

REGULAR MEETING, August 16, 2010

The Regular Session of the Deadwood City Commission convened on August 16, 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

Schroeder moved, Klamm seconded, to approve the minutes of August 9, 2010. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Klamm seconded, to approve the August 16, 2010 disbursements with additional bill. Roll Call: Aye-All. Motion carried.

| | | |
|------------------------------|---------------------|----------------------|
| A & B BUSINESS | LEASE | 107.84 |
| ABC | SUPPLIES | 25.49 |
| ACTIVE DATA | SUPPORT | 4,631.26 |
| ALCO STORES, INC. | SUPPLIES | 31.62 |
| BH POWER | UTILITIES | 2,304.48 |
| CULLIGAN | H2O | 57.50 |
| DAKOTA GRAPHICS | TIME CARDS | 2,360.00 |
| DEADWOOD CHAMBER | BILL LIST | 45,000.00 |
| DIAMOND YARDS BRICKS | BRICKS/REC | 2,160.00 |
| GARY LEWIS ENTERPRISES | LOAN DISB | 4,590.00 |
| GRIMM'S PUMP | HOSE | 108.65 |
| GUSTAFSON BUILDERS | PAY APP-SLIME PLANT | 240,963.39 |
| HIDDEN GULCH EMBROIDERY | SERVICE AWRDS | 90.22 |
| HILLS MATERIALS | ASPHALT | 552.91 |
| HILLSIDE DISPOSAL | ROLLOFFS | 1,360.00 |
| INTERSTATE BATTERY | BATTERIES | 93.37 |
| JACOBS WELDING | TUBE | 10.42 |
| JENSEN HARDWOOD FLOORS | SUPPLIES | 78.64 |
| KNOX COMPANY | LOCK BOX | 222.00 |
| LC REGISTER DEEDS | FILE FEE | 56.00 |
| LEAD DWD MEDICAL CLINIC | TESTING | 54.00 |
| MAU, KIP | REIMBS | 16.42 |
| MESTETH, WIMAR | BURIAL EXP | 800.00 |
| NEIGHBORHOOD LENDING SERVICE | SERVICE | 274.77 |
| NEVE'S | UNIFORMS | 166.65 |
| NHS OF THE BH | 3RD QTR PYMNT | 21,725.00 |
| NIEMANN, BRIAN | CLAIM/ACCDNT | 1,585.45 |
| QWEST | SERVICE | 156.79 |
| RAPID CITY JOURNAL | PUBLICATIONS | 1,050.60 |
| SD COMMISSION ON GAMING | PYMT#2-2010 | 17,693.18 |
| SOLANO, SARAH | REIMBS | 707.61 |
| STREICHER'S | GRAPHICS | 132.97 |
| STURDEVANT'S | BATTERY | 96.54 |
| TRIPLE K | REPAIRS | 214.24 |
| TWILIGHT | SUPPLIES | 192.90 |
| TC ANIMAL SHELTER | PROCEEDS | 110.25 |
| WEST PAYMENT CENTER | SUBSCRIPTION | 405.26 |
| WESTERN COMMUNICATIONS | CABLE | 35.00 |
| WESTERN STAR, INC. | SPRINGS-INSTALL | 579.30 |
| | TOTAL | \$ 350,800.72 |

ITEMS FROM CITIZENS ON AGENDA

Oak Ridge Cemetery Plots

Janet Mason and Arlene Gustafson appeared before the Commission to ask if they had reached a decision on the two cemetery plots at the Oak Ridge Cemetery. Mayor Toscana said that the only action the Commission has taken is to approve \$8,000.00 to survey the cemetery and to add more plots. Mason asked if the City was able to locate records of the purchase of these two plots that were purchased in the late 1970's, Toscana replied no record of the purchase has been found. Toscana asked Raysor when the plots would be available for purchase and Raysor replied early October. Mason asked the cost of the plots and Toscana replied \$200.00 per plot. Toscana directed Jim Raysor to notify Janet Mason and Arlene Gustafson when the plots available for purchase.

Extend Closing Date for 180 Sherman (Engine House)

Natalie Ormiston requested extension of the closing date for the property at 180 Sherman Street (Engine House.) City Attorney Jason Campbell informed the Commission that the City has not received a formally executed purchase agreement. Campbell requested that the Commission approve an extension of 60 days from August 15, 2010 for the purchase agreement. Finance Officer Mary Jo Nelson received an email from Fred Ormiston stating he will be in Deadwood next week to discuss purchase agreement and address issues. Silvernail moved, Schroeder seconded, to approve the requested extension for the purchase agreement for 180 Sherman Street. Roll Call: Aye-All. Motion carried.

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PUBLIC HEARINGS/BID OPENINGS

Bid Opening

Jim Raysor, Public Works Director, opened and read the following two bids for the exterior painting of the Historic Adams House.

Bid Tab for Adams House (Exterior) Painting Project (August 16, 2010 at 5:05 p.m.)

| Contractor | Bid Security | Bid |
|----------------------------|---------------------|--------------------------------------|
| Lamb Painting, LLC | Bid Bond | \$50,000.00 (Includes Excise Tax) |
| Forcoli & Sons Enterprises | Cashier's Check | \$47,147.02 (Includes Excise Tax) |

Raysor requested the bid opening be continued to allow more time to review bids. Klamm moved, Schroeder seconded, to continue Adams House painting bids. Roll Call: Aye-All. Motion carried.

Bid Opening

Jim Raysor, Public Works Director, informed the Commission that no bids were received for the chip seal projects on Railroad Street and McGovern Hill projects. City will seek quotes on the chip seal projects.

Public Hearing - NAJA Shrine Circus

Silvernail moved, Schroeder seconded, to approve the street closure on Main Street from the Four Aces to Masonic Temple on Saturday, June 25, 2011 from 9:30 to 11:00 a.m. or until parade ends. Roll Call: Aye-All. Motion carried.

Silvernail moved, Peterson seconded, to waive the vending fee, and allow vending on public property for the Shrine Circus events at the rodeo grounds from noon until 10:00 p.m. Roll Call: Aye-All. Motion carried.

Results Bid Opening - Days 76 Museum

Historic Preservation Officer Kevin Kuchenbecker informed the Commission of the bid opening that was held on August 16 at 2:00 p.m. for the Days of 76 Museum. Kuchenbecker provided the Commission with the bid tabulation from five respective bidders. He added the low bidder was J. Scull Construction with a base bid of \$3,344,000.00. The results are as follows:

BID TABULATION FOR DAYS OF 76 MUSEUM (Held on August 16, 2010 @ 2:00 p.m.)

| BIDDERS | Ainsworth | Gustafson | R.C.S. | Seco Construction | J. Scull |
|---|--------------------------|-----------------------|--------------------------|--------------------------|--------------------------|
| Bid Security | x | x | x | x | x |
| Addendums Received | 1, 2, 3,4,5,6,7,8 | 1, 2, 3,4,5,6,7,8 | 1, 2, 3,4,5,6,7,8 | 1, 2, 3,4,5,6,7,8 | 1, 2, 3,4,5,6,7,8 |
| SD DOT Disadvantaged Business Enterprise (DBE) Assurance and Intended DBE Participation Form | x | x | x | x | x |
| SD DOT Contractor's Affidavit/Declaration | x | x | x | x | x |
| SD DOT Certificate Regarding Lobbying (no signature line, but needs to be signed per addendum #5) | x | x | x | x | x |
| Base Bid | \$3,544,000.00 | \$3,480,000.00 | \$3,380,000.00 | \$3,824,000.00 | \$3,344,000.00 |
| Alternate No: 1 | -57,500.00 | -60,000.00 | -51,000.00 | -52,000.00 | -87,000.00 |
| Alternate No: 2 | -40,700.00 | -42,400.00 | -30,000.00 | -29,500.00 | -42,000.00 |
| Alternate No: 3 Deduct/Add> | -81,000.00 +76,000.00 | -3,400.00 | -85,600.00 +82,400.00 | -83,000.00 +80,000.00 | -83,400.00 +85,600.00 |

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Days of 76 committee will be reviewing the bids. Kuchenbecker requested no action to be taken until the South Dakota Department of Transportation approves. Silvernail moved, Klamm seconded, to continue bid opening to allow more time to review bids. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING/ZONING/PUBLIC BUILDINGS

Ordinance #1132 - Second Reading

Silvernail moved, Peterson seconded, to approve second reading of Ordinance #1132 Amending Chapter 17.60 Special Uses, 17.60.110 Principal buildings on a single lot. Roll Call: Aye-All. Motion carried.

Gillmore Property

Klamm moved, Silvernail seconded, to obtain demolition permit to allow the City crews to demolish the garage on the Gillmore Property. Roll Call: Aye-All. Motion carried.

Hire Request

Silvernail moved, Klamm seconded, to approve the hiring of Arleth and Associates to perform a topo survey at the Gillmore Apartments, to be paid from Revolving Loan Fund, not to exceed \$2,000.00. Roll Call: Aye-All. Motion carried.

Employee Resignation

Toscana moved, Silvernail seconded, to accept the resignation of summer intern Matthew Hodson, effective August 12, 2010. Roll Call: Aye-All. Motion carried.

POLICE/FIRE

Indemnity Agreement

Chad Adams requested he be placed on the list of towing companies that the City contacts for short-term towing services. Klamm moved, Schroeder seconded, to allow the Mayor to sign an Indemnity Agreement between the City of Deadwood and Chad Adams dba Chadams for towing service. Roll Call: Aye-All. Motion carried.

Subscription/Renewal Agreement

Klamm moved, Silvernail seconded, to allow the Mayor to sign a five-year subscription renewal agreement between Deadwood Volunteer Fire Department and Emergency Services Marketing Corp for \$3,250.00, payable annually at \$650.00 per year. Roll Call: Aye-All. Motion carried.

Extend Vacation

Klamm moved, Schroeder seconded, to allow Kelly Fuller to extend 102 hours of vacation to October 31, 2010. Roll Call: Aye-All. Motion carried.

Purchase Request

Klamm moved, Silvernail seconded, to approve the purchase of five Mintor pagers at a cost not to exceed \$6,000.00, to be paid from Fire Department budget. Roll Call: Aye-All. Motion carried.

Fire Hall Staff

Klamm moved, Silvernail seconded, to allow the Fire Department to staff the Fire Hall during Kool Deadwood Nites at a cost not to exceed \$1,000.00. Roll Call: Aye-All. Motion carried. Klamm moved, Silvernail seconded, to rescind previous motion. Roll Call: Aye-All. Motion carried. Klamm moved, Schroeder seconded, to approve the cost not to exceed \$1,200.00 to staff Fire Hall during Kool Deadwood Nites. Roll Call: Aye-All. Motion carried.

PARKS/RECREATION/TROLLEY

Terminate Employment

Silvernail moved, Peterson seconded, to terminate the employment of trolley driver Richard Olson, effective immediately. Roll Call: Aye-All. Motion carried.

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Employee Resignations

Silvernail moved, Peterson seconded, to accept the resignations of Justin Wermers, Bo Burlison, Zach Steinlicht, Derek Mackley, Russell Prince, effective August 13, 2010 and Trevor Tridle effective August 19, 2010. Roll Call: Aye-All. Motion carried.

MAYORS BUSINESS

Resolution 2010-19

Schroeder moved, Peterson seconded, to approve Resolution 2010-19 to Authorize Purchase of Fassbender Collection. Roll Call: Aye-All. Motion carried. Contingent upon Historic Preservation Commission's approval. Cost of purchase is \$300,000.00 with 10% down (to be paid by September 30), to be paid over 5 years (pay each year by January 31.) Allocation dependent on what cities participate in the purchase of this collection.

**RESOLUTION 2010-19
RESOLUTION AUTHORIZING THE PURCHASE OF THE FASSBENDER
PHOTOGRAPHIC COLLECTION**

WHEREAS, the City of Deadwood desires to purchase the Fassbender Photographic Collection from Ed Furois and Johnny Sumners; and

WHEREAS, the City of Lead, and the City of Belle Fourche may also be interested in purchasing, in conjunction with the City of Deadwood and the City of Spearfish, the Fassbender Photographic Collection from Ed Furois and Johnny Sumners; and

WHEREAS, Ed Furois and Johnny Sumners desire to sell the Fassbender Photographic Collection to one or more of the City of Deadwood, the City of Spearfish, the City of Lead, and the City of Belle Fourche for a total purchase price of \$300,000.00;

NOW, THEREFORE, be it resolved by the City of Deadwood that Mayor Francis A. Toscana is authorized to execute, on behalf of the City of Deadwood, a Purchase Agreement for the purchase of the Fassbender Photographic Collection from Ed Furois and Johnny Sumners, the substance of such agreement is set forth in the draft Purchase Agreement attached hereto as Exhibit A. The City of Deadwood will purchase one-quarter of the Fassbender Photographic Collection for one-quarter of the total purchase price with the City of Spearfish, the City of Lead, and the City of Belle Fourche each purchasing a one-quarter interest in the Fassbender Photographic Collection. However, in the event one the City of Belle Fourche, and the City of Lead decide to purchase a lesser interest or no interest in the Fassbender Photographic Collection, the City of Deadwood will purchase a proportionate share of any such remaining interest up to 50% of the Fassbender Collection for the total amount of the purchase price to share with the City of Spearfish.

Dated this 16 day of August, 2010

ATTEST:
/s/ Mary Jo Nelson, Finance Officer

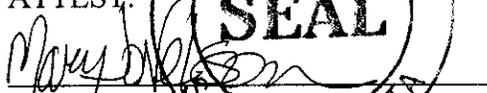
CITY OF DEADWOOD
/s/ Francis A. Toscana, Mayor
* * * * *

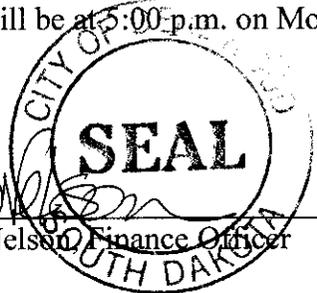
Purchase Agreement

Peterson moved, Silvernail seconded, to allow the Mayor to sign the Purchase Agreement for Fassbender Photographic Collection, to be paid from Historic Preservation Funds. Roll Call: Aye-All. Motion carried. Contingent upon Historic Preservation Commission's approval.

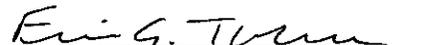
ADJOURNMENT

Silvernail moved, Peterson seconded, to adjourn the regular session at 5:30 p.m. The next regular meeting will be at 5:00 p.m. on Monday, August 23, 2010.

ATTEST:

Mary Jo Nelson, Finance Officer



DATE: 8-23-10

BY: 
Francis A. Toscana, Mayor

For any public notice that is published one time:
Published once at the total approximate cost of _____.