

## REGULAR MEETING, October 29, 2007

The Regular Session of the Deadwood City Commission convened on October 29, 2007, 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 Nyla Griffith, Mike Klamm and Mark Speirs. Commissioner Georgeann Silvernail was absent. All motions passed unanimously unless otherwise stated.

### APPROVAL OF MINUTES

Klamm moved, Griffith seconded, to approve the minutes of October 22, 2007 as presented. Roll Call: Aye-All. Motion carried.

### APPROVAL OF DISBURSEMENTS

Griffith moved, Speirs seconded, to approve the October 29, 2007 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS EQUIPMENT	MAINTENANCE AGREEMENT	786.77
ACTION MECHANICAL INC.	HVAC DUCTWORK & PLUMB/HAVER	55,950.00
ADAMS MUSEUM DBA ADAMS HOUSE	ADAMS MUSEUM OPERATING	6,274.70
ALCO STORES, INC.	OFFICE CLOCK	39.99
ALLTEL	POLICE DEPT BAG PHONES	420.27
AMERICAN TECHNICAL SERVICES, INC.	DEADWOOD REC CENTER	2,750.00
ARLETH & ASSOCIATES, INC.	OLD CHMBR 8-20-04 INVOICE DATE	270.00
BLACK HILLS PURE, INC.	2 FIVE GALLON WATER & CUPS	24.75
BLUE DOG FRAMERS & STUDIO GALLERY	CENTURY AWARDS FRAMING	734.89
BUCKS ELECTRIC	HAVER44-48 SHERMAN RESTORA	8,654.39
CHANEY, JEANETTE	245.32 MI X .37 /LIBRARY ASSOC	93.22
CINDY RISCHÉ	VEHICLE TITLES	10.00
CONRAD, TIM	CONRAD 52 LINCOLN	4,628.65
CUSTOM DECOR MASONRY	HAVERBERG 44-48 SHERMAN RESTOR	3,760.35
DAKOTA GRAPHICS	ENVELOPES	245.00
DATA FLOW	ENVELOPES	174.44
DEADWOOD CHAMBER & VISITORS BUREAU	OCTOBER BILL LIST	23,754.86
FORCOLI ENTERPRISES	PAINT LIBRARY PILLARS	1,020.41
FRANCIS TOSCANA	10-24-07 RC TO CRT AND RETURN	43.20
GAYLORD BROS.	ARCHIVE SUPPLIES	300.00
GOLDEN WEST TECHNOLOGIES, INC.	TELEPHONE & VOICE MAIL WORK	55.00
HCW, INC.	CARRIAGE COLLECTION	3,138.70
HORST ACOUSTICAL CO., INC.	HAVERBERG 44-48 SHER RESTORA	40,553.48
INTERSTATE BATTERIES	10V 120MAM NICD MOT HT50	95.67
KEN HAWKI	3 LASER CARTRIDGES	771.18
KODET ARCHITECTURAL GROUP, LTD	DEADWOOD REC CENTER	6,066.94
LAWRENCE COUNTY REGISTER OF DEEDS	CLOSING COSTS	38.00
LEAD MASONIC TEMPLE	2007 LEAD MASONIC GRANT	18,460.00
LEHMEN CONSTRUCTION CO.	WILD BILL GRAVESITE CHNGE ORDR	17,850.00
MARK SPEIRS	TRV TO & FRM RC FOR CRT	33.30
MATTSON, JON	SEPT. FACILITATOR FEES BID #7	190.00
MOBILE ELECTRONIC SERVICE	CAMCORDER REPAIR	297.24
NEVE'S UNIFORMS, INC.	CLOTHING ALLOWANCE	46.24
NORTHERN HILLS REPORTING	COPY OF TRANSCRIPT HPC SPEC ME	254.35
PETERSON CONSTRUCTION	HAVER44-48SHERMAN RESTORATION	56,334.70
POLLARD CONSTRUCTION	DANIELS 322 WILLIAMS	2,885.00
PRAIRIE WAVE	OCTOBER PHONE SERVICE	369.89
RAPID CITY JOURNAL	HP AD FOR ASSISTANT	49.50
RAPID FIRE PROTECTION	HAVER 44-48 SHERMAN RSTORATION	3,568.00
SD DEPARTMENT OF LEGISLATIVE AUDITOR	AUDIT OF FISCAL AFFAIRS	10,914.63
SHARKEY PLUMBING & HEATING	GRINAGER 850 MAIN STBOILER INS	8,163.20
SHEPHERD OF THE HILLS LUTHERAN CHURCH	2006 OUTSIDE DW GRANT -FINAL	15,264.72
SOUTH DAKOTA MUNICIPAL LEAGUE	SOUTH DAKOTA MUNICIPAL LEAGUE	0.00
SOUTH DAKOTA MUNICIPAL LEAGUE	City of Deadwood -Workers Comp	43,072.00
SPECIALTY VEHICLES	BLACK RUB RAIL	127.96
STRETCH'S GLASS & CUSTOM PARTS	HAVERBERG 44-48 SHERMN RESTOR	11,862.38
TATANKA CONCRETE & MASONARY	LIBRARY STONE REPAIR & POINTIN	1,500.00
U.S.P.S. Deadwood	Water Bills	168.46
WESTERN COMMUNICATIONS, INC.	IN SHOP TECH SERV/ BATTERIES	217.20
	<b>TOTAL</b>	<b>\$ 350,783.63</b>

### ITEMS FROM CITIZENS ON AGENDA

#### Carter Kerk - Request

Carter Kerk, a consultant in ergonomics and safety engineering, appeared before the City Commission to explain in detail the additional fee request for the noise ordinance study prepared for the City of Deadwood. Kerk said he was paid the original contract price of \$3,762, however; the final invoice submitted was \$6,955.83 with a balance of \$3,193.83 owing. Kerk explained that he was in contact with John Frederickson regarding extra fess incurred. Kerk said he proceeded with the survey and did not realize he should have contacted the City to inform them of the additional charges and ask for Commission's approval before proceeding with the survey. Mayor Toscana reiterated the fact that the contract stated any changes to the original contract needed to be amended in writing before proceeding. Toscana asked City Attorney Jason Campbell if he had visited with John Frederickson regarding this matter and Campbell replied no. Commissioner Griffith said that a change order should have been submitted and approved; she added this puts the City in a very difficult position not only with this matter but also with future situations if the proper

## REGULAR MEETING, October 29, 2007

procedures are not followed. Commissioner Speirs agreed, and felt the City would set a dangerous precedent if we approved the additional payment. After much discussion about number of trips to Deadwood, associated overhead, and apologies from Kerk, Mayor Toscana suggested this item be continued to allow Jason Campbell or Mary Jo Nelson to visit with John Frederickson since he was the contact for the City at that time. Griffith moved, Speirs seconded, to continue this item until City staff meet with John Frederickson to discuss this matter. Roll Call: Aye - All. Motion carried.

### PUBLIC HEARINGS/BID OPENINGS

#### Set Public Hearing - 2008 Liquor/Wine Renewals

Griffith moved, Speirs seconded, to set public hearing on November 26, 2007 at 5:10 p.m. for 2008 Liquor and Wine License Renewals. Roll Call: Aye - All. Motion carried.

#### Selbie Street Bid Opening/Discussion - Continued (10-1-2007)

Jim Raysor, Public Works Director/City Planner said Historic Preservation Commission agreed to fund the Selbie Street project and he recommended the Commission accept the low bid from Forgey Construction in the amount of \$179,736.00. Raysor said it may be possible to do a change order for a less costly brick wall originally in the specifications, since the brick is for aesthetic purposes only. Griffith moved, Speirs seconded, to accept the low bid from Forgey Construction for \$179,736.00 for the Selbie Street project. Roll Call: Aye - All. Motion carried.

### FINANCE/HISTORIC PRESERVATION

#### Ordinance #1093 - Second Reading

There being no changes or comments subsequent to first reading, Speirs moved, Griffith seconded, to approve second reading of Ordinance #1093 to Continue BID District 1-6 and Establish Assessments for 2008. Roll Call: Aye - All. Motion carried.

#### Contract – SCI

Kevin Kuchenbecker requested permission to award and enter into a contract with SCI to perform an architectural survey, which includes approximately 1,300 properties within the City limits of Deadwood. Kuchenbecker added that the Historic Preservation Commission approved the contract. The survey will include commercial properties as well as residential. Griffith moved, Speirs seconded, to award the contract with SCI for the architectural survey at a cost of \$75,000, a budgeted item, and request City Attorney to prepare a contract. Roll Call: Aye - All. Motion carried.

#### Purchase Request

Griffith moved, Klamm seconded, to approve the purchase of the Bade Collection of early Deadwood and Northern Black Hills photographs, books and maps for \$11,000, to be paid from the Archives budget and direct City Attorney to prepare a contract. Roll Call: Aye - All. Motion carried.

#### Grant – Headstones

Klamm moved, Speirs seconded, to approve the payment to Dakota Granite and Marble Works for four headstones at Mt. Moriah at a cost of \$1,800 to be paid from the headstone grant fund. Roll Call: Aye - All. Motion carried.

### STREETS AND WATER/LIBRARY

#### Employee Travel

Speirs moved, Griffith seconded, to allow Jeanette Moodie-Chaney to travel to Minneapolis on March 25-30, 2008 to attend the PLA National Conference, including registration fee of \$335, meals, lodging, and airfare. Roll Call: Aye - All. Motion carried.

#### Discussion - Pedestrian Study with SD Department of Transportation

Jim Raysor informed the Commission he was notified by the SD Department of Transportation to participate in a pedestrian study within the City of Deadwood. The Department of Transportation would like to do this study on a 50/50 cost share with the City. Raysor provided the Commission with a copy of the abstract for the proposed study and added the costs for the project were not available at this time. Raysor expressed his concerns with the four-lane highway (Pioneer Way) and pedestrian crossings along this State highway. Mayor Toscana agreed with Raysor and added

## REGULAR MEETING, October 29, 2007

there are numerous congested areas within the City and these issues need to be addressed. Toscana directed Jim Raysor to contact other communities to see if they are participating in any cost sharing for these type of projects and Raysor will report back to the Commission.

### PLANNING/ZONING/PUBLIC BUILDINGS/TROLLEY

#### Employee/Commission Travel

Toscana moved, Klamm seconded, to allow Bob Nelson Sr., Jim Raysor, Dean Schallenkamp, Mark Speirs and Keith Umenthum to attend the Safety Conference in Mitchell on November 14 and 15, 2007, plus registration fee of \$55, meals and lodging. Roll Call: Aye - All. Motion carried.

### PARKS/RECREATION

#### Phase II Contract - Kodet

Griffith moved, Speirs seconded, to allow the Mayor to sign the Phase II contract between the City of Deadwood and Kodet Ltd. for the Rec Center renovation project at a cost of \$555,000, to be paid from bonded funds. Roll Call: Aye - All. Motion carried.

### LEGAL BUSINESS

#### Contract - RCS Construction

Speirs moved, Griffith seconded, to allow the Mayor to sign the contract between the City of Deadwood and RCS Construction to excavate a pit at the WASP Rubble site at a cost not to exceed \$7,000 plus \$200 for mobilization. Roll Call: Aye - All. Motion carried.

#### Contract - Tatanka Concrete and Masonry

Speirs moved, Griffith seconded, to allow the Mayor to sign the contract between the City of Deadwood and Tatanka Concrete and Masonry to repair the wall at the Library at a cost of \$3,000. Roll Call: Aye - All. Motion carried.

#### Hire M & S Construction

Speirs moved, Griffith seconded, to allow the Mayor to sign the contract between the City of Deadwood and M & S Construction for a drainage system at the Adams Museum for \$11,711 excluding excise tax and permits, be paid from the Historic Preservation Capital Asset line item. Roll Call: Aye - All. Motion carried.

### MAYORS BUSINESS

#### Proclamation

Mayor Toscana read a proclamation "Change your Clock – Change your Battery" Day on November 4, 2007.

#### Appointment – Railroad Board

Mayor Toscana appointed Keith Shostrom and Bruce Oberlander to the Northern Hills Railroad Authority Board.

#### Employee Christmas Party

Toscana moved, Speirs seconded, to approve \$1,500 from the Bed and Booze fund for the full-time City employees Christmas Party. Roll Call: Aye - All. Motion carried.

#### Reminder - Flu Shots

There will be free flu shots for all City employees on Tuesday, October 30, 2007 from 2:00 p.m. to 4:00 p.m. in the Commission Chambers. Spouses may purchase a flu shot for \$18.00. For employees not able to attend, shots will be given at the Fire Hall at 6:00 p.m. on November 8, 2007.

**REGULAR MEETING, October 29, 2007**

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

Employee Travel

Klamm moved, Speirs seconded, to allow Cindy Rische, Ordinance Officer, to attend the SD Animal Control Association Fall meeting on November 2, 2007 in Pierre, requesting use of City vehicle, meals and lodging. Roll Call: Aye - All. Motion carried.

ADJOURNMENT

Toscana moved, Speirs seconded, to adjourn the regular session at 5:50 p.m. The next regular meeting will be at 5:00 p.m. on Monday, November 5, 2007.

ATTEST:

DATE: \_\_\_\_\_

\_\_\_\_\_  
Mary Jo Nelson, Finance Officer

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