

REGULAR MEETING, September 7, 2010

The Regular Session of the Deadwood City Commission convened on September 7, 2010 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 August 30, 2010. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Schroeder seconded, to approve the September 7, 2010 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	MAINT CONTRT	105.95
ABC	SUPPLIES	618.52
AMERICAN ARTIST	SUBSCRIPTION	52.95
ATCO INTERNATIONAL	CLEANERS	285.00
BH CHEMICAL	SUPPLIES	618.96
BH POWER	UTILITIES	19.14
BUTLER	HOSES	176.00
CAMPBELLS	SUPPLIES	14.43
CHAINSAW CENTER	NOZZLE	129.10
COMPANION LIFE	INS PREM	221.47
CONRADS BIG "C"	REPAIRS	1,121.33
CULLIGAN	RENTAL	51.50
DWD FIRE DEPT	KOOL DWD NITES	683.84
DEADWOOD HOME	SUPPLIES	298.59
EMERGENCY SERVICES	SERVICES	13.19
EMERY-PRATT	BOOKS	411.54
ENVIRONMENTAL PRODUCTS	FILTERS	133.20
FARMER BROS	SUPPLIES	79.50
FASTENAL	SUPPLIES	136.16
FOX, TERESA	CATALOGING	4,387.59
GOLDEN WEST	PAGERS	349.89
GOOD HOUSEKEEPING	SUBSCRIPTION	49.94
HD SUPPLY WATERWORKS	COVER	292.46
HEWLETT-PACKARD	COMPUTER	737.00
HILLS MATERIALS	ASPHALT	761.37
JACOBS WELDING	RINGS	134.89
KNOLOGY	SERVICE	235.59
LC REGISTER DEEDS	GRANT 2010	2,943.45
LEAD DWD SANITARY	USAGE CHRG	32,836.38
M.R. GUSTAFSON SELF-DIRECT	TIF PAYMENT #1	114,164.00
MIDWEST TAPE	DVDS	137.95
MOHR, TRENT	REIMBURSE	49.98
MDU	UTILITIES	2,595.36
NEVE'S	UNIFORMS	207.87
NORTHWEST PIPE	HYDRANT	1,097.93
NOVUS	REPAIRS	285.00
PETE LIEN	REPAIRS	642.19
SD COMMISSION GAMING	SLOTS PMT#3	17,693.18
SERVALL	SUPPLIES	1,949.29
SOURCE ONE SUPPLY	BASES	382.71
SD PUBLIC HEALTH	TESTING	48.00
SD STATE ARCHIVE	MICROFOM RPT	86.40
SUMMIT SIGNS	SIGNS	54.00
TRIPLE K	REPAIRS	224.25
TRUGREEN CHEM-LAWN	APPLICATION	391.50
TC HARDWARE	SUPPLIES	2,178.75
TYLER TECHNOLOGIES	SUPPORT	10,538.10
WASTE CONNECTIONS	RES GARBAGE	6,912.00
WESTERN COMMUNICATIONS	CABLE	35.00
	TOTAL	\$207,572.39

PUBLIC HEARINGS/BID OPENINGS

Accept/Reject Retaining Wall Bids

Kevin Kuchenbecker, Historic Preservation Officer, recommended that the Commission accept the low bid from Sabo Construction for \$9,850.00 for 1 Forest Avenue and direct the attorney to prepare a contract. Silvernail moved, Klamm seconded, to accept said bid. Roll Call: Aye-All. Motion carried. Kuchenbecker requested that the Commission reject the sole bid from RCS Construction for \$280,000.00 due to exceeding the engineers estimate. Silvernail moved, Klamm seconded, to reject said bid. Roll Call: Aye-All. Motion carried. Kuchenbecker informed the Commission that property owner Niles Harris at 396 Williams has chosen not to participate in the retaining wall program and recommended that all bids be rejected. Silvernail moved, Klamm seconded, to reject all bids for 396 Williams Street retaining wall project. Roll Call: Aye-All. Motion carried.

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Bid Withdrawal for 3 Rodenhaus - Sabo Construction

Kuchenbecker informed the Commission that Sabo Construction is requesting their bid for \$68,200.00 be withdrawn for the retaining wall project at 3 Rodenhaus due to the omission of a Manta Ray Anchor System and Shot Crete work in the submitted bid and is requesting that the bid bond be returned. After discussing Sabo's bid bond, Klamm moved, Silvernail seconded, to allow Sabo to withdraw the bid (\$68,200.00) for 3 Rodenhaus and retain half of the bid bond for \$3,410.00. Roll Call: Aye-All. Motion carried.

Retaining Wall Bid - 3 Rodenhaus

Klamm moved, Silvernail seconded, to award the retaining wall bid for 3 Rodenhaus to Ainsworth Benning for \$177,720.00 and direct City Attorney to prepare a contract. Roll Call: Aye-All. Motion carried.

Day of 76 Museum Bid

Silvernail moved, Klamm seconded, to accept the low bid from Scull Construction for Days of 76 Museum in the amount of \$3,344,000.00, reject Alternates 1 and 2, and accept Alternate 3 for total contract amount of \$3,354,000.00. Roll Call: Aye-All. Motion carried. Project must be completed by December 31, 2011.

Set Public Hearing

Silvernail moved, Peterson seconded, to set a public hearing for Lead-Deadwood Homecoming Parade at 5:05 p.m. on September 13, 2010. Roll Call: Aye-All. Motion carried.

Set Public Hearing

Silvernail moved, Schroeder seconded, to set a public hearing at 5:08 pm on September 20, 2010 for Oktoberfest request for waiver of vending fee, exception to allow vending on public property, open container, and street closure. Roll Call: Aye-All. Motion carried.

FINANCE

Ordinance #1134 - First Reading

Peterson moved, Silvernail seconded, to approve first reading of Ordinance #1134 Budget Appropriation for 2011. Roll Call: Aye-All. Motion carried. Finance Officer Mary Jo Nelson stated that the budget for all funds stayed approximately the same as prior years, the budget decreased by \$2 million due the completion of the Rec Center renovation, total budget is \$19,067.940.00.

Employee Resignation

Peterson moved, Schroeder seconded, to accept the resignation of Finance Assistant Gail Parrish, effective September 3, 2010. Roll Call: Aye-All. Motion carried.

Annual Conference

Mayor Toscana announced that the South Dakota Municipal League Annual Conference would be held in Rapid City on October 5-8, 2010. Notify the Finance Office by September 13 if planning to attend.

Payment Request

Peterson moved, Silvernail seconded, to approve the payment of \$8,010.23 to Amano McGann for repairs to the elevator at the Broadway parking ramp, partial reimbursement forthcoming from insurance due recent flood. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING/ZONING/PUBLIC BUILDINGS

Hire Request

Zoning Administrator Bob Nelson, Jr. explained that the City of Deadwood acquired land from a railroad deed (land is located outside of Lead by the Terry Peak turn off) and request permission to hire Arleth and Associates to perform a survey. Once the survey is complete the City will then decide how to proceed. Silvernail moved, Klamm seconded, to approve the hiring of Arleth and Associates to perform a boundary survey and partial topographic survey for lodes MS 771, 772, 773, and 774, cost not to exceed \$3,200.00. Roll Call: Aye-All. Motion carried.

Travel Request

Klamm moved, Silvernail seconded, to allow Mike Runge to attend the South Dakota State Historical Society Board of Trustees meeting on September 10, 2010. Roll Call: Aye-All. Motion carried.

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STREETS/WATER/LIBRARY

Wage Increase

Schroeder moved, Klamm seconded, to approve the wage increase for Lawrence Lesmeister from \$8.00 to \$8.50, effective September 1, 2010. Roll Call: Aye-All. Motion carried.

Travel Request

Schroeder moved, Klamm seconded, to allow Jim Raysor to attend the Annual Water and Wastewater Conference in Sioux Falls September 14-16, 2010, requesting registration, meals not covered at conference, lodging, and use of City vehicle, at a cost not the exceed \$385.00. Roll Call: Aye-All. Motion carried.

Purchase Request

Schroeder moved, Klamm seconded, to approve the purchase of 100 tons of salt at a cost of \$8,900.00 and 450 tons of fines at a cost of \$5,400.00 from Nebraska Salt for a total cost of \$14,300.00. Roll Call: Aye-All. Motion carried.

PARKS/RECREATION/TROLLEY

Hire Request

Silvernail moved, Schroeder seconded, to approve the hiring of Karl Freed, Calvin Freed and Max Erpenbach as lifeguards at the Rec Center at \$7.50 per hour, effective September 8, 2010. Roll Call: Aye-All. Motion carried.

Ordinance #1133 - Second Reading

Public Works Director Jim Raysor requested that the Commission approve second reading of Ordinance #1133. City Attorney Jason Campbell addressed the issue of sex offenders joining a recreation facility, which was discussed at the first reading of Ordinance #1133. Campbell researched State laws addressing this issue, referenced the State laws addressing this matter, and recommended to the Commission that the City be cautious on addressing this matter. Silvernail moved, Peterson seconded, approve second reading of Ordinance #1133 Amending Title 12 and Adopting Chapter 12.44 for the Rec Center. Roll Call: Aye-All. Motion carried.

Trolley Grant

Trolley Manager Bob Nelson Sr. requested permission to apply for a Capital Assistance Grant through the South Dakota Department of Transportation for 2011. Silvernail moved, Schroeder seconded, to allow the Trolley Department to apply for the Capital Assistance Grant for an additional trolley in 2011. Roll Call: Aye-All. Motion carried.

MAYORS BUSINESS

Gilmore Property

Mayor Toscana said that the Gilmore Task Force committee had suggested accepting sealed bids for the sale of this property. However, there have been numerous inquiries from interested parties in purchasing the Gilmore property. City staff discussed the options and agreed that an auction would be preferred over sealed bids to maximize revenue. Mark Speirs, Deadwood resident, asked if an appraisal has been done and Mayor Toscana replied no, however the assessed value is \$375,000.00. Commission took no action on this matter.

ITEMS FROM MAYOR, COMMISSIONERS, DEPARTMENT HEADS NOT ON AGENDA Items to be considered but no action taken at this time.

Sherman Street Parking Lot

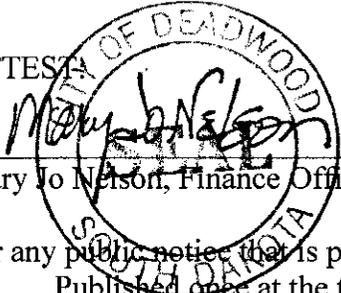
Ron Russo, Charles Street resident, expressed his concerns regarding an increasing number of tractor-trailers parking for long periods in the Sherman Street Parking Lot. Russo stated it is starting to look like a truck stop, not a trailhead. Russo added that the "No Overnight Parking" sign is in the creek. Officer Rob Lester agreed that it has become an issue and the Police Department would like some direction from the Commission. After discussing, the Parking and Transportation committee will be reviewing this matter further.

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ADJOURNMENT

Klamm moved, Silvernail seconded, to adjourn the regular session at 5:35 p.m. The next regular meeting will be at 5:00 p.m. on Monday, September 13, 2010.

ATTEST



Mary Jo Nelson, Finance Officer

DATE: 9-13-10

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 _____.