

EXECUTIVE SESSION/REGULAR MEETING, December 22, 2008

The Regular Session of the Deadwood City Commission convened on December 22, 2008 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, Georgeann Silvernail and Lenny Schroeder. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Silvernail moved, Klamm seconded, to approve the minutes of December 15, 2008. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Schroeder moved, Silvernail seconded, to approve the December 22, 2008 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	MAINT. CONTRACT/SHOP	23.90
ABC	2x8 SIGN	113.25
ALLTEL	CELL CHARGES	147.01
BH POWER	ELECTRICITY/PUB BUILDINGS	1,832.59
BURLESON, BILL	SAFETY REIMB	137.75
BUTLER	BOLTS	52.50
CENTRAL PARTS	20" POLY SPINNER-DISC/BIG SAND	371.36
CRUM ELECTRIC	SCADA RADIO	390.15
CULLIGAN	HOT-COLD WATER DISPENSER	42.00
DEADWOOD ECONOMIC DEVELOPMENT	DEC-OPERATION-BROADWAY RAMP	1,580.02
FIREGUARD INCORP.	MAP LIGHT, DOOR HINGE	108.10
FIRST MIDWEST BANK	PAYMENT/PUBLIC WORKS	92.90
FRANCIS TOSCANA	REIMBS FOR FUEL	47.75
HILLSIDE DISPOSAL	DEC 08 RESIDENTIAL GARBAGE	5,071.00
JACOBS PRECISION WELDING	SNOW PLOW MARKER KIT	16.50
M & T FIRE AND SAFETY	CREDIT FOR 8-SPRING WIND BUNCH	2,167.06
MAU, KIP	REIMBS GAS-TRIP TO PIERRE	20.00
NORTHWEST PIPE FITTINGS	BRONZE SADDLE/REC CENTER	89.85
OCCUPATIONAL HEALTH NETWORK	DRUG & ALCOHOL TESTS-NOV 08	610.05
ONE WAY SERVICE PROS	ROOF REPAIR/CITY SHOP	1,634.50
PACK HORSE LIQUOR & CONVEN	FUEL/DIESEL WOULDN'T PUMP@SHOP	205.30
QWEST	NOV PHONE SVS-BROADWAY RAMP	110.97
RENNER, DONOVAN	SAFETY REIM./DONOVAN RENNER	195.87
SD DEPT OF HEALTH	EMPLOYEE SHOTS-HEP A,B,TETANUS	142.00
SOUTH DAKOTA DEPARTMENT OF	BRIDGE INSPECT./CITY'S SHARE	193.79
SOUTH DAKOTA SECRETARY OF	NOTARY FILING FEE - M J NELSON	25.00
THE STATE BAR OF SOUTH DAK	THE STATE BAR OF SOUTH DAKOTA	415.00
TRIPLE K TIRE	1/2 COST OF SKIDSTEER TIRES	1,004.28
TWIN CITY ANIMAL SHELTER	R & N RECYCLING PROCEEDS	104.40
	TOTAL	\$ 16,944.85

ITEMS FROM CITIZENS ON AGENDA

Petition to Vacate

Deb Fegueroa, representing Black Hills Real Estate, provided the Commission with petition requesting the vacation of a portion of Lee Street, which adjoins the property of Roberta N. Farrell, Carl R. Waisanen, Dennis R. Swaney, and Barbara J. Swaney to clear the title. Legal Description: Vacation of the South Westerly half of Lee Street between Blocks H & I, according to P.L. Rogers Map, City of Deadwood. City Attorney Jason Campbell requested that Ms. Fegueroa obtain the originals from the property owners before the City Commission can act upon the request to vacate a portion of Lee Street.

Deadwood Chamber - Request to sell Beer/Wine

Silvernail moved, Klamm seconded, to allow the Deadwood Chamber to sell beer and wine at the Pavilion on January 3, 2009 for the Ringwar event. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS/BID OPENINGS

Public Hearing

Klamm moved, Silvernail seconded, to approve the street closures for Main Street from Pine Street to Lee Street from 11:45 p.m. on December 31, 2008, to 12:15 a.m. on January 1, 2009 for the New Year's Eve Ball Drop at the Franklin Hotel. Roll Call: Aye-All. Motion carried.

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Bid Opening (Continued from 11/24/2008)

Kevin Kuchenbecker, Historic Preservation Officer, requested that the Commission accept the bids for the following retaining walls and request the City Attorney to prepare contracts between the City of Deadwood, property owner, and contractor. The bids are as follows:

Location		39 Terrace	24 Raymond	128 Williams
Engineer's Estimate	Bid Bond	\$14,256	\$94,530	\$67,446.50
Contractor				
Lehman Construction	X	\$11,895	\$53,640	
RCS Construction	X			\$69,600

Silvernail moved, Peterson seconded, to accept the above listed retaining wall bids for the Historic Preservation grant/loan program. Roll Call: Aye-All. Motion carried.

Kuchenbecker asked the Commission to consider rejecting the following retaining wall bid because the property owner is not willing to share in the project cost at this time. The bid is as follows:

Location		49 Terrace
Engineer's Estimate	Bid Bond	\$55,874
Contractor		
Lehman Construction	X	\$53,120

Silvernail moved, Peterson seconded, to reject the above bid for 49 Terrace. Roll Call: Aye-All. Motion carried.

Set Bid Opening

Klamm moved, Schroeder seconded, to advertise for bids for the Deadwood Pavilion Boiler Replacement project and set the bid opening on January 12, 2009 at 5:05 p.m. Roll Call: Aye-All. Motion carried.

Stage Run Development-TIF #8 Bid Tab-Accept Bid

Finance Officer Mary Jo Nelson provided for the Commission the bid tabulation for the Stage Run Development-TIF #8 project (bids opened June 2007.) The bid tabulation is as follows:

**Deadwood Stage Run Development-TIF #8
Bid Tabulation**

Engineers Estimate	Rapid Construction	Site Works Specialists	Zandstra Construction
\$3,584,029.00	\$3,510,613.43	\$3,262,057.35	\$3,863,588.00
Oftedal & Son Construction		Slowey Construction	
\$5,658,857.30		\$5,278,425.40	

Klamm moved, Schroeder seconded, to approve the Stage Run Development-TIF #8 bid tabulation as presented and accept the low bid from Site Works Specialist. A complete bid tabulation list is on file at the City of Deadwood Finance Office. Roll Call: Aye - All. Motion carried.

FINANCE

Resolution 2008-31

Peterson moved, Silvernail seconded, to approve Resolution 2008-31 to Transfer Cash between Funds. Roll Call: Aye - All. Motion carried.

**RESOLUTION 2008-31
A RESOLUTION TO MAKE THE FOLLOWING INTERFUND CASH
TRANSFERS FOR THE YEAR 2008**

Be it resolved by the Deadwood City Commission that the City of Deadwood the following interfund cash transfers for the year 2008.

From Historic Preservation (Fund 0215) to Trolley Department (Fund 0610) \$25,000.00 for new trolley reserve and \$92,000.00 for support of trolley operational expenses. From Historic Preservation (Fund 0215) to General Fund (Fund 0101) for impact funds \$1,322,356.00. From Historic Preservation (Fund 0215) to Water Fund (Fund 0602) for impact funds \$160,814.00.

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From Historic Preservation (Fund 0215) Cash from Bond Series 2003-2004 Construction Fund (\$908,516.80) to the following Capital Projects Funds Cash in the following amounts: Slime Plant Project (Fund 0505) \$361,064.40 HARC Project (Fund 0516) \$119,062.97, St. Ambrose Project (Fund 0544) \$60,640.99, Days of 76 Rodeo Grounds (Fund 0546) \$367,748.44.

From General Fund (0101) to Library Fund (Fund 0206) \$21,050.00, in support of operational expenses Dated this 22nd day of December 2008.

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

ATTEST:
/s/ Mary Jo Nelson, Finance Officer

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STREETS/WATER/LIBRARY

Wage Increase

Schroeder moved, Klamm seconded, to approve the wage increase for James Mattson, Rubble Site, from \$8.00 to \$8.50 per hour after completion of one year of service. Roll Call: Aye - All. Motion carried.

POLICE/FIRE

Parking Petition-Lower Main Parking Lot

Chief Fuller said the Parking and Transportation committee reviewed and addressed the Parking Petition filed by the Deadwood Business employees. The petition states that due to the recent increase in parking costs (Lower Main Parking Lot) the Deadwood Business employees are requesting a fair parking policy. Fuller explained some of the options the City of Deadwood has provided for the employees such as FREE parking and transportation within Deadwood. According to Fuller, the City of Deadwood has over 500 free parking spaces in the Sherman Street Parking Lot, Rodeo Grounds, and Lower Main Parking Lot. In addition, all employees who work in Deadwood can take advantage of the City trolley system, at no charge to the employee and receive free rides to and from their workplace during regularly scheduled hours. Fuller said that the parking meter rates and leases are designated to insure ample, convenient parking for our customers as well as proving means of revenue to address expensive maintenance issues associated with re-surfacing of parking lots, etc. Fuller said they surveyed the Lower Main Parking Lot (with 36 FREE parking spaces) on a Thursday and Friday and for two days, nine spaces were utilized. Fuller said the Parking and Transportation committee recommends not accepting the parking petition request to purchase a parking pass for \$20.00 per month and the committee's recommendations would be to charge a monthly rate of \$55.00 for the Lower Main Parking Lot.

PARKS/RECREATION/TROLLEY

Terminate Employment

Silvernail moved, Peterson seconded, to terminate the employment of trolley driver Don Luckie effective December 14, 2008. Roll Call: Aye - All. Motion carried.

LEGAL BUSINESS

Para-Transport-Prairie Hills Transit Agreement

Klamm moved, Shcroeder seconded, to allow the Mayor to sign the Para-Transport agreement between the City of Deadwood and Prairie Hills Transit from January 1, 2009 through December 31, 2009. Roll Call: Aye - All. Motion carried.

MJZ Construction Agreement

Silvernail moved, Peterson seconded, to allow the Mayor to sign the Agreement between the City of Deadwood and MJZ Construction for the additional slate roof repairs on the History and Information Center, amount not to exceed \$7,500. Roll Call: Aye - All. Motion carried.

Deadwood Mountain Grand Agreement

Schroeder moved, Klamm seconded, to allow the Mayor to sign the agreement between the City of Deadwood and Tentekota (Deadwood Mountain Grand project) regarding the change orders to the facade and gable end repairs and for all exterior costs exceeding \$1.7 million previously approved by the City Commission, and require Tenexkota to make progress payments towards sums above \$1.7 million, at the City's discretion. Roll Call: Aye - All. Motion carried.

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MAYORS BUSINESS

Executive Session

Mayor Toscana requested an Executive Session following the Regular Session for personnel matters with no action to be taken.

Wishing Everyone a Merry Christmas

Mayor Toscana and the City Commissioners would like to wish the staff, media and the City of Deadwood employees and residents a very Merry Christmas.

Retirement Party

Mayor Toscana informed everyone that there will be a retirement party for Officer Gary Gould on January 2, 2009 at 2:00 p.m. in the City Commission Meeting Room and everyone is welcome to come and wish Gary the best of luck with his retirement.

ADJOURNMENT

Silvernail moved, Peterson seconded, to adjourn the regular session at 5:30 p.m. The next regular meeting will be at 5:00 p.m. on Monday, December 29, 2008.

ATTEST:

Mary Jo Nelson, Finance Officer

DATE: 12/29/08

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