

REGULAR MEETING, December 10, 2012

The Regular Session of the Deadwood City Commission convened on December 10, 2012 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, City Attorney Terry Williams and Commissioners Joe Peterson, Georgeann Silvernail, Gary Todd and Jim Van Den Eykel. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Silvernail moved, Van Den Eykel seconded to approve the minutes of December 3, 2012. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Van Den Eykel moved, Todd seconded to approve the December 10, 2012 disbursements. Roll Call: Aye-All. Motion carried.

ALCO	SUPPLIES	47.02
ALL NET CONNECTIONS	SUPPORT	24.50
ANDERSON, JULIE	REFUND	23.80
ARMSTRONG EXTINGUISHER	MAINTENANCE	64.50
ATCO INTERNATIONAL	SUPPLIES	83.00
BINDER, WILLIAM	REIMBURSEMENT	154.71
BH CHEMICAL	SUPPLIES	837.25
BH DISPOSAL	DUMPSTERS	1,050.00
BURLESON, BILL	REIMBURSEMENT	209.00
BUTLER MACHINERY	RETAINER	531.81
CHAINSAW CENTER	SUPPLIES	423.40
CULLIGAN	SUPPLIES	166.00
DAKOTA SUPPLY	METERS	976.84
DEMCO	SUPPLIES	203.50
DOWER, CLIFF	REIMBURSEMENT	104.64
EMERY-PRATT	BOOK	118.02
ENVIRONMENTAL PRODUCTS	SUPPLIES	56.20
FASTENAL COMPANY	SUPPLIES	30.68
FIRST NATIONAL	FEE	14,446.00
GOLDEN WEST	SERVICE	972.90
GRANT THORNTON	SERVICE	3,000.00
GUNDERSON, PALMER, GOODSSEL	SERVICE	6,110.31
HILLS MATERIALS	REPAIRS	466.44
JACOBS WELDING	SUPPLIES	53.96
JUNIOR LIBRARY GUILD	SUBSCRIPTIONS	342.00
LEAD-DEADWOOD SANITARY	USAGE	23,380.04
LEE, JAMES	REIMBURSEMENT	31.79
MARTHA STEWART LIVING	SUBSCRIPTION	24.00
MENARD'S	SUPPLIES	222.86
MIDWEST TAPE	DVD'S	569.34
MDU	GAS	5,054.07
NAPA	SUPPLIES	1,171.31
OMNIGRAPHICS	CUMULATION	63.55
OSBORN, JANET	REIMBURSEMENT	56.10
PETTY CASH- LIBRARY	REIMBURSEMENT	47.20
PETTY CASH-FINANCE OFFICE	REIMBURSEMENT	106.58
RACHETTO, TRENT	REIMBURSEMENT	185.99
RAPID DELIVERY	SERVICES	12.00
RAPP SALES	SUPPLIES	52.50
RASMUSSEN MECHANICAL	CREDIT	1,579.20
SD ASSN. OF RURAL WATER	DUES	475.00
SD PUBLIC HEALTH LAB	TESTING	39.00
SD STATE TREASURER	SALES TAX	2,461.00
SERVALL	SUPPLIES	1,760.86
SOUTHSIDE OIL	GAS	16,562.25
SOUTHSIDE SERVICE	TIRES	640.00
SUBWAY	DEDICATION	20.00
TARCO INDUSTRIES	SUPPLIES	147.65
TEMPERATURE TECHNOLOGY	SERVICE	510.21
TRIPLE K	REPAIR	136.00
TTG ENTERPRISES	SUPPORT	332.32
TWILIGHT	SUPPLIES	469.22
TWIN CITY HARDWARE	CORRECTION	2,389.91
WASTE CONNECTIONS	DUMPSTERS	7,834.33
WORKAMPER NEWS	AD	189.00

TOTAL

\$ 97,019.76

ITEMS FORM CITIZENS ON AGENDA

Pre-Disaster Mitigation Update

Rene Larson with Lawrence County Emergency Management gave the Commission an update on the five year Pre-Disaster Mitigation Plan. Silvernail moved, Todd seconded to allow the Mayor to sign Resolution 2012-29. Roll Call: Aye-All. Motion carried.

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**RESOLUTION 2012-29
PRE-DISASTER MITIGATION PLAN UPDATE
FOR LAWRENCE COUNTY**

RESOLVED: The City of Deadwood deems it advisable and in the best interest of the community and Lawrence County to approve said Pre- Disaster Mitigation Plan update

PASSED AND APPROVED THIS 10TH DAY OF DECEMBER 2012.

ATTEST: CITY OF DEADWOOD
/s/ Mary Jo Nelson, Finance Officer /s/ Francis A. Toscana, Mayor

Lease

Mayor Toscana stated that Michael Olive is asking the Commission for resolution of support to lease the property owned by South Dakota Department of Transportation located at 500 Cliff Street. The SDDOT requires approval from Deadwood to lease the property. Toscana does not feel comfortable approving without more information. After discussion Silvernail moved, Van Den Eykel seconded to table Michael Olive's request. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS/BID OPENINGS

Public Hearing – Resolution 2012-28

Public hearing was opened at 5:05 p.m. by Mayor Toscana. There being no one present to speak in favor or against, hearing closed. Silvernail moved, Todd seconded to pass Resolution 2012-28 and allow Mayor to sign the lease agreement for \$220.00 a month. Roll Call: Aye-All. Motion carried.

**RESOLUTION NO. 2012-28
RESOLUTION OF INTENT
TO ENTER INTO A LEASE WITH MYSTIC MINER,
FOR RENTAL OF BILLBOARD SPACE ON M.S. 774, UNCLE TOM LODGE**

WHEREAS, the City of Deadwood owns the ground space located on M.S. 774, Uncle Tom Lode, Lawrence County, South Dakota; and

WHEREAS, Mystic Miner proposes to rent space for billboard on the parcel owned by the City,

WHEREAS, pursuant to SDCL 9-12-5.2, a hearing was held before the City Commission of the City of Deadwood, South Dakota, on Monday the 17th day of December, 2012 at 5:05 p.m., in the Commission Chambers located at 102 Sherman Street, Deadwood, South Dakota, to consider the adoption of this Resolution of Intent; now therefore,

BE IT RESOLVED by the City of Deadwood that the City hereby declares its intent to enter into an Agreement with a private party for the purpose of leasing ground space for billboard on M.S. 774, Uncle Tom Lode, Lawrence County, South Dakota.

Dated this 10th day of December 2012.

ATTEST: CITY OF DEADWOOD
/s/ Mary Jo Nelson, Finance Officer /s/ Francis A. Toscana, Mayor

Low Bid/Contract

Silvernail moved, Todd seconded to accept the low bid of \$60,720.00 from Sabo Construction for the retaining wall at 15 Madison and allow the Mayor to sign the contract. Bids were opened November 12, 2012. Roll Call: Aye-All. Motion carried.

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Public Hearing

Silvernail moved, Van Den Eykel seconded to set a public hearing at 12:03 p.m. on December 31, 2012 for Resolution 2012-30, Notice of Intent to lease to private party regarding lease of ground space to Barefoot Lodge for billboard rental. Roll Call: Aye-All. Motion carried.

Public Hearing

Silvernail moved, Peterson seconded to set a public hearing at 5:13 p.m. on December 17, 2012 for the Silverado/Franklin New Year's Eve ball drop. Roll Call: Aye-All. Motion carried.

Public Hearing

Silvernail moved, Van Den Eykel seconded to set a public hearing at 5:15 p.m. on December 17, 2012 to waive vending fees for nonprofit and allow vending on public property for the Rec Center swim meet on Saturday January 5, 2013. Roll Call: Aye-All. Motion carried.

FINANCE

Arbitrage Report

Peterson moved, Silvernail seconded the acknowledgement of the arbitrage report from Grant Thorton for 2003-2004 Bond Series. No payment or filing is due to the IRS. Roll Call: Aye-All. Motion carried.

First Reading

Peterson moved, Silvernail seconded to approve the first reading of Supplemental Budget Ordinance #1185, Revolving Loan, Tif #9 and Rubble Site. Roll Call: Aye-All. Motion carried.

Second Reading

Peterson moved, Silvernail seconded to approve the second reading of Ordinance #1186 to request extension of franchise agreement between Midcontinent and the City of Deadwood until December 8, 2013. Roll Call: Aye-All. Motion carried.

Agreement

Peterson moved, Silvernail seconded to allow the Mayor to sign the Land Use Lease Agreement with Terry Peak Ski Resort for \$440.00 a month, public hearing was held on December 3, 2012. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING AND ZONING/PUBLIC BUILDINGS/SAFETY

Change Order #1

Silvernail moved, Peterson seconded to allow the Mayor to sign the Change Order #1 with Utech Construction Inc. at the St. Ambrose Cemetery for 700 additional square yards of seeding in the amount of \$1,500.00, bringing the total contract amount to \$46,418.60 Roll Call: Aye-All. Motion carried.

Change Order #10

Silvernail moved, Peterson seconded to allow the Mayor to sign the Change Order #10 at Deadwood Mountain Grand to delete re-assembly of air compressor and deduct \$10,540.20, bringing to total contract amount to \$1,615,931.83. Roll Call: Aye-All. Motion carried.

POLICE/FIRE

Annual Testing

Silvernail moved, Peterson seconded to allow the Fire Department to pay M&T Fire for the annual testing of ICBA equipment at a cost of \$3,000.00. Roll Call: Aye-All. Motion carried.

Agreement

Silvernail moved, Peterson seconded to allow the Mayor to sign the agreement with Four Front Design for Parking and Transportation project at the Mickelson Trailhead. Roll Call: Aye-All. Motion carried.

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PARKS/RECREATION/TROLLEY

Transportation Proposal

Commissioner Todd stated that Commissioner Van Den Eykel, Public Works Director Jim Raysor and Chief Kelly Fuller met with Nelson/Nygaard Consulting last week to discuss the Transportation study proposal. Todd believes it would offer some valuable information but was surprised at the cost of \$41,000 to \$46,000. Silvernail said the cost was higher than she anticipated and believes the staff is competent enough to address these issues. Toscana said since we have had so much dissention on the trolley system and transportation in general that he thinks it might be beneficial to hear from experts. Van Den Eykel agrees with Toscana. After much discussion, Toscana requested that Raysor call other cities who have used this firm and get their input prior to acceptance. Silvernail moved, Todd seconded to continue to the January 7, 2013 meeting. Roll Call: Aye-All. Motion carried.

LEGAL BUSINESS

Agreement

Peterson moved, Silvernail seconded to allow the Mayor to sign the agreement with Custom Décor Masonry for \$18,768.45 for the brick work at the Adams House Museum. Roll Call: Aye-All. Motion carried.

Agreement

Todd moved, Silvernail seconded to allow the Mayor to sign the agreement with Deadwood History, Inc. for the use of the Adams Museum, Historic Adams House Museum and Mary Adams Orientation Center. Roll Call: Aye-All. Motion carried.

Agreement

Silvernail moved, Van Den Eykel seconded to allow the Mayor to sign the agreement with South Dakota Commission on Gaming for the lease extension at the Broadway Parking Ramp. Roll Call: Aye-All. Motion carried.

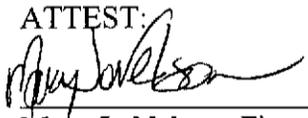
MAYORS BUSINESS

Mayor Toscana requested Executive Session for Legal Matters per SDCL 1-25-2(3) with possible action.

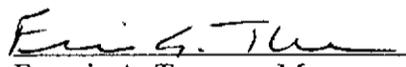
ADJOURNMENT

Silvernail moved, Van Den Eykel seconded to adjourn the regular session at 5:40 p.m. and convene into Executive Session for Legal Matters per SDCL 1-25-2 (3) with no action taken. The next regular meeting will be at 5:00 p.m. on Monday December 17, 2012.

ATTEST:


Maty Jo Nelson, Finance Officer

DATE: 12-17-12

BY: 
Francis A. Toscana, Mayor

Published once at the total approximate cost of _____.