EXECUTIVE SESSION/REGULAR MEETING, November 2, 2009

The Regular Session of the Deadwood City Commission convened on November 2, 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 October 26, 2009. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Schroeder seconded, to approve the November 2, 2009 disbursements with additional bill. Roll Call: Aye-All. Motion carried.

A & B WELDING	SUPPLIES	84.85
ABC	SUPPLIES	168.23
ADAMS MUSEUM	20TH ANNIVER FUNDING	4,013.12
AMERICAN TECHNICAL SERVICE	INSPECT/TEST	3,160.00
BH CENTRAL RESERVATIONS	FINANCE-GAMING 20TH	200.00
BH POWER	UTILITIES	2,894.94
BOB'S AUTO BODY	MIRROR	332.00
BUTLER	SUPPLIES	218.85
CATERPILLAR	PAYOFF/LOADER	119,840.00
CULLIGAN	RENTAL	130.00
DAKOTA BUSINESS	MO MAINT	69.75
DAKOTA SUPPLY GROUP	BULBS	149.20
DEADWOOD CHAMBER	BILL LIST	118,500.00
DEADWOOD ELECTRIC	WELDER	247.15
DEADWOOD GRANITE & MARBLE	HEADSTONE	450.00
DEADWOOD HOME	REBAR	327.31
EMEDCO	SIGNS	51.75
ENVIRONMENTAL PRODUCTS	FILTERS	140.55
FARMER BROTHERS CO	SUPPLIES	180.40
FIRST NATIONAL BANK	BOND PYMNTS	283,771.40
FOUNDERS PARK	09 GRANTS	25,000.00
GOLDEN WEST	BASEMENT PROJECT	2,564.77
GREAT WESTERN TIRE	REPAIRS	99.00
HCW, INC.	BASEMENT PROJECT	5,136.98
JACOBS WELDING	PLATES	95.11
KNOLOGY	PHONE SERV	1,605.55
LAKER CHEMICAL	FERTILIZER	659.00
LEE, JAMES	REIMBURSE	200.00
LEHMEN CONSTRUCTION	GRANT DISB	8,575.50
LOWE ROOFING	FLASHING	3,975.00
MAVERICK (BLONDIES)	SUPPLIES	50.63
NH FOP LODGE	MEMBERSHIPS	165.00
NORTHWEST PIPE	SUPPLIES	42.53
ODD JOB CONSTRUCTION	LOAN DISB	4,582.65
ONE WAY SERVICE PROS	SVC CALL	150.00
PAPER DIRECT	SUPPLIES	27.64
PFARR, RANDY	REIMBURSE	125.35
POWERPLAN	EXTENSION	401.78
RAPP SALES CO	SUPPLIES	53.00
RCS CONSTRUCTION	RW GRANT	1,530.00
RENNER, DONOVAN	REIMBURSE	42.12
RUNGE, MIKE	REIMBURSE	33.24
SERVALL	MATS	205.01
SEW IT GOES	REPAIRS	389.50
SOCIETY OF BH PIONEERS	ANNUAL PMNT	2,000.00
SOUTH SIDE	FUEL	9,456.15
TOMS, DON	LC PRJ	576.00
TRIPLE K	TIRES	558.92
TRUGREEN	WEED CNTRL	1,875.00
TURNBULL & SONS	REPAIRS	750.00
TC HARDWARE	SUPPLIES	2,834.92
USPS-DWD	WATER BILLS+OCT	181.08
WEST RIVER INTERNATIONAL	SUPPLIES	182.97
	TOTAL	**$ 609,052.90**

PUBLIC HEARINGS/BID OPENINGS

Public Hearing

Silvernail moved, Klamm seconded, to approve the application of transfers for one retail (on-off sale) wine (RW-6601) and one retail (on-off sale) malt beverage (RB-3725) licenses for Hickok's Iron Horse Inn to Iron Horse Inn at 27 Deadwood Street. Roll Call: Aye-All. Motion carried.

Results from Bid Opening (November 2, 2009)

Kevin Kuchenbecker informed the Commission of the bid opening held on November 2, 2009 at 2:05 p.m. for the demolition and reconstruction of retaining walls located at the following locations: 15 Forest Avenue (#2008-192); 38 Jefferson Street (#2008-166); 81 Stewart Street (#2008-185); 99 Williams Street (#2008-186); 111 Williams Street (#2005-053); and 125 Williams Street (#2005-052.)

Kuchenbecker said they received bids from six different plan holders making 36 bids for the projects. Bids are as follows:

City of Deadwood

Retaining Wall Bid Sheet

Plan Holders	Bid Bond	15 Forest	38 Jefferson	81 Stewart	99 Williams		111 Williams	125 Williams
		Engineers Estimate: $62,082.75	*Engineers Estimate: $48,059.00*	*Engineers Estimate: $35,088.00*	*Engineers Estimate: $8,340.00*	*Alternate No. 1*	*Engineers Estimate: $16,362.50*	*Engineers Estimate: $17,421.25*
Ainsworth-Benning	X	$53,690.00	$45,790.00	$626,000.00	$7,790.00	$670	$25,400.00	$16,000.00
Corr Construction Co	X	$84,000.00	$72,500.00	$51,000.00	$12,500.00	$1,200.00	$254,000.00	$259,000.00
Dean Kurtz	X	$78,672.00	$70,962.00	$42,869.00	$15,265.00	$1,500.00	$25,268.00	$31,081.00
High Grade Excavating	X	$43,387.28	$19,069.50	$16,353.27	$7,526.00	$ --	$12,800.50	$9,862.00
Sabo Construction Inc.	X	$52,400.00	$44,600.00	$28,500.00	$7,800.00	$400.00	$14,500.00	$11,900.00
Startz and Startz Landscaping	X	$92,700.00	$45,320.00	$22,660.00	$11,330.00	$2,060.00	$18,540.00	$13,390.00

Kuchenbecker said the low bidder is High Grade Excavating (Forgey Construction Joint Venture), and added that their bids are considerably lower due to a new block manufacturing process known as "lock and load" which is owned by the low bidder. Kuchenbecker requested that no action be taken to allow time to meet with property owners to discuss their portion of the cost, and to receive a letter from the engineer approving the lock and load method. Contractor and bidder Dennis Sabo said that the project was to be bid according to plans and specifications put out by the City and the engineer and said that there was no alternate. He feels this is an alternate to the bid and all contractors should have been notified of the substitution. After discussing, City Attorney reassured everyone that they would meet with the engineer to discuss these bids to be sure the blocks meet the bid specifications. Finance Officer Mary Jo Nelson told Mr. Sabo that the bids are public record and he may review them at any time. Peterson, moved, Silvernail seconded, to continue to the November 30, 2009 meeting as requested. Roll Call: Aye-All. Motion carried.

FINANCE

Payment Request
Peterson moved, Silvernail seconded, to approve the payment of $17,294.75 to First National Bank for trustee fees for Historic Preservation Certificates of Participation per bond agreement. Roll Call: Aye-All. Motion carried.

Payment Request
Peterson moved, Silvernail seconded, to approve the payment of $11,000 to Dorsey and Whitney for legal services in conjunction with the 2009 Sales Tax Revenue bond from proceeds deposited in the General Fund for this purpose. Roll Call: Aye-All. Motion carried.

Resolution 2009-26
Peterson moved, Silvernail seconded, to approve Resolution 2009-26 to Make Cash Transfer from Various Funds to Rec Center Project. Roll Call: Aye-All. Motion carried.

RESOLUTION 2009-26
A RESOLUTION TO MAKE THE FOLLOWING INTERFUND CASH TRANSFERS

Be it resolved by the Deadwood City Commission that the City of Deadwood the following interfund cash transfers from various funds previously designated or undesignated to the Rec Center Capital Project Fund 0519.

$ 509,928.00	UDAG Fund 0272
$ 278,426.00	Bed and Booze Fund 0209 Designation for Rec Center
$ 415,090.00	General Fund 0101 Designation for Rec Center
$ 175,000.00	General Fund 0101
$ 75,000.00	Bed and Booze Fund 0209
$ 47,835.00	Debt Service Fund 0301
$1,041,474.00	Historic Preservation Fund 0215 (COP)

Dated this 2nd day of November 2009.

ATTEST:
/s/ Mary Jo Nelson, Finance Officer

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

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EXECUTIVE SESSION/REGULAR MEETING, November 2, 2009

HISTORIC PRESERVATION/PLANNING & ZONING/PUBLIC BUILDINGS/SAFETY

Sponsorship
Silvernail moved, Schroeder seconded, to approve the sponsorship to the 2010 National History Day Regional Competition for $1,025, to be paid from the Public Education fund. Roll Call: Aye-All. Motion carried.

Purchase Request
Silvernail moved, Schroeder seconded, to approve the purchase of heated mats from Stretch's Glass for the City Hall entrance at a cost of $4,082.30, to be paid from Public Buildings budget. Roll Call: Aye-All. Motion carried.

STREETS/WATER/LIBRARY

Travel Request
Schroeder moved, Klamm seconded, to allow Jeanette Chaney-Moodie and Karin Savoie to attend the Public Library Association Advocacy Symposium in Sioux Falls on November 18-19, 2009, costs to be paid by the Public Library Association. Roll Call: Aye-All. Motion carried.

Purchase Request
Schroeder moved, Klamm seconded, to approve the purchase of eight (8) studded truck tires from Stretch's Glass for dump trucks at a cost of $3,496.28 from the Street Department budget. Roll Call: Aye-All. Motion carried.

POLICE/FIRE

Fire Department Roster
Klamm moved, Schroeder seconded, to add Paul Thomson to the Fire Department Roster effective October 8, 2009. Roll Call: Aye-All. Motion carried.

PARKS/RECREATION/TROLLEY

Travel Request
Silvernail moved, Peterson seconded, to allow Safety Committee members Janet Lanphear, Bob Nelson Sr., Ken Hawki, Ronda Morrison, and Mary Jo Nelson to attend the Training Conference in Oacoma on November 18-19, 2009, requesting $55 registration fee each, plus lodging, meals not covered at conference, and use of vehicle. Roll Call: Aye-All. Motion carried.

Purchase Request
Silvernail moved, Peterson seconded, to approve the purchase of four (4) tires from Triple K for trolley at a cost of $1,551.36. Roll Call: Aye-All. Motion carried.

LEGAL BUSINESS

Contract - HCW Construction
Silvernail moved, Klamm seconded, to allow the Mayor to sign the contract between the City of Deadwood and HCW, Construction, Inc. for the City Hall basement remodel project for $20,064.00. Roll Call: Aye-All. Motion carried.

Contract - HCW Construction
Silvernail moved, Klamm seconded, to allow the Mayor to sign the contract between the City of Deadwood and HCW, Construction, Inc. for the roof repairs to the Adams House curator office building for $4,107.18. Roll Call: Aye-All. Motion carried.

Contract - Waste Connections (Residential Garbage)
City Attorney Jason Campbell requested this item to be continued to the November 9, 2009 meeting. Silvernail moved, Klamm seconded, to continue this item as requested. Roll Call: Aye-All. Motion carried.

Request Executive Session
City Attorney Jason Campbell requested an Executive Session following the Regular Session for two legal matters with possible action.

EXECUTIVE SESSION/REGULAR MEETING, November 2, 2009

MAYORS BUSINESS

Proclamation
Mayor Toscana read a proclamation "It's Time for America's Military Heroes" Day on November 3, 2009.

Proclamation
Mayor Toscana read a proclamation commemorating "Twenty Years of Gaming and Historic Preservation in Deadwood" from November 2 through November 7, 2009.

Union Negotiations
Mayor Toscana announced that three weeks ago the City declared impasse with the bargaining unit for the police officers. The City provided the union with documentation that an impasse was declared which allowed them a 10-day period to contact the State of South Dakota Department of Labor for possible mediation/hearing before an administrative judge. The police bargaining unit did not proceed. Toscana said that the City would implement the final offer, which was presented to the bargaining unit July 28, 2009. This offer includes a $0.25 per hour raise effective January 1, 2010, removal of the mandatory retirement age of 55 for police officers, and a three year contract which allows for yearly negotiation of wages and health insurance. Silvernail moved, Klamm seconded, to implement the final offer presented on July 28, 2009. Roll Call: Aye-All. Motion carried.

ADJOURNMENT
Klamm moved, Silvernail seconded, to adjourn the regular session at 5:30 p.m. and convene into Executive Session for two legal matters with possible action to be taken. Schroeder moved, Klamm seconded, to come out of executive session. Klamm moved, Silvernail seconded, to authorize Mayor Toscana to sign a settlement and release with Reinhart Service. Terms and conditions are to be confidential. The next regular meeting will be at 5:00 p.m. on Monday, November 9, 2009.

ATTEST: DATE: 11-9-09

SEAL

Mary Jo Nelson, Finance Officer BY: Francis A. Toscana, Mayor

For any public notice that is published one time:
Published once at the total approximate cost of _____.