

REGULAR MEETING, June 21, 2010

The Regular Session of the Deadwood City Commission convened on June 21, 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

Silvernail moved, Schroeder seconded, to approve the minutes of June 14, 2010. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Klamm seconded, to approve the June 21, 2010 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	COPIES	107.84
A & B WELDING	RENTAL	115.29
ABC	CALENDAR	235.17
ADT SECURITY	SECURITY	634.09
ALL NET CONNECTIONS	INSTALL	269.50
BH CHEMICAL	SUPPLIES	2,254.05
BH POWER	UTILITIES	2,291.56
BLOOMERS	SUPPLIES	173.00
BUTLER	GASKETS	34.63
CHAINSAW CENTER	SUPPLIES	373.97
CULLIGAN	SUPPLIES	16.50
DAKOTACARE	INSURANCE	38,731.17
DEADWOOD ELECTRIC	REPAIRS	125.09
FARMER BROTHERS	COFFEE	154.00
FASTENAL	GLOVES	35.88
GALL'S	LETTERING	324.10
HIDDEN GULCH EMBROIDERY	AWARDS	390.00
HILLS MATERIALS	ROAD BASE	84.03
KNOLOGY	ALARM	37.12
LAKER CHEMICAL	WEED KILLER	207.75
MDU	UTILITIES	18.03
NH SHRINE CIRCUS	SPONSORSHIP	3,500.00
NORTHWEST PIPE	PARTS	126.56
PITNEY BOWES	POSTAGE	500.00
PRESSURE SERVICES	WASHER	25.43
QUILL CORPORATION	SUPPLIES	440.87
QWEST	PHONE	159.62
SACRISON ASPHALT	REPAIRS	3,134.95
SD COMMISSION ON GAMING	PYMT #12	17,693.20
SD DENR	WATER FEES	650.00
SD DEPT HEALTH	SHOTS	30.00
SERVALL	SUPPLIES	149.15
SOUTH SIDE	FUEL	12,517.77
SPEARFISH HUSKY	FILTERS	50.00
STURDEVANT'S	BATTERY	108.77
SUMMIT SIGNS	SIGNS	54.00
TEMPERATURE TECHNOLOGY	MAINT	1,102.50
TRUGREEN	HERBICIDE	2,373.50
TWILIGHT	SUPPLIES	58.75
WEST PAYMENT	CHARGES	159.76
WEST RIVER INTERNATIONAL	PARTS	131.63
	TOTAL	\$ 89,579.23

ITEMS FROM CITIZENS ON AGENDA

Surplus Request - James Wild, 66 Lincoln

Bob Nelson Jr. Zoning Administrator, received a request from James Wild at 66 Lincoln Avenue for the City of Deadwood to consider a raw land surplus for a small portion of land located next to Wild's property line. Wild provided an aerial photo and map indicating the portion of land, which is estimated to be 95 ft. long and 15 ft. wide totaling approximately 712.5 sq. ft. After discussing, Mayor Toscana appointed Bob Nelson Sr., Trent Mohr, and Lenny Schroeder to be on an appraisal committee to appraise the property to determine the value of the property and report to Commission.

Complaint - Vicki Johnson

Vicki Johnson, Pleasant Street resident, appeared before the Commission to file a complaint regarding abandonment of two construction projects on Pleasant Street. Johnson said that these construction projects have been an on-going issue for over two years and added that the residents on Pleasant Street have been extremely patient however; they want some resolution to these nuisances. Raysor added that the City notified the contractor by certified mail of these issues but; the contractor did not take any action on this matter. Public Works Director Jim Raysor said he recently visited with the developer and Raysor was reassured that they would be working on this project this week. Raysor informed the developer that if these projects were not completed in a timely manner that the City crews would take

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action on this matter at the owners expense. Mayor Toscana suggested Raysor work with the City Attorney to insure the process followed state statute.

Mike Klamm - Sidewalk Inspection (Continued 6-14-2010)

Mike Klamm residing at 57 Denver Street received a Notice to Repair Sidewalk letter and photo from the City stating his sidewalk is in need of repair due to a trip hazard. Klamm said that due to limited parking on Denver Street, the renter is parking on his sidewalk, which is causing the damage. Klamm does not feel he should be responsible for the repairs due to limited parking on the street. After discussing various issues with Denver Street, the sidewalk at 57 Denver will be repaired.

Adams House Request - Waive Vendor Fee

Michael Ellison with the Adams House requested permission to waive the vending fee and allow them to hold a raffle fundraiser and silent auction with the proceeds benefiting Public Programs for the Adams House. The event will take place on July 10, 2010 from 6:00 to 8:00 p.m. at the Adams House with the Northern Hills Community Band to perform. The vending fee was waived on the condition that no profits would be made unless for the non-profit entity.

PUBLIC HEARINGS/BID OPENINGS

Public Hearing

Peterson moved, Klamm seconded, to approve the request for retail (on-off sale) malt beverage license renewals for 2010-2011 for Deadwood Chamber (RB-2211) at 767 Main, Goldberg's (RB-18848) at 670 Main, and Pam's Purple Door (RB-2330) at 637 Main Street, contingent upon property taxes being paid. Roll Call: Aye-All. Motion carried.

Public Hearing

Silvernail moved, Klamm seconded, to approve the street closure request on Main Street from Pine to Deadwood Street on July 29, 2010 from 6:15 to 7:45 p.m. for the Northern Hills Community Band performance for the Days of 76 concert. Roll Call: Aye-All. Motion carried.

Set Bid Opening

Silvernail moved, Schroeder seconded, to allow the Public Works Department to advertise for bids to paint the interior and exterior of the History and Information Center and set a bid opening for July 19, 2010 at 5:05 p.m. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING ZONING/PUBIC BUILDINGS/SAFETY

Repair Request

Silvernail moved, Schroeder seconded, to hire Steve Kruger to repair masonry at the Adams Museum at a cost not to exceed \$7,500 plus excise tax, a budgeted item and to be paid from Historic Preservation Capital Asset line item. Roll Call: Aye-All. Motion carried.

Award Bid - Days of 76 Museum Project

Historic Preservation Officer Kevin Kuchenbecker informed the Commission that the Days of 76 Museum Board of Directors recommends acceptance of the lowest bidders J. Scull Construction for \$3,344.00. Board also recommends rejection of Alternates No. 1, 2, & 4 and the acceptance of Alternate No. 3 for an additional \$10,500, bringing the contract amount to \$3,354,500.00, a budgeted item from Historic Preservation Bonded Funds. Based on the available funds, the Board of Directors recommends accepting the bid from J. Scull Construction, entering into a contract and issuing a notice to precede contingent upon concurrence with the South Dakota Department of Transportation. Construction funds secured: City of Deadwood - HP Bonded Funds - \$2,936,961.21, SD DOT Grant - \$250,000.00, Federal Earmark - \$150,000.00, Adams Mastrovich - \$100,000.00, Save America's Treasure's Grant - \$150,000.00, Pledges - \$96,200.00, Cash on hand - \$62,000.00, totaling \$3,745,161.21. Museum Building Construction Costs: Project Construction - \$3,354,500.00, Contingency - \$100,000.00, Security Systems - \$23,000.00, Technology & Telephone - \$12,000.00, Materials & Soils Testing - \$10,750.00, Archeological Monitoring - \$10,000.00, Furniture & Fixtures - \$50,000.00, totaling \$3,560,250.00. Silvernail moved, Peterson seconded, to award the low bid to J Scull Construction for the Days of 76 Museum for \$3,354,000.00, to be paid from Historic Preservation Bonded Funds. Roll Call: Aye-All. Motion carried.

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Contract - J. Scull Construction

Klamm moved, Silvernail seconded, to allow the Mayor to sign the AIA Construction Contract with J. Scull Construction for Days of 76 Museum Project, contingent upon the City Attorney and SD Department of Transportation to review and approve. Roll Call: Aye-All. Motion carried.

Contract - American Technical Testing Services

Silvernail moved, Schroeder seconded, to allow the Mayor to sign the agreement with American Technical Services, Inc. for materials testing and inspection for the Days 76 Museum project for \$10,750.00, a budgeted item from Historic Preservation Bonded Funds. Contingent upon the City Attorney and SD Department of Transportation to review and approve. Roll Call: Aye-All. Motion carried.

Days of 76 Museum - Warranty Deed

Peterson moved, Schroeder seconded, to accept the warranty deed for Lot 2 of Days of 76 Tract from the Days of 76 Museum Inc. to the City of Deadwood. Legal Description: Lot 2 of the Days of 76 Tract as shown the Plat of Lots 1, 2, and 3 of the Days of 76 Tract formerly the Days of 76 Tract being a portion of M.S. 569, all located in the NE 1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County Register of Deeds Office as Document No. 2010-1329, subject to easements and reservations of record. Roll Call: Aye-All. Motion carried.

Proposed Parking Ramp - Elevator - Discussion

Mayor Toscana informed the Commission that the original plans did not include an elevator in the proposed Water Street Parking Ramp and added that it is Parking and Transportation's recommendation to add an elevator. Kuchbecker said he received an estimated cost from Lund Associates of \$185,020.00. Finance Officer Mary Jo Nelson added that this additional amount was not in the original loan amount and did not know if this could be added. Commissioner Schroeder expressed concerns with the additional cost and would like the City Attorney to review and make legal recommendations on the City's behalf. He also requested the City begin formalizing all verbal agreements with written contracts. After much discussion regarding funding for the elevator, Klamm moved, Silvernail seconded, to continue this item and ask that Tentexkota representatives appear at the June 28 to discuss this matter.

Change Order #8 - Deadwood Mountain Grand

Commissioner Schroeder expressed concerns with the change order and asked where the City stands financially with their contribution of \$1.7 million. Kuchenbecker explained that the City has an agreement (valid until July 2011) with Tentexkota regarding the Slime Plant facade and the City will continue to sign off on change orders until the facade project is complete. Klamm moved, Schroeder seconded, to approve change order #8 for Deadwood Mountain Grand - Slime Plant facade to remove and replace existing east wall of old Assay Office in the amount of \$36,194.00, to be paid by Tentexkota per agreement. Roll Call: Aye-All. Motion carried.

PARKS/RECREATION/TROLLEY

Use of Trolley

Silvernail moved, Peterson seconded, to allow the trolley to transport the Rec Center Summer Camp kids on the following field trips: June 23-Wonderland Cave, June 30-Spearfish Swim Park, July 15-Dumont Trail Head Bike-Mickelson Trail, July 21-Fish Strawberry Hill Pond, July 28-Hike Roughlock Falls. Roll Call: Aye-All. Motion carried.

Hire Request

Silvernail moved, Peterson seconded, to approve the hiring of the following for front desk staff at the Rec Center: Misty Trehwella, Dian DeRosier, Teal Brockman, Cody Brotsky, Thomas Wolf, and Jeanne Emmert, effective June 28, 2010 at \$7.50 per hour, pending pre-employment drug screening. Roll Call: Aye-All. Motion carried.

Use of Trolley

Silvernail moved, Peterson seconded, to allow the trolley to travel to Lead and Belle Fourche on July 4 for the parades. Roll Call: Aye-All. Motion carried.

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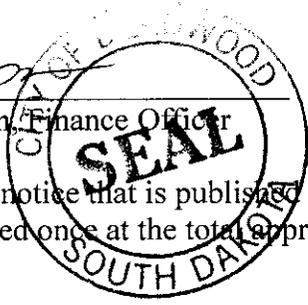
ADJOURNMENT

Klamm moved, Silvernail seconded, to adjourn the regular session at 5:50 p.m. The next regular meeting will be at 5:00 p.m. on Monday, June 28, 2010.

ATTEST:

Mary Jo Nelson

Mary Jo Nelson, Finance Officer



DATE: 6-28-10

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 _____.