

**REGULAR MEETING, December 19, 2011**

The Regular Session of the Deadwood City Commission convened on December 19, 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, Gary Todd, Georgeann Silvernail, 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 12, 2011. Roll Call: Aye-All. Motion carried.

**APPROVAL OF DISBURSEMENTS**

Silvernail moved, Todd seconded, to approve the December 19, 2011 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	LEASE	322.10
AAM MEMBERSHIP	MEMBERSHIP	81.00
ABC BUSINESS	FURNITURE	2,605.95
ACTION MECHANICAL	SERVICE	610.90
ACTIVE DATA SYSTEMS	GIS SFTWR	2,308.50
ALCO	SUPPLIES	41.51
ALLEN, MEL	MTGS	175.00
BH PIONEER	SUBSCRIPTION	108.00
BH POWER	UTILITIES	17,949.09
BH SPECIAL SERVICE	CLEANING	1,050.00
BH WINDOW CLEANING	SERVICE	905.00
BRIDENSTINE, DANIEL	REIMBURSE	19.84
BUTLER	PARTS	355.52
CAMPBELL SUPPLY	SUPPLIES	271.96
CENTURY LINK	SERVICE	155.29
CHAMBERLIN ARCHITECTS	DAYS 76 PRJ	727.40
CULLIGAN	SUPPLIES	239.75
DATEC, INC	COMPUTER	5,257.35
DEADWOOD CHAMBER	BILLS	14,000.00
DEADWOOD ECONOMIC DEVELOPMENT	CONTRACT	1,580.02
DEADWOOD LEAD ARTS COUNCIL	EXHIBIT	1,501.88
DRAGOO CABINETS	REC DISPLAY	469.20
FARMER BROTHERS	SUPPLIES	21.15
FARRIER, MARIE	MTGS	225.00
FETERL, RONDA	MTGS	200.00
FLOYD, LAURA	MTGS	250.00
FORGEY CONSTRUCTION	R WALL 37 LEE	46,311.00
GAYLORD BROS.	SUPPLIES	497.30
GOLDEN WEST	STORAGE	439.75
GREEN, SHEREE	MTGS	200.00
HD SUPPLY WATERWORKS	PARTS	205.89
HERMOSA ARTS-HISTORY ASSOC	2010 GRANT	4,484.00
HIGH PLAINS WESTERN HERITAGE	2010 GRANT	2,500.00
J. SCULL CONSTRUCTION	DAYS 76 PRJ	156,764.73
JACOBS PRECISION WELDING	REPAIRS	212.00
JULIN, SUZANNE	HISTORY PRJ	1,150.00
KADRMAS LEE & JACKSON	ST. AMBROSE PRJ	4,455.40
LC REGISTER DEEDS	2011 GRANT	755.00
LEAD-DEADWOOD MEDICAL CLINIC	TESTING	126.00
LYNN'S	SUPPLIES	26.00
M&M SANITATION	RENTAL	205.00
MENARD'S	SUPPLIES	88.55
MERCHANTS CAPITAL RESOURCE	LEASE-LOADER	43,474.23
MILOS, GEORGE	MTGS	175.00
NAPA	PART	10.46
NEIGHBORHOOD LENDING SERVICE	CONTRACT 4-QTR	21,725.00
NH TECHNOLOGY	BACKUP FEES	600.00
NORTHWEST PIPE	PARTS	14.43
OLSEN, MIKE	MTGS	225.00
OLSON, STEVE	MTGS	200.00
PAPER DIRECT	SUPPLIES	149.17
PASTPERFECT SOFTWARE	RENEWAL	424.00
PETTY CASH-FINANCE	REIMBURSE	71.70
PETTY CASH-HP	REIMBURSE	91.10
PIKE, MATTHEW	MTGS	150.00
PIONEER DESIGNS	UNIFORMS	33.08
POHLIG BROS. LLC	SUPPLIES	489.30
QUILL CORPORATION	SUPPLIES	379.48
RAPID DELIVERY	DELIVERY	9.78
REIF, SCOTT D.	REIMBURSE	200.00
RELIABLE OFFICE SUPPLIES	TONER	85.47
SD COMMISSION GAMING	SLOTS PYMT 6	17,693.18
SD DENR	CERTIFICATION FEES	36.00
SD DEPT CORRECTIONS	FIREWISE	4,749.44
SD DEPT. HEALTH	FLU SHOTS	989.00
SD DEPT. REVENUE	MALT BEV.LIC.TRSSF.-HICKOK'S	75.00
SD MAGAZINE	RENEWAL	147.00
SD MUNICIPAL LEAGUE	DUES-2012	1,255.42
SD ONE CALL	FEES	7.77
SHEDD, JIM	MTGS	225.00
SPEIRS, MARK	MTGS	150.00
STEINLICHT, WILLIE	MTGS	275.00
STURDEVANT'S	OIL	100.00
SUMMIT SIGNS	SIGNS	235.00
TOMS, DON	LC LEDGER PRJ	630.00
TWILIGHT FIRST AID	SUPPLIES	114.05
TC HARDWARE	PAINT	327.36

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UMENTHUM, KEITH  
WYSS ASSOC

REIMBURSE  
USS MAINE  
TOTAL

52.98  
300.00  
\$ 365,721.43

### ITEMS FROM CITIZENS NOT ON AGENDA

#### State Highway Project

Mayor Toscana informed everyone that the South Dakota Department of Transportation (SDDOT) proposed the widening of Highway 85 project to commence in 2013 and added that SDDOT will be meeting with the affected property owners this week. Bob Nelson Jr., Deadwood Planning and Zoning Administrator, met with SD DOT to discuss the project in detail and said there are individuals impacted by the use of the SDDOT right-of-way to improve the highway. Nelson said the City is impacted in one location. Toscana opened the meeting to allow individuals to voice their concerns. Les Bellet, John Geary, Twin City Hardware, 399 Cliff, said, "If the proposed plan goes through we are out of business." He added that their business is definitely impacted by converting to three lanes, which eliminates parking, poses issues with delivery trucks, snow removal, and changes to their parking lot. Bellet told the Commission he needs their help to keep his business open. John Keene, RE/MAX Gold, 134-136 Sherman, provided the Commission with a letter from tenants expressing concerns regarding their businesses if street side parking is eliminated. Tim Conrad, Sherman Street property owner, referred to issues faced by Belle Fourche with the temporary safety fence/splashguard and does not want to see this happen on Sherman Street. Conrad requested that SDDOT look at alternatives. Michael Guilbert, Lennard Hopper, 88 Charles, voiced safety concerns with speeding as well as debris splashing along the street side of their building. Larry Shama also spoke in opposition. Karen Olson, SDDOT Design Coordinator, addressed the group. According to Olson, after the project is complete, the highway will be three lanes with one lane a turning lane which eliminates parking, but DOT reviewed options to retain parking on one side. SDDOT will use the existing public right-of-way without buying additional property. Olson stated parking within in a right-of-way is a privilege and realizes it is beneficial for businesses. However, improvements are necessary. The project consists of resurfacing, curb and gutter, sidewalks with ADA compliance, and signal work at Cemetery Street. Olson added that snow removal is a big concern for citizens, and added due to the third turning lane the snow can be plowed to the center rather than onto the sidewalks. Commissioner Todd said he does not want to see any parking eliminated, and would like a buffer zone to remain for safety purposes, and save the two lane highway. Todd wants the project to move forward but would like the SDDOT to address concerns. Commissioner Silvernail referenced Twin City Hardware and asked if DOT could revise their plan to allow the business to keep parking and loading zone. Olson explained they did review an option to create a safe curve and swing the highway out further. In order to allow this, DOT would have to purchase additional property and cannot justify spending additional taxpayer dollars to benefit a single entity. Commissioner Van Den Eykel said he realizes the importance of this project but taxpayers concerns need to be heard and addressed. Van Den Eykel moved, Todd seconded, to appoint the following to serve on a committee with SDDOT to resolve some of these issues: Francis Toscana, Kevin Kuckenbecker, Bob Nelson, Jr., Jim Raysor and Jim VanDenEykel. Roll Call: Aye-All. Olson added there are Deadwood residents in favor of this project. SDDOT is listening to everyone and would like to reach a workable solution for everyone involved. Kevin Kuchenbecker, Historic Preservation Officer, added that a portion of the proposed highway project lies in the Deadwood National Historic Landmark District so the Deadwood Historic Preservation office is in the process of reviewing certain criteria with the Federal and State offices. Pat Roberts, Best Western, 137 Charles, said he not opposed to the project but he is not getting any answers to his questions regarding delivery trucks, trolley stops, and safety issues. He asked the Commission for their help in getting answers prior to this project becoming a reality. Michael Guilbert and Lennard Hopper told the Commission they want to see a resolution to either stop or slow down this project until these issues and concerns are addressed. Mike Trucano, SDDOT Commissioner, did not agree but suggested the Commission pass a resolution to work with SDDOT to address these concerns and revisit the problem areas. He added that as one member of nine on the DOT Commission, he would vote to protect his hometown. Ron Island, Super 8, 196 Cliff-306 Sherman, he does not believe any changes have been made to the project plan since it was proposed in August 2010. Toscana said the Commission would like to see two lanes through Sherman and Charles and retain parking. He agreed with Island and said it is a difficult situation for our businesses. Todd moved, Peterson seconded, to pass a resolution to work with SDDOT and residents of Deadwood to address the parking, Historic Preservation, and concerns of the businesses and landowners prior to the City endorsing the proposed Highway 85 project. Roll Call: Aye-All. Motion carried.

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### PUBLIC HEARINGS/BID OPENINGS

#### Public Hearing

No one was present to speak in opposition. Peterson moved, Van Den Eykel seconded to approve the Intent to Continue Business Improvement Districts, and to establish the Levy of Business Occupation Tax, and establish rates for 2012 for Districts 1, 2, 3, 4, 5, and 6 per SDCL 9-55-13 (Resolution 2011-18 passed September 19, 2011.) Roll Call: Aye-All. Motion carried.

#### Public Hearing

No one was present to speak in opposition. Silvernail moved, Van Den Eykel seconded, to approve the Intent to Continue Business Improvement District No. 7 for 2012 per SDCL 9-55-13 (Resolution 2011-17 passed on September 19, 2011.) Roll Call: Aye-All. Motion carried.

#### Bid Opening

Jim Raysor opened nine bids received for the Cold Storage Facility on Timm Lane. The bids are as follows:

City of Deadwood Cold Storage Building  
(Bid Opening 12/19/2011 @ 5:10 p.m.)  
Bid Tabulation

Bidder	Base Bid	Alt #1	Alt #2	Total	Bid Bond
First Dakota Enterprises, Inc.	\$137,000.00	\$8,500.00	\$65,500.00	\$211,000.00	X
North Star Construction	\$135,585.00	\$5,200.00	\$59,395.00	\$200,180.00	X
Gustafson Builders	\$142,200.00	\$4,800.00	\$64,600.00	\$211,600.00	X
Ainsworth-Benning Construction, Inc.	\$116,780.00	\$1,670.00	\$48,450.00	\$166,900.00	X
J. Scull Construction Service Inc.	\$128,999.00	\$2,835.00	\$66,000.00	\$197,834.00	X
MAC Construction Company	\$129,407.00	\$4,262.00	\$63,830.00	\$197,499.00	X
Iverson Company	\$122,250.00	\$5,156.00	\$54,822.00	\$182,228.00	X
Complete Concrete, Inc.	\$114,350.00	\$4,000.00	\$54,530.00	\$172,880.00	X
Tru-Form Construction	\$100,967.00	\$4,000.00	\$53,982.00	\$158,949.00	X

Raysor requested that the bid opening be continued for one week to allow time to review. Peterson moved, Van Den Eykel seconded, to continue bid opening to December 27, 2011 meeting. Roll Call: Aye-All. Motion carried.

#### Public Hearing

Van Den Eykel moved, Todd seconded, to approve the renewal and transfer for Retail (on-sale) Liquor (CL-508), Retail (on-off sale) Wine (RW-6446), and Retail (on-off sale) Malt Beverage (RB-2408) licenses for NMD Venture LLC, Tracts A & C of the plat of Tracts A, B, & C, located in Lots 8, 9, & 10, and a portion of Lots 6 & 7, Block 18, and a portion of M.S. 72, Deadwood, SD dba Hickok's at 685 Main Street. Roll Call: Aye-All. Motion carried.

#### Public Hearing

Todd moved, Van Den Eykel seconded, to approve street closure request on Main Street closure from Pine Street to Deadwood Street from 11:45 p.m. on December 31, 2011, to 12:15 a.m. on January 1, 2012 for the New Year's Eve Ball Drop at the Franklin Hotel. Roll Call: Aye-All. Motion carried.

#### Reject Bids – Continued from 12-12-2011

Jim Raysor recommended that the Commission reject **all** bids for the snow blower. Silvernail moved, Peterson seconded, to reject all bids for snow blower. Roll Call: Aye-All. Motion carried.

#### Set Bid Opening

Silvernail moved, Peterson seconded, to set a bid opening for the rebidding of the snow blower on January 9, 2012 at 5:10 p.m. Roll Call: Aye-All. Motion carried.

#### Set Public Hearing

Silvernail moved, Peterson seconded, to set a public hearing at 5:07 p.m. on December 27, 2011 to waive vending fee for non-profit organization and allow vending on public property for Rec Center Swim Meet on January 7, 2012. Roll Call: Aye-All. Motion carried.

#### Set Public Hearing

Todd moved, Silvernail seconded, to set a public hearing at 5:05 p.m. on January 9, 2012 to transfer Retail (on-sale) Liquor (CL-508), Retail (on-off sale) Wine (6428), and Retail (on-off

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sale) Malt Beverage (RB-2306) Licenses from NMD Venture, LLC to DFC-Hickok's Inc. dba Hickok's-Frontier Club at 681-685 Main Street. Roll Call: Aye-All. Motion carried.

### FINANCE

#### 2012 Combined Voting Agreement

Peterson moved, Todd seconded, to allow the Mayor to sign the 2012 Combined Voting Agreement with the Lead-Deadwood School District #40-1, the Lead-Deadwood Sanitary District and the cities of Lead, Deadwood, and Whitewood. Roll Call: Aye-All. Motion carried.

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

#### Repair Request

After discussing costs, Silvernail moved, Van Den Eykel seconded, to approve the repairs to the Broadway Parking Ramp at a cost not to exceed \$3,000.00, match existing brick, and forward costs to claimant. Roll Call: Aye-Silvernail, Van DenEykel, Todd, Toscana. Abstain-Peterson. Motion carried.

#### Wage Increase

Silvernail moved, Van Den Eykel seconded, to approve the wage increase for Parking Ramp Attendant, Tera Mau, from \$8.62 per hour to \$9.13 per hour effective December 19, 2011 after one year of service. Roll Call: Aye-All. Motion carried.

#### Change Order #7 – Days 76 Museum Project

Todd moved, Van Den Eykel seconded, to allow Mayor to sign Change Order #7 to rescind Change Order #2 on Days of 76 Museum Project and deduct \$129,000.00. Roll Call: Aye-All. Motion carried. Commission approved the construction change directive (deduct \$129,000.00) on December 5, 2011.

### STREETS/WATER/LIBRARY

#### Travel Request

Van Den Eykel moved, Todd seconded, to allow Donovan Renner to attend the Rural Water Technical Conference in Pierre on January 10 through January 12, 2012 at a cost not to exceed \$400.00, plus use of a City vehicle. Roll Call: Aye-All. Motion carried.

### PARKS/RECREATION/TROLLEY

#### Hire Request

Todd moved, Van Den Eykel seconded, to approve hiring of Kayla Rommen, lifeguard, effective December 20, 2011 at \$8.12 per hour, pending pre-employment drug screen. Roll Call: Aye-All. Motion carried.

### LEGAL BUSINESS

#### Ordinance #1169 – Second Reading

City Attorney amended Ordinance #1169 with requested changes for second reading. Silvernail moved, Peterson seconded, to approve second reading of Ordinance #1169 Creating Chapter 3.28 Fee Ordinance. Roll Call: Aye-All. Motion carried.

#### Days of 76 Storage Building

Silvernail moved, Van Den Eykel seconded, to approve the purchase of the Days of 76 storage building for \$400,000.00, to be paid from bonded funds. Roll Call: Aye-All. Motion carried. Location: Lot 3 of the Days of 76 Tract as shown on the Plat of Lots 1, 2 and 3 of the Days of 76 Tract formerly the Days of 76 Tract being a portion of M.S. 569, all located in the NE ¼ of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

#### Warranty Deed

Silvernail moved, Todd seconded, to allow the Mayor to sign the warranty deed for Daniel Nelson and Ava Nelson for the following property: Tract A-1 of Placer Claim 120, Blacktail Lode, formerly Tract A and B of Placer Claim 120, Blacktail Lode, located in the NW ¼ of Section 28, T5N, R3E, B.H.M., Lawrence County, South Dakota, according to Plat Document No. 2011-1479. Roll Call: Aye-All. Motion carried.

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Owner's Assurance

Silvernail moved, Van Den Eykel seconded, to allow the Mayor to sign the owner's assurance for the sale of the Blacktail Property. Roll Call: Aye-All. Motion carried.

MAYORS BUSINESS

Holiday Meeting Schedule

Mayor Toscana informed everyone that due to the observance of Christmas and New Year's holidays, next meetings will be held on Tuesday, December 27, 2011 and Tuesday, January 3, 2012.

ITEMS FROM MAYOR, COMMISSIONERS, DEPARTMENT HEADS NOT ON AGENDA

Water Street

Chief Fuller informed the Commission that the Police Department has placed a stop sign at the intersection of Water and Cemetery to slow the traffic and try eliminating speeding on Water Street.

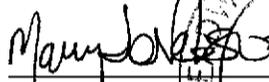
Christmas Greetings

Mayor Toscana along with the City Commissioners would like to wish the City staff and the Deadwood residents a very Merry Christmas.

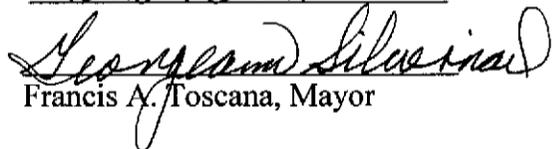
ADJOURNMENT

Silvernail moved, Peterson seconded, to adjourn the regular session at 6:25 p.m. The next regular meeting will be at 5:00 p.m. on Monday, December 27, 2011.

ATTEST:

  
Mary Jo Nelson, Finance Officer

DATE: 12/27/2011

BY:   
Francis A. Toscana, Mayor

For any public notices that is published one time:  
Published once at the total approximate cost of \_\_\_\_\_.

