homeowners pay for; 2) Dual signs on the current Gott St. indicating "78 & 80 Williams Street Access" that the City pays for; 3) Sign at end of Gott St. "78 & 80 Williams St. Access" that the City pays for; 4) A decision by the Commission whether or not it wishes to take control of the roadway past the Conrad property, and if so, it must complete the necessary follow-ups, including easements. If the City does not want to take control of the road, it should give a formal declaration that Gott St. ends where the Conrad property line begins. Mr. Thompson restated that the property was maintained by the City in the past. According to City Attorney, public records show it is still private property. Mayor Toscana will contact prior Public Works employees to confirm previous actions and then update Mr. Thompson.

24 Raymond - Retaining Wall

Silvernail moved, Klamm seconded, to approve Marvin Lehman's request for a four-week extension, until May 22, 2009, to complete the retaining wall at 24 Raymond. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS/BID OPENINGS

Public Hearing

Scott Gobel, representing SWS, LLC, appeared before the Commission to request that the City enter into negotiations to lease the ground space on McGovern Hill for a stealth cell tower and antennas.

EXECUTIVE SESSION/REGULAR MEETING, April 20, 2009

Silvernail moved, Klamm seconded, to approve Resolution 2009-09 Resolution of Intent to Enter into a Lease with SWS, LLC, for Placement of Cell Tower on McGovern Hill. Roll Call: Aye-All. Motion carried.

RESOLUTION NO. 2009-09

RESOLUTION OF INTENT

TO ENTER INTO A LEASE WITH SWS, LLC,

FOR PLACEMENT OF CELL TOWER ON TRACT A AND TRACT C, MCGOVERN HILL ADDITION

WHEREAS, the City of Deadwood owns the ground space located on McGovern Hill; and

WHEREAS, SWS LLC proposes to lease space to construct and operate a 60' tall cell tower on the parcel owned by the City,

WHEREAS, pursuant to SDCL 9-12-5.2, a hearing was held before the City Commission of the City of Deadwood, South Dakota, on Monday the 20th day of April, 2009 at 5:10 p.m., in the Commission Chambers located at 102 Sherman Street, Deadwood, South Dakota, to consider the adoption of this Resolution of Intent; now therefore,

BE IT RESOLVED by the City of Deadwood that the City hereby declares its intent to enter into an Agreement with a private party for the purpose of leasing ground space for construction and operation of cell tower on McGovern Hill, also known as Tract A and C, McGovern Hill Addition.

Dated this 20th day of April, 2009.

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Francis Toscana, Mayor

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Set Auction for City Slot Machines

Mayor Toscana announced that the State Legislature has allowed, effective July 1, 2009, for the slot machines to be any denomination from 1 cent to 5 cent, as the nickel only machines are no longer that lucrative. The assumption is that this change will result in a larger profit for the City, but mainly to the State. Silvernail moved, Peterson seconded, to set the auction for the fifty (50) City slot machines on June 15, 2009 at 10:00 a.m. Roll Call: Aye-All. Motion carried. Finance Officer Mary Jo Nelson will represent the City at the auction.

Set Public Hearing

Klamm moved, Silvernail seconded, to set a public hearing at 5:10 p.m. on May 4, 2009 for the Mickelson Trail Marathon event requesting use of the Sherman Street Parking Lot. Roll Call: Aye-All. Motion carried.

Set Public Hearing

Silvernail moved, Klamm seconded, to set a public hearing at 5:10 p.m. on May 11, 2009 for the NAJA Shrine Circus parade and waiver of vending fee. Roll Call: Aye-All. Motion carried.

FINANCE

Resolution 2009-08

Peterson moved, Silvernail seconded, to approve Resolution 2009-08 adopting an Identity Theft Program and name Finance Officer as Program Administrator. Roll Call: Aye-All. Motion carried.

RESOLUTION 2009-08

A RESOLUTION GRANTING AUTHORITY TO INSTITUTE AN IDENTITY THEFT PROGRAM FOR THE CITY OF DEADWOOD

WHEREAS, Section 114 of the Fair and Accurate Credit Transactions Act of 2003 (16 C. F. R. § 681.2) requires all municipalities that operate utilities to develop an Identity Theft Prevention Program;

NOW, THEREFORE BE IT RESOLVED THAT the City of Deadwood hereby appoints Mary Jo Nelson as Program Administrator, with authority to develop, approve and implement an Identity Theft Prevention Program. The plan will be updated and approved by the governing board annually.

Dated this 20th day of April, 2009

ATTEST:

/s/ Francis A. Toscana, Mayor

/s/ Mary Jo Nelson, Finance Officer

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Board of Canvassers - April 14, 2009, Election

Peterson moved, Klamm seconded, to approve the official canvass results from the April 14, 2009, municipal election for (2) three-(3) year Commission seats as follows: Georgeann Silvernail - 148 votes; Steve Turnbull - 60 votes; Mike Klamm - 171 votes. Roll Call: Aye-All. Motion carried. All Commissioners present signed the Official Canvass sheet.

EXECUTIVE SESSION/REGULAR MEETING, April 20, 2009

Travel Request

Peterson moved, Silvernail seconded, to allow Julie Evenson and Ronda Morrison to attend South Dakota Municipal Clerk Program July 6-10, 2009, requesting \$458 registration, \$372 lodging, meals not covered by program, and use of City vehicle. Roll Call: Aye-All. Motion carried.

Travel Request

Peterson moved, Silvernail seconded, to allow Ronda Morrison and Mary Jo Nelson to attend South Dakota Governmental Finance Officers School and Human Resource School in Pierre June 9-12, 2009, \$200 registration, \$474 lodging, meals not covered by program, and use of City vehicle. Roll Call: Aye-All. Motion carried.

Deadwood Chamber Request

Peterson moved, Silvernail seconded, to approve the selling of beer and wine by the Deadwood Chamber for the MMA Fight Night event on May 23, 2009 from 7:00 to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Hire Request

Peterson moved, Klamm seconded, to approve the hiring of two parking ramp attendants, Judy Fidler and Larry Pierce, at \$8.00 per hour, effective April 14, 2009. Roll Call: Aye-All. Motion carried.

Ordinance #1117 - First Reading

Mary Jo Nelson explained that the line items listed were in the same categories as budgeted for 2008, but unspent in 2008, except for the \$75,000 for hill stabilization at 47 Forest and \$80,000 for the boiler at the Pavilion. The total supplement is \$1,169,156.00. Peterson moved, Silvernail seconded, to approve first reading of Ordinance #1117- 2009 Supplemental Budget Appropriation Ordinance for Historic Preservation. Roll Call: Aye-All. Motion carried.

Payment Request

Peterson moved, Silvernail seconded, to allow the Finance Office to write a check for \$3,500 for the Shrine Circus from the Bed and Booze fund, a budgeted item. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING & ZONING/PUBLIC BUILDING/SAFETY

Variance Request

Silvernail moved, Klamm seconded, to allow a 6' Variance Request from front yard lot line setback requirements at 298 Williams Street, for construction of a three (3) stall garage. Approval is recommended by the Planning and Zoning Commission. Roll Call: Aye-All. Motion carried.

Conditional Use Permit

Silvernail moved, Klamm seconded, to approve Findings of Fact by the Planning and Zoning Commission for construction of two equipment cabinets and installation of three wireless antennas for a rooftop cell site at Hampton Inn, located at 531 Main Street. Roll Call: Aye-All. Motion carried.

STREETS/WATER/LIBRARY

Hire Contractor

Silvernail moved, Klamm seconded, to approve the hiring of Forgey Construction to repair wall cap on Forest Street for \$3,000. Roll Call: Aye-All. Motion carried.

POLICE/FIRE

Travel Request

Klamm moved, Silvernail seconded, to allow Tony Bradley to attend Crime Scene Processing Training on May 18-22, 2009 in Mitchell, requesting use of City vehicle only. Roll Call: Aye-All. Motion carried.

Travel Request

Klamm moved, Silvernail seconded, to allow Kip Mau to travel to Oacoma on April 22, 2009 to attend "Preventing Bullying in Schools" seminar, no cost to City. Roll Call: Aye-All. Motion carried.

Travel Request

Klamm moved, Silvernail seconded, to allow Kip Mau to travel to Pierre and attend the School Law/School Safety Conference on July 27-28, 2009, \$30 registration fee plus the use of a City vehicle. Roll Call: Aye-All. Motion carried.

EXECUTIVE SESSION/REGULAR MEETING, April 20, 2009

PARKS/RECREATION/TROLLEY

Mickelson Trail Grant Update

Jim Raysor stated that he has been in touch with Paula Huizenga at the DOT regarding the trail lighting project. She indicated that she would be sending an application for stimulus funding up to \$250,000, but did not know if this would be in addition to the \$400,000 grant previously awarded, and has not yet replied with that answer. In addition, Muth Electric has submitted a Change Order for \$62,754.47 due to changes in the project made by DOT. One requirement by DOT is 17 more lights at a more expensive cost per light. Jim Raysor and Attorney Campbell will work with Muth Electric to come up with a justification of the unforeseen costs for the file. Mary Jo Nelson stated that she has not yet seen paperwork proving that the State will reimburse us for this project. Mayor Toscana replied that we would get a document from the State listing what they will pay for. Jim Raysor also noted that the engineer has received approval to design the steps on a separate grant.

MAYOR'S BUSINESS

Appeals Board (Continued from 4-1-09 & 4-06-09)

Mayor Toscana appointed three people to serve on the Appeals Board: Mike Stahl, Marc Straub, and Donald Sorenson. He also appointed alternates Joel Westcott and Rollin Sieveke. Silvernail moved, Peterson seconded to approve these appointments. Roll Call: Aye-All. Motion carried.

Mayor Toscana then assigned Mike Stahl and Marc Straub to one-year terms and Donald Sorenson to a two year term, and alternates Joel Westcott to a two year term and Rollin Sieveke to a one year term. Silvernail moved, Klamm seconded, to approve these terms. Roll Call: Aye-All. Motion carried

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

Kevin Kuchenbecker announced that the Deadwood Historic Preservation Commission was given the 2009 Governor's Award for History as the outstanding organization of the year, at the recent SD State Historical Society Awards Luncheon.

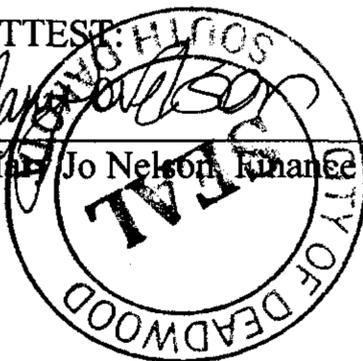
EXECUTIVE SESSION/ADJOURNMENT

Klamm moved, Silvernail seconded, to adjourn the regular session at 5:45 p.m. and convene into Executive Session for personnel matter with no action to be taken. The next regular meeting will be at 5:00 p.m. on Monday, April 27, 2009.

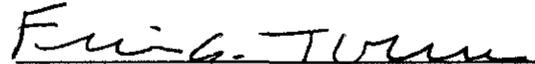
ATTEST:



Mary Jo Nelson, Finance Officer



DATE: 4-27-09

BY: 
Francis A. Toscana, Mayor