EXECUTIVE SESSION/REGULAR MEETING, July 13, 2009

The Regular Session of the Deadwood City Commission convened on July 13, 2009 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, Klamm seconded, to approve the minutes of July 6, 2009 with a motion correction to Health Care Plan item. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Schroeder seconded, to approve the July 13, 2009 disbursements with the additional bills. Roll Call: Aye-All. Motion carried.

A & B WELDING	PROPYLENE	63.98
AASLH MEMBERSHIP SERVICES	MEMBERSHIP	60.00
ABC	CARTRIDGE	316.64
ADAMS MUSEUM-HOUSE	CAMP SUPPLIES	3,979.09
ADT SECURITY	SECURITY	314.19
ALCO	CAMP SUPPLIES	54.63
ALDINGER, LESLIE	DONATION	300.00
ARTNEWS	SUBSCRIPTION	68.95
BEST WESTERN	LODGING	89.99
BH CHEMICAL	SUPPLIES	1,821.47
BH PIONEER	CLASSIFIEDS	76.00
BH POWER	UTILITIES	32.78
BH PURE, INC.	RENTAL	53.50
BH WEEKLY GROUP	PUBLICATIONS	980.77
CHAINSAW CENTER	SUPPLIES	143.80
CIVILIAN CONSERVATION CORP	GRANT	19,827.09
CULLIGAN	SALT	76.00
DAKOTACARE	AUGUST PREMIUMS	39,713.02
DAKOTA GRAPHICS	LABELS	22.50
DAKOTA SUPPLY GROUP	VALVES	53.77
DAYS OF '76, INC.	PROJECT	48,600.00
DEADWOOD ELECTRIC	REPAIRS	312.60
DEADWOOD GRANITE	HEADSTONES	800.00
DEADWOOD HOME	PAINT	266.92
EMERY-PRATT	BOOKS	396.36
FALL RIVER COUNTY	GRANT	3,058.17
FARMER BROTHERS	SUPPLIES	238.49
FASTENAL	STRIPING	27.48
FOX, TERESA	INDEXING	4,259.00
GOLDEN WEST	TECH SUPPORT	1,195.69
GRIMM'S PUMP	CARDS	504.90
GUSTAFSON BUILDERS	SLIME PLANT REPAIRS	278,169.39
HIDDEN GULCH EMBROIDERY	SHIRTS	257.52
HIGHSMITH INC	SCANNER	275.96
HILLSIDE	DUMPSTERS	990.00
INTERSTATE	BATTERIES	48.75
JACOBS WELDING	GRATES	26.00
JARDEE, NITA	REIMBURSE	68.65
JULIN, SUZANNE	HISTORY SERVICE	4,000.00
KAZCO, INC	SUPPLIES	114.84
LC REGISTER OF DEEDS	FEES	22.00
LAWSON PRODUCTS	TIES	391.88
LUCKY NUGGET GAMBLING HALL	PRES LEADERSHIP	500.00
M&M SANITATION	ARCH CAMP	497.50
MAVERICK (BLONDIES)	ARCH CAMP	101.80
MIDWEST TAPE	DVD'S	208.91
MDU	UTILITIES	70.04
MULTI SERVICE CORP	INSTALL TVS	470.00
NAPA	SWITCH	1,747.08
NEVE'S	UNIFORMS	380.55
NORTHWEST PIPE	SUPPLIES	216.66
OCCUPATIONAL HEALTH	TESTING	178.00
ONE CALL SYSTEMS	TICKETS	39.60
PONTIUS, JERRY	REIMBURSE	166.21
POWERPLAN	FUEL PUMP	98.70
RAPID DELIVERY	DELIVERY	33.75
REDBOOK	SUBSCRIPTION	17.97
SANITATION PRODUCTS	SUPPLIES	635.00
SD DEPARTMENT OF REVENUE	DWD CHAMBER-MALTBEV LICENSE	125.00
SDLN	FY2010 ONGOING COSTS	4,202.06
SDN COMMUNICATIONS	COMM LINE	346.80
SERVALL	SUPPLIES	1,202.96
SD DEPT OF REVNUE	MALT BEV LICENSE	125.00
SD STATE ARCHIVE	MICROFILM	144.00
SD STATE TREASURER	SALES TAX 6-09	5,134.05
SOUTH SIDE	FUEL	13,051.16
STATE INDUSTRIAL PRODUCTS	CLAMPS	73.97
STURDEVANT'S S	BULBS/DOZER	20.78
SUMMIT SIGNS	SIGNS	132.00
TRIPLE K	REPAIRS	1,213.06
TRUGREEN CHEM-LAWN	FERTILIZER	1,069.00
TC HARDWARE	SUPPLIES	213.32
VERSUSLAW, INC	SUBSCRIPTION	479.40
WASTE CONNECTIONS	DUMPSTERS	1,379.82
WELLS FARGO	DEBT SVC PMT	79,197.50

WESTERN COMMUNICATIONS	ANTENNA	28.65
WIERINGA, ANN	REIMBURSE	18.00
ZOLL MEDICAL CORP	SUPPLIES	145.83
	TOTAL	**$525,736.90**

ITEMS FROM CITIZENS ON AGENDA

Sanford Lab Update

Greg King, Sanford Lab representative, appeared before the Commission to give an update on the Sanford Lab. According to King, the projects such as the Lux and Myrona experiments, renovation of the Warehouse, and Yates Shaft rehabilitation are moving along. They have reached the 4987 level with the dewatering process, and will soon reach the 5000 level. Once the 5000 level is reached the fourth pump station will be installed by mid August. The Sanford Lab Board approved the $1.6M to install the deep pump system that will be installed from 4850 to the 8000 level and is estimated to take three years to dewater to the 8000 level. The Board also approved their budget of $27M for total operations with $18M to stay within the local area.

Deadwood Chamber Request

Deadwood Chamber Director, George Milos, appeared before the Commission to request permission for the Horseback by America group to camp at the Days of 76 rodeo grounds on July 31 through August 2, 2009 at no charge. Milos said this group is being filmed and will be featured on a weekly special on the RFD station with one program featuring Deadwood. Commissioner Silvernail asked what their needs would be and who will be responsible for cleanup and Milos replied they would need electricity; water and the Chamber pay the $1,000 deposit that is required by the City. After much discussion, Klamm moved, Schroeder seconded, to allow the Horseback by America group to camp at the rodeo grounds at no cost with the Chamber to pay the $1,000 deposit. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS/BID OPENINGS

Public Hearing - Days of 76 Events

George Milos, Deadwood Chamber, outlined their requests for special malt beverage license, waive the open container ordinance, street closures, exception to vendor ordinance, and allow sound amplification for music for the Days of 76 events on July 21-25, 2009.

Silvernail moved, Schroeder seconded, to issue the Deadwood Chamber a special malt beverage license for the Days of 76 (Mineral Survey 60 - Rodeo Grounds) during the dates of July 21-25, 2009. Roll Call: Aye-All. Motion carried.

Silvernail moved, Schroeder seconded, to waive the open container ordinance at the Days of '76 rodeo grounds July 21, 2009. Roll Call: Aye-All. Motion carried.
Silvernail moved, Schroeder seconded, to waive the open container ordinance at the Days of '76 rodeo grounds July 22, 2009. Roll Call: Aye-All. Motion carried.
Silvernail moved, Schroeder seconded, to waive the open container ordinance at the Days of '76 rodeo grounds July 23, 2009. Roll Call: Aye-All. Motion carried.
Silvernail moved, Schroeder seconded, to waive the open container ordinance at the Days of '76 rodeo grounds July 24, 2009. Roll Call: Aye-All. Motion carried.
Silvernail moved, Schroeder seconded, to waive the open container ordinance at the Days of '76 rodeo grounds July 25, 2009. Roll Call: Aye-All. Motion carried.

Silvernail moved, Schroeder seconded, to amend motions for the waiver of the open container ordinance to add the time of 8:00 a.m. to 2:00 a.m. from July 21-25, 2009. Roll Call: Aye-All. Motion carried.

Silvernail moved, Schroeder seconded, to close Main Street from the Masonic Temple to the Four Aces and a portion of Highway 14A from the Four Aces to the rodeo grounds, from 1:00 p.m. until the parade ends on July 24 and from 9:30 a.m. until parade ends on July 25. Roll Call: Aye-All. Motion carried.

Silvernail moved, Schroeder seconded, to grant exception to the vending ordinance pursuant to City Code 5.28.060 for the Days of '76 event at the Days of '76 rodeo grounds on July 21-25, 2009. Roll Call: Aye-All. Motion carried.

Silvernail moved, Schroeder seconded, to allow sound amplification for music one (1) hour prior to rodeo starting. Roll Call: Aye-All. Motion carried.

EXECUTIVE SESSION/REGULAR MEETING, July 13, 2009

Public Hearing
Silvernail moved, Klamm seconded, to approve the On-Off Sale Malt Beverage License for the Deadwood Chamber at 767 Main Street. Roll Call: Aye-All. Motion carried.

Set Public Hearing
Silvernail moved, Schroeder seconded, to set a public hearing on July 29 at 5:05 p.m. for Tractor Parking event on Main Street on August 15, 2009. Roll Call: Aye-All. Motion carried.

Bid Opening Results - Rec Center Phase 3 Project
Jim Benning, Ainsworth Benning, presented the Commission with detailed bid results from the July 10, 2009 bid opening held at 2:00 p.m. for the Rec Center Phase 3 Renovation - Construction and Materials Bid Packages. Benning informed the Commission that the M-2 Steel Package bid is a critical part of the project and would like them to make a decision on this bid as soon as possible. Benning added that all bids came in under the guaranteed maximum price. The bids are as follows:

Bid Package	Contractor	Adden 1 & 2	Qualif	Base Bid	Alt 1	Alt 2	Alt 3	Alt 4	Total
B-4 Steel Erection	All Metal Manufacturing	X	X	$37,000.00	$22,000.00	X	X	X	$59,000.00
	Henry Carlson	X		$59,800.00	$106,500.00	X	X	X	$166,300.00
B-5 Roofing	Lowe Roofing	X	X	$152,800.00	$1,000.00	X	X	X	$153,800.00
	Black Hills Roofing	X	X	$327,475.00	$4,924.00	X	X	X	$352,399.00
B-6 Masonry	West River Masonry	X	X	$587,135.00	$35,431.00	$1,200.00	X	X	$623,766.00
	Horst Masonry	X	X	$627,881.00	$27,628.00	$1,500.00	X	X	$657,009.00
B-6 Masonry Restoration	Mike Kroger Masonry			$22,850.00	X	X	X	X	$22,850.00
B-7 Metal Siding	Ridge Line Roofing			$57,605.00	X	X	X	X	$57,605.00
	Lowe Roofing	X	X	$96,975.00	X	X	X	X	$96,975.00
B-8 Framing/Drywall	Advanced Builders		X	$46,606.00	$5,055.00	X	X	X	$51,661.00
	Horst Acoustical	X	X	$52,915.00	X	X	X	X	$52,915.00
	Cornerstone Plastering	X	X	$167,204.00	$13,000.00	X	X	X	$180,204.00
B-9 Tape/Texture/Paint	Black Hills Painting	X	X	$78,707.00	$13,150.00	$4,803.00	X	X	$96,960.00
	Brendse & Sons	X		$97,900.00	$20,500.00	$9,520.00	X	X	$127,920.00
	Lamb Painting	X		$135,000.00	$25,000.00	$8,300.00	X	X	$168,300.00
B-10 Flooring	Kellys Flooring	X	X	$27,980.00	$31,921.00	$14,827.00	X	X	$74,728.00
	Hills Interiors	X	X	$33,436.00	$38,475.00	13,564.00	X	X	$85,475.00
	Versatile Carpets	X	X	$35,000.00	$30,000.00	$18,000.00	X	X	$83,000.00
Moisture barrier @ track	Kellys Flooring	X	X		$7,128.00				$7,128.00
B-11 Tile	Ceramic Design	X	X	$38,163.00	X	X	X	X	$38,163.00
B-12 Alum Entrances/Glazing	The Glass Shop	X	X	$110,000.00	$21,500.00	$1,300.00	X	X	$132,800.00
	Hagen Glass	X	X	$132,550.00	$5,100.00	$2,100.00	X	X	$139,750.00
B-13 Acoustical Ceilings	Horst Acoustical	X	X	$4,960.00	X	X	X	X	$4,960.00
	Advanced Builders		X	$7,240.00	X	X	X	X	$7,240.00
B-14 Pool & Equipment	Associated Pool Builders	X	X	$844,000.00	X	X	X	$35,000	$879,000.00
	Pool Construction Inc	X	X	$1,077,900.00	X	X	X		$1,077,900.00
B-15	M.H. Plumbing			$211,211.00	$4,330.00	$6,870.00	X	X	$222,411.00
	Western Mechanical	X	X	$274,937.00	$4,500.00	$4,400.00	X	X	$283,837.00
	Heil Mechanical	X	X	$300,000.00	$4,834.00	$10,437.00	X	X	$315,271.00
	Action Mechanical	X	X	$375,000.00	$5,000.00	$10,000.00	X	X	$390,000.00
B-16 Fire Protection	Rapid Fire Protection	X	X	$104,475.00	$5,200.00	$2,100.00	X	X	$111,775.00
	Western States Fire	X	X	$104,830.00	$12,470.00	-$1,500.00	X	X	$115,800.00
B-17 HVAC	One Way Service Pros			$370,674.33	$33,815.15	$28,083.79	X	X	$432,573.27
	Tessier's Inc.	X	X	$437,772.00	$36,655.00	$32,188.00	X	X	$506,615.00
	Precision Mechanical	X		$444,943.00	$30,339.00	$46,848.00	X	X	$522,130.00
	Action Mechanical	X		$495,000.00	$65,000.00	$60,000.00	$15,000	X	$635,500.00
B-15/B-17 Combined	Wolff's Plumbing	X		$933,032.00	$58,600.00	$53,990.00	X	X	$1,045,622.00
B-15/B-17/B-18 Combined	Action Mechanical	X		$763,200.00	$53,500.00	$46,900.00	$6,200	X	$869,800.00
B-18 Controls	Temperature Controls	X	X	$76,628.00	$7,731.00	$6,244.00	X	X	$90,603.00
B-19 Electrical	Freemans Electric	X		$334,018.00	$28,840.00	$16,008.00	$2,170	$2,483	$383,519.00
	Muth Electric	X	X	$366,690.00	$37,311.00	$19,211.00			$423,212.00
	Phase Electric	X	X	$408,406.00	$40,535.00	$17,764.00	X	X	$466,705.00
	Power Plus Electric			$419,000.00	$25,987.00	$16,987.00	$3,985	X	$465,959.00
	Conrad Electric	X	X	$435,000.00	$32,400.00	$15,000.00	$4,500	$3,500	$490,400.00
	Porterfield Electric	X	X	$559,000.00	$39,000.00	$25,000.00	$3,500	$3,000	$629,500.00
	Swiftec Electric			$591,264.00	$46,542.00	$27,690.00	X	$2,185	$667,681.00
	Murdock Electric			$640,000.00	$28,000.00	$22,000.00	$6,000	$5,500	$701,500.00
B-20 Landscaping				No Bids	X	X	X	X	No Bids
B-21 General Construction	Ainsworth-Benning	X	X	$635,400.00	$126,225.00	$44,400.00	$16,0000	X	$811,525.00
B-22 Elevator				X	X	No Bids	X	X	No Bids
B-23 Racquetball	Allied Products	X		X	X	X	$37,933	X	$37,933.00
	Strongwell	X		X	X	X	$44,500	X	$44,500.00
	The Court Company		X	X	X	X	$52,375	X	$52,375.00
M-2 Structural Steel Material	All Metal	X		$79,500.00	$69,960.00	X	X	X	$149,460.00
	Dakota Steel	X	X	$97,335.00	$86,815.00	$1,855.00	X	X	$184,150.00
	Aulick			$119,675.00	$108,680.00	$2,023.00	X	X	$230,378.00

Schroeder moved, Silvernail seconded, to approve the Deadwood Recreation Center Base Bid Package totaling $5,539,382.82 not including (Alternate 1 - Running Track $455,954.14, Alternate 2 - Basement $227,409.48, Alternate 3 - Racquetball Court $67,522.59, Alternate 4 - Water Feature $40,562.03.) Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING & ZONING/PUBLIC BUILDINGS/SAFETY

Land Swap - Lou Curotolo
Lou Curotolo is requesting to exchange land between the City of Deadwood and himself. Curotolo owns School Lot 8 (6.30 acres, plus or minus) and the City of Deadwood owns School Lot 9 (6.79 acres, plus or minus). The City's lot (School Lot 9) surrounds Curotolo property on three (3) sides and he plans to construct a residence/garage on his land (Probate Lot 283). School Lot 8 (owned by

Curotolo) is adjacent to the land purchased from Ken Kellar. Currently, Curotolo's School Lot 8 breaks up the City's property. Bernie Williams Planning and Zoning Administrator, expressed concerns pertaining to the zoning of the Curotolo property, which is Park Forest, and has access issues whereas the City's property is zoned Residential 1 (R1). According to Williams, the City purchased School Lot 9 from Ken Kellar to eliminate the possibility of development on this land. Commissioners Schroeder and Silvernail expressed concerns and Schroeder commented that he feels the City land is more valuable than the Curotolo land. Schroder asked the Mayor and Commissioners Peterson and Klamm to take a tour of the property. Williams added that if the City decided not to approve the land swap, Curotolo wants the City to consider granting an easement across the City's property. Silvernail moved, Schroeder seconded, to continue this request to the August 10, 2009 meeting to allow more time for the Commission to review this request. Roll Call: Aye-All. Motion carried.

St. Ambrose Cemetery Ordinance #1119 - Second Reading
Commissioner Silvernail expressed concerns with the ordinance such as the referral to the Master Plan, no trinkets or similar articles may be placed on the graves, and does not feel it is the City's place to dictate what people may place on the graves since it is an active cemetery. Silvernail requested more time for review and Schroeder added he had a change to the ordinance. Jim Raysor and Jason Campbell will review and amend the ordinance. Silvernail moved, Schroeder seconded, to continue to the August 10, 2009 meeting. Roll Call: Aye-All. Motion carried.

Change Order #5 - Deadwood Mountain Grand
Peterson moved, Klamm seconded, to approve the Change Order #5 for $10,234.00 for Deadwood Mountain Grand to add membrane roofing, nail base insulation, and metal fascia to the Slime Plant Facade, bringing total contract amount for facade and gable roof to $1,734,333.03. Roll Call: Aye-All. Motion carried. Finance Officer Mary Jo Nelson will send Tentexkota for the cost exceeding $1,700,000.00.

Builders Risk Insurance - Rec Center Project
Public Works Director Jim Raysor informed the Commission that this is a requirement of the Construction Manager at Risk contract for the Rec Center Project with Ainsworth Benning. Finance Officer Mary Jo Nelson researched various insurance companies, costs, provided the Commission with detailed costs of the coverage, and noted the City may need to sign a waiver for the flood and earthquake insurance. Silvernail moved, Peterson seconded, to approve the expenditure of $18,600 for Builders Risk Insurance from Safeco, sign a waiver for flood and earthquake insurance. Roll Call: Aye-All. Motion carried. To be paid from the capital projects fund.

Purchase Request
Historic Preservation Officer Kevin Kuchenbecker requested permission to purchase Seth Bullock's rocking chair and dice cup from the Dakota Plains Auction for $5,152.00, expenditure to be paid from the Historic Preservation Acquisition line item. Kuchenbecker added if approved, these items would be displayed at the Adams Museum. Commissioner Klamm expressed concerns with the City continually purchasing items for example the soda fountain and having to pay storage. He added the basement at City Hall is full, and Klamm does not feel this City should keep acquiring such items. Peterson moved, Toscana seconded, to approve the purchase from Dakota Plains Auction for $5,152.00. Roll Call: Aye - Peterson, Toscana, and Schroeder. Nay - Klamm and Silvernail. Motion carried.

STREETS/WATER/LIBRARY

Repair Request
Schroeder moved, Klamm seconded, to approve the expenditure not to exceed $27,000 to pave Water Street and bill the expense to Tentexkota. Roll Call: Aye-All. Motion carried.

Hire Request
Schroeder moved, Klamm seconded, to approve the hiring of John Hopkins at the Rubble Site at $8.00 per hour, effective July 14, 2009. Roll Call: Aye-All. Motion carried.

PARKS/RECREATION/TROLLEY

Employee Resignation
Silvernail moved, Peterson seconded, to accept the resignation of Alfred Ford Burnham from Trolley and Parking Ramp, effective July 6, 2009. Roll Call: Aye-All. Motion carried.

EXECUTIVE SESSION/REGULAR MEETING, July 13, 2009

Use of Trolley
Silvernail moved, Peterson seconded, to allow the trolley to travel to Spearfish for the Swarm Day parade on September 19, 2009. Commissioner Schroeder added that Mr. Nelson should be allowed to cancel any such commitment, at his discretion. Roll Call: Aye-All. Motion carried.

LEGAL BUSINESS

Contract - Quality Services, Inc.
Klamm moved, Schroeder seconded, to allow the Mayor to sign the agreement between the City of Deadwood and Quality Services, Inc. for archeology services at the Deadwood Rec Center Renovation project. Roll Call: Aye-All. Motion carried.

Contract - Stanley Paving - Tentexkota
Klamm moved, Schroder seconded, to allow the Mayor to sign the agreement between the City of Deadwood, Stanley Paving, and Tentexkota for the paving of Water Street, not to exceed $27,000.00. Roll Call: Aye-All. Motion carried.

Contract - HCW, Inc.
Klamm moved, Silvernail seconded, to allow the Mayor to sign the agreement between the City of Deadwood and HCW, Inc. for the construction of a partition wall in the City Hall basement for $2,855.73. Roll Call: Aye-All. Motion carried.

MAYORS BUSINESS

Request Executive Session
Mayor Toscana requested an Executive Session following Regular Session for legal and contractual matters with no action to be taken.

ADJOURNMENT/EXECUTIVE SESSION
Silvernail moved, Schroeder seconded, to adjourn the regular session at 6:00 p.m. and convene into Executive Session for legal and contractual matters with no action to be taken. The next regular meeting will be at 5:00 p.m. on Monday, July 20, 2009.

ATTEST: Mary Jo Nelson

Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD SEAL SOUTH DAKOTA

DATE: 7-20-09

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 _____.