

REGULAR MEETING, October 3, 2011

The Regular Session of the Deadwood City Commission convened on October 3, 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 Silvernail, Gary Todd, and Jim Van Den Eykel. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Silvernail moved, Todd seconded, to approve the minutes of September 26, 2011. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Van Den Eykel seconded, to approve the October 3, 2011 disbursements with additional bill. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	MAINT	462.47
ABC BUSINESS	SUPPLIES	215.21
ALBERTSON ENGINEERING	RW ENGINEERING	279.78
AMERICAN LEGAL PUBLISHING	CODE/SUPPLEMENT	1,543.11
BHSU MEN'S BASKETBALL	DONATION	100.00
BH CHEMICAL	SUPPLIES	546.75
BH MINING MUSEUM	GRANT	918.00
BH POWER	UTILITIES	3,258.69
COMPANION LIFE	INS PREM	216.06
DUNCAN PARKING	DOMES	719.00
FARMER BROTHERS	SUPPLIES	307.61
FORGEY CONSTRUCTION	RW 37 LEE	53,600.00
GOLDEN WEST	COMPUTER-SERV	1,871.26
HOMESTAKE ADAMS RESEARCH	GRANT	3,140.00
KEVN-TV/FOX 7	EXPENSE	35.00
KNOLOGY	SERVICE	1,718.75
LC REGISTER DEEDS	FEE	58.00
LIGHTING MAINTENANCE CO	LIGHT POLE-FTBALL	9,500.00
MUSCO SPORTS LIGHTING	POLE REPLACEMENT-FTBALL	18,500.00
NATIONAL FIRE PROTECTION	PROMO	683.08
NEVE'S	UNIFORM	87.82
PAPER DIRECT	SUPPLIES	58.92
RC JOURNAL	SUBSCRIPTION	192.00
RUNGE, MIKE	ARCHIVE SUPPLIES	35.94
SOC BH PIONEERS	PUB ED	234.10
ST. JOHN'S EPISCOPAL CHURCH	GRANT	2,000.00
SUMMIT SIGNS	SIGNS	52.50
TDG COMMUNICATIONS	MARKERS	680.00
TRIPLE K TIRE & REPAIR	REPLACE 6 TIRES	2,555.46
TC ANIMAL SHELTER	RECYCLING	293.50
TC HARDWARE	SUPPLIES	3,518.00
VANWAY TROPHY	AWARDS	34.95
WOODLAWN CEMETERY ASSOC	GRANT	20,000.00
	TOTAL	\$ 127,415.96

ITEMS FROM CITIZENS ON AGENDA

Service Awards

Mayor Toscana presented Jim Olson and Dustin Schumacher, both Police Officers for the Deadwood Police Department, with 5-Year Service Awards. Toscana thanked them for their years of service to the City of Deadwood.

Use of Trolley

Peterson moved, Van Den Eykel seconded, to approve the Deadwood Chamber's request to allow book authors to ride the trolley at no cost during the Festival of Book event from October 7-9, 2011. Roll Call: Aye-All. Motion carried.

Funding Request

Mary Kopco representing Wild West Winterland Committee requested funding for citywide holiday decorations. Kopco informed the Commission of a recent marketing opportunity to feature Deadwood as a winter destination. A partnership of the Deadwood Chamber, SD Department of Tourism and Deadwood Mountain Grand to bring Great American Country to the Black Hills to film a one hour Christmas special that will be aired nationally ten (10) times during the holiday season. The special would be filmed on Main Street and will feature nationally known country music stars. Kopco said they would like to order new Christmas skylights, lighted garland for lampposts for Main Street, additional lights for the City Christmas tree, and other areas of town. Kopco added the businesses and committee members are planning a host of activities that are planned to draw people to our community. They would like the decorations to remain up and lit through first week in February. Mayor Toscana said he has problems with these requests: 1) not budgeted (City currently has \$5,000 for 2011); 2) additional costs for lighting through first week in February; 3) hiring a contractor to put up lights on City property poses liability issues; 4) City has purchased garland from the JOB's Daughters in past

REGULAR MEETING, October 3, 2011

years. After much discussion, Todd moved, Van Den Eykel seconded, to approve up to \$25,000 for skylights, lighted garland, and additional lights, subject to Commission's approval on an as needed basis. 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 October 17, 2011 for the 2011 Deadweird event requesting relaxation of open container ordinance on October 28 & 29, 2011. Roll Call: Aye-All. Motion carried.

Set Public Hearing

Silvernail moved, Todd seconded, to set a public hearing at 5:06 p.m. on October 17, 2011 for the 2012 NAJA Shriner Parade and Performances on June 30, 2012. Roll Call: Aye-All. Motion carried.

FINANCE

Bid – Surplus Land Auction

Finance Officer Mary Jo Nelson informed the Commission of the surplus land auction that took place on September 30 at City Hall. Four individuals signed in and took numbers; however, there were only two bidders and the high bidder was Daniel and Ava Nelson at \$9,000.00. Nelsons made a 10% down payment and are willing to close upon the approval of the City Commission. Silvernail moved, Van Den Eykel seconded, to accept the high bid of \$9,000 from Daniel and Ava Nelson for surplus land at Blacktail. Roll Call: Aye-All. Motion carried.

Purchase Agreement

Peterson moved, Silvernail seconded, to allow the Mayor to sign the Purchase Agreement between the City of Deadwood and Daniel and Ava Nelson for the purchase of the following surplus City property: Tract A-1 of Placer Claim 120, Blacktail Lode, and 66' dedicated public right of way formerly tracts 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. Zoned: Suburban Residential District, Size of property: 2.10 acres. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING & ZONING/PUBLIC BUILDINGS/SAFETY

Contract

Silvernail moved, Todd seconded, to accept recommendation from HP Commission and allow the Mayor to sign the agreement between the City of Deadwood and Dragoo Cabinets to build a display case for the Interpretive Center at a cost not to exceed \$3,100.00, to be paid from HP public education line item. Roll Call: Aye-All. Motion carried.

Expenditure-Contract Request

Silvernail moved, Van Den Eykel seconded, to accept recommendation from HP Commission and approve the expenditure of \$200,887 (\$39,900 for archaeological investigations included in total expenditure) and enter into a contract for the necessary design services for the restoration work at the St. Ambrose Cemetery. Roll Call: Aye-All. Motion carried.

Not-for-Profit Grant

Peterson moved, Todd seconded, to accept recommendation from HP Commission and approve the Not-for-Profit grant to the Masonic Center Association for \$10,443.22 for supplemental heating. Roll Call: Aye-All. Motion carried.

Payment Request

Silvernail moved, Van Den Eykel seconded, to approve the expenditure up to \$5,000 to Spearfish Historical Society for the publication of book featuring Barns of Lawrence County from HP public education line item. Roll Call: Aye-All. Motion carried.

Pineview Building Update

Historic Preservation Officer Kevin Kuchenbecker informed the Commission that the contractors working on the Pineview Building are two to three weeks away from having the rubberized roof and the windows being installed. Once those projects are complete, they will work on installing the storefront windows. Kuchenbecker said the project is moving along and added he has been in contact with Kathryn Lyons on the status of this project.

REGULAR MEETING, October 3, 2011

Purchase Request

Silvernail moved, Todd seconded, to approve the purchase of door hardware from Twin City Hardware in an amount not to exceed \$2,500 for Interpretive Center, to be paid from HP Capital Asset line item. Roll Call: Aye-All. Motion carried.

STREETS/WATER/LIBRARY

Hire Request

Van Den Eykel moved, Silvernail seconded, to approve the project, accept low quote and enter into a contract with Schmidt Construction to pour concrete pad on Jacobsen land on Upper Main (approved on January 24, 2011) at a cost not to exceed \$2,628.00. Roll Call: Aye-All. Motion carried.

Purchase Request

Van Den Eykel moved, Silvernail seconded, to approve the purchase of 5,500 gallons of gasoline at a cost of \$3.19 per gallon from Southside Oil. Roll Call: Aye-All. Motion carried.

Change Order – Burnham Hill

Van Den Eykel moved, Silvernail seconded, to accept the recommendations from American Technical to place clean drainage gravel under the slabs down to the frost level and approve the change order for \$1,505.00. Roll Call: Aye-All. Motion carried.

POLICE/FIRE

Travel Request

Silvernail moved, Todd seconded, to allow Sarah Canida and Dusty Barker to attend Animal Control Association meeting in Pierre on October 14, 2011, requesting rooms at \$77 each plus meals, and use of City vehicle. Roll Call: Aye-All. Motion carried.

LEGAL BUSINESS

Permission to Sign

City Attorney Jason Campbell requested permission for the Mayor to sign Oakridge Cemetery Certificates of Purchase and Warranty Deed for Gerald E. (Mike) Porter. Silvernail moved, Seconded, to allow the Mayor to sign said certificate and deed. Roll Call: Aye-All. Motion carried.

Changes to Employee Policy Manual

City Attorney Jason Campbell informed the Commission of the following changes to the Employee Policy Manual: **Section 4.40 Insurance** – Full-time employees may voluntarily waive the City's employee health insurance benefit if covered under another health insurance plan by signing a waiver. In lieu of benefit, full-time employees may receive a monthly expense reimbursement, providing they have proof of such expense, as long as such other health plan provides a cost savings to City. **Section 5.10 Workday and Week** – Normal workweek, which begins at 12:01 a.m. Sunday to 12:00 midnight the following Saturday, shall consist of forty (40) hours. **Section 6.70 On Call Pay – Stand-By-Pay has been replaced with On Call Pay** – employee may be required to be on call for a period of seven (7) days. When employee is required to carry a pager for purpose of callbacks for a period of one week, they shall receive five (5) hours of pay at their regular rate of pay. Silvernail moved, Van Den Eykel seconded, to approve the revisions to the Employee Policy Manual. Roll Call: Aye-All. Motion carried.

Cell Phone Allowance

Silvernail moved, Van Den Eykel seconded to approve the addition of the City Attorney Jason Campbell to the list of employees receiving the cell phone allowance of \$50 per month. Roll Call: Aye-All. Motion carried.

MAYORS BUSINESS

Meeting Date Change

Mayor Toscana announced that the next Commission meeting would be held on Tuesday, October 11, 2011 at 5:00 p.m. in observance of Native American Day.

REGULAR MEETING, October 3, 2011

Proclamation

Mayor Toscana read the Fire Prevention Week Proclamation, which proclaims October 9-15, 2011 as Fire Prevention Week throughout the City of Deadwood.

ITEMS FROM CITIZENS NOT ON AGENDA

Mt. Moriah Concessions Request

Melvin Maynard appeared before the Commission to discuss the status of the Mt. Moriah Concessions/Gift Shop. Maynard stated that his contract is from May 1 through September 30, 2011 however, the visitor's booth typically remains open through the end of October. Maynard requested permission to keep the Concession/Gift Shop open until October 31, 2011, depending upon the weather. Commission discussed the Mt. Moriah Concessions Agreement. City Attorney to prepare an amendment for the October 11, 2011 meeting.

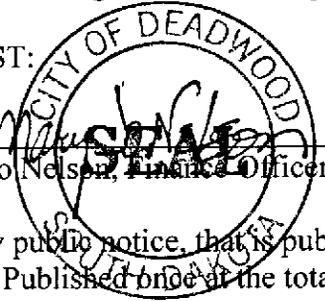
Slag File Issues

Public Works Director Jim Raysor informed the Commission of the recent cave-in of the Slag Pile just below the U.S. Highway 14A Bridge at the north end of Deadwood. The slough material is approximately 20 feet high by 40 feet wide, which is creating a dam on the Whitewood Creek. State officials have been notified of this situation and water sampling is being done to determine the water quality. Once State officials receive water quality information they will go from there to determine the next step in dealing with slag pile slough off.

ADJOURNMENT

Silvernail moved, Peterson seconded, to adjourn the regular session at 5:55 p.m. The next regular meeting will be at 5:00 p.m. on Tuesday, October 11, 2011.

ATTEST:

The seal of the City of Deadwood is circular with the text "CITY OF DEADWOOD" around the top and "DEADWOOD, S.D." around the bottom. In the center, there is a stylized signature of Mary Jo Nelson. Below the seal, the text "Mary Jo Nelson, Finance Officer" is printed.

Mary Jo Nelson, Finance Officer

DATE: 10-11-11

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 _____.