REGULAR MEETING, November 8, 2010

The Regular Session of the Deadwood City Commission convened on November 8, 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, Bruce Oberlander, Joe Peterson, Lenny Schroeder, and Georgeann Silvernail passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Silvernail moved, Schroeder seconded, to approve the minutes of November 1, 2010. Roll Call: Aye-All. Motion carried.

OCTOBER, 2010 PAYROLL: COMMISSION, $2,730.76; ATTORNEY, $1,800.28; FINANCE, $13,801.80; PUBLIC BUILDINGS, $1,960.44; POLICE, $39,269.22; FIRE, $4,292.72; BUILDING INSPECTION, $3,316.56; STREETS, $24,222.46; PARKS, $18,654.89; PLANNING & ZONING, $3,653.84; LIBRARY, $5,329.80; RECREATION CENTER, $11,289.10; HISTORIC PRESERVATION, $13,281.85; WATER, $11,984.84; MT. MORIAH, $4,575.44; PARKING METER, $7,718.43; TROLLEY, $14,414.53; PARKING RAMP, $5,314.55; RUBBLE SITE, $1,500.21 **PAYROLL TOTAL: $189,111.72.**

OCTOBER, 2010 PAYROLL PAYMENTS:

Internal Revenue Service, $43,597.59; S.D. Retirement System, $19,079.28; Delta Dental, $3,433.04.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Schroeder seconded, to approve the November 8, 2010 disbursements. Roll Call: Aye-All. Motion carried.

3M	ADHESIVE	175.00
ABC	SUPPLIES	293.90
AINSWORTH-BENNING	CHNG ORD#10 REC	386,254.45
ALCO	SUPPLIES	139.34
ATCO INTERNATIONAL	CLEANER	130.00
BH CHEMICAL	SUPPLIES	409.50
BH PIONEER	PUBLICATIONS	682.59
BH POWER	UTILITIES	146.15
COMPANION LIFE	INS PREMS	221.01
CULLIGAN	SUPPLIES	99.00
DAKOTA BUSINESS	MAINT	92.57
DAKOTA SUPPLY	SUPPLIES	40.48
DEADWOOD ELECTRIC	SERV CHG	51.02
ECOLAB	SERV CHG	306.00
EMERY-PRATT	BOOKS	276.76
FASTENAL COMPANY	FASTENERS	12.20
FOX, TERESA	DIGITIZE	2,743.00
GOLDEN WEST	PAGERS	135.51
GRENSTINER, ANTHONY	OAKRIDGE	25.00
HILLS MATERIALS	RD BASE	111.86
IMAGO NORTH AMERICA	COMPUTER CHIP	57.79
KAZCO, INC	SUPPLIES	127.97
KNOLOGY	SERVICE	234.38
LAWSON PRODUCTS	SUPPLIES	219.05
LEAD-DWD SANITARY	USAGE	25,691.89
LIGHTING PLASTICS	GLOBES	512.20
M&S CONSTRUCTION	REPAIRS	9,016.17
MENARD'S	BLINDS	342.93
MIDWEST TAPE	DVD'S	141.69
MDU	UTILITIES	3,510.36
NAPA	PARTS	748.65
OCCUPATIONAL HEALTH	TESTING	30.00
OTIS ELEVATOR	REPAIRS	64.35
PETTY CASH REC	P CASH	30.00
RC JOURNAL	SUBSCRIPTION	192.00
RAPID DELIVERY	DELIVERY	9.35
REIF, SCOTT D.	REIMBURSE	190.75
SD DEPT OF REVENUE	MALT BEV APP	150.00
SDN COMMUNICATIONS	COMM LINE	571.20
SERVALL	SUPPLIES	1,545.23
SD POLICE CHIEFS	DUES	96.93
SD STATE ARCHIVE	MICROFILM	86.40
SD STATE TREASURER	SALES TAX	3,615.72
SOUTH SIDE	REPAIRS	386.58
SUMMIT SIGNS	SIGNS	98.00
TEMPERATURE TECHNOLOGY	SERVICE	178.57
TTG ENTERPRISES INC.	REPAIRS	127.50
TC AREA SENIOR CNTR	CONTRIBUTION	1,000.00
USA BLUEBOOK	PAINT	116.81
WASTE CONNECTIONS	GRB SERVICE	8,208.68
WATER GEAR, INC.	SUPPLIES	111.20
	TOTAL	**$ 449,757.69**

ITEMS FROM CITIZENS ON AGENDA

Payment Request - BID #7

Jon Mattson representing BID #7 asked permission from the Commission to release$250,000.00 to Tentexkota for marketing pursuant to the previous City of Deadwood and Tentexkota Agreement. Mattson said that the project is not 50% complete as required by the previous Agreement however, Mattson said Tentexkota plans to open July 1, 2011 and that it is necessary to begin marketing this

facility. Silvernail moved, Schroeder seconded, to release $250,000.00 to Tentexkota for marketing purposes. Roll Call: Aye-All. Motion carried.

Sanford Lab Update
Jeret Heise, Science Liaison Director, appeared before the Commission to give a monthly update on the Sanford Lab. The lab currently employs 96 full time and 26 part time employees. Heise said they are making great progress with the de-watering process with the deep well pumping system that was installed in August and have reached the 5255 level. The projection of de-watering to the 8000 level is approximately 2013. Hydrologists are on-site this week to review the data and models for the de-watering process. Heise discussed in detail the timelines for various projects and added that there are collaboration meetings being held this week at the lab.

Tour Bus License Renewals - Continued
Silvernail moved, Oberlander seconded, to continue the Mt. Moriah Tour Bus License renewals for Alkali Ike, Boot Hill, Original Deadwood Tours for the 2011 season until a meeting is held with the tour bus licensees. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS/BID OPENINGS

Public Hearing - BID 1-6
No one was present to speak in opposition for the Intent to Continue Business Improvement Districts, and to establish the Levy of Business Occupation Tax, and Establish rates for 2011 for Districts 1, 2, 3, 4, 5, and 6 per Resolution 2010-24 passed on October 4, 2010. Silvernail moved, Schroeder seconded, to close public hearing. Roll Call: Aye-All. Motion carried.

Public Hearing - BID #7
No one was present to speak in opposition for the Intent to Continue Business Improvement District No. 7 for 2011 per Resolution 2010-25 passed on October 4, 2010. Silvernail moved, Schroeder seconded, to close public hearing. Roll Call: Aye-All. Motion carried.

Public Hearing
Silvernail moved, Schroeder seconded, to approve the request from the Days of 76 Museum, Inc. for a Special Full Temporary Liquor License at the Deadwood Pavilion for the Cowboy Christmas event on December 10, 2010 from 6:00 p.m. to 2:00 a.m. Roll Call: Aye-All. Motion carried.

Public Hearing
Silvernail moved, Schroeder seconded, to approve the application for a Retail (on-off sale) Malt Beverage license for Gary L. Prince Enterprises, LLC dba Wild Bills located at 624 Main Street. Roll Call: Aye-All. Motion carried.

FINANCE

Ordinance #1135 - First Reading
Peterson moved, Silvernail seconded, to approve first reading of Ordinance #1135 to Continue Business Improvement Districts 1-6 and Establish Assessments for 2011. Roll Call: Aye-All. Motion carried.

Ordinance #1136 - First Reading
Peterson moved, Silvernail seconded, to approve first reading of Ordinance #1136 to Continue Business Improvement District #7 for 2011. Roll Call: Aye-All. Motion carried.

Payment Request
Peterson moved, Silvernail seconded, to approve the payment for $15,279.00 to the S.D. Department of Legislative Audit for the 2009 Audit, to be paid from Finance Department professional services. Roll Call: Aye-All. Motion carried.

Payment Request
Peterson moved, Silvernail seconded, to approve the payment for $11,955.50 to the First National Bank, Sioux Falls for bond trustee fees, to be paid from Historic Preservation fund. Roll Call: Aye-All. Motion carried.

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2011 Combined Voting Agreement
Peterson moved, Silvernail seconded, to allow the Mayor to sign the 2011 Combined Voting Agreement with the Lead-Deadwood School District #49-1, the Lead-Deadwood Sanitary District and the cities of Deadwood, Lead, and Whitewood. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING/ZONING/PUBLIC BUILDINGS/SAFETY

Costs - Revised Cable Project (Continued from 11-1-2010)
Kevin Kuchenbecker Historic Preservation Officer informed the Commission that a meeting was held with Black Hills Power to discuss the costs associated with the overhead line move for Deadwood Mountain Grand Parking Structure and Center Street. Black Hills Power provided the City of Deadwood with their cost estimate totaling $11,823.86 for the line work only involving Center Street. Silvernail moved, Schroeder seconded, approve the expenditure of $11,823.86 for the line work on Center Street, and allow the Mayor to sign the grade agreement. Roll Call: Aye-All. Motion carried.

Travel Request
Silvernail moved, Schroeder seconded, to allow Bob Nelson Jr. and Kevin Kuchenbecker to attend the BH Digital Mapping Conference in Rapid City on November 17, requesting use of City vehicle and lunch. Roll Call: Aye-All. Motion carried.

Payment Request
Schroeder moved, Silvernail seconded, to approve the payment $1,111.67 to Deadwood Electric for the installation of underground pipe for the Interpretive Center, to be paid from Historic Preservation Capital Assets fund. Roll Call: Aye-All. Motion carried.

Purchase Request
Silvernail moved, Schroeder seconded, to approve the purchase of a split unit and modify air-venting system in the computer server room from Wolff's Plumbing & Heating at a cost of $4,000.00, to be paid from Public Building fund. Roll Call: Aye-All. Motion carried.

Change Order #1 - 65 Centennial
Schroeder moved, Silvernail seconded, to approve Change Order #1 (replacing three stairs and sidewalk repairs) for Sabo Construction for retaining wall at 65 Centennial for $2,500.00. Roll Call: Aye-All. Motion carried.

STREETS/WATER/LIBRARY

Discussion - Oak Mountain Water Rates
Jim Raysor Public Works Director informed the Commission of the current contract that the City has with Oak Mountain Homeowners Association to purchase water from the Oakridge Cemetery well. The contract states that Oak Mountain will pay the City at a rate of $20.50/household plus 1 1/2 times the City residential rate ($2.47/1,000 gallons), with the City being responsible for testing and certification to the DENR. Currently the Oakridge well water is not meeting the EPA Safe Drinking Water Standards and additional testing and treatment is required. Due to the additional costs associated with the testing, the City is proposing to sell water to Oak Mountain at the $20.50/household rate but the water cost would be $1.15/1,000 gallons, which is the EQR rate the City pays to the Lead-Deadwood Sanitary District. The Oak Mountain Homeowners Association would be responsible for all the costs associated with additional testing that is required by the EPA and DENR. The City is still responsible for the maintenance on the water storage tank. After discussing, the Commission directed the City Attorney to prepare an amended contract with the Oak Mountain Homeowners Association for the meeting on November 15, 2010.

Payment Request
Schroeder moved, Silvernail seconded, to approve the payment of $1,082.30 to Otis Elevator for repairs to elevator and the Library. Roll Call: Aye-All. Motion carried.

POLICE/FIRE

Purchase Request
Oberlander moved, Schroeder seconded, to approve the recommendations from the Parking & Transportation Committee to purchase a change machine to be located in the Miller Street Parking Lot from Pressure Services, Inc. at a cost of $1,548.00. Roll Call: Aye-All. Motion carried.

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Purchase Request
Oberlander moved, Schroeder seconded, to approve the recommendations from the Parking & Transportation Committee to purchase 60 rubber curbs for Miller Street Parking Lot from Michael Todd Company at a cost not to exceed $3,500.00. Roll Call: Aye-All. Motion carried.

PARKS/RECREATION/TROLLEY

Terminate Employment
Silvernail moved, Peterson seconded, to terminate the employment of the following employees at Mt. Moriah effective October 15, 2010 due to closure of facility for the season: Juanita James, Peggy McDonald, Constance Olsen, Shanon Shallenkamp, Doris Schenk, and Ardath Waisenen. Roll Call: Aye-All. Motion carried

Purchase Request
Silvernail moved, Schroeder seconded, to approve the purchase of a phone system for the Rec Center from Golden West for $3,408.23, to be paid from Rec Center Capital Project fund. Roll Call: Aye-All. Motion carried.

Purchase Request
Silvernail moved, Schroeder seconded, to approve the purchase of a computer for the Rec Center from Golden West for $1,576.00 to be paid from Rec Center fund. Roll Call: Aye-All. Motion carried.

Travel Request
Silvernail moved, Schroeder seconded, to allow Bob Nelson Sr, Roger Addington, and Jim Raysor to attend the Safety Conference in Pierre November 17-18, 2020, requesting use of City vehicle, lodging, and meals not covered during conference. Roll Call: Aye-All. Motion carried.

LEGAL BUSINESS

Purchase Agreement
Silvernail moved, Schroeder seconded, to allow the Mayor to sign the Purchase Agreement between the City of Deadwood and J & T Keehn Rentals, LLC for the purchase of the Gilmore Apartments. Roll Call: Aye-All. Motion carried.

ADJOURNMENT
Silvernail moved, Schroeder 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 15, 2010.

ATTEST: _____
Mary Jo Nelson, Finance Officer

DATE: 11-15-10

BY: _____
Francis A. Toscana, Mayor

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