

## REGULAR MEETING, August 24, 2009

The Regular Session of the Deadwood City Commission convened on August 24, 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 August 17, 2009. Roll Call: Aye-All. Motion carried.

### APPROVAL OF DISBURSEMENTS

Schroeder moved, Klamm seconded, to approve the August 24, 2009 disbursements. Commissioner Silvernail questioned the invoice for Quality Services, Inc. totaling \$75,607.88 and asked Kevin Kuchenbecker if the City will be receiving additional bills, after much discussion regarding the various charges and possible repairs to the Fire Department's light plant the Commission approved paying the invoices \$1,527.12, \$2,203.57, and \$55,695.48 (totaling \$59,426.17) with the exception of not paying the lodging charges totaling \$16,181.71, as this will be discussed later. Roll Call: Aye-All. Motion carried.

A & B WELDING	SUPPLIES	74.73
ABC	SUPPLIES	175.02
ACTIVE DATA SYSTEMS	ON-SITE 1 YR	4,288.20
ALLTEL	PD PHONES	130.61
BH POWER	UTILITIES	5,461.79
CULLIGAN	WATER	24.50
DAKOTACARE	SEPT PREMIUMS	40,228.40
DEADWOOD CHAMBER	BILL LIST	50,000.00
ENVIRONMENTAL EQUIPMENT	SUPPLIES	254.52
HILLS MATERIALS	ROAD BASE	200.14
KEN HAWKI	REIMBURSE	224.90
KIMBALL MIDWEST	GRIT KIM-FLEX-SURF. MAX.-PAINT	160.10
KIRWAN, HARLEY	REF PERMITS	40.00
LAWSON PRODUCTS, INC.	MENS KEVLAR GLOVES	32.94
LEAD-DWD REGIONAL HOSPITAL	PRE-EMP TESTING	36.00
M&M SANITATION	MONTHLY RENTAL	307.50
MAVERICK (BLONDIES)	SUPPLIES	10.41
NEVE'S	UNIFORMS	68.92
NEWMAN TRAFFIC SIGNS	BRACKETS	130.81
PIDDE, LOIS	REIMBURSE	9.98
PRO-STEAM	CLEAN SERV/CITY HALL	1,285.00
QUALITY SERVICES, INC.	ARCHAEOLOGY SERV-REC CNTR	59,426.17
SEW IT GOES	SEAT COVER	389.50
SOUTH SIDE SERVICE	FUEL	13,177.00
SUMMIT SIGNS & SUPPLY, INC	SIGN	118.00
SUNSHINE TOWING	TOWING SERV	150.00
TRIPLE K TIRE & REPAIR	BOBCAT REPAIRS	724.40
TC ANIMAL SHELTER	RECYCLE PROCEEDS	120.78
TC HARDWARE	SUPPLIES	337.37
WESTERN STAR, INC.	TRANSMITTER	88.95
ZEP MANUFACTURING COMPANY,	ZEP FORMULA 4358, ZEP SPREE	187.52
	<b>TOTAL</b>	<b>\$ 177,864.16</b>

### ITEMS FROM CITIZENS ON AGENDA

#### Days of 76

Ted Thompson and Mac Meyer, representing the Days of 76 committee, appeared to express their gratitude to the City Commission, Historic Preservation Commission and all City departments who assisted with the Days 76 events along with the City's financial support. Thompson added that this year's events were a huge success and praised the community and volunteers for their hard work and dedication. Mayor Toscana thanked the Days of 76 committee and everyone involved with the event.

#### Dakota Coffee Request

Dakota Coffee representative appeared before the Commission to request the cancelation of their lease in the Sherman Street Parking Lot. He said they have a potential buyer and would have more information in one week. He added that if the business does not sell, they would be closing. Silvernail moved, Peterson seconded, to continue this matter to the August 31, 2009 meeting. Roll Call: Aye-All. Motion carried.

#### Adams Museum Request

Peterson moved, Silvernail seconded, to allow the Adams Museum to serve beer and wine from 5:00 to 7:00 p.m. for the "Big Thank You" membership event on September 25, 2009. Roll Call: Aye-All. Motion carried.

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### PUBLIC HEARINGS/BID OPENINGS

#### Public Hearing

Silvernail moved, Peterson seconded, to approve the street closure for Siever Street from 8:00 am Thursday, September 10 to 12:00 Midnight on Saturday, September 12, 2009, and Deadwood Street from 5:00 am to 10:00 pm Friday, September 11, and 11:00 am to 12:00 Midnight on September 12, 2009, and use of the Interpretive Center Parking Lot from 2:00 am on September 10, 2009, to 2:00 a.m. on September 13, 2009. Roll Call: All-Aye. Motion carried.

Silvernail moved, Schroeder seconded, to approve the special malt beverage license to allow the Deadwood Jam Committee to sell beer for the Deadwood Jam on September 11 from 3:00 p.m. to 10:00 p.m. and on September 12 from 11:30 a.m. to 10:00 p.m. in the Interpretive Center Parking Lot. Roll Call: All-Aye. Motion carried.

Silvernail moved, Schroeder seconded, to waive the vendor fee for the Deadwood Jam vendors in the Interpretive Center Parking Lot on September 11 and 12, 2009. Roll Call: All-Aye. Motion carried.

Silvernail moved, Schroeder seconded, to waive the sound permit fee for the Deadwood Jam event. Roll Call: All-Aye. Motion carried.

### FINANCE

#### Wage Increase

Peterson moved, Schroeder seconded, to approve the wage increase for Arlys Janke, parking ramp attendant, from \$8.50 to \$9.00 per hour after two years of service, effective August 21, 2009. Roll Call: Aye - All. Motion carried.

### HISTORIC PRESERVATION/PLANNING & ZONING/PUBLIC BUILDINGS/SAFETY

#### Memorandum of Understanding

Klamm moved, Schroeder seconded, to allow the Mayor to sign the Memorandum of Understanding between the City of Deadwood and Lawrence County for Geological Information Services (GIS) at a rate of \$27.00 per hour with a minimum of 200 hours and a maximum of 360 hours dedicated to City GIS projects. Roll Call: Aye - All. Motion carried.

#### Hire Request

Silvernail moved, Peterson seconded, to approve the hiring of Eric Simonyak for an Intern position with the Historic Preservation office, effective August 31, 2009 at \$7.50 per hour. Roll Call: Aye-All. Motion carried.

### STREETS/WATER/LIBRARY

#### Additional Parking Ramp Update

Public Works Director Jim Raysor provided an estimate from Gustafson Builders for the design and construction of the proposed third level-parking ramp at a cost of \$5.2 million. Mayor Toscana said that the estimate provided by Gustafson was not acceptable since there no design cost breakdown was included. He also stated that according to State law, the City is required to bid this project and Gustafson Builders may or may not be the low bidder. Cam Lund explained that the estimate is inclusive of the design costs, which equals six (6) percent of the cost of the project whether it is the \$3.6 (two level parking ramp) or \$5.2 million (third level parking ramp). Lund said they could provide a design cost breakdown for the third level parking structure. Toscana reiterated the fact that the cost breakdown is necessary listing all the costs and architectural and structural engineering fees for the third level-parking ramp. Toscana added that the design plans and costs associated with this project need to be in place before the City could present them to the USDA Rural Development-South Dakota for possible funding of this project. Commissioner Silvernail asked where parking would be located for the new hotel once the structure is built, since new construction must provide one parking space per room. George Mitchell, developer, said they intend to use the hardware store lot for off-site parking to meet those requirements. Kevin Kuchenbecker added this project would be funded through Federal funds, which require the City to obtain additional approvals from the State and Federal government. Toscana asked Lund how soon they could have a model of a third story parking structure along with a detailed cost breakdown. Commissioner Klamm asked how much this model and additional design will cost, and who is responsible for payment. Lund said the actual model could be completed in one week at a cost of \$3,500. George Mitchell said that Deadwood Mountain Grand would absorb the cost

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of the model provided by Lund Associates. Commissioner Silvernail asked City Attorney Jason Campbell if the Deadwood Mountain Grand business fails for any reason, she does not want the City to be responsible for the repayment of the loan. Toscana said Deadwood Mountain Grand has entered into an agreement with Business Improvement District #7 to contribute \$300,000 a year for operation and up to \$250,000 per year for marketing. Toscana thought the City could enter into an agreement with Deadwood Mountain Grand and Business Improvement District (BID) #7 prior to the construction of the parking structure with Business Improvement District #7 to use their Occupancy Tax (\$2.00 per room per night) to pay the debt service and associated fees for the parking structure should the developer go out of business. After much discussion, Deadwood Mountain Grand will pay Lund Associates for the third level parking structure model and cost breakdown and Public Works Director will proceed with composing letters to the various State offices regarding this matter. Mayor Toscana announced this item is continued to the August 31, 2009 meeting.

### Repairs Request - Gott Street

Schroeder moved, Silvernail seconded, to approve the hiring of Hills Materials to asphalt a portion of Gott Street, with no curb and gutter at a cost of \$7,984.00. They will also construct a type of mound to hold gravel and keep it from spilling onto Williams Street. Asphalt installed almost to the portion of the street where the Street Department "turns around" for snow removal purposes. Roll Call: Aye - All. Motion carried.

## POLICE/FIRE

### Purchase Request

Klamm moved, Schroeder seconded, to allow the Fire Department to purchase and install a commercial exhaust system over the grill and stove from M & T Fire, low quote, costs not to exceed \$3,500.00. Roll Call: Aye - All. Motion carried.

### Parking Permit Request

Klamm moved, Schroeder seconded, to approve the recommendation from Parking and Transportation to allow the residential parking permit at 99 Williams Street for Richard Millikan. Roll Call: Aye - All. Motion carried.

## PARKS/RECREATION/TROLLEY

### Employee Resignations

Silvernail moved, Peterson seconded, to accept the resignations of Garret Aman effective August 25, and Roy Buchanan on August 28, 2009. Roll Call: Aye-All. Motion carried.

## LEGAL BUSINESS

### Memorandum of Lease Agreement

Silvernail moved, Peterson seconded, to allow the Mayor to sign the Memorandum of Lease Agreement between the City of Deadwood and SWS, LLC for the McGovern Hill Cell Tower located at the McGovern Hill Addition to the City of Deadwood and specifically in and to Tracts A, B, B-1, C and D, McGovern Hill Addition to the City of Deadwood, located in Sections 22 & 27, T5N, R3E, B.H.M., City of Deadwood, as shown on that certain plat recorded in the office of the Lawrence County Register of Deeds as Plat Document Number 2003-4122 and aggregating 22.79 acres, more or less ("Property"), Parcel ID#: 30610-00000-030-00. Roll Call: Aye-All. Motion carried.

### Contract - Sabo Construction

Silvernail moved, Klamm seconded, to allow the Mayor to sign a contract between the City of Deadwood and Sabo Construction for the replacement of steps and tuck-pointing at the Library costs not to exceed \$4,984.00. Roll Call: Aye-All. Motion carried.

## MAYORS BUSINESS

### Miller Street Parking Lot Request

Silvernail moved, Schroeder seconded, to allow Joe Peterson, CPA office to lease one space per month in the Miller Street Parking lot at \$50 plus tax, effective September 1, 2009. Roll Call: Aye-Silvernail, Schroeder, Klamm, Toscana. Recuse: Peterson. Motion carried.

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Department of Public Safety

Mayor Toscana announced that due to the restructuring of the South Dakota Driver Licensing Program, the driver license services will be discontinued in Deadwood beginning October 1, 2009. Residents are encouraged to visit the Sturgis or Spearfish driver license exam stations for service.

ITEMS FROM CITIZENS NOT ON AGENDA

Concerned Resident

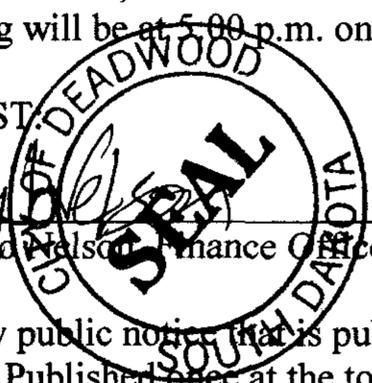
Kathleen Lane, resides at 53 Forest Avenue, voiced her concerns regarding her neighbor Lee Thompson's (47 Forest) retaining wall project that has been a ten month open pit project. Lane told the Commission that she has been in contact with her neighbors and they are all very tired of the condition of the street, sidewalk, and the safety of pedestrians as well as motorists. Lane said 47 Forest Avenue is a public nuisance and the project has destabilized the hillside and does not want to go through another winter dealing with these issues. Lane added she has made numerous calls and none of them returned. Public Works Director Jim Raysor said as of Monday the pins for the project were too short and were waiting for the new ones to arrive. Mayor Toscana directed Kevin Kuchenbecker and Jim Raysor to meet with Dennis Forgey to discuss a completion date for this project.

ADJOURNMENT

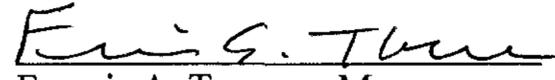
Klamm moved, Schroeder seconded, to adjourn the regular session at 5:40 p.m. The next regular meeting will be at 5:00 p.m. on Monday, August 31, 2009.

ATTEST:

  
\_\_\_\_\_  
Mary Jo Nelson, Finance Officer



DATE: 8-31-09

BY:   
Francis A. Toscana, Mayor

For any public notice that is published one time:  
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