EXECUTIVE SESSION/REGULAR MEETING, September 8, 2009

The Regular Session of the Deadwood City Commission convened on September 8, 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, Joe Peterson, Lenny Schroeder and Georgeann Silvernail. Commissioner Mike Klamm was absent. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Silvernail moved, Schroeder seconded, to approve the minutes of August 31, 2009 with one correction. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Schroeder moved, Silvernail seconded, to approve the September 8, 2009 disbursements. Roll Call: Aye-All. Motion carried.

ABC	PAPER	382.75
BLACK HILLS CHEMICAL	SUPPLIES	2,089.67
BLACK HILLS ELEVATOR, LLP	REPAIR	400.56
BLACK HILLS PIONEER	PROMO AD	10.00
BLACK HILLS POWER & LIGHT	ELECTRICITY	115.63
CAMPBELL SUPPLY	FLYTRAP	32.94
CULLIGAN OF THE NORTHERN H	RENTAL	41.50
DAKOTA GRAPHICS	BROCHURES	550.00
DAKOTA SUPPLY GROUP	LIGHTENING ARRESTOR	91.68
DAKTRONICS, INC.	MAINT. AGREEMT	901.00
DATA FLOW	CHECKS	333.86
DEADWOOD CHAMBER & VISITOR	BILL LIST	25,000.00
DEADWOOD ELECTRIC	REPAIR	541.21
DEADWOOD HOME CENTER	KWIK	47.94
EMERY-PRATT COMPANY	BOOKS	104.22
FARMER BROTHERS CO	COFFEE	90.79
FOX, TERESA	PHOTOGRAPHY	1,690.00
GOLDEN WEST TECHNOLOGIES,	PAGER	242.00
INDIANA INSURANCE	INS	18,600.00
INTERSTATE ALL BATTERY CEN	9 VOLT	39.38
KIDS DISCOVER	SUBSCRIIPTION	19.95
KIWANIS OF LEAD	DONATION	250.00
KNOLOGY	PHONES	587.53
LEAD DEADWOOD SANITARY DIS	AUG	27,577.52
LIQUID ENGINEERING CORPORA	TANK CLEANING	2,900.00
MIDWEST TAPE	DVD	92.97
MONTANA DAKOTA UTILITIES	NATURAL GAS	355.18
MORE MAGAZINE	SUBSCRIPTION	20.00
NAPA AUTO PARTS	HOSE CLAMP	3,229.90
NORTH CENTRAL SUPPLY, INC	DOORS	868.00
NORTHWEST PIPE FITTINGS, I	FREIGHT	493.81
OCCUPATIONAL HEALTH NETWOR	TESTING	28.00
PETTY CASH-FINANCE OFFFICE	PETTY CASH	86.47
RAPID DELIVERY	DELIVERIES	9.90
SCHALLENKAMP, DEAN	REIMBSMT	90.09
SD COMMISSION ON GAMING	CITY SLOTS	17,693.18
SERVALL UNIFORM AND LINEN	MOPS-MATS	1,550.69
SKYLINE ENGINEERING LLC	PAVILION BOILER	540.00
SOUTH DAKOTA WATER & WAST	CONFERENCE	240.00
SOUTHSIDE OIL	DIESEL	4,825.90
SPEARFISH HUSKY	REPAIR	36.00
STRETCH'S GLASS & CUSTOM P	TAPE	76.80
SUMMIT SIGNS & SUPPLY, INC	SIGNS	169.50
THE HARTFORD STEAM BOILER	CERTIFICATE	50.00
THOMPSON PUBLISHING GROUP	HANDBOOK	438.50
TIME	SUBSCRIPTION	26.95
TRIDLE, JOHN	REIMBSMT	5.29
TRIDLE, TREVOR	SUPPLIES	100.00
TRIPLE K TIRE & REPAIR	AIR CONDIT.	336.48
TRUGREEN CHEM-LAWN	APPLICATION	306.50
TWIN CITY HARDWARE & LUMBE	SUPPLIES	1,200.35
	TOTAL	**$115,510.59**

ITEMS FROM CITIZENS ON AGENDA

Retaining Wall Rental

Attorney Bruce Hubbard, representing Larry Shama, informed the Commission that the retaining wall owned by his client is failing, and both Hubbard and Shama are dissatisfied by the lack of communication and progress on the part of the city to resolve the matter. He added that Mr. Shama received a letter in April of 2008 from Keith Umenthum, Building Inspector, giving him notice to fix the wall. Mr Shama also believes the city was at fault when the city undertook paving and a sidewalk project sometime in the 1990's, which caused the wall to fail. Mayor stated that the burden is on his

client to prove that problem was caused by City. Mayor also stated that Historic Preservation has made every attempt to work with his client and approved the property for a retaining wall grant, but Larry has refused to sign the recapture provision. Silvernail stated that every resident has to follow same rules, and we can't make exception for one resident. City Attorney Campbell apologized for the city's slowness in organizing the Board of Appeals, but is currently contacting those parties to assemble and move forward.

Homestake Adams Research Center
Mary Kopco reported that the first phase of construction on the HARC project has been completed, with the assistance of Historic Preservation bonded funds. They need to raise $783,000 to begin construction again. $283,000 of that has been raised, with $500,000 remaining. Construction arrangements have all been made, so the building can be opened early next summer. Carolyn Weber, Assistant Director of Adams Museum, reported that over 8500 documents have been accessed since they have been moved to the HARC location, by a variety of colleges, businesses and authors.

PUBLIC HEARINGS/BID OPENINGS

Pursuant to SDCL 9-32-20.1, a public hearing was held prior to spending an amount in excess of $5,000.00. No one was present to speak in opposition. Silvernail moved, Schroeder seconded, to approve the expenditure, not to exceed $17,593.00, to chip seal the road at Oak Ridge Cemetery this fall. Roll Call: Aye-All. Motion carried.

Bid Opening
The following bids were opened on the two surplus Caterpillar loaders:

	938G Loader-2380 Hrs.	938G Loader-3184 Hrs.
Butler Machinery Co:	$63,500.00	$60,500.00
Donovan Construction:	$71,200.00	$68,490.00

Silvernail moved, Schroeder seconded, to continue the matter until the September 14, 2009 meeting. Roll Call: Aye-All. Motion carried.

Change Bid Opening Date
Schroeder moved, Silvernail seconded, to change the date of the bid opening for the garbage contract from October 9 to October 16 at 2:00 p.m., with results to the City Commission on October 19. Roll Call: Aye-All. Motion carried.

Public Hearing
Silvernail moved, Schroeder seconded to set a public hearing at 5:10 p.m. on September 21 for Octoberfest events. Roll Call: Aye-All. Motion carried.

FINANCE
Pay Insurance Coverage
Peterson moved, Silvernail seconded to pay South Dakota Public Assurance Alliance $202,978.79 for 2009-2010 insurance coverage, a budgeted item. Roll Call: Aye-All. Motion carried.

Renew Software Maintenance
Peterson moved, Silvernail seconded, to renew the annual software maintenance contract with Tyler Technologies for $10,078.00. Roll Call: Aye-All. Motion carried.

First Reading - Budget Ordinance
Peterson moved, Schroeder seconded to have First Reading of Budget Ordinance #1120 for 2010. Roll Call: Aye-All. Motion carried. Mary Jo Nelson stated that the budget for all funds stayed approximately the same as prior years except for Capital Project Funds, which increased about $7 million, for total budget of $22,926.942.00. She asked to postpone second reading until final valuation numbers are received from Lawrence County.

Meeting
Peterson moved, Schroeder seconded to allow Mary Jo Nelson to attend SD Historic Society Board of Trustees Meeting in Pierre on September 11. Roll Call: Aye-All. Motion carried.

EXECUTIVE SESSION/REGULAR MEETING, September 8, 2009

HISTORIC PRESERVATION/PLANNING & ZONING/PUBLIC BUILDINGS/SAFETY

Renew Knology Agreement

Schroeder moved, Silvernail seconded, to renew the Knology business service agreements for public buildings. Roll Call: Aye-All. Motion carried.

Change Order - 45-57 Forest Ave.

Silvernail moved, Peterson seconded, to approve Change Order for $1200.00 for hydroseeding a hillside by retaining wall at 45-47 Forest Avenue. Roll Call: Aye: Silvernail, Peterson, Toscana; Abstain: Schroeder. Motion carried.

Findings of Fact - Kasey Campbell, 21 Park St.

Silvernail moved, Peterson seconded, to approve request for Conditional Use Permit for Townhouses at: Lots 1-5, Block 13, Highland Park Addition, City of Deadwood, Lawrence County, South Dakota. Roll Call: Aye-All. Motion carried.

Findings of Fact - I-Wireless/SWS Request for Cell Tower

Silvernail moved, Peterson seconded, to approve request for Conditional Use Permit to construct a 60' cell tower at: Tract C, McGovern Hill Addition to the City of Deadwood, Located in Section 22 and 27, T5N, R3E, B.H.M. as shown on the certain plat recorded in the Office of the Lawrence County Register of Deeds as Plat Document @2003-4122, said Tract C contains 3.24 acres, more or less, City of Deadwood, Lawrence County, South Dakota. Roll Call: Aye-All. Motion carried.

Findings of Fact - Vicky Anderson, 158 Charles

Silvernail moved, Peterson seconded, to approve request for Conditional Use Permit for a small Beauty Salon Business at: Part of Lots 32, 34, 36 and 38, Block 76, O.T., Section 27, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Roll Call: Aye-All. Motion carried.

Permission to Hire - Pavilion roof repair

Silvernail moved, Peterson seconded, to give permission to hire Lowe Roofing to repair the Pavilion roof at a cost of $3975.00 and pay from public buildings line item. Roll Call: Aye-All. Motion carried.

Change Order - Deadwood Mountain Grand

Mayor Toscana explained that he, Jim Raysor, Kevin Kuchenbecker and Keith Umenthum met with contractors and some of the principals on the project, who explained that construction work has stopped until spring, but requested approval of this change order to close construction access and building additional openings, cover window openings, install security fence, and clear the staging area. They agreed to they will pick up all the additional costs after the City pays the initial $1.7 million. Peterson moved, Schroeder seconded, to approve Change Order #6 to add $38,170.00 to the Deadwood Mountain Grand project. Roll Call: Aye-All. Motion carried. Schroeder asked for confirmation that the City would not pay more toward the project than $1.7 million, and the Mayor agreed.

STREETS/WATER/LIBRARY

Advertise street panel replacement

Schroeder moved, Silvernail seconded, to give permission to advertise for bids for street panel replacement. Roll Call: Aye-All. Motion carried. Schroeder moved, Silvernail seconded to set bid opening for 5:15 p.m. on September 28, 2009. Roll Call: Aye-All. Motion carried.

POLICE/FIRE

Travel

Silvernail moved, Peterson seconded, to allow Ken Hawki to attend SD Emergency Management Annual Conference in Brookings Sept.14-17 at no cost to the city. Roll Call: Aye-All. Motion carried.

Western Communications

Silvernail moved, Peterson seconded, to pay Western Communications $2984 to move a repeater for the trolley, parks, street, and water departments. Roll Call: Aye-All. Motion carried.

PARKS/RECREATION/TROLLEY

Grant

Silvernail moved, Schroeder seconded, to apply for a Capital Assistance Grant for a new trolley. Roll Call: Aye-All. Motion carried.

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Trolley groups
Silvernail moved, Peterson seconded, to charge a flat fee for groups or organizations, per Trolley Manager Bob Nelson Sr.'s recommendation. An ordinance will be prepared for review. Roll Call: Aye-All. Motion carried.

Trolley on the Trails
Nelson reported that there had been great success with the Trolley rides on the Mickelson Trail, and that they are already scheduling 2010 tours.

LEGAL BUSINESS
Attorney Jason Campbell presented the final version of the Memorandum of Land Lease and Land Lease Agreement with Verizon for the cell tower on City property. Silvernail moved, Peterson seconded, to give the Mayor permission to sign the Agreement. Roll Call: Aye-All. Motion carried

ITEMS FROM CITIZENS NOT ON AGENDA
Request for street lights
Gary Schmaltz, owner of Shirt Tail Gulch Stage Stop, requested the City furnish six street lights for his property, in exchange for owner paying for installation costs. City would be responsible for maintenance and cost of power. After discussion, it was decided that three lights would be sufficient. The Mayor requested he prepare a drawing for Commission to review at the September 21, 2009 Commission meeting.

Information on close of Drivers License Exam in Deadwood
Tim Velder, Lawrence County Journal, inquired about the City's position on the closing of the Driver's License exam station in Deadwood on October 1, 2009. Toscana noted that it will be an inconvenience for our citizens, but he understands the budget constraints of the State.

ITEMS FROM DEPT. HEADS NOT ON AGENDA
Public Works Director James Raysor reported that this will be Free Dump Weekend - Thursday through Saturday, 8 a.m. - 4 p.m.

EXECUTIVE SESSION/ADJOURNMENT
Silvernail moved, Schroeder seconded, to adjourn the regular session at 5:50 p.m. and convene into Executive Session. The next regular meeting will be at 5:00 p.m. on Monday, September 14, 2009.

ATTEST: Mary Jo Nelson
Mary Jo Nelson, Finance Officer

DATE: 9-14-09
BY: Francis A. Toscana
Francis A. Toscana, Mayor

CITY OF DEADWOOD SEAL SOUTH DAKOTA

For any public notice that is published one time:
Published once at the total approximate cost of _____.