

**EXECUTIVE SESSION/REGULAR MEETING, August 1, 2011**

The Regular Session of the Deadwood City Commission convened on August 1, 2011 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, Joe Peterson, Georgeann Silvermail, Gary Todd, and Jim Van Den Eykel. All motions passed unanimously unless otherwise stated.

**CONDOLENCES**

Mayor Toscana along with the City Commission and City employees expressed deepest sympathy to City employee Randy and Joyce Pfarr for the passing of their son Aaron.

Mayor Toscana along with the City Commission and City employees expressed condolences to the family of Chester Borsch, a trolley driver for the Trolley Department.

**APPROVAL OF MINUTES**

Silvermail moved, Peterson seconded, to approve the minutes of July 25, 2011. Roll Call: Aye-All. Motion carried.

**JULY, 2011 PAYROLL:** COMMISSION, \$2,730.76; ATTORNEY, \$1,889.37; FINANCE, \$13,689.07; PUBLIC BUILDINGS, \$2,192.32; POLICE, \$41,617.32; FIRE, \$4,426.17; BUILDING INSPECTION, \$3,356.56; STREETS, \$24,095.65; PARKS, \$25,167.78; PLANNING & ZONING, \$3,692.30; LIBRARY, \$5,398.57; RECREATION CENTER, \$17,678.98; HISTORIC PRESERVATION, \$15,860.58; WATER, \$12,201.16; MT. MORIAH, \$6,392.72; PARKING METER, \$9,733.02; TROLLEY, \$18,494.57; PARKING RAMP, \$6,030.00; RUBBLE SITE, \$1,765.80. **PAYROLL TOTAL: \$216,412.70.**

**JULY, 2011 PAYROLL PAYMENTS:**

Internal Revenue Service, \$48,396.07; S.D. Retirement System, \$19,332.52; Delta Dental, \$3,479.88.

**APPROVAL OF DISBURSEMENTS**

Silvermail moved, Van Den Eykel seconded, to approve the August 1, 2011 disbursements with the additional bill. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	MAINT	909.45
A & B WELDING	SUPPLIES	65.30
ABC BUSINESS	SUPPLIES	622.61
ADAMS MUSEUM	OP EXPENSES	8,367.88
ALBERTSON ENGINEERING	ENG SERVICES	20,177.93
ARMSTRONG EXTINGUISHER	SERVICES	312.00
ATCO INTERNATIONAL	SUPPLIES	105.00
BH CHEMICAL	SUPPLIES	640.27
BH POWER	UTILITIES	4,486.05
BH WINDOW CLEANING	SERVICE	415.00
BURLESON, BILL	REIMBURSE	200.00
BUTLER	PARTS	39.75
CHRIS SUPPLY	PARTS	176.33
CNA SURETY	NOTARY	50.00
COMPANION LIFE	PREMIUMS	221.01
CULLIGAN	SUPPLIES	173.00
DAKOTA BUSINESS	MAINT	107.44
DAKOTA GRAPHICS	APPLICATIONS	130.00
DAKOTA STEEL	CULVERT	375.00
DEADWOOD ALIVE	JULY PAYMENT	20,000.00
DEADWOOD CHAMBER	BID-BILLS LIST	98,755.67
DEADWOOD ECONOMIC DEV	PAYMENT	1,580.02
DEADWOOD GRANITE	INSTALL	350.00
DEADWOOD LEAD ARTS	EDUCATION	4,000.00
DRAGOO CABINETS	CABINETS	5,411.10
E.T. SPORTS	CONVERTOR	630.95
ENVIRONMENTAL EQUIPMENT	BROOMS	560.00
FARMER BROS	SUPPLIES	263.70
FASTENAL	SCREWS	15.15
FLAT EARTH SIGN CO	SIGNS	345.00
FOUR WINDS INTERACTIVE	KIOSKS	23,543.89
GOLDEN WEST	SERVICE	556.26
GREAT WESTERN TIRE	SERVICE	727.60
GUSTAFSON BUILDERS	SLIME PLNT FACADE	232,092.31
HD SUPPLY WATERWORKS	DRAINS	672.00
JACOBS WELDING	OXYGEN	24.00
KNOLOGY	SERVICE	1,033.56
LEAD-DWD BASEBALL ASSOC	DONATION	200.00
MAGUIRE IRON, INC.	INSPECT	1,802.50
MOTOROLA	RADIOS	5,971.20
NEWELL MUSEUM	GRANT	10,000.00
NH TECHNOLOGY	SERVICE	360.00
NORTHWEST PIPE	EXTENSION	30.89
QUILL	SUPPLIES	495.02
SANITATION PRODUCTS	PARTS	929.34
SD COMMISSION ON GAMING	PAYMENT	50,238.64
SD PUBLIC HEALTH LAB	TESTING	24.00
SPEARFISH HUSKY	STARTER	25.00
SPECIALTY VEHICLES	PANEL	241.95
STATE RADIO COMMUNICATIONS	SERVICE	2,250.00
STURDEVANT'S	PARTS	235.58
SUMMIT SIGNS	SIGNS	482.50
TRIPLE K	REPAIRS	50.00

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TURNBULL & SONS	STONE VENEER	4,252.50
TC HARDWARE	PARTS	4,063.91
USA BLUEBOOK	PARTS	443.13
WEST PAYMENT CENTER	CHARGES	184.44
WEST RIVER INTERNATIONAL	ELEMENT	42.42
	<b>TOTAL</b>	<b>\$ 510,458.25</b>

### ITEMS FROM CITIZENS ON AGENDA

#### Fire Department Award

Fire Chief Jeff Millard presented an award on behalf of the Deadwood Volunteer Fire Department to Tracy Island of Deadwood Gulch Resort. Millard informed everyone that Deadwood Gulch Resort experienced a fire, on August 10, 2010 due to their sprinkler system, the fire was contained. Millard thanked them for their fire prevention efforts.

#### Deadwood Chamber – Legends Ride Waive Banner Fees

Sarah Anderson requested permission to waive the banner fees for the Legends Ride (non-profit organization) to be held on August 8, 2011. Silvernail moved, Peterson seconded, to waive fees for said request. Roll Call: Aye-All. Motion carried.

### PUBLIC HEARINGS/BID OPENINGS

#### Set Public Hearing

Van Den Eykel moved, Silvernail seconded, to set a public hearing at 5:05 p.m. on August 15, 2011 for the 2011 Deadwood Jam events on September 16 & 17, 2011. Roll Call: Aye-All. Motion carried.

#### Set Public Hearing

Todd moved, Van Den Eykel seconded, to set a public hearing at 5:10 p.m. on August 15, 2011 for application of transfer for retail (on-sale) liquor license (RL-5542) and retail (on-off sale) malt beverage license (RB-2445) for Bullock Hospitality, Bullock Hotel at 633 Main Street. Roll Call: Aye-All. Motion carried.

### FINANCE

#### Information – 2012 Budget Meetings

Commissioner Peterson announced that the 2012 Budget Meetings are scheduled for August 2, 3, and 4, 2011 at 7:00 a.m.

#### Raffle Request

The Commission received a request from Lawrence County Teen Court. Tickets will be sold with the drawing to be held on September 9, 2011. No action was taken per SDCL 22-25-25.

#### Payment Request

Peterson moved, Silvernail seconded, to approve the payment of \$1,522.15 to Jody M. Lieder for damage to customer's vehicle when exiting Broadway Parking Ramp, to be paid from Parking Ramp Fund. Roll Call: Aye-All. Motion carried.

#### Payment Request

Peterson moved, Silvernail seconded, to approve the payment of \$1,785 to Clearwater Security Investigations for servicing the Broadway Parking Ramp elevator camera, to be paid from Parking Ramp Fund. Roll Call: Aye-All. Motion carried.

### HISTORIC PRESERVATION/PLANNING AND ZONING/PUBLIC BUILDINGS/SAFETY

#### Ordinance #1162 – Second Reading

Bob Nelson Jr. said no comments have been received. Silvernail moved, Van Den Eykel seconded, to approve second reading of Ordinance #1162 Amending Chapter 5.48 Vehicles for Hire. Roll Call: Aye-All. Motion carried.

#### Ordinance #1163 (Second Reading)

Bob Nelson Jr. said no comments have been received. Silvernail moved, Van Den Eykel seconded, to approve second reading of Ordinance #1163 to Repeal Ordinance 5.36 Selling from Vehicles. Roll Call: Aye-All. Motion carried.

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### Contract Request

Silvernail moved, Todd seconded, to enter into a contract between the City of Deadwood and Jacob's Welding for the rehabilitation of the Deadwood Cannon carriage and concrete base at a cost not to exceed \$2,500, to be paid from Historic Preservation Public Education Fund. Roll Call: Aye-All. Motion carried.

### Training Request

Todd moved, Silvernail seconded, to allow Mike Runge to enroll in an on-line training through Northern States Conservation Center at a cost not to exceed \$1,000, to be paid from Historic Preservation Archives budget. Roll Call: Aye-All. Motion carried.

### Change Order #4 – Days 76 Museum

Silvernail moved, Peterson seconded, to approve Change Order #4 from Scull Construction for the Days of 76 Museum project; adding \$5,246.61 for total cost of \$3,372,797.74 from Capital Project Fund, to be reimbursed by the Days of 76 Museum Inc. Roll Call: Aye-All. Motion carried.

### Change Order #1 – 37 Lee Street Retaining Wall

Silvernail moved, Peterson seconded, to approve Change Order #1 for 37 Lee Street retaining wall project (concrete drainage pad between house and wall, and addition of drains), by adding cost of \$8,310 to project, to be paid from HP Retaining Wall Grant/Loan Fund. Roll Call: Aye-All. Motion carried.

### Change Order #2 – 37 Lee Street Retaining Wall

Commission discussed status of retaining wall at 37 Lee Street. Nelson explained due to unforeseen changes in the condition of the existing wall, and engineers redesign to completely replace wall due to failure. The new wall will include complete removal of existing wall, rebuild with rediblock, shotcrete, wall anchors, clean rock, geogrid and proper drainage tile. Peterson moved, Van Den Eykel seconded, to approve Change Order #2 for 37 Lee Street retaining wall project, by adding \$28,650 to the project for a total of \$113,960 from HP Retaining Wall Grant/Loan Fund. Roll Call: Aye-All. Motion carried. Kevin Kuchenbecker to prepare memo regarding unforeseen circumstances related to soils, utilities or unknown conditions per SDCL 5-1813-19 for Jason Campbell's approval and file.

## STREETS/WATER/LIBRARY

### Update - Burnham Hill Quotes (Continued from July 5, 11, and 25, 2011)

Commissioner Van Den Eykel informed the Commission the soils analysis report from American Technical Services has been received. Van Den Eykel said American Technical Services agreed with the recommendations made by Jim Raysor to repair Burnham Hill by placing asphalt compression joints on certain sections of the hill. Raysor prepared specifications for repairs and is in the process of obtaining quotes.

### Quote – Hills Materials (Chip Seal Upper Main) (Continued from July 25, 2011)

#### Water Street Resurfacing (Continued from July 11 & 25, 2011)

Jim Raysor, Public Works Director, informed the Commission of the quote he received from Hills Materials for the overlay project for Upper Main Street. The cost is \$39,700 and by adding that amount with the Water Street resurfacing cost of \$21,145.05 these costs exceed the \$50,000 per year budgeted amount. After discussing, Van Den Eykel suggested holding off on Water Street repairs due to the construction project of Deadwood Mountain Grand Hotel. Van Den Eykel said he lives on upper Main and does not feel it is necessary to spend the money to chip seal Upper Main. Raysor added Williams Street is in bad shape and will need to be done next year. After discussing the various streets in need of repairs, Toscana said a decision must be made soon due to the upcoming weather conditions. Van Den Eykel moved, Todd seconded, to request a timeframe for the Upper Main Street overlay project from Hills Materials and add to the August 8, 2011 agenda. Roll Call: Aye-All. Motion carried.

### Payment Increase – Four Aces Sidewalk Repairs

Van Den Eykel moved, Silvernail seconded, to approve the price increase to repair the sidewalk by the Four Aces due to City crews moving a trolley stop and installing parking meter poles for a total cost of \$3,887.00, to be paid from Parking and Transportation budget. Roll Call: Aye-All. Motion carried.

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**LEGAL BUSINESS**

**Contract – BH Nailworks**

Silvernail moved, Todd seconded, to allow the Mayor to sign the amended contract between the City of Deadwood and BH Nailworks to increase the amount of the soda fountain lease from \$50 to \$60 per month. Roll Call: Aye-Silvernail, Todd, Van Den Eykel, Toscana. Abstain-Peterson. Motion carried.

**Permission to Sign**

City Attorney Jason Campbell requested permission for the Mayor to sign Oakridge Cemetery Certificates of Purchase and Warranty Deeds for Joyce Sneesby. Silvernail moved, Todd seconded, to grant permission. Roll Call: Aye-All. Motion carried.

**Executive Session**

Mayor Toscana requested an Executive Session following the Regular Session for Union Negotiations per SDCL 1-25-2(4) with no action to be taken.

**ITEMS FROM CITIZENS NOT ON AGENDA**

**Police Department**

Rob Lester thanked all City Department that assisted the Police Department with the Days of 76 parades, all their help is greatly appreciated.

**City Commission**

Thanked all City departments and staff for all their hard work and dedication during the Days of 76 events. Mayor Toscana thanked the Days of 76 committee members for their dedication to the City of Deadwood.

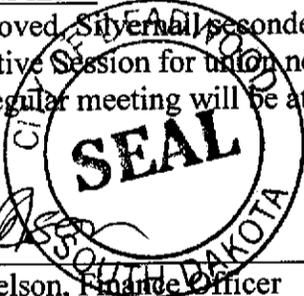
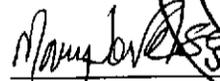
**Days of 76 – Thank you**

Ted Thompson and Pat Roberts, representing the Days of 76 committee, appeared to express their gratitude to the City Commission, Historic Preservation Commission and all City departments who assisted with the Days of 76 events along with the City's financial support. Thompson added that this year's events were a huge success and praised the community and volunteers for their hard work and dedication. Toscana thanked the committee and everyone involved with the event.

**ADJOURNMENT**

Toscana moved, Silvernail seconded, to adjourn the regular session at 5:45 p.m. and convene into Executive Session for union negotiations per SDCL 1-25-2(4) with no action to be taken. The next regular meeting will be at 5:00 p.m. on Monday, August 8, 2011.

ATTEST:

A circular seal for the City of Deadwood, South Dakota. The seal features the word "SEAL" in the center, surrounded by "CITY OF DEADWOOD" and "SOUTH DAKOTA".  
  
\_\_\_\_\_  
Mary Jo Nelson, Finance Officer

DATE: 8-8-11  
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 \_\_\_\_\_.