

REGULAR/EXECUTIVE MEETING, July 28, 2008

The Regular Session of the Deadwood City Commission convened on July 28, 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, Lenny Schroeder, and Georgeann Silvernail. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Silvernail moved, Schroeder seconded, to approve the minutes of July 21, 2008 and results of phone vote taken on July 22, 2008. Roll Call: Aye-All. Motion carried.

CONDOLENCES

On behalf of the Commission and City of Deadwood, Mayor Toscana extended condolences to Donovan Renner and family for the passing of his mother Lila Renner.

MAY 2008, PAYROLL: COMMISSION, \$2,730.76; ATTORNEY, 5,000.00; FINANCE, \$12,744.06; PUBLIC BUILDINGS, \$1,741.60; POLICE, \$35,656.38; FIRE, \$4,003.94; OAKRIDGE, 0.00; BUILDING INSPECTION, 3,070.41 STREETS, \$23,435.29; PARKS, \$17,197.63; PLANNING & ZONING, \$4,153.84; LIBRARY, \$5,691.55; RECREATION CENTER, \$6,744.21; HISTORIC PRESERVATION, \$13,725.41; WATER, \$12,017.72; PARKING & TRANSPORTATION, \$17,308.88; PARKING RAMP, \$4,984.21; RUBBLE SITE, \$1,622.50; MT. MORIAH, \$304.56 PAYROLL TOTAL: \$172,132.94.

JUNE 2008, PAYROLL: COMMISSION, \$2,730.76; ATTORNEY, 5,000.00; FINANCE, \$13,649.63; PUBLIC BUILDINGS, \$1,947.75; POLICE, \$37,809.98; FIRE, \$4,003.94; OAKRIDGE, 0.00; BUILDING INSPECTION, 3,070.41 STREETS, \$21,603.58; PARKS, \$28,404.07; PLANNING & ZONING, \$4,153.84; LIBRARY, \$5,833.30; RECREATION CENTER, \$11,426.89; HISTORIC PRESERVATION, \$13,930.63; WATER, \$11,067.11; PARKING & TRANSPORTATION, \$22,181.06; PARKING RAMP, \$5,907.51; RUBBLE SITE, \$1,771.00; MT. MORIAH, \$4,845.77 PAYROLL TOTAL: \$199,337.23.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Klamm seconded, to approve the July 28, 2008 disbursements. Roll Call: Aye-All. Motion carried.

| | | |
|----------------------------|---------------------------------|-----------|
| A & B BUSINESS EQUIPMENT | MONTHLY MAINTENANCE | 952.57 |
| ABC | OFFICE SUPPLIES | 71.87 |
| ALBERTSON ENGINEERING | 45 &47 BURNHAM | 2,672.23 |
| ALLTEL | REC PHONE | 289.10 |
| AMAZON | AMAZON | 92.37 |
| AMERICAN FAMILY INSURANCE | AFLAC WITHHOLDING | 1,004.26 |
| AMERICAN TECHNICAL SERV | RETAIN WALL SUPPOR - 8 BURHAM | 250.00 |
| BANIK, GREGORY | REFUND PARKING TICKET | 5.00 |
| BLACK HILLS POWER & LIGHT | ELECTRICITY/PUBLIC BUILDINGS | 12,979.57 |
| BLACK HILLS WEEKLY GROUP | CUT GRASS ORDINANCE | 63.76 |
| BLUE DOG FRAMERS & STUDIO | CENTURY AWARDS | 833.60 |
| BRODY CHEMICAL | AERSOL GL CLEANER, TRK WASH SOA | 312.21 |
| CAMPBELL SUPPLY | (12) FLY TRAPS-(2) SPRINKLERS | 90.86 |
| CHAINSAW CENTER | STIHL SCREW DRIVERS-CHAINS | 62.30 |
| CULLIGAN | BOTTLED WATER/PARKS SHOP | 23.00 |
| DEADWOOD ALIVE | 4TH PAYMENT DEADWOOD ALIVE | 22,500.00 |
| DEADWOOD ELECTRIC | BALLASTS-BULBS | 2,111.92 |
| DOWNEY, RICHARD & SUSAN | REFUND WARNING TICKET | 5.00 |
| FOX, TERESA | 2 MONTHS NWSPAPER INDEXING | 3,000.00 |
| GOLDEN WEST TECHNOLOGIES | COMPUTER ISSUES | 173.75 |
| HCW, INC. | FNL RENOVATION OF GRNDSTNDS | 76,225.74 |
| HIDDEN GULCH EMBROIDERY | T-SHIRTS/REC CENTER | 357.04 |
| HILLS MATERIALS COMPANY | 1" SURFACE COURSE/REPAIRS | 189.39 |
| HUGHES, LAURA | REFUND PARKING TICKET | 5.00 |
| IKON OFFICE SOLUTIONS | LARGE SCANNER SUPPLIES | 213.99 |
| JACOBS PRECISION WELDING | 4' 1" HR ROUND | 37.75 |
| KEN'S CAMPER | SAFETY PIN, WIRE CABLE | 8.60 |
| KNOLOGY | PHONE-INTERNET SERVICE/LIBRARY | 1,369.41 |
| KUCHENBECKER, KEVIN | MEALS FUEL, SEC.106 TRNING PIER | 68.92 |
| LAWRENCE COUNTY REGISTER | OFILING FEE-ARSAGA 128 WILLIAMS | 22.00 |
| LAWRENCE COUNTY TREASURER | ABANDONED VEHICLE | 75.00 |
| LAWSON PRODUCTS, INC. | HEX BOLTS AND NUTS | 324.02 |
| LEITE, STEVEN | REFUND PARKING TICKET | 20.00 |
| LIGHTING PLASTICS OF MN | 12' ACRYLIC GLOBE | 160.55 |
| LIQUID ENGINEERING | PLUMA-ROOSEVELT TANK ASSESSMEN | 3,091.90 |
| MAGUIRE IRON, INC. | CLEAN-PAINT WATER TANK | 26,730.00 |
| MAU, KIP | FUEL FOR LAW & SAFETY SCHOOL | 20.01 |
| MAVERICK ENTERPRISES DBA | BOTTLED WATER | 16.00 |
| MUTH ELECTRIC, INC. | MUTH ELECTRIC, INC. | 177.00 |
| NATIONAL TRUST MAIN STREET | STANDARD MEMBERSHIP | 250.00 |
| NELSON, ROBERT SR | REIMBURSE 1/2 DEDUCTIBLE 2008 | 750.00 |
| NEVE'S UNIFORMS, INC. | NAME BARS | 31.49 |
| NORTHWEST PIPE | VALVE KIT FOR 3-WAY VALVE | 297.88 |
| PONTIUS, JERRY | ITEMS PURCHASED AT SAM'S CLUB | 162.90 |
| S.D.A.S.R.O. | REG.FOR '08 LAW &SAFETY SCHOOL | 30.00 |
| SERVALL | MATS, TOWEL, BAG | 57.01 |
| SHARE CORP | CAR GUARD/PARKS SHOP | 155.05 |
| SOUTH DAKOTA MUNICIPAL | LIST OF MAYOR & TOWN BOARDS | 15.00 |
| SOUTH DAKOTA PUBLIC HEALTH | WATER TESTS/OAKRIDGE WELL-CITY | 1,139.00 |
| SOUTHSIDE OIL | SOUTHSIDE OIL (SANITO OIL) -USE | 86.25 |
| STRETCH'S | LENS, SAND BLASTED | 18.98 |
| TDG COMMUNICATIONS | ARCH CAMP | 54.00 |
| THOMSON WEST | SUBSCRIPTION INVOICE | 193.98 |
| TRIPLE K TIRE & REPAIR | SHOP SUPPLIES, EXHAUST PIPE, | 114.36 |
| US POST OFFICE | WATER BILLING 7-28-08 | 170.37 |

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| | | |
|--|------------------------------|---------------------|
| WAUPACA NORTHWOODS LLC | BARK CHIPS/PARKS FLOWER BEDS | 1,069.25 |
| WELLMARK BLUE CROSS AND BLWELLMARK BLUE CROSS AND BLUE S | | 39,068.79 |
| WEST RIVER HISTORY CONFEREWEST RIVER HISTORY CONFER | | 500.00 |
| WESTERN STAR, INC. | STD 3 BUTTON WALL STATION | 173.68 |
| TOTAL | | \$200,943.68 |

ITEMS FROM CITIZENS ON AGENDA

Days of 76

Greg Nelson and Ted Thompson, representing the Days of '76 committee, appeared to express their thanks to the City Commission, Historic Preservation Commission and all City departments who helped with the Days of '76 event. Nelson and Thompson praised the community and all the volunteers for all their hard work in making this event such a great success. Mayor Toscana thanked Greg and Ted along with all the Days of 76 Committee members and the City staff for all their hard work and dedication to our community.

Prairie Hills Transit Request

Barb Cline representing Prairie Hills Transit requested an additional \$3,600 from the 2008 City budget. Cline explained that Prairie Hills Transit is experiencing a significant shortfall for the remainder of 2008 due to high fuel costs and increased ridership. Mayor Toscana suggested continuing this request to allow the Finance Office to research funding. Silvernail moved, Peterson seconded, to continue said request until the August 11, 2008 meeting. Roll Call: Aye - All. Motion carried.

Lehmen Construction-Retaining Walls

Marvin Lehmen appeared before the Commission to discuss time extensions and completion dates for the retaining walls at 8 Burnham, 20 Denver, and 834 Main Street. Lehmen explained due to a wetter spring and all three retaining walls have required change orders due to unforeseen matters he is requiring additional time. Mayor Toscana told Lehmen that the request of sixty (60) days is extreme and has noticed very little productivity on the retaining walls. After much discussion, Klamm moved, Silvernail seconded, to approve the completion dates for retaining walls as follows: 8 Burnham, August 29, 2008; 834 Main, August 22, 2008; and 20 Denver, August 18, 2008. Roll Call: Aye - Klamm, Silvernail, Peterson, Toscana. Abstain: Schroeder. Motion Carried.

FINANCE

Health Insurance Renewal

Mayor Toscana stated that the renewal of the employee health coverage with Wellmark for new plan year is \$34,803.57 per month, which is a 2.82% increase in premiums. Toscana said there are a few changes to the plan and the City employees would be notified of the changes. Peterson moved, Silvernail seconded, to allow the Finance Officer to renew the health insurance coverage with Wellmark from September 1, 2008 to August 31, 2009. Roll Call: Aye - All. Motion carried.

Bid Results - Rec Center (July 22, 2008)

Jim Raysor informed the Commission that the bid opening for the Rec Center Renovation Project was held on Tuesday, July 22, 2008 and the results are as follows:

**Deadwood Rec Center Renovation Bid Tab
Bid Opening July 22, 2008 at 2:00 p.m.**

| | Ainsworth Benning | Gustafson | Sampson | Scull |
|---|------------------------------|---------------------|---------------------|---------------------|
| Base Bid | 7,973,000.00 | 8,356,000.00 | 8,710,000.00 | 8,349,700.00 |
| Pool UV Filtrator-1 | 72,700.00 | 32,500.00 | 56,200.00 | 55,500.00 |
| Rock Climb Wall-2 | 66,700.00 | 38,800.00 | 59,800.00 | 51,000.00 |
| Saunas-3 | 14,400.00 | 17,700.00 | 29,100.00 | 36,200.00 |
| Leisure Kids Pool-4 | (407,400.00) | (390,000.00) | (486,300.00) | (386,000.00) |
| Racquetball Court-5 | 93,300.00 | 95,400.00 | 50,800.00 | 91,000.00 |
| Rubber Floor Weight Room-6a | (10,600.00) | (15,300.00) | (11,800.00) | (11,200.00) |
| Ceramic Tile (Locker Room)-6b | (30,900.00) | (28,400.00) | (29,100.00) | (28,700.00) |
| VCT Floor (Several locations)-6c | (14,400.00) | (5,000.00) | (11,900.00) | (2,400.00) |
| Carpet (Several locations)-6d | (20,700.00) | (15,700.00) | (18,600.00) | (12,300.00) |
| Rubber on Stairs-6e | (4,700.00) | (16,500.00) | (3,500.00) | (3,400.00) |
| Wood Floor (Aerobics)-6f | (2,100.00) | (1,800.00) | -0- | (7,500.00) |
| Interior Windows-7 | (6,800.00) | 7,700.00 | (7,500.00) | -0- |
| Mechanic Controls | 39,600.00 | 35,900.00 | 37,700.00 | 35,921.00 |
| Total | 7,762,100.00 | 8,111,300.00 | 8,374,900.00 | 8,167,821.00 |

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Mayor Toscana stated that the City has \$6.6 million available for this project. Raysor recommended to the Commission that the bid opening be continued at this time. Silvernail moved, Klamm seconded, to continue the bid results until further notice. Roll Call: Aye - All. Motion carried.

Change Order #2 & #4-HCW Inc-Rodeo Grandstands

Peterson moved, Silvernail seconded, to allow the Mayor to sign Change Order #2 and #4 for HCW Inc., Rodeo Grandstand project, and change minutes to reflect the amount of Change Order #2 to \$7,370 from \$7,300 per document. Roll Call: Aye - All. Motion carried.

Purchase Request

Peterson moved, Silvernail seconded, to approve the purchase of 240,000 magstripe tickets from Amano McGann at a cost of \$3,510.04. Roll Call: Aye - All. Motion carried.

Transfer 2008 Contribution

Peterson moved, Silvernail seconded, to allow the Finance Officer to transfer the 2008 contribution of \$5,000 from the General Fund to the Rubble Site Fund. Roll Call: Aye - All. Motion carried.

HISTORIC PRESERVATION/PLANNING AND ZONING/PUBLIC BUILDINGS/SAFETY

Purchase Request

Silvernail moved, Klamm seconded, to approve the purchase of a digital camera at a cost of \$1,500, a budgeted item. Roll Call: Aye - All. Motion carried.

Safety Issue - Rodeo Grounds

Silvernail moved, Schroeder seconded, to accept the recommendations from the Safety Committee to move a guide wire at the Rodeo Grounds complex at a cost of \$1,500.00, to be paid from the Safety budget. City employees, Bob Nelson and Jim Raysor requested to be present during the relocation. Roll Call: Aye - All. Motion carried.

Plat - Kirk Road-Mickelson Trail

Barrick Mining Company is platting remaining portions of Mineral Surveys to clear up fragments of land after they platted a new Railroad right-of-way of 50'. The Kirk Road did not follow the platted right-of-way; therefore, there is a small portion of property where the Kirk Road and the Mickelson Trail meet which is still under the ownership of the City. Silvernail moved, Klamm seconded, to allow the Mayor to sign the plat as owner to clear up land fragments for said property. Roll Call: Aye - All. Motion carried.

Findings of Fact

Silvernail moved, Klamm seconded, based on these findings, the Deadwood Planning and Zoning Commission recommended approval of the findings of fact and the Deadwood Board of Adjustment grants the request for variance from Section 17.20.040.B. Front yard setback requiring a 35' setback for proposed new construction for residence. In addition, a variance from Section 17.80.010.B to allow 7-day notice versus a 10-day notice in the City's designated newspaper. Plat of Tract 1, being a portion of Deadwood Gulch Campground Tract and a portion of vacated McDonald Street, located in the E 1/2 of Section 27, T5N, R3E, BHM, City of Deadwood, SD. Roll Call: Aye - All. Motion carried.

STREETS/WATER

Agreement-Private Property-Hydrant Functionality

Schroeder moved, Klamm seconded, to allow the Mayor to sign agreements for the use of private property, ensuring the fire hydrant functionality at the following addresses: 235 Cliff, 225 Cliff, 304 Cliff, 100 Tatanka Drive, 1 Katon Drive, and 250 Main Street. Roll Call: Aye - All. Motion carried.

Water Tank Assessment Request

Schroeder moved, Klamm seconded, to approve the payment of Liquid Engineering for the water tank dive assessment for \$3,091 from the Water Fund, budgeted item and on bill list for July 28, 2008. Roll Call: Aye - All. Motion carried.

POLICE/FIRE

Repair Request

Klamm moved, Schroeder seconded, to approve the payment of \$1,821.26 to Overhead Door Company for the repairs the Fire Hall garage door. Roll Call: Aye - All. Motion carried.

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Employee Resignation

Klamm moved, Silvernail seconded, to accept the resignation of Ordinance Officer Carmella Biesiot effective August 7, 2008 and post position in house for five days per union agreement.

MAYORS BUSINESS

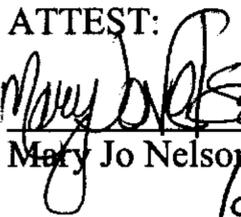
Executive Session

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

ADJOURNMENT

Silvernail moved, Klamm seconded, to adjourn the regular session at 5:55 p.m. and convene into executive session for union negotiations with no action follow meeting. The next regular meeting will be on Monday, August 4, 2008.

ATTEST:


Mary Jo Nelson, Finance Officer



DATE: 8-4-08

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