

REGULAR MEETING, October 9, 2007

The Regular Session of the Deadwood City Commission convened on October 9, 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 Mike Klamm, Mark Speirs and Georgeann Silvernail. Commissioner Griffith was absent. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Silvernail moved, Speirs seconded, to approve the minutes of October 1, 2007 as presented. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Speirs seconded, to approve the October 9, 2007 disbursements with additional bill. Roll Call: Aye-All. Motion carried

A & B WELDING	PROPYLENE CANISTER RENTAL	7.75
BLACK HILLS CHEMICAL	BLACK PLASTIC BAGS	3,243.85
BLACK HILLS POWER	SERVICE FROM 8-14 THRU 9-14-07	1,390.98
CHAINSAW CENTER	RENREWIND SPRING	47.20
CULLIGAN	WATER SOFTENER RENTAL	46.50
D & D ELECTRIC	D & D ELECTRIC	1,076.01
DEADWOOD DEVELOPMENT	DEADWOOD DEVELOPMENT CO	17.28
DEADWOOD HOME CENTER	CREDIT ON #128042/BIT	485.86
DUNCAN PARKING	60DREMFG HOUSING	8,137.93
EDDIE'S TRUCK	ALIGNMENT, BS SHOP, PAINT,TUBI	3,821.96
ELAN FINANCIAL SERVICES	2 100CT PAPER	104.90
FARMER BROTHERS CO	COFFEE FOR OFFICE	45.45
FORCOLI ENTERPRISES	REPAIR-PAINT CITY HALL	6,372.97
GOLDEN WEST	PAGER AIR TIME	14,762.44
HD SUPPLY WATERWORKS	4" RING- SEWER COVER-FREIGHT	544.32
HILLS MATERIALS COMPANY	ASPHALT/PATCHING	410.30
KEN HAWKI	HP SCANJET 5590 FLATBED SCANNER	317.99
LAKER CHEMICAL	(20) 50LB BAGS OF FERTILIZER	220.00
MONTANA DAKOTA UTILITIES	NATURAL GAS/CITY SHOP	81.51
NAPA AUTO PARTS	GRINDER KIT	2,559.64
NELSON, MARY JO	QTR2 TRAVEL	391.63
NEVE'S UNIFORMS, INC.	GATOR HAWK VEST	599.00
NJS ENGINEERS	ENG. -MH WTR LINE THRU 9-30-07	7,601.00
PIONEER PRODUCTS, INC.	WEED KILL-S & H	311.72
PITNEY BOWES	SUPPLIES	138.97
PRAIRIE WAVE	PHONE-INTERNET/FIRE HALL	232.89
PUBLIC SAFETY EQUIPMENT	DEBO STEP 06-07 FORD F150	120.00
SERVALL	MATS-MOPS-COVERALLS	239.98
SOUTH DAKOTA PUBLIC HEALTH	COLIFORM TESTING	36.00
SOUTH DAKOTA STATE TREASURER	SEPTEMBER SALES TAX	4,257.76
SUNSHINE INC	TOWING	225.00
TEE'S PLUS	D.A.R.E. LOGO SHIRTS	335.45
TRIPLE K TIRE & REPAIR	TRIPLE K TIRE & REPAIR	1,267.09
TRUGREEN CHEM-LAWN	TRUGREEN CHEM-LAWN	39.84
TTG ENTERPRISES INC.	SURGE SUPPRESSOR/DH TANK TELE	250.00
TWILIGHT FIRST AID	RESTOCKED MEDS	122.45
TWIN CITY HARDWARE	PALLET RETURN	1,475.72
WASTE CONNECTIONS, INC.	GRASS DUMPSTER/DUMP & RETURN	631.61
WESTERN COMMUNICATIONS	HEAD SET, BOOM MIC	100.00
TOTAL		\$ 62,713.95

ITEMS FROM CITIZENS ON AGENDA

Lead-Deadwood Arts Council Update

Karen Everett with the Lead-Deadwood Arts Council appeared before the Commission to give a quarterly update on the art council's activities that were held during the summer and special meetings and events that will be held during the fall and winter months. For a schedule of events, please contact Karen Everett, Lead-Deadwood Arts Council at 422 Main Street, Lead.

PUBLIC HEARINGS/BID OPENINGS

Bid Opening - Selbie Street Retaining Wall (Continued 10/1/2007)

Jim Raysor told the Commission he had evaluated the Selbie Street retaining wall bids. Raysor addressed the following issues: 1) who benefits 2) where does the funding come from 3) can this be accomplished for a lower cost. Raysor added the focus is on the homes above the cracks and he feels the homes below this problem area should be taken into consideration as well. The engineers estimate was \$149,734.46 and the lowest bid was from Foregy Construction for \$179,736.00, which is well over 10% of the engineer's estimate. City Attorney Jason Campbell said he reviewed the bid laws and according to the law, the City could negotiate if the lowest responsible bid exceeds the final estimate project cost by 10% or less, any local government may negotiate with the low bidder for the construction of a public improvement. Campbell said he has contacted Deene Dayton with the State regarding questions he has pertaining to the bidding process and requested

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that the bid opening be continued to the October 15, 2007 meeting. Also discussed were various methods of stabilizing the wall and funding since this is not a budgeted item. Silvernail moved, Speirs seconded, to continue the bid opening at the October 15, 2007 meeting. Roll Call: Aye - All. Motion carried.

Bid Opening – City Hall Roof Replacement (Continued 10/1/2007)

Jim Raysor, Public Works Director/City Planner recommended accepting the low bid from Black Hills Roofing for \$93,788.00. Raysor requested the City Attorney prepare a contract for this project. Silvernail moved, Klamm seconded, to accept the low bid from Black Hills Roofing and to allow City Attorney to prepare a contract. Roll Call: Aye - All. Motion carried.

FINANCE/HISTORIC PRESERVATION

Resolution 2007-20

Silvernail moved, Speirs seconded, to approve Resolution 2007-20 To Establish a Consolidated Board of Equalization. Roll Call: Aye - All. Motion carried.

**RESOLUTION 2007-20
TO ESTABLISH CONSOLIDATED BOARD OF EQUALIZATION**

BE IT RESOLVED by the City of Deadwood that a consolidated Board of Equalization as authorized by SDCL 10-11-66 shall be established pursuant to the Resolution of the Governing Boards of Lawrence County, City of Deadwood, and the Lead-Deadwood School District 40-1 for 2008 values, taxes payable 2009. The consolidated Board of Equalization as created by this Resolution shall be authorized to exercise all powers contained in SDCL 10-11.

BE IT FURTHER RESOLVED that three members from the Lawrence County Commission and one member of the City Commission and one member of the School District shall constitute a consolidated Board of Equalization as provided by SDCL 10-11-66.

BE IT FURTHER RESOLVED that the Lawrence County Commission, City of Deadwood, and the Lead-Deadwood School District 40-1 Board of Education shall be responsible for the per diem, salary and mileage costs of the respective members that serve on the consolidated Board of Equalization. Lawrence County Commission shall be responsible for the ordinary and customary expenses associated with the equalization of property including appeals to the State Board of Equalization. The financial responsibilities contained in this resolution shall remain unless any party request that they be modified prior to December 1st of each year.

THIS RESOLUTION shall be binding upon the City of Deadwood and each of the other governing bodies adopting this Resolution according to law.

Dated this 9th day of October, 2007.

/s/ Francis A. Toscana, Mayor

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

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Employee Transfer

Silvernail moved, Speirs seconded, to approve the transfer of Robin Millard from Historic Preservation intern to permanent part time in the Finance Office, effective October 15, 2007. Roll Call: Aye - All. Motion carried.

Information - Check Presentation

Kevin Kuchenbecker, Historic Preservation Officer informed the Commission that he would be making a grant check presentation at 1:30 p.m. on October 11th in Hot Springs for repairs to the historic Post Office building.

Employee Resignations

Silvernail moved, Speirs seconded, to accept the resignations of Christopher Leatherman, Archeologist, effective August 15, 2007 and Megan Maier, Archeologist, effective May 1, 2007 Roll Call: Aye – All. Motion carried.

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STREETS AND WATER/LIBRARY

Purchase Request

Speirs moved, Silvernail seconded, to approve the purchase of 5,500 gallons of gas at \$2.79 per gallon from Southside. Roll Call: Aye - All. Motion carried.

Purchase Request

Speirs moved, Silvernail seconded, to approve the purchase of a used paint shaker from Twin City Hardware at a cost of \$1,500.00. Roll Call: Aye - All. Motion carried.

POLICE/FIRE

Police Department Policy Manual

Chief Fuller informed the Commission that the Police Department has customized and revised their policy manual. Commissioner Klamm told Chief Fuller after reviewing the manual he was very impressed and thanked him and the department for all the hard work they put forth in preparing this manual. Klamm moved, Speirs seconded, to approve the Police Department's Policy Manual. Roll Call: Aye - All. Motion carried.

PARKS/RECREATION

Purchase Request

Klamm moved, Speirs seconded, to approve the purchase of a 2007 John Deere X748 tractor from RDO Equipment of Rapid City at a cost of \$15,020.00. Roll Call: Aye - All. Motion carried.

Change Order #1 - Mt. Moriah

Silvernail moved, Klamm seconded, to approve Change Order #1 for the Mt. Moriah wall repairs for Wild Bill's gravesite for \$4,947.00 for additional excavation and stone to be relayed. Roll Call: Aye - All. Motion carried.

MAYORS BUSINESS

Condolences

On behalf of the Commission and City of Deadwood, Mayor Toscana extended condolences to Richard Bracha and his family for the passing of his wife Marjo who passed away on Tuesday.

ITEMS FROM MAYOR, COMMISSIONERS, DEPT. HEADS NOT ON AGENDA

ADJOURNMENT

Surplus Trolley

City Finance Officer, Mary Jo Nelson informed the Commission that the City of Fort Pierre would like to purchase the surplus 2000 Ford F53 Molly Trolley (VIN#1FCMF53S3Y0A10589) in the amount of \$15,000.00. Silvernail moved, Speirs seconded, to allow the City of Fort Pierre to purchase the surplus trolley. Roll Call: Aye - All. Motion carried.

Trolley Department – Winter Schedule

Trolley Manager, Bob Nelson informed everyone that the winter hours for the Trolley Department started on October 8, 2007. Bob Nelson, Sr. explained that the trolley now runs Monday through Thursday from 8:00 am to midnight, Friday and Saturday from 7:00 am to 3:00 am, and Sunday from 7:00 am to midnight.

Mt. Moriah - Closure

Jim Raysor announced Mt. Moriah would close October 14, 2007.

WASP Rubble Site - Winter Hours

Jim Raysor announced that the WASP Rubble site would go to winter hours starting October 18th. They will be open Thursday, Friday, and Saturday from 8:00 am to 4:00 pm.

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ADJOURNMENT

Speirs moved, Klamm seconded, to adjourn the regular session at 5:45 p.m. The next regular meeting will be at 5:00 p.m. on Monday, October 15, 2007.

ATTEST:

DATE: _____

Mary Jo Nelson, Finance Officer

BY: _____
Francis A. Toscana, Mayor