

REGULAR MEETING, April 16, 2007

The Regular Session of the Deadwood City Commission convened on April 16, 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 Georgeann Silvernail. Commissioner Speirs was absent. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Silvernail moved, Griffith seconded, to approve the minutes of April 9, 2007. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Griffith seconded, to approve the April 16, 2007 disbursements. Commissioner Griffith questioned the bill for Black Hills Pioneer regarding advertising for summer employment. Finance Officer Mary Jo Nelson confirmed the invoice was correct and the payment was divided between the correct departments. Roll Call: Aye-All. Motion carried.

ABC	ARCHIVE SUPPLIES	47.64
ADAMS MUSEUM	MUSEUM BUILDING	2,551.51
ALBERTSON ENGINEERING	91 FOREST - RETAINING WALL ENG	2,901.80
ALCO STORES, INC.	GROCERY - 3/14/07	6.38
ALEX HAMANN	REIMBURSE DEDUCTIBLE	750.00
BLACK HILLS PIONEER	MT. MORIAH-PARKS HELP ADS	992.00
BLACK HILLS POWER	ELECTRICITY/FIRE DEPT. SIREN	38.11
BLACK HILLS PURE, INC.	HOT & COLD COOLER RENTAL	9.50
BLACK HILLS WEEKLY GROUP	FEBRUARY 20, 2007 MINUTES	1,312.37
BLOOMERS FLOWERS & GIFTS	SUPPLIES	54.00
BURKET, MARY K.	RECORD HPC MINUTES JAN -MAR	720.00
CENTER FOR WESTERN	M. RUNGE REGISTRATION	45.00
CLEMENT COMMUNICATIONS I	POSTER PROGRAM	420.68
CULLIGAN	BOTTLED WATER	10.50
DAKOTA GRAPHICS	LINEN LETTERHEAD/ENVELOPES	2,347.50
DEADWOOD CHAMBER	APRIL BILL LIST	20,650.30
DEADWOOD ECONOMIC	TURBIVILLE SALARY	3,729.94
DECATUR ELECTRONICS INC.	SOFTWARE	1,443.00
DECKERS	GROCERY - 2/14/07	73.63
DEMCO, INC.	SUPPLIES 3/2/07	247.01
ELAN FINANCIAL SERVICES	ARCHIVE SUPPLIES	119.62
EMERY-PRATT COMPANY	BOOKS - 2/26/07	489.16
FOX, TERESA	NEWSPAPER INDEXING OCT 1897	1,500.00
FREDERICKSON LAW OFFICE,	PMARCH FEES	4,956.14
HILLS MATERIALS COMPANY	SAND FOR PARKS	179.27
INTERIOR DESIGN	1 YR SUBSCRIPTION RENEWAL	45.00
JACOBS PRECISION WELDING	SQUARE TUBING-FLAT BAR	67.25
KEN HAWKI	REIMBURSE DEDUCTIBLE	750.00
KIP MAU	REIMBURSE DEDUCTIBLE	750.00
LEXIS LAW PUBLISHING	LAW PUBLISHING	1,765.12
MASONIC CENTER	MASONIC TEMPLE GRANT	36,273.86
MATSON, JON	FACILITATOR FEES FEB & MARCH	395.00
MIDWEST TAPE	DVDS 3/9/07	550.78
MONTANA DAKOTA UTILITIES	LIBRARY UTILITIES - 3/26/07	682.45
NAPA AUTO PARTS	VALVE, LAMP, HYD FL 3/22/07	82.67
NATIONAL GEOGRAPHIC	1 YR SUBSCRIPTION RENEWAL	34.00
NATIONAL TRUST	MEMBERSHIP RENEWALS	290.00
NELSON, GREG	REIMBURSE 2007 DEDUCTIBLE	750.00
NELSON, ROBERT SR	REIMBURSE DEDUCTIBLE	750.00
NHS OF THE BLACK HILLS	SERVICE CONTRACT-1ST QTR	21,725.00
OCCUPATIONAL HEALTH NET	OCCUPATIONAL HEALTH NETWORK	56.00
ONE CALL SYSTEMS, INC.	LOCATE REQUEST TICKETS	21.00
PIONEER RESEARCH	FUSE IT/CRACK SEALER	322.12
PONTIUS, JERRY	REIMBURSEMENT-MARTIN JURISCH	46.64
RUNGE, MIKE	POSTAGE REIMBURSTMENT	344.34
SDN COMMUNICATIONS	TWO WAY COMMUNICATION LINE	346.80
SOUTH DAKOTA STATE	MEMBERSHIP DUES	45.00
SOUTH DAKOTA BUILDING	BUILDING OFFICIAL ASSOC. DUES	50.00
SOUTH DAKOTA STATE	FILM REEL 15724 BH PIONEER	28.80
SOUTH SIDE SERVICE	SURFACE ROTORS	333.39
STATE HIGHWAY COMMISSION	REIMBURSEMENT OF WATER CHARGES	9,380.77
SUPERIOR LAMP AND SUPPLY	LED EXIT ADAPTOR KIT	43.07
TEMPERATURE TECHNOLOGY	1/2" SOLENOID VALVE/CITY HALL	191.73
TIM CONRAD ELECTRIC	HOOK UP PUMP/HILL BEHIND SHOP	688.85
TOMS, DON	TRANS LAW CO LEDGER	576.00
	GRAND TOTAL	\$122,980.70

PUBLIC HEARINGS/BID OPENINGS

Bid Opening

Jim Raysor opened and read the following bids received for the concrete panel project on Main Street. Broderson Bros., \$86,484; CAI, \$73,067.95; Ainsworth Benning, \$74, 822; RCS, \$65,000; Lehman Construction, \$53,250; Tru-Form Construction, \$66,500. Griffith moved, Silvernail seconded, to continue the bid opening to April 23, 2007 to allow Raysor to review. Roll Call: Aye - All. Motion carried.

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Bid Opening

Kevin Kuchenbecker opened and read the sole bid received for the lights on the Mickelson Trail project. The bid was received from Thundering Hurd Corporation, Hermosa, SD, for ninety-five (95) light poles for \$78,115. Silvernail moved, Klamm seconded, to accept the bid from Thundering Hurd Corporation for the purchase of ninety-five (95) light poles for \$78,115, with a delivery date no later than September 1, 2007. Roll Call: Aye-All. Motion carried.

Public Hearing

No one spoke in opposition to waive the temporary vending fee for Mattson Horse Sale on May 19-20, 2007 at the Rodeo Grounds. Silvernail moved, Griffith seconded, to waive the temporary vending for said sale. Roll Call: Aye-All. Motion carried.

FINANCE/HISTORIC PRESERVATION/LIBRARY

Pitney Bowes Lease

Silvernail moved, Klamm seconded, to allow the Mayor to sign a renewal lease agreement with Pitney Bowes at \$105 per month/60 months with one additional feature - a confirmation service and online certified mail capabilities and to be expended from the Public Buildings fund. Roll Call: Aye - All. Motion carried.

Travel Request

Toscana moved, Silvernail seconded, to allow Kevin Kuchenbecker to attend Preserve South Dakota meeting in Chamberlain on April 20, 2007. Requesting use of vehicle and meals. Roll Call: Aye - All. Motion carried.

STREETS/WATER

Resolution 2007-08

Jim Raysor informed the Commission the bridge on Timm Lane was deemed unsafe and placed on the Sufficiency report by the South Dakota Department of Transportation. Raysor said this project is eligible for Federal Bridge Replacement funding with a 20% local match. The proposed year of construction is 2011. Mayor Toscana confirmed the SD Department of Transportation (SDDOT) will be in charge of the entire project from start to finish and the City will be responsible for our portion of the final payment, upon completion of project. Silvernail moved, Griffith seconded, to approve Resolution 2007-08 to place the Timm Lane Bridge on the SDDOT replacement project list. Roll Call: Aye – All. Motion carried.

RESOLUTION 2007-08

FEDERAL AID BRIDGE REPLACEMENT OR REHABILITATION PROGRAM RESOLUTION FOR COUNTY AND URBAN PROJECTS

WHEREAS, the City of Deadwood desires the replacement of the bridge as hereinafter described:

STRUCTURE NUMBER AND LOCATION:

The structure is located on Timm Lane, Deadwood, South Dakota. The structure is 38' long by 12' wide and the structure number is 41-157-166.

AND WHEREAS, the City of Deadwood is obligated and hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements.

AND WHEREAS, the City of Deadwood is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Bridge Replacement Funds.

AND WHEREAS, the bridge is in need of replacement for the following reasons:

1. The sufficiency rating is 44.9
2. The bridge is located on a County or Township designated Minimum Maintenance Road.
3. The bridge is located on a mail route.
4. The load carrying capacity of the existing bridge cannot be improved to carry legal loads by rehabilitation of the existing bridge.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the "Secondary Road Plan" and the State's "Standard Specifications for Roads and Bridges," the bridge replacement or rehabilitation project at the above described location. Items to be handled by State forces with Federal Participation will include hydraulic study review, foundations investigation (if necessary), plan reviews, and construction administration.

Estimated Cost of Project Including Engineering: \$ Not Applicable

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Federal Share (80%): \$ 80%
Local Share (20%): \$ 20%

Proposed Year of Construction: 2011
Vote of Commissioners/Council: Yes X No _____

Dated at Deadwood, SD, this 16th day of April, 2007.

ATTEST:

/s/ Mary Jo Nelson, City Finance Officer

/s/ Francis A. Toscana, Mayor

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Purchase Request

Silvernail moved, Klamm seconded, to approve the purchase of 5,500 gallons of gas at \$2.66 per gallon from Southside Oil. Roll Call: Aye - All. Motion carried.

Silvernail moved, Griffith seconded, to allow Jim Raysor to purchase gasoline when needed and bring quantity and cost to the next Commission meeting for official approval due to the rising cost of gasoline. Roll Call: Aye - All. Motion carried.

POLICE/FIRE

Hire Request

Silvernail moved, Klamm seconded, to approve the hiring of Pat Bowman as a reserve officer, effective April 16, 2007 at a rate of \$10.00 per hour. Roll Call: Aye - All. Motion carried.

Travel Request

Silvernail moved, Griffith seconded, to allow Rob Lester and Tony Bradley to attend Criminal Interdiction in Pierre from May 8-11, 2007, use of vehicle only. Roll Call: Aye - All. Motion carried.

Purchase Request

Silvernail moved, Klamm seconded, to allow the Police Department to purchase five firearms from Sigarms at a cost of \$1,995.00. The City will issue these firearms to the reserve officers however; the firearms will remain property of the Deadwood Police Department. Roll Call: Aye - All. Motion carried.

PLANNING/ZONING/PUBLIC BUILDINGS/TROLLEY

Purchase Request

Klamm moved, Silvernail seconded, to approve the purchase of the addition to the exhaust system for the building at a cost of \$7,879.76 work to be completed by the Fire Department personnel. Roll Call: Aye - All. Motion carried.

New Trolley

Bob Nelson Sr. announced the new trolley would arrive on Friday, April 20, 2007.

LEGAL BUSINESS

Noise Ordinance Recommendation Proposal

City Attorney, John Frederickson, informed the Commission that he had received a proposal from Carter Kerk, Professor at the SD School of Mines and Technology to perform a baseline evaluation for ambient noise levels in downtown area of Deadwood. The objective for this survey is to perform background work and offer recommendations to revise City noise ordinance at a cost is \$3,762.00. Commissioner Silvernail asked if Main Street is the only area that the decibel levels would be metered, since the residents that live above Main Street on Williams, Forest, Selbie, and Centennial have complained about the noise levels traveling up the hillside causing the sound to be louder than on Main Street. Bernie Williams, Planning and Zoning Administrator stated these issues were addressed in the past and added it is very hard to measure sound levels in Deadwood due to hillsides surrounding the town. Frederickson suggested he, Ms. Williams, and Professor Kerk meet to discuss the locations to meter. After much discussion, questions were raised as to whether the ordinance would allow amplified music only, regulating the commentary and advertising over the loud speaker, and establishing definable standards and noise levels. Mayor Toscana directed Bernie Williams and John Frederickson to meet with Professor Kerk to discuss and review the evaluation of ambient noise levels for the noise ordinance.

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MAYORS BUSINESS

Part Time Employee Wages

Mayor Toscana presented recommendations from the previously appointed committee, who met earlier to discuss the part time wage scale. The first recommendation is to give the employees who have been with the City after the designated years of service a 3.2% cost of living raise immediately. The Consumer Price Index for 2006 was used to determine this increase. In addition, the committee recommends a cost of living adjustment each year for those employees at the top of the scale based on the Consumer Price Index as of December the previous year. This raise would go into effect at the first of the year, with other raises based on date of hire as the City does currently. Silvernail moved, Griffith seconded, to approve the new wage scale and listed wages for part time employees. Roll Call: Aye - All. Motion carried.

Part Time Employee Raises

City of Deadwood approves the following wages for City of Deadwood part time employees effective April 8, 2007. Jeff Rutz, \$11.35; Joshua Trumblee, \$7.00; Chet Borsch, \$10.32; Jerry Boub, \$10.32; Richard Brooks, \$10.32; Don Byrum, \$10.32; Henry Cordes, \$10.32; Richard Elliot, \$10.32; Terry Hanson, \$10.32; Francis Iverson, \$10.32; Glen Longden, \$10.32; Richard Marsolek, \$10.32; Doug Miller, \$10.32; Art Nelson, \$10.32; Robert Odson, \$10.32; Jim Phillips, \$10.32; Ken Rehberg, \$10.32; Larry Ryan, \$10.32; William Stone, \$10.32; Arnold Tesch, \$10.32; Lloyd Thompson, \$10.32; Greg Wagner, \$10.32; Charles Wuitschick, \$10.32; Karla Dower, \$9.29; Denise Trehwella, \$9.29; Bo Burleson, \$8.50; Richard Bracha, Sr., \$9.29; Walter Brent, \$9.29; Christine Elliott, \$8.50; Ken Elliot, \$9.29; Stephen Fisher, \$9.29; RoAnne Hudson, \$9.29; Darlene Hulm, \$9.29; Richard Nelin, \$8.50; Ed Pierce, \$9.29; Karmen Barrett, \$7.50; Dustin Gould, \$7.00; Mike Olsen, \$8.50; Erik Simonyak, \$7.00; Chance Burleson, \$9.50; Lois Pidde, \$9.29; Mary Kay Bullard, \$9.00; Carol Hauck, \$9.53.

Department	Starting Wage	After 1 Year of Service	After 2 Years of Service	After 3 Years of Service	After 4 Years of Service	Cost of Living for 2007
Mt. Moriah & Seasonal Parks	\$7.00	\$7.50	\$8.00	\$8.50	\$9.00	\$9.29
Police Reserves	\$10.00	-0-	\$10.50	\$11.00	-0-	\$11.35
Lifeguards	\$7.00	\$7.50	\$8.00	\$8.50	-0-	\$8.77
Office Assts.	\$7.50	\$8.00	\$8.50	\$9.00	-0-	\$9.29
Rec Cntr. Mgr.	\$9.00	\$9.50	\$10.00	-0-	-0-	\$10.32
Janitorial	\$8.00	\$8.50	\$9.00	-0-	-0-	\$9.29
Parking Ramp	\$8.00	\$8.50	\$9.00	-0-	-0-	\$9.29
WASP	\$8.00	\$8.50	\$9.00	-0-	-0-	\$9.29
Trolley	\$8.00, \$9.00 after 18-months, \$10.00 after 3 years, cost of living \$10.32					

ADJOURNMENT

Toscana moved, Griffith seconded, to adjourn the regular session at 5:50 p.m. The next regular meeting will be at 5:00 p.m. on Monday, April 23, 2007.

ATTEST:

DATE: _____

Mary Jo Nelson, Finance Officer

BY: _____
Francis A. Toscana, Mayor