EXECUTIVE SESSION/REGULAR MEETING, October 5, 2009

The Regular Session of the Deadwood City Commission convened on October 5, 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
Silvernail moved, Klamm seconded, to approve the minutes of September 28, 2009, with a motion correction. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS
Schroeder moved, Klamm seconded, to approve the October 5, 2009 disbursements. Roll Call: Aye-All. Motion carried.

A & B WELDING	SUPPLIES	57.09
ABC	SUPPLIES	58.49
ALEX HAMANN	REIMBS	165.62
BH POWER	UTILITIES	2,871.89
BUTLER	SUPPLIES	143.85
CITY OF LEAD	ANTENNA COSTS	1,498.25
COFFIELD, PAT	REIMBS	37.88
CULLIGAN	RENTAL	31.50
DAKOTA BUSINESS	MO MAINT	49.35
DEADWOOD ELECTRIC	BULBS	948.47
DEADWOOD FIRE DEPT	COMMISS MTGS	325.00
DEADWOOD HOME CENTER	BATTERIES	919.27
ENVIRONMENTAL PRODUCTS	FILTERS	487.00
FARMER BROTHERS	SUPPLIES	77.00
FRENCH'S UPHOLSTERY	AWNING	1,500.00
GOLDEN WEST	UPS/PHONE	910.60
GREAT WESTERN TIRE	REPAIR	132.85
I-29 BRICK COMPANY	BRICK PAVERS	1,062.64
INTERSTATE BATTERY	BATTERIES	245.98
J.P. TOWING	STORAGE	75.00
JACOBS WELDING	FLAT BAR	24.86
KNOLOGY	PHONE SERV	540.06
LC TREASURER	TITLES	35.00
LAWSON PRODUCTS	SUPPLIES	128.46
MONROE PMP	MAGNET/COVERS	540.41
MDU	UTILITIES	12.09
NELSON, ROBERT JR.	REIMBS	27.56
NORTHWEST PIPE	PVC CAPS	11.34
SERVALL	SUPPLIES	147.75
TOOLS UNLIMITED	SOCKETS	138.69
TOSCANA, KATHY	REIMBS	4.00
TRIPLE K TIRE & REPAIR	REPAIRS	35.00
TRUGREEN CHEM-LAWN	FERTILIZER	42.40
TWILIGHT	SUPPLIES	83.40
TC ANIMAL SHELTER	PROCEEDS	101.97
WEATHERCRAFT	RFND-PERMIT	1,645.00
	TOTAL	**$ 15,115.72**

ITEMS FROM CITIZENS ON AGENDA

PUBLIC HEARINGS/BID OPENINGS

Set Bid Opening
Silvernail moved, Peterson seconded, to set bid opening for six retaining walls in the Historic Preservation grant program at 2:00 p.m. on November 2, with the results at City Commission Meeting on November 2, 2009. Roll Call: Aye-All. Motion carried.

Public Hearing
Mayor Toscana opened the public hearing at 5:10 p.m. to consider the surplus and sale of city-owned Engine House located at 180 Sherman Street. He explained that two months ago, a written request was received to surplus the property by Fred and Natalie Ormiston. He added that the City approached South Dakota Game, Fish and Parks to purchase, but after several visits to the property, the State declined. Last December, a task force was formed to look at the possibility of selling the engine house. Several City Commissioners, Representative Chuck Turbiville, Historic Preservation Officer Kevin Kuchenbecker, and Historic Preservation Commissioner Matt Pike took part in those discussions. Mayor also thanked Kuchenbecker for the memo reviewing task force recommendations which was included in packets. Some of the recommendations include a provision to maintain historic integrity, that no more than five parking spots be sold, no gaming, that the patio and park area be maintained for public use as a gateway and trailhead to the Mickelson Trail and that landscaping be cared for in a professional manner. Toscana opened the public portion of the hearing. Resident Francy Foral stated that she was neither for or against, but strongly urged the Commission to adopt all recommendations of the task force to insure the historic integrity of the building, especially no gaming.

Mark Speirs added that he also agrees with the task force recommendations and would like to see the railroad history preserved and fulfill the promise made to the voters of the State of South Dakota. Speirs asked if there was not enough money to maintain, and Toscana replied the building is currently underutilized, and is currently used for storage only. Resident Lynn Namminga said he did not care whether or not the building was sold, but questioned if anyone would be interested in purchasing the property with all the recommended restrictions. He asked what the purpose of the commercial enterprise was, and if manufacturing would be taking place in the new structure. Toscana replied it was his understanding the Ormistons would use the facility as a show room only. Resident Donna Watson also spoke and added no objection to sale, but requested that the City adhere to the recommendations of the task force, and protect the exterior of the building. Resident Deborah Gangloff asked what will happen to all exhibits currently in the building, and requested that they not be destroyed, but offered to other interested parties. Mayor Toscana replied that the City offered to loan the engine to the Roundhouse, but nothing has materialized as of this date. Resident Tom Blair spoke about concerns that the City is governed to a great extent by Planning and Zoning, which may or may not allow certain restrictions that are being discussed and that we may get ourselves into trouble when we classify that area with restrictions that may be in opposition with zoning rules. Toscana replied that he was not in any position to answer those questions, since the City Attorney and Zoning Administrator were absent. Historic Preservation Officer Kuchenbecker stated that a conservation easement could be granted which runs in perpetuity. After much discussion about easements, restrictions, and what methods the City can use to surplus, Toscana then closed the public portion of the hearing and asked for comments from the City Commission. Klamm found it positive that all present were here to share their opinions, and that those opinions were not as negative as when the City attempted a sale to First Western Bank. Toscana agreed and recommended that the Commission not take action immediately. He suggested that the City Attorney draft an agreement to review when this topic is discussed again. He agreed with much of the task force comments, and stated that it has always been the city's intention to maintain the historic integrity of that building. He also agreed that five spots seemed adequate at that lot, which is not used much of the time. Silvernail questioned who would maintain the patio and park area, as suggested by the task force. Toscana said that could be worked out. Silvernail agreed with covenants outside, but dictating what happens to the of the building was wrong, and she could not agree to that. Silvernail moved, Schroeder seconded, to continue this discussion to October 26, 2009 meeting. Roll Call: Aye-All. Motion carried.

Set Public Hearing
Silvernail moved, Schroeder seconded, to set a public hearing for the Deadweird event requesting open container on October 19, 2009 at 5:10 p.m. Roll Call: Aye-All. Motion carried.

FINANCE

Wage Increase
Peterson moved, Silvernail seconded, to approve the wage increase for Jan Peppmeier from $14.09 to $14.87 (95% of prevailing wage) after one year of service. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING & ZONING/PUBLIC BUILDINGS/SAFETY

Travel Request
Toscana moved, Klamm seconded, to allow Mike Runge to travel to Pierre to attend the State Historical Society Records Advisory Board Meeting on October 20, 2009, requesting meals, use of a City vehicle or mileage. Roll Call: Aye-All. Motion carried.

Payment Request
Silvernail moved, Klamm seconded, to approve the payment to ESRI for GIS software maintenance from the following departments: Historic Preservation $9,750.00, Building Inspection $400.00, Water Dept. $1,205.48, and Zoning $650.00. Roll Call: Aye-All. Motion carried.

Ordinance #1123 - First Reading
Historic Preservation Officer Kevin Kuchenbecker informed the Commission that due to demand of private and commercial requests for research, duplication of documents, photographs, and publications of historic materials the Historic Preservation department requests permission to develop guidelines and policies for the implementation of a standardized fee schedule. After discussion, Kuchenbecker will visit with Librarian Jeanette Moodie-Chaney to include the Deadwood Library in the proposed ordinance. Kuchenbecker will contact the State Historical Society department to review their fee schedule to compare costs prior to the second reading. Silvernail moved, Klamm seconded, to approve

first reading of Ordinance #1123 Fee Ordinance for the Historic Preservation Office Services. Roll Call: Aye-All. Motion carried.

Payment Requests
Silvernail moved, Klamm seconded, to approve the payment of $1,887.76 to Black Hills Elevator for repairs to Broadway Parking Ramp. Roll Call: Aye-All. Motion carried.

Schroeder moved, Klamm seconded, to approve the payment of $3,520.57 to Deadwood Electric for repairs at the Broadway Parking Ramp. Roll Call: Aye-All. Motion carried.

STREETS/WATER/LIBRARY

Ordinance #1122 - Second Reading
Schroeder moved, Klamm seconded, to approve second reading of Ordinance #1122, Amending Chapter 13.12 Utility Billing Procedures. Roll Call: Aye-All. Motion carried.

Tri-City WASP Rubble Agreement
Schroder moved, Klamm seconded, to allow the Mayor to sign the Black Hills Forest Fire Protection District Tri-City Restricted Use Site Annual Burn Permit. Roll Call: Aye-All. Motion carried.

POLICE/FIRE

Purchase Request
Klamm moved, Silvernail seconded, to allow the Police Department to purchase 10,000 pounds of .40 ammunition and 1,500 rounds of .223 ammunition from Ultra Max, total cost $3,272.00. Roll Call: Aye-All. Motion carried.

Travel Request
Klamm moved, Schroeder seconded, to allow Bill Glover to attend the South Dakota Fire Chief's Association meeting in Oacoma on November 13-14, 2009, requesting $60 registration, lodging $99.95 plus tax, use of City vehicle or mileage, meals $29.00. Roll Call: Aye-All. Motion carried.

Resolution 2009-21
Klamm moved, Silvernail seconded, to approve Resolution 2009-21 to Surplus the Police Department's Video Camera and donate it to the South Dakota Animal Control Association. Roll Call: Aye-All. Motion carried.

RESOLUTION NO. 2009-21
A RESOLUTION TO DECLARE THE FOLLOWING SURPLUS PROPERTY

BE IT RESOLVED by the Deadwood City Commission that the City of Deadwood approve a Sony 8mm video camera located at the Deadwood Police Department to be declared surplus and donated to the South Dakota Animal Control Association.

Dated this 5th day of October, 2009

ATTEST:
/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD
/s/ Francis A. Toscana, Mayor

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PARKS/RECREATION/TROLLEY

Flu Shot Clinic
Free flu shots are scheduled for all City employees, firefighters, and Commissioners on November 4, 2009 from 2:00 to 5:00 p.m. (tentative date) in the Commission Chambers. Expenditure will be paid from Safety line item. Spouses may purchase a flu shot for $18.00. Silvernail moved, Peterson seconded, to approve the expenditure from the Safety budget. Roll Call: Aye-All. Motion carried.

LEGAL BUSINESS

Contracts
Silvernail moved, Klamm seconded, to allow the Mayor to sign a contract between Deadwood Electric and the City of Deadwood for electrical services for the City Hall basement project for $4,364.55. Roll Call: Aye-All. Motion carried.

EXECUTIVE SESSION/REGULAR MEETING, October 5, 2009

Schroeder moved, Klamm seconded, to allow the Mayor to sign a contract between Olson Construction and the City of Deadwood for the repairs to the concrete panels on Cemetery, Denver, and Lower Main Streets for $31,500.00. Roll Call: Aye-All. Motion carried.

MAYORS BUSINESS

Meeting Date Change
Mayor Toscana announced that the next Commission meeting would be held on Tuesday, October 13, 2009 at 5:00 p.m. in observance of Native American Day.

Resolution 2009-22
Mayor Toscana explained that whether or not the City provides trolley service to The Lodge at Deadwood, there are concerns with the blind spot on Pioneer Way turning left to go up Deadwood Hill towards the convention center. Toscana said he, along with the Safety Committee, would like to make a recommendation in the form of a resolution to request that the South Dakota Department of Transportation reduce the speed limit to 35 mph starting at City Limits. Silvernail moved, Schroeder seconded, to approve and direct the City Attorney to prepare the resolution. Roll Call: Aye-All. Motion carried.

Proclamations
Mayor Toscana read a proclamation, which proclaims October 5, 2009 to be World Habitat Day in Deadwood.

Mayor Toscana read a proclamation, which proclaims October 8-10, 2009 to be "Elk's Weekend" the Deadwood Elk's Lodge No. 508 is hosting the South Dakota Elk's Association Centennial Convention.

Mayor Toscana read a proclamation, which proclaims the month of October 2009 to be National Physical Therapy Month in the City of Deadwood.

Christmas Party Request
Silvernail moved, Klamm seconded, to approve the expenditure not to exceed $2,250.00 from the Bed & Booze fund for a Christmas party for all full and part time City employees. Guests and spouses would be responsible for their own expense. He added that in all likelihood this expenditure would be much less than the amount requested, since not all employees would attend. Roll Call: Aye-All. Motion carried.

Request Executive Session
Mayor Toscana requested an Executive Session following the Regular Session for union negotiations and contractual matters with no action to be taken.

EXECUTIVE SESSION/ADJOURNMENT
Klamm moved, Schroeder seconded, to adjourn the regular session at 5:45 p.m. and convene into Executive Session for Union Negotiations and Contractual matters with no action to be taken. The next regular meeting will be at 5:00 p.m. on Tuesday, October 13, 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 _____.