

EXECUTIVE SESSION/REGULAR MEETING, February 23, 2009

The Regular Session of the Deadwood City Commission convened on February 23, 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 17, 2009. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Schroeder seconded, to approve the February 23, 2009 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS EQUIPMENT	COPIES	23.90
ABC	SUPPLIES	150.54
AINSWORTH-BENNING	REPAIR WATERLINE	5,419.98
ALLTEL	POLICE BAG PHONES	275.79
AMERICAN LEGAL PUBLISHING	INTERNET RENEWAL	262.50
BH PIONEER	SUBSCRIPTION	101.89
BH POWER	ELECTRICITY	10,265.86
BUTLER	PAD-WEAR/416B	1,300.38
CULLIGAN	WATER-SALT	21.00
DOUBLE-K, INC	DUAL SWITCH	104.16
DOWER, CLIFF	REIMBURSEMENT	169.58
FASTENAL COMPANY	HARDWARE/SUPPLIES	151.66
GENPRO POWER SYSTEMS INC.	ANNUAL SERVICE-TROLLEY BARN	481.14
LC REGISTER OF DEEDS	RECORDING-DOCUMENTS	118.00
LAWSON PRODUCTS	SUPPLIES	386.91
LEITE, STEVEN	PKG TCKT REIMB	20.00
LIMBO, BARBARA	BOOKS-FEES-RENTALS	250.00
NEIGHBORHOOD LENDING SERVICE	REIMBSMT	1,043.11
NELSON, MARY JO	TRAVEL	133.20
NHS OF THE BLACK HILLS	CAMPAIGN-HOMEOWNERSHIP	4,000.00
NORTHWEST PIPE	SIMPLEX PKG SYSTEM	415.31
O.C. CLEANERS INC.	CLEAN SERV	620.00
ONE WAY SERVICE PROS	24 VOLT RELAY-LABOR	433.64
PITNEY BOWES INC	POSTAGE REFIL	500.00
PRAIRIE HILLS TRANSIT	09 CONTRIBUTION	7,500.00
QUENZER, CHUCK	REIMBURSE	275.20
QWEST	PHONE SVC/RAMP	113.87
RACHETTO, TRENT	SAFETY REIMB	198.97
SUMMIT SIGNS	SIGNS/SNOW REMOVAL	111.50
TRIPLE K TIRE	RADIAL TUBES-LABOR	57.95
US POST OFFICE	FIRE DEPT MAILING-PANCAKE FEED	213.69
VANWAY TROPHY	ENGRAVING	13.80
ZEP	SUPPLIES	173.72
	TOTAL	\$ 35,307.25

ITEMS FROM CITIZENS ON AGENDA

Thad Fuller/Ellis Consulting - Federal Emergency Management Administration (FEMA) Map (Continued 2-17-2009)

Helene Eddy, Ellis Consulting, and Thad Fuller appeared before the Commission regarding their request to revise the FEMA map. Ms. Eddy had provided the information for Jim Raysor and Jason Campbell as requested. Raysor provided the Commission with a staff report from the Planning and Zoning Commission dated October 5, 2005, which lists in detail the concerns the Zoning Commission had with this issue. He also provided a copy of a letter from the City Building Inspector to Mr. Fuller addressing the requirements in order to close out the project according to the 1994 UBC and City of Deadwood Zoning ordinance and a report prepared by NJS Engineering regarding the Fuller property and embankment specifications. Raysor questioned the Timm Lane Bridge area after reviewing of Ellis data. Eddy explained that these issues were also addressed by FEMA and have been corrected. She presented the revised map and gave a detailed explanation. Commissioner Silvernail expressed her concerns with the residents that live beyond (down stream) from the Fuller property and feels they should be contacted regarding this revision. Silvernail asked the question if there were a 100-year flood event would it affect these residents and their property. Eddy said that FEMA is requiring that Fuller request the City to publish a Public Notice regarding this revision with the floodplain boundary map. Toscana reiterated the fact that if the revision is approved by FEMA the embankment must be stabilized with riprap to prevent possible erosion from flooding and added that they are not approving of the revision to the floodplain map. According to the City Attorney, by publishing the notice the City intends to move forward with the study and FEMA would have the final word on the proposed revision to the floodplain map. Toscana requested Jim Raysor contact FEMA with the concerns addressed by the Commission regarding the residents below the Fuller property. Fuller told the Commission that he was under the impression that the initial approvals and studies were adequate. Klamm moved, Toscana seconded, to approve the publishing of the public notice of intent to change

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the floodway. Roll Call: Klamm, Toscana, Schroeder. Nay: Silvernail. Abstain: Peterson. The public notice would be published in the City's legal newspaper (Lawrence County Journal) on Wednesday, March 4, 2009.

Andrew Estoclet - Taxi Service (Continued 2-17-2009)

Bernie Williams, Planning and Zoning Administrator informed the Commission that no conditional use permit is required for this request according to City Code (Title 5 Chapter 5.48.) Williams said it does require a license to operate the business (\$75.00 fee), a \$1,000,000 Liability Insurance Certificate, and a copy of their Sales Tax License. Peterson moved, Silvernail seconded, to approve the request for Black Hills Taxi Service LLC and to provide for the Finance Office the proof of insurance, sales tax identification number and pay the \$75.00 fee. Roll Call: Aye-All. Motion carried.

Floor Plan Approval - Cadillac Jack's

Silvernail moved, Klamm seconded, to approve the gaming floor plan submitted by Cadillac Jack's at 360 Main Street, previously approved by the Building Inspector. Roll Call: Aye-All. Motion carried.

PUBLIC HEARING/BID OPENINGS

Hold Public Hearing

No one spoke in opposition to the City's intent to lease with a private person (Adams Museum & House, Inc. for the purpose of operating the Homestake Adams Research Center ("HARC"), f/k/a/ the FL Thorpe Building located at 150 Sherman Street. Silvernail moved, Klamm seconded, to approve Resolution 2009-06 to Enter into a Lease with the Adams Museum & House, Inc. Roll Call: Aye-All. Motion carried.

**RESOLUTION NO. 2009-06
RESOLUTION OF INTENT
TO ENTER INTO A LEASE WITH A PRIVATE PERSON
FOR ADAMS MUSEUM & HOUSE, INC.
AT THE HOMESTAKE ADAMS RESEARCH CENTER ("HARC"), F/K/A THE FL THORPE
BUILDING**

WHEREAS, the City of Deadwood owns the HARC located on Sherman Street; and

WHEREAS, there is already an agreement between the parties for this property that is set to expire in April, 2009, and that Tenant desires a longer term agreement to aid in securing financing; and

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 23rd day of February, 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 operating the HARC at Sherman Street, Deadwood, South Dakota.

Dated this 23rd day of February, 2009.

CITY OF DEADWOOD
/s/ Francis Toscana, Mayor

ATTEST:

/s/ Mary Jo Nelson, City Finance Officer

Set Public Hearing

Klamm moved, Schroeder seconded, to set a public hearing at 5:15 pm on March 9, 2009 for the St. Patrick's Day celebrations for street closures and relaxation of open container ordinance. Roll Call: Aye-All. Motion carried.

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FINANCE

Establish Capital Project Fund

Peterson moved, Silvernail seconded, to allow the Finance Office to establish a Capital Project Fund 0561 effective in 2008 to record work done by developer at The Lodge of Deadwood for 2008 for annual report. Roll Call: Aye - All. Motion carried.

HISTORIC PRESERVATION/PLANNING & ZONING/PUBLIC BUILDING/SAFETY

Request to Advertise Position

Toscana moved, Klamm seconded, to allow Historic Preservation to advertise in the local newspapers for an Administrative Assistant. Roll Call: Aye - All. Motion carried.

STREETS/WATER/LIBRARY

Purchase Request

Schroeder moved, Klamm seconded, to approve the purchase of 5,500 gallons of premium gasoline at \$1.80 per gallon from Southside Service. Roll Call: Aye-All. Motion carried.

Travel Request

Schroeder moved, Klamm seconded, to allow the Water Department staff to attend training in Spearfish on March 11, requesting lunch reimbursement and use of City vehicle. Roll Call: Aye-All. Motion carried.

Retract Hire Approval

Schroeder moved, Klamm seconded, to retract the hire approval for Steven Eggert for the Lead-Deadwood High School internship program. Roll Call: Aye-All. Motion carried.

Information - Water Report 2008

The annual 2008 Water Report prepared by Bob Nelson Jr. was distributed to the Commission for their review.

Work Orders - Brosz Engineering

Schroeder moved, Klamm seconded, to allow the Mayor to sign the work orders for Brosz Engineering for the City Step project (grant match to be paid from Historic Preservation Capital Asset line item.) Roll Call: Aye-All. Motion carried.

PARKS/RECREATION/TROLLEY

Use of Trolleys

Silvernail moved, Peterson seconded, to allow one (possibly two) trolleys to travel to Sturgis for the Historic Preservation Symposium on May 3, 2009. Roll Call: Aye-All. Motion carried.

Wage Increase

Silvernail moved, Schroeder seconded, to approve the wage increase for Erik Simonyak from \$9.00 per hour to \$9.50 per hour while performing duties as Assistant Rec Center Manager after completion of one year, effective February 25, 2009. Pay rate for lifeguard duties unchanged. Roll Call: Aye-All. Motion carried.

LEGAL BUSINESS

Ordinance #1114 - First Reading

There being no changes or comments subsequent to first reading, Silvernail moved, Klamm seconded, to approve second reading of Ordinance #1114 Repealing Section 13.12.070, Garbage Rates (due to redundancy in existing code.) Roll Call: Aye - All. Motion carried.

Discussion - Lund & Associates Contract

City Attorney Jason Campbell informed the Commission that he had reviewed the contract with Lund & Associates for the architectural services for the museum project. Campbell said the decision was made to have this contract be between the Days of 76 and Lund & Associates due to the uncertainty of the cost of bids the Days of 76 will pay for the architectural services, not the City.

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MAYORS BUSINESS

Mayor Toscana requested an Executive Session following the Regular Session for personnel matter with no action to be taken.

Legislative Commemoration

Mayor Toscana commended and presented Finance Officer Mary Jo Nelson with the House Commemoration No. 1003 honoring her as the Municipal Finance Officer of the Year. Ms. Nelson was recognized at Municipal Government Day in Pierre on February 4, 2009. Congratulations Mary Jo Nelson.

ITEMS FROM CITIZENS NOT ON AGENDA

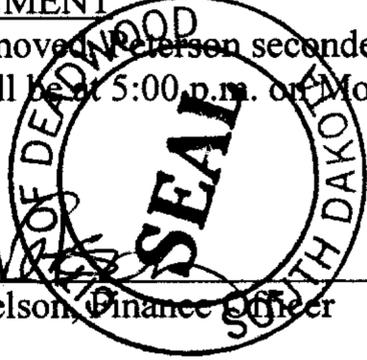
Raffle Ticket Correction (2-17-2009)

The raffle ticket request for the "Quigley Down Under" saddle made by Jerry Croft, one ticket \$20.00 and six (6) for \$100.00. All proceeds from the raffle will be used for the Days of 76 Museum building project.

ADJOURNMENT

Silvernail moved and Peterson seconded, to adjourn the regular session at 5:55 p.m. The next regular meeting will be at 5:00 p.m. on Monday, March 2, 2009.

ATTEST:

A circular official seal for the City of Deadwood, South Dakota. The seal features the text "CITY OF DEADWOOD" around the top inner edge and "SOUTH DAKOTA" around the bottom inner edge. In the center, the word "SEAL" is written vertically. A signature is written across the seal, and the name "Mary Jo Nelson, Finance Officer" is printed below it.
Mary Jo Nelson, Finance Officer

DATE: 3/2/09

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