REGULAR MEETING, September 28, 2009

The Regular Session of the Deadwood City Commission convened on September 28, 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, Lenny Schroeder and Georgeann Silvernail. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Klamm moved, Schroeder seconded, to approve the minutes of September 21, 2009. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Peterson seconded, to approve the September 28, 2009 disbursements with additional bill. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	MO MAINT	575.67
ABC	SUPPLIES	74.88
ADAMS MUSEUM	OPERATING EXPENSES	2,641.54
AINSWORTH-BENNING	LOAN DISB	31,840.00
ALBERTSON ENGINEERING	RETAIN WALL	4,080.14
ALCO	SUPPLIES	5.98
ALEX HAMANN	REIMBS-FIRE PROMO	572.11
AMERICAN LEGAL PUBLISHING	CODE OF ORDINANCE	120.05
AMERICAN TECHNICAL SERVICE	RETAINING WALL	770.00
ARMSTRONG EXTINGUISHER	RECHARGE	76.00
BEST WESTERN RAMKOTA INN	LODGING-FINANCE	474.00
BH POWER	UTILTIES-PUB BLDGS	10,958.73
CAMPBELL SUPPLY	WIRE	42.99
CULLIGAN	WATER	13.00
DAKOTA SUPPLY GROUP	BULBS	119.36
DAKOTACARE	INSURANCE-OCT	37,688.85
DEADWOOD CHAMBER	BILLS LIST	45,000.00
FASTENAL COMPANY	SUPPLIES	957.09
FORGEY CONSTRUCTION	CHG ORDER-FOREST	4,955.85
GOLDEN WEST	SERVICE	63.75
HANSEN, JOANNE	LOAN DISB	2,100.00
INTERSTATE BATTERY	BATTERIES	53.98
JACOBS WELDING	FLAT BAR	161.11
KIRCHHEVEL, AMY	LOAN DISB	170.65
KIWANIS	PROSPECTOR BOWL	2,378.00
KNOLOGY	PHONE SERV	1,167.98
LAKER CHEMICAL	ROAD PATCH	499.50
LC REGISTER OF DEEDS	FILING FEES	88.00
MAVERICK (BLONDIES)	SUPPLIES	151.54
NEIGHBORHOOD LENDING SERVICE	FILING FEE	46.00
ROCKINGTREE	SUPPLIES	49.80
SDSM&T	SCHOLARSHIP	1,000.00
SD MUNICIPAL LEAGUE	REGISTRATIONS	30.00
SD PUBLIC HEALTH	TESTING	24.00
SD STATE HISTORICAL	09 GRANT	50,000.00
SUMMIT SIGNS	SIGNS	109.50
TOMS, DON	LC LEDGERS	1,152.00
TRIPLE K	BATTERIES	94.50
TRUGREEN CHEM-LAWN	SUPPLIES	42.40
TWILIGHT	SUPPLIES	148.65
TC HARDWARE	SUPPLIES	1,819.78
US POST OFFICE	POSTAGE - FIRE DEPT-WATER BILLS	399.36
WESTERN MECHANICAL	REPAIRS TANK	2,503.73
WHITNEY, DAVID	LOAN DISB	1,800.00
	TOTAL	**$207,020.47**

ITEMS FROM CITIZENS ON AGENDA

Emergency Management Update

Paul Thomsen, Director of Emergency Management, appeared before the Commission to give an annual update. Thomsen informed everyone that this year they would host a Point of Dispensing (POD) Influenza Vaccinations day on October 22, 2009 from 1:00 p.m. to 8:00 p.m. at the Donald E. Young Center at Black Hills State University at no cost to everyone that is 6 months of age and the H1N1 (Swine Flu) vaccine to priority risk groups. The Priority Risk Groups are pregnant women, people who live or care for children younger than 6 months to 4 years of age, children 5-18 years with chronic health problems, and health care personnel. The South Dakota Department of Health will provide the vaccine. They are looking for volunteers to assist with the event. Thomsen added they are in the process of updating the Emergency Plan Procedures Manual and the updates will be provided for the Fire, Police departments, and City Hall with updates. Other on-going projects include Pre-Disaster Mitigation Plan and radio communications project.

REGULAR MEETING, September 28, 2009

PUBLIC HEARINGS/BID OPENINGS

Bid Opening
Public Works Director Jim Raysor opened and read the six bids received for the Concrete Panel Replacement projects for Cemetery, Denver, and Lower Main Street they are as follows:

Bid Tab
CONCRETE STREET PANEL PROJECTS
(Cemetery #1, Denver #2, Lower Main #3)
Bid opening held September 28, 2009

Contractor	Bid Bond	Project #1 Cemetery St	Project #2 Denver	Project #3 Lower Main	Total Bid Cost
Corr Construction	X	$16,800.00	$12,300.00	$4,900.00	$34,000.00
Olson Construction	X				$31,500.00
J. Scull Construction	X				$70,845.09
Simon Contractors	X	$32,180.00	$30,132.00	$17,120.00	$79,432.00
Sabo Construction, Inc.	X	$21,031.00	$16,108.00	$5,439.00	$42,578.00
Forgey Construction	X	$33,830.00	$26,240.00	$10,666.04	$70,736.04

Raysor reviewed bids during the meeting and recommended to the Commission to accept the low bid from Olson Construction for $31,500.00. Schroeder moved, Klamm seconded, to accept the low bid from Olson Construction for $31, 500.00. Roll Call: Aye-All. Motion carried.

Set Public Hearing
Silvernail moved, Klamm seconded, to set public hearing for The Lodge at Deadwood Convention Center Liquor License on October 13 at 5:05 p.m. Roll Call: Aye-All. Motion carried.

FINANCE

2010 Budget Ordinance - Second Reading
Peterson moved, Schroeder seconded, to approve second reading of the 2010 Budget Ordinance #1120, using preliminary valuations from Lawrence County Auditor. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING & ZONING/PUBLIC BUILDINGS/SAFETY

Utility Certificate - Days of 76 Museum SD DOT Grant
Silvernail moved, Klamm seconded, to allow the Mayor to sign the utility certificate with the South Dakota Department of Transportation (Project #POENH (197) PCN 02FY) for Days of 76 Museum project. Roll Call: Aye-All. Motion carried.

Right-of-Way - Days of 76 Museum SD DOT Grant
Schroeder moved, Silvernail seconded, to allow the Mayor to sign the Right-of-Way certificate with the South Dakota Department of Transportation (Project #POENH(197) PCN 02FY) for the Days of 76 Museum project. Roll Call: Aye-All. Motion carried.

Hickok's Transfer Request
Historic Preservation Officer Kevin Kuchenbecker explained that Hickok's has an opportunity to sell the Iron Horse (21 Deadwood Street); however, the sales price is not adequate to cover the existing debt against the property. They have requested the City to transfer the debt from Iron Horse to Hickok's. Historic Preservation has one loan on the Iron Horse property and the current principal balance is $47,630. Historic Preservation Commission has reviewed this request and recommends to the City Commission to transfer the collateral on the Iron Horse loan to Hickok's property. Silvernail moved, Klamm seconded, to approve the request for Hickok's' to transfer collateral from Iron Horse to Hickok's remaining debt on property. Roll Call: Aye - Silvernail, Klamm, Schroeder, Toscana. Abstain: Peterson. Motion carried.

Contract - TDG Communications
Silvernail moved, Klamm seconded, to hire TDG Communications for $6,850 to design ten (10) neighborhood markers and interpretive panels, budgeted item, to be paid from Public Education line item. Parks Department to fabricate framework and install panels. Roll Call: Aye-All. Motion carried.

Purchase Request
Silvernail moved, Peterson seconded, to approve the purchase from Golden West for a laptop computer and docking station for the Archives Department, expenditure not to exceed $2,600, a budgeted item. Roll Call: Aye-All. Motion carried.

STREETS/WATER/LIBRARY

Street Closure Request
Schroeder moved, Silvernail seconded, to approve the street closure request for Cemetery Street for panel repairs, closure to be approximately one week. Roll Call: Aye-All. Motion carried.

Request to Prepare Ordinance
Public Works Director Jim Raysor requested that the Commission prepare and pass an ordinance to protect the integrity of the City water system. Raysor said they have had issues in that past where a leak has been discovered from the street to the meter. This type of leak is the responsibility of the property owner to repair. The Public Works Department will inspect water lines and once a leak is detected within the water system, the property owner would be notified in writing which allows them thirty-(30) days to repair the leaking service connection. If the leak is not repaired within thirty-(30) days, the Public Works Department or a contractor will be hire to repair the leak. City employee hours will be billed at $71.50 per hour and the $25.00 turn on/off fees will be billed as well. Any costs not reimbursed to the City for such repairs will then be assessed on the taxes of the property for payment. Schroeder moved, Klamm seconded, to have first reading of ordinance and direct City Attorney to prepare ordinance for second reading on October 5, 2009. Roll Call: Aye-All. Motion carried.

POLICE/FIRE

Travel Request
Klamm moved, Silvernail seconded, to allow Tony Bradley to attend Preliminary Breath Testing Calibration training in Pierre on October 27, 2009, requesting use of City vehicle. Roll Call: Aye-All. Motion carried.

Travel Request
Klamm moved, Silvernail seconded, to allow Jim Olson to attend Advanced Accident Investigation training in Pierre November 16-20, 2009, requesting use of City vehicle. Roll Call: Aye-All. Motion carried.

Travel Request
Klamm moved, Schroeder seconded, to allow Dustin Schumacher to travel to Sioux Falls for Behavior Recognition Training for Law Enforcement on October 7, 2009, requesting lodging ($46.50), meals, and use of a City vehicle. Roll Call: Aye-All. Motion carried.

Grant Agreement - SD Department of Agriculture
Klamm moved, Silvernail seconded, to allow the Mayor to sign the grant agreement with the State of South Dakota Department of Agriculture for the Fire Department to receive one portable and four weighted vests, total cost $2,436, City to pay 10% of cost. Roll Call: Aye-All. Motion carried.

Agreement - Law Enforcement Policies & Procedures
Chief Fuller explained that the Police Department has adopted and implemented 12 critical policies identified by the South Dakota Public Assurance Alliance. Due to the adoption of these policies, the SDPAA Board has approved a 5% loss control credit for the Deadwood Police Department for 2010. Klamm moved, Silvernail seconded, to allow the Mayor to sign the Law Enforcement Policies and Procedures Agreement with the South Dakota Public Assurance Alliance. Roll Call: Aye-All. Motion carried.

Payment Request
Klamm moved, Silvernail seconded, to approve the payment to the City of Lead for $1,498.25 for a portion of the cost to relocate antenna, to be paid from Police Department budget. Roll Call: Aye-All. Motion carried.

Grant Application
Klamm moved, Silvernail seconded, to allow the Police Department to apply for a Homeland Security grant for $4,295 to purchase a voice activated radio dispatch alarm. Roll Call: Aye-All. Motion carried.

REGULAR MEETING, September 28, 2009

PARKS/RECREATION/TROLLEY

Employee Termination
Silvernail moved, Peterson seconded, to terminate the employment of Robert Hegr, effective September 22, 2009. Roll Call: Aye-All. Motion carried.

Employee Resignation
Silvernail moved, Peterson seconded, to accept the resignation from trolley driver, Roger Bamsey, effective October 5, 2009. Roll Call: Aye-All. Motion carried.

Ordinance #1121 - Second Reading
Silvernail moved, Peterson seconded, to approve second reading of Ordinance #1121 Adding Section 5.44.040 to Establish Trolley Rate Structure for Groups and Organizations. Roll Call: Aye-All. Motion carried.

LEGAL BUSINESS

Resolution 2009-20
Klamm moved, Schroeder seconded, to approve Resolution 2009-20 to Proceed with Application for Rural Development Loan for Public Improvement Project (Proposed Parking Ramp-Slime Project.) Roll Call: Aye - Klamm, Schroeder, Peterson, Toscana. Nay: Silvernail. Motion carried.

RESOLUTION 2009-20 TO PROCEED WITH APPLICATION FOR RURAL DEVELOPMENT LOAN FOR PUBLIC IMPROVEMENT PROJECT

WHEREAS, the City of Deadwood has examined all relevant information regarding the possible construction of a public parking ramp proposed to be built between what is known as the Slime Plant and the VFW in Deadwood, South Dakota; and

WHEREAS, the City of Deadwood has an opportunity to pay for such construction with a rural development loan, properly using stimulus funds for public development; and

WHEREAS, application for such rural development loan does not obligate the City of Deadwood to spend such funds if such construction project is determined to be inappropriate for any reason at a later date; and

WHEREAS, Deadwood Mountain Grand and Deadwood BID #7 have, or will, prior to expenditure of funds by the City of Deadwood and construction of such parking ramp, enter into an agreement with the City of Deadwood to guarantee payment of lease payments to cash flow such construction project; and

WHEREAS, if such loan is determined to count against the City of Deadwood's constitutional debt limit, then, in such event, the City of Deadwood may discontinue such loan prior to commitment of funds; and

WHEREAS, it is in the public's best interest to apply for the rural development loan monies; now, therefore,

BE IT RESOLVED by the City of Deadwood that the requisite rural development application for loan monies be submitted to the proper authorities, with the Mayor or the City Finance Officer being authorized to sign such application in their official capacity.

Dated this 28th day of September, 2009.

CITY OF DEADWOOD
/s/ Francis Toscana, Mayor
/s/ Mary Jo Nelson, Finance Officer

ATTEST:
/s/ Mary Jo Nelson, Finance Officer

* * * * *

MAYORS BUSINESS

Proclamation
Mayor Toscana read the Fire Prevention Week Proclamation, which proclaims October 4-10, 2009 as Fire Prevention Week in the City of Deadwood.

ADJOURNMENT
Silvernail moved, Toscana seconded, to adjourn the regular session at 5:40 p.m. The next regular meeting will be at 5:00 p.m. on Monday, October 5, 2009.

ATTEST: Mary Jo Nelson
Mary Jo Nelson, Finance Officer

DATE: 10-13-09
BY: Francis A. Toscana
Francis A. Toscana, Mayor

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