

**REGULAR MEETING, August 30, 2010**

The Regular Session of the Deadwood City Commission convened on August 30, 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, Mike Klamm, Joe Peterson, Lenny Schroeder, and Georgeann Silvernail. All motions passed unanimously unless otherwise stated.

**APPROVAL OF MINUTES**

Klamm moved, Schroeder seconded, to approve the minutes of August 23, 2010. Roll Call: Aye-All. Motion carried.

**APPROVAL OF DISBURSEMENTS**

Silvernail moved, Schroeder seconded, to approve the August 30, 2010 disbursements with additional bill. Roll Call: Aye-All. Motion carried.

1ST PHOTO	PHOTOS	22.50
A & B BUSINESS	MAINT	520.23
ABC	SUPPLIES	184.75
ALBERTSON ENG	RETAIN WALL	26,526.65
BH CHEMICAL	SUPPLIE	851.11
BH HISTORIC PRESEV	GRANT	964.42
BH POWER	UTILITIES	3,560.06
BH SPECIAL SERVICE	CLEANING	1,407.00
CHAINSAW CENTER	BLADES	141.40
CHAMBERLIN ARCHITECTS	DAYS MUSEUM	915.15
CULLIGAN	RENTAL	78.00
DAKOTA BUSINESS	MAINT	84.94
DAKOTA GRAPHICS	BROCHURES	633.50
DAKOTA WESLEYAN UNIVERSITY	WEB SPONSOR	150.00
DEADWOOD CHAMBER	BILLS	20,399.59
DEADWOOD ECONOMIC DEV	RAMP	1,580.02
DEADWOOD ELECTRIC	WIRE	77.71
ENVIRONMENTAL EQUIPMENT	BROOMS	257.36
ENVIRONMENTAL PRODUCTS	FILTERS	497.38
FALL RIVER COUNTY	GRANT	6,175.48
FARMER BROTHERS	SUPPLIES	47.61
FOOTHILLS SEED	SEED	420.00
GARY LEWIS ENTERPRISES	LOAN DISB	11,169.00
GAYLORD BROS.	TUBES	163.12
GOLDEN WEST	SERVICE	142.50
HAWKI, KEN	REPAIRS	218.77
HCW, INC.	LOAN DISB	7,766.17
HIDDEN GULCH EMBROIDERY	HP SHIRTS	120.47
HILLS INTERIORS	FLOORING	1,605.50
HILLS MATERIALS	ASPHALT	835.75
HYDRO FLOW PRODUCTS	REBUILD	76.22
INTERSTATE BATTERY	SUPPLIES	35.00
JACOBS WELDING	REPAIRS	832.78
KNOLOGY	SERVICE	1,894.33
LC REGISTER DEEDS	GRANT 2010	2,943.45
LAWSON PRODUCTS	SUPPLIES	295.73
LEWIS & CLARK THEATRE	GRANT 2010	25,000.00
LYNN'S DAKOTA MART	COFFEE FILTERS	85.46
M&S CONSTRUCTION	SIDEWALK-REC	16,578.00
MARTINISKO, JOHN	LOAN DISB	1,311.72
NH SOD FARM	SOD	160.00
NH EVENT & WEDDINGS	PHOTO	82.95
PETE LIEN & SONS, INC.	CONCRETE	179.81
PETTY CASH/HP	REIMBURSE CASH	100.30
PONTIUS, JERRY	REIMBURSE	24.37
PRO-STEAM	LIBRARY DAMAGE	4,434.36
RAPID DELIVERY	SERVICE	9.35
RUNGE, MIKE	REIMBURSE	154.30
SD CONTINUING LEGAL EDUCATION	SUBSCRIPTION	500.00
SDN COMMUNICATIONS	COMM LINE	346.80
SHAMROCK SUPPLIES INC.	SUPPLIES	393.98
SD PUBLIC ASSURANCE	INSURANCE RENEWAL	224,571.35
SD PUBLIC HEALTH	TESTING	24.00
SD STATE ARCHIVE	SUPPLIES	28.80
SPEARFISH COINS, ETC	2011 RED BOOK	14.00
SPEIRS, MARK	RESTORE DOORS-INTERP. CENTER	2,397.00
STRETCH'S	REPAIRS	164.93
SUMMIT SIGNS	SIGNS	354.00
TERMES, DICK	MOTOR	176.80
TOMS, DON	LEDGER PROJ	630.00
TRIPLE K	REPAIRS	513.00
TRUGREEN	SPRAY	627.50
TTG ENTERPRISES INC.	REPAIRS	287.45
TC ANIMAL SHELTER	R&N PROCEEDS	126.40
TC HARDWARE	TOOLS	11.49
USPS-DWD	WATER BILLS	180.81
WESTERN STAR, INC.	REPAIRS	108.00
	<b>TOTAL</b>	<b>\$ 373,170.58</b>

**REGULAR MEETING, August 30, 2010**

**PUBLIC HEARINGS/BID OPENINGS**

**Bid Opening**

Kevin Kuchenbecker, Historic Preservation Officer, opened and read the following bids for the demolition and reconstruction of retaining walls located at 37 Lee, 36 Jackson, 65 Centennial, and 74 Van Buren. Bids are as follows:

**Bid Tabulation for Retaining Wall Projects  
37 Lee, 36 Jackson, 74 Van Buren, 65 Centennial  
(Bid Opening held August 30, 2010 @ 5:00 p.m.)  
Engineer: Albertson Engineer**

BIDDERS / PLAN HOLDERS →	Ainsworth Benning	R.C.S. Construction	Spearfish Excavating	Corr Construction	Sabo Construction	Alpha & Omega Enterprises	Forgey Construction	Bailey Carpentry
↓ RETAINING WALL PROJECTS ↓								
Bid Bond / Security	x			x		None	x	
Proper Bid Documentation / Received	Yes			Yes		No	No	
Base Bid	\$200,200			\$164,400		Incomplete Bid	\$77,000	
<b>Engineers Estimate: \$230,262.00</b>								
Bid Bond / Security	x	x	x	x	x	None	x	x
Addendums Acknowledged / Received	Yes	Yes	Yes	Yes	Yes	No	No	No
Base Bid	\$30,680	\$40,000	\$22,500	\$37,500	\$22,670	Incomplete Bid	\$34,350	\$7,950
<b>Engineers Estimate: \$24,182.20</b>								
Bid Bond / Security	x	x	x	x	x	None	x	
Addendums Acknowledged / Received	Yes	Yes	Yes	Yes	Yes	No	No	
Base Bid	\$74,800	\$47,500	\$62,450	\$75,210	\$58,350	Incomplete Bid	\$68,650	
<b>Engineers Estimate: \$62,907.90</b>								
Bid Bond / Security	x	x	x	x	x	None	x	
Addendums Acknowledged / Received	Yes	Yes	Yes	Yes	Yes	No	No	
Base Bid	\$31,900	\$33,000	\$24,500	\$19,350	\$16,850	Incomplete Bid	\$19,180	
<b>Engineers Estimate: \$16,859.70</b>								

Kuchenbecker requested the bid opening be continued to the September 7, 2010 meeting to allow more time to review bids. Peterson moved, Silvernail seconded, to continue retaining wall bids. Roll Call: Aye-All. Motion carried.

**FINANCE**

**Payment Request**

Peterson moved, Silvernail seconded, to approve the payment of \$10,538.10 to Tyler Technologies for software support from September 1, 2010 to August 31, 2010, to be paid from Finance budget. Roll Call: Aye-All. Motion carried.

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Change Order - Miller Street Lot

Schroeder moved, Klamm seconded, to approve the change order for M & S Construction for sidewalk behind Rec Center requesting a total of \$3,184 (\$1,300 from Street Department budget and \$1,884 to from Parking and Transportation budget.) Roll Call: Aye-All. Motion carried.

POLICE/FIRE

Wage Increase

Klamm moved, Schroeder seconded, to approve the wage increase for Ordinance Officer Tammy Kohler from \$15.06 to \$15.85 effective August 28, 2010, after two years of service (100% of prevailing wage.) Roll Call: Aye-All. Motion carried.

Travel Request

Klamm moved, Schroeder seconded, to allow Cindy Rische and Sarah Solano to attend National Incident Based Report System Training in Pierre September 1-2, 2010, requesting use of City vehicle and meals not included in conference. Roll Call: Aye-All. Motion carried.

PARKS/RECREATION/TROLLEY

Employee Resignation

Silvernail moved, Peterson seconded, to accept the resignation of Rec Center employee Kayla Rommen effective August 21, 2010. Roll Call: Aye-All. Motion carried.

Ordinance #1133 - First Reading

Public Works Director Jim Raysor informed the Commission that an ordinance has been prepared listing the rules, regulations, fees, and violations for the Deadwood Rec Center. Silvernail moved, Schroeder seconded, approve first reading of Ordinance #1133 Amending Title 12 and Adopting Chapter 12.44 for the Rec Center. After discussing, City Attorney Jason Campbell and Jim Raysor to research other cities recreation center ordinances regarding sex offenders to amend proposed ordinance for the second reading. Roll Call: Aye-All. Motion carried.

LEGAL BUSINESS

Contract - Hill Materials

Klamm moved, Silvernail seconded, to allow the Mayor to sign a contract between the City of Deadwood and Hills Materials for the chip sealing projects on McGovern Hill and Railroad Street for a total cost of \$25,508.45. Roll Call: Aye-All. Motion carried.

ITEMS FROM MAYOR, COMMISSIONERS, DEPARTMENT HEADS NOT ON AGENDA Items to be considered but no action taken at this time.

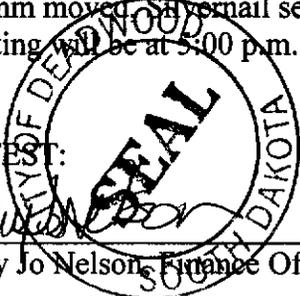
Bidding Process

Jodi Kunz, 32 Lincoln Avenue, appeared before the Commission with questions regarding City's bidding process. Mayor Toscana explained that the City follows the State-bidding requirements and would continue to follow these procedures.

ADJOURNMENT

Klamm moved, Silvernail seconded, to adjourn the regular session at 5:30 p.m. The next regular meeting will be at 5:00 p.m. on Tuesday, September 7, 2010.

ATTEST:

   
 Mary Jo Nelson, Finance Officer

DATE: 9-7-10

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

For any public notice that is published one time:

Published once at the total approximate cost of \_\_\_\_\_.



**REGULAR MEETING, August 30, 2010**

**Set Surplus Auction Date**

Peterson moved, Silvernail seconded, to set the surplus auction date for October 1, 2010 at 10:00 a.m. with Chuck Turbiville volunteering auctioneer services. Roll Call: Aye-All. Motion carried.

**Resolution 2010-20**

Peterson moved, Silvernail seconded, to approve Resolution 2010-20 to Appoint Business Improvement Districts (BID) #1-6 Board Members for 2010-2011. Roll Call: Aye-All. Motion carried.

**RESOLUTION 2010-20  
APPOINTING BUSINESS IMPROVEMENT DISTRICTS #1-6  
BOARD MEMBERS**

**WHEREAS**, the City of Deadwood has by previous resolution, ordinances and action established and designated the boundaries of Business Improvement Districts 1, 2, 3, 4, 5 and 6 for the City of Deadwood; and

**WHEREAS**, SDCL 9-55-5 requires the appointment of a Business Improvement Districts Board by the mayor, with the approval of the governing body; and

**WHEREAS**, the Business Improvement Districts members and taxpayers have decided to continue the establishment of the Business Improvement Districts 1, 2, 3, 4, 5 and 6 within the City of Deadwood for Business Improvement Districts purposes and activities and levying assessments for the 2011 calendar year; and

**WHEREAS**, the Business Improvement Districts members have recommended the following for appointment as board members for a term of one (1) year;

**NOW THEREFORE, BE IT RESOLVED** by the City of Deadwood that the following members are appointed to the Business Improvement Board for Districts 1, 2, 3, 4, 5 and 6 for the period from August 1, 2010, to July 31, 2011.

- |               |                   |
|---------------|-------------------|
| Ron Island    | Tom Rensch        |
| Pat Roberts   | Tony Sieber       |
| Brad Hemmah   | Mary Dunne Larson |
| Tom Nelson    | Mike Trucano      |
| Donnie Patton | Barry Lloyd       |
| Ken Gienger   | Paul Bradsky      |
| Craig Murdock | Steve Olsen       |
| Ron Russo     |                   |

Dated this 30th day of August 2010.

ATTEST:  
/s/ Mary Jo Nelson, Finance Officer

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

**Resolution 2010-21**

Peterson moved, Silvernail seconded, to approve Resolution 2010-21 to Designate Business Improvement District (BID) #7 Boundaries and Appoint BID #7 Board Members for 2010-2011. Roll Call: Aye-All. Motion carried.

**RESOLUTION 2010-21  
DESIGNATING BUSINESS IMPROVEMENT DISTRICT NO. 7 BOUNDARIES AND  
APPOINTING BUSINESS IMPROVEMENT DISTRICT NO. 7 BOARD MEMBERS**

**WHEREAS**, the City of Deadwood has by previous resolution, ordinances, and action established and designated the boundaries of Business Improvement District No. 7 for the City of Deadwood pursuant to SDCL 9-55-5; and

**WHEREAS**, SDCL 9-55-5 requires the appointment of a Business Improvement District's Board by the Mayor, with the approval of the governing body; and

**WHEREAS**, the Hotel/Motel Business Improvement District members have recommended the following individuals for appointment as board members for a term of one (1) year from August 1, 2010 through July 31, 2011;

**BE IT FURTHER RESOLVED** by the City of Deadwood, by its Mayor and with the approval of the City Commission, having first established the above boundaries, that the following members are appointed to the Business Improvement District Board District No. 7 for a term of one (1) year from August 1, 2010 through July 31, 2011:

- Barry Lloyd-Mineral Palace
- Gary Todd-Gold Country Inn
- Pat Roberts-Best Western Hickok House
- Richard Granberry-Penny's Motel
- Melodee Nelson-Bullock Properties
- Joe Henning-BH Inn and Suites
- Caleb Arcenault-Cadillac Jack's
- Gordon Mack-Cedarwood Inn
- Brad Hemmah-First Gold
- Ken Gienger-Celebrity/The Mint
- Steve Olsen-Comfort Inn
- Dave Larson-Deadwood Dick's

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Tracy Island-Deadwood Gulch Resort  
Craig Murdock-Hickok Hotel  
Donna Kellar-Iron Horse Inn  
Ron Island-Super 8  
Tony Sieber-Holiday Inn Express, Hampton Inn Four Aces  
Tom Rensch-Franklin Hotel  
Paula Katon-Thundercove  
Dexter Koehne-Butch Cassidy  
Blake Haverberg-Martin Mason  
Monte Hartl-Lodge at Deadwood  
Dated this 30th day of August, 2010.

ATTEST:  
/s/ Mary Jo Nelson, Finance Officer

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

**HISTORIC PRESERVATION/PLANNING/ZONING/PUBLIC BUILDINGS**

**Resolution 2010-22**

Historic Preservation Officer, Kevin Kuchenbecker, requested the Commission approve resolution to surplus artifacts from the Engine House and donate the items to the South Dakota Railroad Museum in Hill City. Silvernail moved, Klamm seconded, to approve Resolution 2010-22 to Declare Surplus Property and donate to SD Railroad Museum. Roll Call: Aye-All. Motion carried.

**RESOLUTION NO. 2010-22**

**A RESOLUTION TO DECLARE THE FOLLOWING SURPLUS PROPERTY**

**BE IT RESOLVED** by the Deadwood City Commission that the City of Deadwood approve the following to be declared surplus and donate to the South Dakota Railroad Museum located at 222 Railroad Avenue, Hills City, South Dakota:

- Item #EH.19 Railroad hitch
- Item #EH.20 Railroad hitch
- Item #EH.21 Railroad hitch
- Item #EH.22 Yellow hoist with boom for standard gauge railroad
- Item #EH.26 Handmade iron tongs
- Item #EH.29 Handmade iron wrench
- Item #EH.48 Railroad hitch

Dated this 30th day of August, 2010.

ATTEST:  
/s/ Mary Jo Nelson, Finance Officer

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

**Travel Request**

Silvernail moved, Klamm seconded, to allow Kevin Kuchenbecker to travel to Pierre on September 10, 2010 to attend the South Dakota Historic Society Board of Trustees Meeting and present the 2011 Historic Preservation budget. Roll Call: Aye-All. Motion carried.

**Travel Request**

Silvernail moved, Peterson seconded, to allow Kevin Kuchenbecker and Mike Runge to attend the Mountain Plains Museum Association Meeting in Rapid City September 13-17, 2010 and request reimbursement for meals not covered with conference registration, use of vehicle or mileage. Roll Call: Aye-All. Motion carried.

**Rec Center - Certificate of Substantial Completion**

Silvernail moved, Schroeder seconded, to allow the Mayor to sign the Certificate of Substantial Completion for the Deadwood Rec Center. Roll Call: Aye-All. Motion carried.

**Contract - Horsely Specialties, Inc.**

Silvernail moved, Peterson seconded, to allow the Mayor to sign the contract between the City of Deadwood and Horsely Specialties, Inc. for repairs on the ground floor apartment at Gillmore, to be paid from Revolving Loan Fund. Roll Call: Aye-All. Motion carried.

**STREETS/WATER/LIBRARY**

**Payment Request**

Schroeder moved, Klamm seconded, to approve the payment of \$5,100 to Federal Surplus from the Tri-County Landfill Fund to cover the cost of repairs and freight for the Rubble Site dozer, paid from Rubble Site Fund. Roll Call: Aye-All. Motion carried.