

**REGULAR MEETING, June 4, 2007**

The Regular Session of the Deadwood City Commission convened on June 4, 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, Mark Speirs and Georgeann Silvernail. All motions passed unanimously unless otherwise stated.

**APPROVAL OF MINUTES**

Griffith moved, Silvernail seconded, to approve the minutes of May 29, 2007. Roll Call: Aye-All. Motion carried.

**APPROVAL OF DISBURSEMENTS**

Silvernail moved, Speirs seconded, to approve the June 4, 2007 disbursements. Roll Call: Aye-All. Motion carried.

**MAY 2007, PAYROLL:** COMMISSION, \$2,730.76; FINANCE, \$12,329.28; PUBLIC BUILDINGS, \$1,635.40; POLICE, \$32,320.99; STREETS, \$20,189.51; PARKS, \$14,778.15; FIRE, \$4,008.57; PLANNING & ZONING, \$6,895.94; LIBRARY, \$4,695.20; RECREATION CENTER, \$7,258.00; WATER, \$10,454.32; PARKING & TRANSPORTATION, \$17,779.50; HISTORIC PRESERVATION, \$13,088.18; PARKING RAMP, \$5,078.71; RUBBLE SITE, \$1,540.00 PAYROLL TOTAL: \$156,628.32.

BARNES DISTRIBUTION	WASHERS, CABLE TIE, NUTS, CRIM	308.00
BH TENT & AWNING	REPAIR TENT TOP	55.00
BLACK HILLS POWER	BURY CABLE	28,545.00
BRODERSON BROS	ARCHAEOLOGICAL COSTS	5,238.42
CHAINSAW CENTER	RENCOLLER KIT	76.63
CULLIGAN	BOTTLED WATER/PARKS SHOP	36.00
DANIEL BRIDENSTINE	SAFETY REIMBURSEMENT/D BRIDENS	31.79
DEADWOOD ECONOMIC DEV	TURBIVILLE SALARY	1,627.69
DEADWOOD HOME CENTER	ORANGE PAINT/TRI CITY DUMP	174.32
FARMER BROTHERS CO	COFFEE/PARKS SHOP	31.00
GOLDEN WEST	LABOR - ACCESS KEY CARDS	45.00
GOVERNMENT FINANCE OFFICE	MEMBERSHIP RENEWAL 07-08	150.00
GREAT WESTERN TIRE, INC.	BALANCE ON #121954 AFTER CR	37.95
HILLS MATERIALS COMPANY	BASE COURSE/PANEL REPLACEMENT	158.96
HILLSIDE DISPOSAL	MAY RESIDENTIAL GARBAGE	5,071.00
JACOBS PRECISION WELDING	REPAIR ALUMINUM FUEL TANK	48.00
JENNER EQUIPMENT	BOBCAT UTILITY PLATE	138.60
KEN HAWKI	REIMBURSEMENT 1ST AID KIT-SAM'	150.31
KIP MAU	PER DIEM DARE TRAINING	116.00
LOWES HOME CENTERS, INC	FLOORING/LOWER MAIN INFO BOOTH	976.80
M&M SANITATION	MONTHLY TOILET RENTALS	197.00
MICHAEL TODD	INLUKE RAKES WITH HANDLES	109.99
MONTANA DAKOTA UTILITIES	NATURAL GAS/GAYVILLE PRV	1,937.59
MORRIS BP	WRECKER	75.00
NORTHERN HILLS SOD FARM	KENTUCKY BLUEGRASS SOD/O-RIDGE	208.00
NORTHERN SAFETY CO. INC	ACRYLIC CONVEX OUTDOOR MIRRORS	88.72
NORTHWEST PIPE FITTINGS,	IHOSE BIB VACUUM BREAKER	92.94
PITNEY BOWES	INK CARTRIDGE POSTAGE MACHINE	73.98
POWERPLAN	REPAIR-PARTS/PARKS TRACTOR	923.71
PRESSURE SERVICES, INC.	WAX/PRESSURE WASHER	75.79
PRO-STEAM	CLEAN-SCOTCHGUARD CARPET/RC	138.00
RAPID CITY REGIONAL HOSP	LAB/CHEM	131.00
ROCKINGTREE LANDSCAPES	GARDEN PATH ROSES-CEDAR MULCH	172.00
ROYAL CHEMICAL	HEAVY DUTY CLEANER/DEGREASER	342.74
SOUTH DAKOTA COMMISSION	JUNE CITY NICKELS	8,454.11
SOUTH DAKOTA PUBLIC HEALTH	COLIFORM TESTING	48.00
SPEARFISH HUSKY	HELMET SCREENS	18.90
STURGIS YAMAHA	YAMAHA ELEMENT ASSEMBLY	96.23
TASER INTERNATIONAL, INC.	X26 HANDLE, X26 RETURN, DPM BA	450.00
TRIPLE K TIRE & REPAIR	REAR WHEEL SEAL, LABOR, OIL,	435.46
TRUGREEN CHEM-LAWN	ROUNDUP APPLICATION	222.25
TWIN CITY ANIMAL SHELTER	DONATION	279.30
TWIN CITY HARDWARE	CREDIT/ZINC EYE BOLTS	3,634.58
USA BLUEBOOK	CREDIT ON RETURN	80.70
	<b>TOTAL</b>	<b>\$ 61,302.46</b>

**ITEMS FROM CITIZENS ON AGENDA**

**Contract - Deadwood Economic Development**

Griffith moved, Klamm seconded, to allow the Mayor to sign the revised agreement between the City of Deadwood and Deadwood Economic Development for management of the parking ramp in the amount of \$18,960.24. Roll Call: Aye - All. Motion carried.

**PUBLIC HEARINGS/BID OPENINGS**

**Public Hearing**

Silvernail moved, Griffith seconded, to allow the street closure from Pine Street to Deadwood Street from 5:00 a.m. June 9, 2007 through 5:00 p.m. June 12, 2007, relaxation of open container on June 10 and June 11, 2007 from 10:00 a.m. to 10:00 p.m. in the event tent only, and sound amplification on June 10 from 6:00 p.m. to 10:00 p.m. for a private concert for Western Governor's Conference. In

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addition, the request to cover certain parking meters from June 9-12, 2007. Due to the Governor's Conference being held in the Masonic Temple, the Deadwood Alive performances will be held at the Deadwood Pavilion during this event. Roll Call: Aye - All. Motion carried.

**Bid Opening - Retaining Walls**

Kevin Kuchenbecker opened and read the following bids received for the retaining walls at 11 Lincoln, 17 Selbie, 10 and 18 Denver. The bids are as follows:

<b>Location</b>	<b>Contractor</b>	<b>Total Bid Cost</b>
<b>11 Lincoln</b>	Broderson Bros	\$28,545.69/Bid Bond
	Lehman Construction	\$22,320.00/Cashier's Check 5% - \$1,092.50
	RCS Construction, Inc.	\$45,275.00/Bid Bond
<b>17 Selbie</b>	Broderson Bros.	\$20,984.53/Bid Bond
	Lehman Construction	\$22,320.00/Cashier's Check 5% - \$1,116.00
	RCS Construction	\$42,000.00/Bid Bond
	Ainsworth-Benning Construction	\$14,010.00/Bid Bond
<b>10 &amp; 18 Denver</b>	Broderson Bros.	\$124,039.82/Bid Bond
	Lehman Construction	\$129,875.00/Bid Bond
	RCS Construction, Inc.	\$193,000.00/Bid Bond
	Corr Construction Services, Inc.	\$218,550.00/Bid Bond
	Mainline Contracting, Inc.	\$221,500.00/Bid Bond

Kevin Kuchenbecker requested more time to review the bids. Speirs moved, Silvernail seconded, to continue the bid opening to June 11, 2007. Roll Call: Aye - All. Motion carried.

**Bid Opening - City Step Repairs**

Jim Raysor opened and read the two bids received for the Deadwood City Hall Access Improvements. Ainsworth-Benning Construction, Inc., Base Bid Cost (steps only) \$36,505.00, Alternate #1 - replace steps w/hydronic heating system, \$45,905.00; Lehman Construction, Base Bid Cost (steps only) \$35,241.00, Alternate #1 - Replace steps w/hydronic heating system, \$18,938.00. Jim Raysor requested more time to review the bids. Griffith moved, Klamm seconded, to continue the bid opening to June 11, 2007. Roll Call: Aye - All. Motion carried.

**FINANCE/HISTORIC PRESERVATION**

**Ordinance #1081**

There being no comment on Ordinance #1081 to amend Chapter 17.68 regarding demolition by neglect. Griffith moved, Speirs seconded, to approve second reading of said ordinance. Roll Call: Aye - All. Motion carried.

**Employee Travel Request**

Toscana moved, Silvernail seconded, to allow Kevin Kuchenbecker to travel to Hot Springs on June 6, 2007 for a presentation from the Deadwood Historic Preservation Commission to the Jediah Smith Corral of Westerners for the interpretive plaque at the Wood Stage Station. Kuchenbecker said this is an "Outside of Deadwood" Grant and would be paid from the Advocacy Fund in the amount of \$1,750.00. Roll Call: Aye - All. Motion carried.

**Resolution 2007-09**

Silvernail moved, Speirs seconded, to approve Resolution 2007-09 declaring following items surplus and allow the Finance Officer to set the date and time of auction. Roll Call: Aye - All. Motion carried.

**RESOLUTION NO. 2007-09  
A RESOLUTION TO DECLARE THE FOLLOWING SURPLUS PROPERTY**

**BE IT RESOLVED** by the Deadwood City Commission that the City of Deadwood approve the following property to be declared surplus:

**Vehicles:**

- |                     |                        |
|---------------------|------------------------|
| 1992 Suzuki SFT     | VIN# JS2AG35SPN5100573 |
| 1990 GMC SAF        | VIN#1GKEL19Z9LB532719  |
| 1990 Chevy Cavalier | VIN#1G1JC14G0LJ229424  |
| 1990 Saab 900       | VIN#YS3AK46D9L7027024  |
| 1990 Ford Probe     | VIN#1ZVPT20C0L5103323  |

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1985 Chevy C10	VIN#1GCDC14H6FJ177766
1989 Pontiac Bonneville	VIN#1G2HX54C8KW241440
1991 Dodge Dakota	VIN#1B7GG23XXMS304378
1998 Ford Explorer	VIN#1FMZU34E3WUB76265
2000 Ford F53Molly	VIN#1FCMF53S3Y0A10589

**Bicycles:**

Road master Mt. Climber	SERIAL #RM30692963
Gary Fisher Tassajara	SERIAL #07305300/B56102
Tokota Half Dome Mt. Bike	SERIAL #F9121179
Road master Mt. Bike	SERIAL #SD04K03133
Huffy Wrath Pork Chopper Rage	SERIAL #K0905
Next Mt. Bike	SERIAL #DM040101031
Mongoose Mt. Bike	SERIAL #C000354781

<p><b>Miscellaneous:</b>                      5-Gym Lights                      6-Desks                      2-Computer Desks                      Scwinn 701 Professional Weight Trainer Set                      4-Pickup Tool Boxes                      Savin 9027 DL Copier                      8-Chairs                      6-Book Shelves                      3-Benches                      2-Boxes of Plastic Vases and Mugs                      File Cabinet                      3-Basketball Rims                      3-Bench Legs                      Computer with Accessories                      Gasoline Fuel Pump with Double Nozzle                      Diesel Fuel Pump with Single Nozzle                      Set of Automatic Tire Chains for Large Truck                      5-Wall Partitions                      2-Electical Boxes                      Parking Meter Bases                      2-Battery Lead Storage Casings for Caterpillar Equipment                      4-Wall Mount File Holders                      1995 Warren Sanding Box                      Blu-Ray 248 Blue Print Machine and Supplies                      GSX-240 Citizen Printer                      Hewlett Packard Laser Jet 6L Printer                      Savin 9940 DPC Copier with Toner and Staples                      Card Rack                      Small Desk                      Altec Lansing Speakers                      Small Hand Cart                      Epson Stylus Color Printer 600                      Typewriter                      Desk Lamp                      2-Minolta X-370 35mm Cameras with Flash &amp; Case                      Optimus In-Dash Car Stereo                      Simmons Scope                      3-Flashlights</p>	<p>                     Mini Flashlight                      Monarch Hunting Knife                      American Camper Day Waist Pack                      2-Brinkman Head Lamps                      Small Crowbar                      Duffle Bag                      Winchester Hard Gun Case                      Shoulder Holster                      3-Push Bumpers                      3-Padded Overhead Gun Racks                      Camping Chair                      Workout Bench                      Stroller                      Lunch Cooler                      File Cabinet                      Gateway Computer and Accessories                      5-Office Chairs                      Storage Shelf                      Snow Pants                      Full Face Motorcycle Helmet                      Saloon #10 Shirt                      2-Necklaces                      Extreme Slider Scooter                      Cat Drive Chain Back 120 G Motor grader                      4-Way Signal Light                      14SX John Deere Mower 21"Cut w/ 6 Horsepower                      JX85 John Deere Mower 21" Cut w/ 6 Horsepower                      1991 Ford One Ton Pickup with Gas Powered Sander                      Computer Desk                      3 Computers &amp; Accessories                      Wall Mounted Computer Rack                      Wood Stand with Rollers                      2 Plastic Chair Mats                      2 Drawer File Cabinet</p>
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Dated this 6<sup>th</sup> day of June, 2007.

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

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

**Trolley Bids**

Silvernail moved, Speirs seconded, to allow the Trolley department to advertise for bids for the surplus trolley in the South Dakota Municipal League publication. Roll Call: Aye - All. Motion carried.

**Ordinance #1082 - First Reading**

Silvernail moved, Speirs seconded, to approve first reading of Ordinance #1082 Amending Chapter 15.32 regarding certain specifications for banners within the City of Deadwood. City Attorney will correct the statute number on page two. Roll Call: Aye – All. Motion carried.

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### Employee Resignation

Toscana moved, Griffith seconded, to accept the resignation of Terri E. Holts, part time archeologist, effective May 25, 2007. Roll Call: Aye – All. Motion carried.

## STREETS/WATER/LIBRARY

### Payment Request

Speirs moved, Silvernail seconded, to approve the payment request for Central America Inc. in the amount of \$2,836.63 for the installation of the speed sign conduit located at the First Gold. City will repair the sidewalk and First Gold pays for the utilities for the operation of the sign. Roll Call: Aye – All. Motion carried.

### Payment Request

Jim Raysor said the Northern Hills Water Study committee, which consists of himself, Mike Stahl of City of Lead, Francis Toscana, Lead-Deadwood Sanitary District and George Vansco, Rural Water Association Supervisor interviewed five engineering firms to complete the Northern Hills Water Study. Raysor explained this study would determine the overall amount of water available for Deadwood, Lead, Central City, and future needs of project sites. Raysor added that they want to be sure that the water supply is long term for these communities. He said the study is funded by \$50,000 from the Department of Environment and Natural Resources (DENR) with a \$12,500 local match contributed equally by the three entities. Raysor requested permission to hire TSP-SEH to complete the Northern Hills Water Study. Speirs moved, Silvernail seconded, to approve the payment of \$4,300 and allow the hiring of TSP-SEH to complete the Northern Hills Water Study. Roll Call: Aye: Silvernail, Klamm, Griffith, Speirs. Abstain: Toscana. Motion carried.

## POLICE/FIRE

### Hire Request

Klamm moved, Silvernail seconded, to approve the hiring of John Marshall as full time police officer, effective June 6, 2007, at \$14.98 (90% of prevailing wage). Roll Call: Aye – All. Motion carried.

### Advertise Position

Klamm moved, Silvernail seconded, to allow the in house posting for five days for the vacant ordinance officer position. Roll Call: Aye – All. Motion carried.

### Parking Sign Request

Klamm moved, Silvernail seconded, to accept and grant the recommendation made by Parking Transportation to allow a reserved parking space for the resident residing at 30 Jefferson Apt. #1. Roll Call: Aye – All. Motion carried.

### Employee Resignation

Klamm moved, Silvernail seconded, to accept the resignation of Joshua Trumblee, a police intern, effective May 3, 2007. Roll Call: Aye – All. Motion carried.

## PLANNING/ZONING/PUBLIC BUILDINGS/TROLLEY

### Easement across City Property

Tim Conrad, investor of the Deadwood Slime Plant, appeared before the Commission to ask the City Commission to consider granting an easement across City owned property. Mr. Conrad presented two options: 1) trade the city-owned property that is located behind City Hall for a section of land Conrad owns near White Rocks or 2) grant the easement through the City owned property to the Mickelson Trail. This would allow the Slime Plant complex access to the Mickelson Trail, which according to Conrad would offer amenities such as hiking, biking for the patrons that stay at their establishment. Conrad said the closing date is expected between June 20-23, at that time they would proceed with the hiring of architects and engineers for the planning and layout of the building entrances. Conrad said, at this point, they would like an answer from the Commission. After discussing both options, Commissioner Griffith questioned the granting of the easement and the liability and insurance issues. Commissioner Silvernail stated she would not want the City to swap the land she would rather see the City grant the easement. City Attorney John Frederickson said there are many issues to be addressed before a decision is made. Mayor Toscana asked Mr. Conrad to come back to the Commission once the sale of the property is completed.

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Use of Trolley

Silvernail moved, Griffith seconded, to allow the trolley to participate in the July 4th parades in Lead, Deadwood, and Belle Fourche. Roll Call: Aye – All. Motion carried.

LEGAL

Set Public Hearing

Griffith moved, Klamm seconded, to set a public hearing on June 18, 2007 at 5:10 p.m. for a malt beverage license application for Jack Rabbit Flats on Highway 14A.

Executive Session

John Frederickson requested a brief Executive Session for legal matters with no action and union negotiations following the regular meeting.

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

Estimates for City Hall Roof

Silvernail moved, Klamm seconded, to allow Jim Raysor to obtain RFP for engineers proposals for repairs to the City Hall roof. Roll Call: Aye – All. Motion carried.

ADJOURNMENT

Speirs moved, Toscana seconded, to adjourn the regular session at 5:55 p.m. and convene into executive session for legal matters with no action and union negotiations follow meeting. The next regular meeting will be at 5:00 p.m. on Monday, June 11, 2007.

ATTEST:

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

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

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