**REGULAR MEETING, September 27, 2010**

The Regular Session of the Deadwood City Commission convened on September 27, 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 September 20, 2010. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Schroeder seconded, to approve the September 27, 2010 disbursements. Roll Call: Aye-All. Motion carried.

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|---|---|---|
| A & B BUSINESS | MAINT | 617.62 |
| ABC | SUPPLIES | 510.47 |
| ADVANCE IMAGE | RIBBONS | 58.21 |
| ALLTEL | SERVICE | 125.55 |
| AMERICAN RED CROSS | MANUALS | 105.00 |
| BH CHEMICAL | SUPPLIES | 535.55 |
| BLUE DOG FRAMER | PHOTO | 126.42 |
| CRAMER-KENYON HERITAGE | 09 GRANT | 221.10 |
| CREATIVE PRODUCT SOURCING | DARE | 328.35 |
| CULLIGAN | H2O | 29.50 |
| DAKOTA SUPPLY | COMM METER | 933.83 |
| DWD CHAMBER | BILLS | 13,634.08 |
| DWD ECONOMIC DEV | RAMP FEE | 1,580.02 |
| DWD FIRE DEPT | REIMBURSE | 690.00 |
| DIAMOND YARDS BRICKS | BRICKS/REC | 1,490.00 |
| FARMER BROS | SUPPLIES | 46.11 |
| GARY LEWIS ENTERPRISES | R LOAN | 3,414.00 |
| GREEN PROVENCE | CONVERTER | 513.25 |
| HAWKINS INC | CHEMICALS | 1,176.57 |
| HD SUPPLY WATERWORKS | CURB LID | 87.37 |
| HILLS MATERIALS | FINES | 2,241.01 |
| INTEGRATED PARKING | MAINT/SOFTWARE | 3,240.00 |
| JACOBS WELDING | FLAT BAR | 149.64 |
| JAMES KYTE | CLAIM | 1,328.92 |
| KNOLOGY | SERVICE | 806.48 |
| LC HISTORICAL | GRANT | 2,079.83 |
| LC REGISTER DEEDS | FILING FEE | 56.00 |
| LAWSON PRODUCTS | MAINT KIT | 198.74 |
| LYNN'S | SUPPLIES | 68.57 |
| MITCHELL AREA HISTORICAL | 2010 GRANT | 7,500.00 |
| MULTI SERVICE CORP | SUPPLIES | 448.09 |
| MUTH ELECTRIC, INC. | APP.#7 MICKELSON | 189,468.32 |
| NEVE'S | UNIFORMS | 51.95 |
| PITNEY BOWES | RENTAL | 315.00 |
| PITNEY BOWES | SUPPLIES | 162.47 |
| PONTIUS, JERRY | REIMBURSE | 18.79 |
| QUILL CORPORATION | SUPPLIES | 155.90 |
| R & B SUPPLY | TOOLS | 139.97 |
| RC JOURNAL | SUBSCRIPTION | 192.00 |
| RAYSOR, JAMES | REIMBURSE | 157.39 |
| SERVALL | SUPPLIES | 167.07 |
| SD PUBLIC HEALTH | TESTING | 24.00 |
| STURDEVANT'S | SUPPLIES | 68.31 |
| SUPERIOR SANITATION | MAINT BROADWAY | 1,775.00 |
| TDG COMMUNICATIONS | AD | 60.00 |
| TRIDLE, JOHN | REIMBURSE | 242.41 |
| TRIPLE K | TIRES | 1,208.43 |
| TWILIGHT | SUPPLIES | 240.05 |
| TC HARDWARE | SUPPLIES | 8.58 |
| UMENTHUM, KEITH | REIMBURSE | 100.65 |
| VANWAY TROPHY | PLATES | 18.15 |
| WESTERN COMMUNICATIONS | REPAIRS | 123.90 |
| ZEP | SUPPLIES | 186.26 |
| | **TOTAL** | **$239,224.88** |

ITEMS FROM CITIZENS ON AGENDA

S.D. Department of Legislative Audit - 2009

Al Schaeffer from S.D. Department of Legislative Audit appeared before the Commission to review the results of the 2009 audit. Schaeffer explained they based their findings on the following: 1) Internal Control Structure, 2) Violations of Statutes, Contracts, Grants and Agreements, 3) Audit Adjustments to Financial Statements. As stated in the management letter, he suggested that a third party should review journal entries recorded by the Finance Officer. However, total assets reported and total equity reported was proper. According to Schaeffer, Legislative Audit reclassified restricted and unrestricted net assets in the Government Wide Statement. He added that the audit went well and requested the Mayor to sign the representation letter. Mayor Toscana thanked Mr. Schaefer and Mr. Hintz for their report.

**REGULAR MEETING, September 27, 2010**

PUBLIC HEARINGS/BID OPENINGS

Clarification of Retaining Wall Bid Opening 9-20-2010 for 416 Williams
Mayor Toscana informed the Commission that there was an error on all bid documents for the retaining wall bid opening that was held on September 20, 2010 @ 5:05 p.m. The Engineer's specs, bid document and notice to bidders address was 422 Williams, these should have been 416 Williams. Bidders were aware the project bid was for 416 Williams.

Set Public Hearing
Silvernail moved, Klamm seconded, to set a public hearing at 5:06 p.m. on October 4, 2010 for Shrine Circus parade and waiver of vending fee, event to be held July 2, 2011. Roll Call: Aye-All. Motion carried.

Set Public Hearing
Silvernail moved, Schroeder seconded, to set a public hearing at 5:05 p.m. on October 12, 2010 for the request of the open container ordinance for the Deadweird event on October 30, 2010. Roll Call: Aye-All. Motion carried.

FINANCE

Resolution 2010-23
Peterson moved, Silvernail seconded, to surplus real property (Gilmore Apartments) located at 442 Williams. Roll Call: Aye-All. Motion carried.

**RESOLUTION 2010-23**
**RESOLUTION TO SURPLUS REAL PROPERTY**

**WHEREAS** the City Commission of the City of Deadwood has determined that the property known as Gilmore Apartments at 442 Williams Street, Deadwood South Dakota is no longer necessary, useful or suitable for the purpose for which it was acquired by the City of Deadwood and the same constitutes surplus property; now therefore,

**BE IT RESOLVED**, by the City of Deadwood that the following described real property located in Deadwood, Lawrence County, South Dakota,

Lots 1 and 2 and 12 feet 2 inches of the northeasterly end of Lot 3, all in Block L, Original Town, City of Deadwood, Lawrence County South Dakota and

Lot 1, Block M, Original Town, City of Deadwood, Lawrence County South Dakota EXCEPT the South part of Lot 1 in Block M in the City of Deadwood South Dakota, more particularly described as follows: Beginning at a point on the west line of said lot 55 feet distant from the northwest corner thereof; thence along the south line of said lot a distance of 60 feet; thence along the south line of said lot a distance of 47 feet 9 inches; thence along the easterly line of said lot a distance of 53 feet; thence west in a straight line, a distance of 49 feet to the place of beginning on the east line of said lot

be sold at public auction at 102 Sherman Street, Deadwood, South Dakota, on October 29, 2010 at 2:00 p.m. Mountain Time.

Dated this 27th day of September, 2010.

ATTEST: CITY OF DEADWOOD

/s/ Mary Jo Nelson, Finance Officer Francis A. Toscana, Mayor

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Payment Request
Peterson moved, Silvernail seconded, to approve the payment of $750.00 from the Bed and Booze Fund for Kidweird on October 29 at the Deadwood Pavilion, a budgeted item. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING/ZONING/PUBLIC BUILDINGS

2010 Not-For-Profit Grants
Silvernail moved, Schroeder seconded, to approve the Not-For-Profit grant for the St. John's Episcopal Church - $24,978.35 for tuck-pointing, repairs, and protective covering for stained glass windows. Silvernail moved, Schroeder seconded, to approve the Not-For-Profit grant for the Masonic Center - $2,190.00 for tuck-pointing work. Roll Call: Aye-All. Motion carried.

Sponsor Request
Silvernail moved, Peterson seconded, to approve the payment of $1,000.00 for sponsoring the National History Day Regional Competition a joint venture with the Adams Museum and House, to be paid from Public Education line item. Roll Call: Aye-All. Motion carried.

Contract
Kevin Kuchenbecker explained that during the 1996 Deadwood Broadway Parking Ramp structure project the wooden cribbing of a placer mine was discovered. The mineshaft was dismantled and

shipped to the Black Hills Mining Museum in Lead. Kuchenbecker requested permission to enter into a contract with Rocky Mountain Tree-Ring Research, Inc. for the purpose of identifying, dating and display of wood cross sections. Silvernail moved, Schroeder seconded, to approve the entering into a contract with Rocky Mountain Tree Ring Research, costs not to exceed $2,000.00, to be paid from Public Education line item. Roll Call: Aye-All. Motion carried.

Sponsor Request
Silvernail moved, Peterson seconded, to approve the request from the Deadwood Library to sponsor the 2011 South Dakota Festival of the Book for $10,000.00, to be paid from Public Education line item. Roll Call: Aye-All. Motion carried.

Payment Request
Silvernail moved, Schroeder seconded, to approve the payment of $3,975.00 for half of the architectural fees prepared by Lund Associates., Ltd. for the proposed addition for BY Development (Cadillac Jacks), to be paid from Professional Services line item. Roll Call: Aye-All. Motion carried.

Payment Request
Silvernail moved, Peterson seconded, to approve the payment of $1,680.00 for annual server monitoring fees to Golden West, to be paid from Professional Services line item. Roll Call: Aye-All. Motion carried.

Information
Kevin Kuchenbecker announced that there would be a ground breaking for the Days of 76 Museum on Tuesday, September 28, 2010 at 11:00 a.m. at the Days of 76 Museum site. Everyone is invited to attend.

STREETS/WATER/LIBRARY

Purchase Request
Schroeder moved, Klamm seconded, to approve the purchase of 5,500 gallons of gasoline at a cost not to exceed $2.68 per gallon from Southside Oil. Roll Call: Aye-All. Motion carried.

WASP Rubble Site - Hours
Commissioner Schroeder announced that effective October 7, 2010 the WASP Rubble site will go to winter hours, Thursday through Saturday 8:00 a.m. to 4:00 p.m.

PARKS/RECREATION/TROLLEY

Employee Resignation
Silvernail moved, Peterson seconded, to accept the resignation of Parks Department employee Roy Buchanan, effective September 30, 2010. Roll Call: Aye-All. Motion carried.

Use of Trolley
Silvernail moved, Peterson seconded, to allow the trolley to travel to Lead for the Homecoming parade on October 1, 2010. Roll Call: Aye-All. Motion carried.

Safety Committee - Flu Shots
Silvernail moved, Peterson seconded, to allow the Safety Committee to arrange for the flu shot clinic at $20.00 per shot for all City employees, volunteer firefighters, and Commissioners. Roll Call: Aye-All. Motion carried.

LEGAL BUSINESS

Easement
City Attorney Jason Campbell request permission for the Mayor to sign a Termination of Temporary Construction and Access Easement. Campbell explained that the City was granted an easement in July 2003 for the Hospital Gulch Project, the project has been completed, and this easement needs to be recorded with the L.C. Register of Deeds office.

Superior Sanitation
Due to the Commission previously approving the September 27, 2010 disbursements, (Superior Sanitation invoice $1,775.00) on the list, Campbell requested this item be removed from the agenda. Roll Call: Aye-All. Motion carried.

**REGULAR MEETING, September 27, 2010**

Contracts - Retaining Walls
City Attorney Jason Campbell request permission for the Mayor to sign the following retaining wall project contracts: Forgey Construction for 37 Lee Street in the amount of $77,000, Spearfish Excavating for 36 Jackson in the amount of $22,500, RCS Construction for 74 Van Buren in the amount of $47,500, Ainsworth Benning for 3 Rodenhaus in the amount of $177,720, Sabo Construction for 1 Forest in the amount of $9,850, Sabo Construction for 65 Centennial in the amount of $16,850, RCS Construction for 416 Williams Street in the amount of $28,147.42. Silvernail moved, Klamm seconded, to allow the Mayor to sign said contracts. Roll Call: Aye-All. Motion carried.

Contract
Klamm moved, Silvernail seconded, to allow the Mayor to sign a contract between the City of Deadwood and Sabo Construction for the replacement of concrete panels at the Broadway Parking Ramp. Roll Call: Aye-All. Motion carried.

MAYORS BUSINESS

Proclamation
Mayor Toscana read the Fire Prevention Week Proclamation, which proclaims October 3-9, 2010 as Fire Prevention Week in the City of Deadwood.

ADJOURNMENT
Klamm moved, Silvernail seconded, to adjourn the regular session at 5:25 p.m. The next regular meeting will be at 5:00 p.m. on Monday, October 4, 2010.

ATTEST: DATE: 10-4-10

Mary Jo Nelson, Finance Officer BY: Francis A. Toscana, Mayor

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