

REGULAR MEETING, April 2, 2007

The Regular Session of the Deadwood City Commission convened on April 2, 2007, 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 Nyla Griffith, Mike Klamm, Mark Speirs and Georgeann Silvernail. All motions passed unanimously unless otherwise stated.

CONDOLENCES

On behalf of the Commission and City of Deadwood, Mayor Toscana extended condolences to Lillian Shea for the passing of her husband Jim Shea who passed away on Monday. Jim Shea was the Mayor of Deadwood from 1968-1970. Mayor Toscana requested the flags throughout the City of Deadwood be flown at half-mast on the day of his services.

APPROVAL OF MINUTES

Silvernail moved, Speirs seconded, to approve the minutes of March 26, 2007. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Speirs moved, Griffith seconded, to approve the April 26, 2007 disbursements with additional bill for postage. Roll Call: Aye-All. Motion carried.

MARCH 2007, PAYROLL: COMMISSION, \$4,096.14; FINANCE, \$18,448.67; PUBLIC BUILDINGS, \$2,269.25; POLICE, \$51,234.86; STREETS, \$32,317.27; PARKS, \$20,459.68; FIRE, \$5,728.26; PLANNING & ZONING, \$10,343.91; LIBRARY, \$6,732.63; RECREATION CENTER, \$8,281.51; WATER, \$16,977.02; PARKING & TRANSPORTATION, \$26,470.84; HISTORIC PRESERVATION, \$20,990.59; PARKING RAMP, \$7,273.00; RUBBLE SITE, \$1,436.00 PAYROLL TOTAL: \$233,059.63.

A & B BUSINESS EQUIPMENT	MAINTENANCE FOR MARCH	338.85
A & J SUPPLY	GRINDER WHEELS...	106.94
ADAMS MUSEUM	PUBLIC EDUCATION	3,211.63
ASSOCIATION FOR GRAVESTONEMEMBERSHIP		50.00
AVENET	WEBSITE TRAINING/PW'S PART	1,581.86
BLACK HILLS PHYSICAL THERERGONOMIC EDUCATION		375.00
BLACK HILLS ELEVATOR, LLP	MONTHLY SERVICE-PARKING RAMP	101.02
BLACK HILLS NEW MEDIA	DEADWOOD GAMING SPECIAL	2,500.00
BLACK HILLS POWER & LIGHT	FEB-MARCH RAMP	11,810.05
BLACK HILLS PURE, INC.	2 5 GALLON WATER	46.25
CITY OF BELLE FOURCHE	TRI STATE MUSEUM GRANT -FINAL	829.86
CULLIGAN	BOTTLED WATER/PUBLIC WORKS	28.50
DEADWOOD CHAMBER & VISITORMARCH 10-23 BILL LIST		157,404.60
DEADWOOD ECONOMIC DEVELOPBILL LIST FOR JAN, FEB & MAR		1,277.63
DEADWOOD HOME CENTER	SILICONE	640.69
DEE MARK CONSTRUCTION	STAIRS-BORAAS-43 FOREST	299.33
EDDIE'S TRUCK SALES, INC.	BOLT-SHOULDER -FLANGE HECX	15.66
ELAN FINANCIAL SERVICES	MOTOR TREND 200 WATT INVERTER	45.94
FARMER BROTHERS CO	COFFEE-FILTERS/PARKS SHOP	95.92
FOX, TERESA	NEWSPAPER INDEXING SEPT 1897	1,500.00
GARY GOULD	OVERPAID ON GUN DEDUCTION	90.00
GUNDERSON, PALMER,	K. KELLAR	391.50
HCW, INC.	CARRIAGE COLLECTION	2,342.44
HILLS MATERIALS COMPANY	3/4" ROAD BASE/PARKS DEPT.	31.05
HILLSIDE DISPOSAL	MARCH RESIDENTIAL GARBAGE	5,071.00
INTEGRITY FORD	SENDER & PUMP ASY; WIRING ASY	287.86
INTERACTIVE COMPUTER	FINAL INSTALLMENT-INVISION MIS	1,312.50
JACOBS PRECISION WELDING	REPAIR PARKING GATE 1/30	880.08
JAMES RAYSOR	EXPENSE REIMBURSEMENT/SDDWA	206.00
JIM LEHTO	FUEL REIMBURSEMENT	78.00
JOHN BOYD	LOAN DISB.-628 MAIN-BOYD	3,085.17
KIMBALL MIDWEST	HOSE CLAMP-LINKS-BATT. TERM.	217.53
KOLBE, ROBERT	PARTIAL APPRAISAL OF COLLECTIO	1,575.28
LAWRENCE COUNTY REGISTER	FILING FEE-628 MAIN ST-BOYD	44.00
LEHMEN CONSTRUCTION CO.	RW GRANT DISB-E. ROBINSON 3/26	23,349.20
MIKE KROGER MASONRY	DISB- 8 SHINE- R. WHEELER	18,932.00
MOLLY CORPORATION	REPLACEMENT VINYL CURTAIN (4)	1,900.00
MONTANA DAKOTA UTILITIES	NATURAL GAS/GAYVILLE PRV	6,703.12
PRAIRIE WAVE	PHONE SERVICE/ENGINE HOUSE	1,771.18
PRINT FILE, INC.	ARCHIVE SUPPLIES	176.40
RAPID CITY REGIONAL	LAB WORK 3/20/07	68.00
SD STATE HISTORICAL	FEBRUARY COSTS	9,060.97
SOUTH DAKOTA BUILDING	MEMBER REGISTRATION FEE	75.00
SUMMIT SIGNS & SUPPLY,	ARCHIVE SUPPLIES- LOGO ON CD	10.00
TEMPERATURE	SENSOR WORK-SENSOR-MODUM/AH	755.26
TIM CONRAD ELECTRIC	BULBS-BALLASTS/STREET LIGHTS	3,932.20
TRIPLE K TIRE & REPAIR	OIL; BRAKE FLUID; LABOR 3/27	366.00
TWIN CITY AREA SENIOR	TWIN CITY AREA SENIOR CENTER	1,000.00
GRAND TOTAL		\$268,385.17

ITEMS FROM CITIZENS ON AGENDA

Coffee Stand - Lower Main Lot

Cindy James appeared before the Commission to request permission to place a coffee stand in the Lower Main Parking Lot. Ms. James requested three parking spaces, which are located by the

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utility box next to the sidewalk. Commissioner Speirs stated he was not in favor of placing a business such as this in the municipal parking lot and taking up much needed parking spaces. Commissioner Silvernail said she had received calls from local business owners regarding this request and they expressed their concerns regarding the elimination of the parking spaces. Mayor Toscana added he has concerns with this request and explained the reason the Commission had approved the placement of Dakota Coffee in the Sherman Parking lot was due to them being evicted and this shop does not compete with the coffee shops downtown. Commissioner Griffith said the City has leased other properties to private businesses and has not been in the best interests of the City. Speirs moved, Griffith seconded, to reject the request for the coffee shop in the Lower Main Parking lot. Roll Call: Aye - All. Motion carried.

PUBLIC HEARINGS/BID OPENINGS

Public Hearing - Rec Center Expansion

City Planner/Public Works Director Jim Raysor gave a presentation on the renovation and possible expansion of the Deadwood Rec Center. Raysor explained both options: One to refurbish existing pool, relocate weight/exercise room to main floor and racquetball courts. The second option would fill existing pool and use for exercise area/racquetball courts. A regulation-sized swimming pool would be built over the existing tennis courts, with track over that area. Raysor added that the existing pool area is deteriorating, and the pool is sinking. It was also noted the renovation would make the center handicap accessible. Also, based on a cost analysis that was completed in November 2005, the costs are estimated on a per square foot basis and the approximate cost is \$5.3 million, with a new pool. Deadwood Historic Preservation has committed \$2 million for upgrades to be used exclusively for the existing Rec Center. The City has set aside \$1 million in the General Fund and another \$1 million from other various sources, including liquor licenses. He said a total of \$4 million is available to fund this project. Raysor said depending on what option the City chose an additional \$1.3 million would be funded through a sales tax revenue bond. Comments and questions from the audience included how many residents use this facility currently, increasing the fees, adequate room to hold various classes, hiring additional staff and safety concerns due to the increase of activities. Mayor Toscana added a survey was sent to all Deadwood residents asking for their input on this expansion project and as of April 2, 2007, there were 67 in favor; 13 against; and 6 undecided-no opinion. Toscana told everyone that they have brought forth good questions which will be addressed by the Commission before a final decision is made on this project. The audience encouraged the City Commission to move forward with this expansion project and to build a new regulation-sized swimming pool. This would draw new families with school-aged children to our community. A Trolley stop in front of the Rec Center was suggested and the City will research. Mayor Toscana thanked the audience for coming and expressing their support as well as concerns for this project. The Parks and Rec Board will proceed with the hiring of an architect to design the new facility that will need to blend with the existing building.

Bid Results – Retaining Walls (3/26/2007)

Jim Raysor recommended accepting low bids for the retaining walls as follows: 29 Adams, Lehman Construction, \$54,650; 308 Williams, RCS Construction, \$83,012; 45 & 47 Forest, RCS Construction, \$99,000. Marvin Lehman expressed his concerns with the first bidding process of the retaining wall bids, and when the bidding process took place the first time he had received four of the five bids. He said after the decision was made, contractors were informed that the notice to bidders was not prepared according to State statutes and he was asked to relinquish three of his bids, the fourth retaining wall project had been started so therefore the work continued on that project. City Attorney John Frederickson explained the reason for this is that these are public monies and according to State statute, the City must award the bid to the lowest bidder. Frederickson explained the new process for retaining wall contracts that are granted would be a three (3) party contract consisting of the homeowner, contractor, and the City. Speirs moved, Griffith seconded, to accept the low bids, which were continued from the March 26, 2007 meeting. Roll Call: Aye - All. Motion carried.

Set Public Hearing - Horse Sale

Silvernail moved, Speirs seconded, to set a public hearing to waive the vending fee for the Horse Sale on April 16, 2007 at 5:30 pm. Roll Call: Aye - All. Motion carried.

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FINANCE/HISTORIC PRESERVATION/LIBRARY

Discussion Part-Time Wages

Toscana appointed Commissioner Speirs, Mayor Toscana, Mary Jo Nelson, Jim Raysor, and Bob Nelson to a committee to review part time wages. Department heads with part-time staff are encouraged to attend the meeting as well. The committee will review and make a recommendation on April 16, 2007 to City Commission.

Accept 2006 Annual Report

Mayor Toscana thanked Finance Officer Mary Jo Nelson for all her hard work preparing the City of Deadwood's 2006 Annual Report. Griffith moved, Speirs seconded, to accept the 2006 Annual Report. Roll Call: Aye - All. Motion carried.

Refund SDML Workers Compensation

Finance Officer Mary Jo Nelson advised that because of a recent audit, the City would be refunded \$6,702 of the original premium paid to the Workers Compensation Fund. Roll Call: Aye - All. Motion carried.

Hire Horizons for 2007 Ortho Imagery

Silvernail moved, Speirs seconded, to approve the hiring of Horizons to complete the 2007 Ortho imagery photos in the amount of \$33,900, to be paid from the GIS budget, contingent upon City Attorney's review. Roll Call: Aye - All. Motion carried.

Travel Request

Silvernail moved, Speirs seconded, to allow Mike Runge to attend the 2007 Dakota Conference in Sioux Falls on April 20-21, 2007 at a cost of \$455.54. Roll Call: Aye - All. Motion carried.

Appointment to Parks and Rec Board

Toscana moved, Silvernail seconded, to approve the appointment Sue Hart to the Parks and Rec Board. Roll Call: Aye - All. Motion carried.

STREET/WATER

Travel Request

Speirs moved, Griffith seconded, to allow Jim Raysor to attend the SDWWA meeting in Oacoma on April 20, 2007. Roll Call: Aye - All. Motion carried.

Discussion - Converting to 02 Diesel

Jim Raysor asked the Commission to review and consider the materials provided on converting to 02 Diesel. The cost to modify the existing ten vehicles is approximately \$200 per vehicle as well as \$1,200 to clean the storage tank. He said the Lead-Deadwood School District has converted their buses to 02 Diesel, and added this is good for the environment. Southside Oil is a distributor for this additive and the City would continue to do business with them. The cost is approximately \$0.03/gallon more than standard diesel therefore the additional cost is \$450 to \$1,000 per year. Raysor added the Lead-Deadwood Sanitary District would need to be included in the conversion as they purchase their fuel from the City.

Bud Walling Approach

Jim Raysor received a project application from the SD Department of Transportation for Bud Walling to create an approach at the Quonset building located approximately 1200 feet east of the Deadwood Hill turnoff. Mr. Raysor prepared and sent a comment letter with the application explaining that the City Commission had reviewed this application previously and denied the access due to safety concerns. Mr. Engel of the SDDOT stated that Mr. Walling was going to re-stripe the road to create a turning lane. According to Raysor, the SDDOT has granted Mr. Walling's request for the turning lane and the reduction in speed for this area. After much discussion, Mayor Toscana directed Jim Raysor to write a letter in opposition of this request to Judy Payne, Secretary of Department of Transportation. Speirs moved, Silvernail seconded, to allow Jim Raysor and City Attorney to write a letter to Judy Payne, SDDOT opposing this request. Roll Call: Aye - All. Motion carried.

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POLICE/FIRE

Sound Permits 2007-2008

Silvernail moved, Speirs seconded, to continue the sound permits until the April 9, 2007 meeting, Chief Fuller was asked to contact the Silverado/Franklin, Four Aces, and Mineral Palace to reinforce the specified time of 10:00 a.m. to 10:00 p.m. with no announcements and or advertisements allowed.

PLANNING/ZONING/PUBLIC BUILDINGS/TROLLEY

PARKS/RECREATION

Terminate Employment

Griffith moved, Klamm seconded, to terminate the employment of Derek Mackley, affective March 2, 2007. Roll Call: Aye – All. Motion carried.

Hire Request

Griffith moved, Speirs seconded, to hire Janel Blotz as temporary summer parks employee, at \$8.00 per hour, effective April 9, 2007. Roll Call: Aye – All. Motion carried.

Hire Workcampers

Griffith moved, Klamm seconded, to hire Dan and Katie Mason as summer workcampers, effective May 15, 2007. Roll Call: Aye – All. Motion carried.

MAYORS BUSINESS

Hire City Attorney

Silvernail moved, Speirs seconded, to approve the hiring of Jason Campbell as full time City Attorney effective July 1, 2007 at \$65,000 and negotiated moving expenses. Roll Call: Aye – All. Motion carried.

MAYOR, COMMISSIONERS, DEPARTMENT HEADS NOT ON AGENDA

Employee Travel

Silvernail moved, Speirs seconded, to allow Ordinance Officer John Marshall to attend to the Animal Control annual training workshop in Deadwood on April 18-20, 2007 at a cost of \$100.00. Roll Call: Aye – All. Motion carried.

Achievement Award

Jim Raysor informed everyone that Bob Nelson, Randy Pfarr, and Donovan Renner were awarded the South Dakota DENR – Drinking Water Achievement Award. Mayor Toscana along with the City Commission commended these employees for their outstanding efforts on behalf of the City of Deadwood.

Retaining Wall Project Information

Kevin Kuchenbecker, Historic Preservation Office, informed everyone that human remains were discovered at 66 Taylor Avenue where a retaining wall project is underway. He added the proper reporting procedures were followed. According to Kuchenbecker, this site was the former Engleside Cemetery from 1876-1879. At the time of this meeting one body had been found and would be exhumed to determine the sex, approximate age and date of death before the remains are interred at the Mt. Moriah Cemetery.

Trolley Department

Silvernail moved, Klamm seconded, to approve the appointment of Trolley driver, Del Pidde, to Weekend Manager effective immediately. Roll Call: Aye – All. Motion carried.

ADJOURNMENT

Speirs moved, Silvernail seconded, to adjourn the regular session at 6:30 p.m. The next regular meeting will be at 5:00 p.m. on Monday, April 9, 2007.

ATTEST:

Mary Jo Nelson, Finance Officer

DATE: _____

BY: _____

Francis A. Toscana, Mayor