

REGULAR MEETING, September 4, 2012

The Regular Session of the Deadwood City Commission convened on September 4, 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 and Commissioners, Joe Peterson, Georgeann Silvernail, Gary Todd and Jim Van Den Eykel. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Van Den Eykel moved, Todd seconded to approve the minutes of August 27, 2012 and the additional bill. Roll Call: Aye-All. Motion carried.

AUGUST, 2012 PAYROLL: COMMISSION, \$2,730.76; ATTORNEY, \$5,656.16; FINANCE, \$14,754.89; PUBLIC BUILDINGS, \$1,988.04; POLICE, \$75,583.37; FIRE, \$3,795.44; BUILDING INSPECTION, \$3,422.16; STREETS, \$25,015.18; PARKS, \$34,499.73; PLANNING & ZONING, \$3,777.70; LIBRARY, \$5,376.83; RECREATION CENTER, \$15,897.66; HISTORIC PRESERVATION, \$15,088.04; WATER, \$12,537.51; MT. MORIAH, \$6,351.76; PARKING METER, \$9,486.11 TROLLEY, \$15,814.26; PARKING RAMP, \$6,981.31; RUBBLE SITE, \$2,088.00. **PAYROLL TOTAL: \$260,844.91**

AUGUST, 2012 PAYROLL PAYMENTS:

Internal Revenue Service, \$59,295.92; S.D. Retirement System, \$23,008.22; Delta Dental, \$3,704.40.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Todd seconded to approve the September 4, 2012 disbursements. Roll Call: Aye-All. Motion carried.

A TO Z SHREDDING	SHREDDING	94.05
ABC BUSINESS	SUPPLIES	570.18
ALL NET CONNECTIONS	PROJECT	147.00
BACA'S CHANGER SERVICE	SERVICE	403.65
BH CHEMICAL	SUPPLIES	1,062.87
BH POWER	ELECTRICITY	97.80
CALIFORNIA CONTRACTORS	GLOVES	223.50
CAMPBELL SUPPLY	SUPPLIES	65.88
CHAINSAW CENTER	SPOOLS	55.96
COMPANION LIFE	INSURANCE	208.61
CULLIGAN	SUPPLIES	120.00
D.C. BOOTH HISTORIC	GRANT	10,000.00
DAYS OF '76 MUSEUM	FINAL VOUCHER	35,455.62
DEADWOOD ALIVE	FUNDING	60,000.00
DEADWOOD CHAMBER	BID BILL LIST	35,877.11
DEADWOOD ELECTRIC	SERVICE	584.90
DEADWOOD FIRE DEPARTMENT	STANDBY HOURS	1,624.88
E.T. SPORTS	SERVICE	618.77
FASTENAL COMPANY	BATTERY	119.99
FOOTHILLS SEED	PROJECT	134.50
FORCOLI & SONS	PROJECT	56.03
GRAVEMAN CONCRETE	PROJECT	425.00
JULIN, SUZANNE	PROJECT	1,200.00
KELLY FULLER	REIMBURSEMENT	69.99
KIMBALL MIDWEST	SUPPLIES	227.46
KNOLGY	SERVICE	926.90
LAMONT COMPANIES	LOAN	17,540.67
LAWRENCE CO. AUDITOR	MPB SPRAYING	3,350.00
MARIAH PRESS	PROJECT	200.00
MDU	GAS	217.52
NEVE'S UNIFORMS	UNIFORM	118.36
NEWMAN TRAFFIC SIGNS	SIGNS	115.27
NORTHWEST PIPE FITTINGS	SUPPLIES	109.12
PINNACLE CARPET CLEANING	CLEANING	820.96
PURCHASE CONSTRUCTION	LOAN	4,736.84
SD PUBLIC HEALTH LAB	TESTING	26.00
SD STATE ARCHIVES	SUPPLIES	7.40
SD STATE HISTORICAL SOCIETY	FUNDING	51,500.00
STURGIS MOTORSPORTS	BULB	21.99
TOMS, DON	PROJECT	576.00
TRIPLE K	REPAIR	481.16
TWILIGHT	SUPPLIES	296.00
TWIN CITY ANIMAL SHELTER	RECYCLING	113.27
TWIN CITY HARDWARE	PROJECT	13,675.34
WHISTLER GULCH CAMPGROUND	WORK CAMPER SITES	3,000.00
WILLSON'S TREE SERVICE	TREE TRIMMING	1,730.00
ZEP SALES	SUPPLIES	153.44
	TOTAL	\$ 249,159.99

REGULAR MEETING, September 4, 2012

ITEMS FROM CITIZENS ON AGENDA

Contract

Silvernail moved, Van Den Eykel seconded to continue the request from Christmas Lighting Committee to enter into contract with Donovan Landscaping from Bed and Booze Fund until September 10, 2012. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS/BID OPENINGS

Bid Opening – Whitewood Creek Pedestrian Bridge

Public Works Director Jim Raysor opened four bids for the Whitewood Creek Pedestrian Bridge. Bid bonds were included in all bid submittals. Bids are as follows:

<u>Bidder</u>	<u>Bid</u>
Ainsworth Benning	\$200,290.51
Heavy Constructors	\$251,296.62
Corr Construction	\$198,971.50
R.C.S Construction	\$208,166.00

Jim requested to continue the bid opening for review and approval from Department of Transportation. Silvernail moved, Van Den Eykel seconded to continue. Roll Call: Aye-All. Motion carried

Bid Opening – Sampson Street Improvements

Public Works Director Jim Raysor opened two bids for the Sampson Street Improvements. Bid bonds were included in all bid submittals. Bids are as followed:

<u>Bidder</u>	<u>Bid</u>
Sacrison Paving	\$48,000.00
Hills Materials	\$37,862.20

Jim requested to continue the bid opening for review. Silvernail moved, Peterson seconded to continue. Roll Call: Aye-All. Motion carried

Public Hearing – Vacate Portion of Fremont Street

Public hearing was opened at 5:10 p.m. by Mayor Toscana. Silvernail moved, Todd seconded to pass Resolution 2012-21 to Vacate Portion of Fremont Street. Roll Call: Aye-All. Motion carried.

**RESOLUTION 2012-21
TO VACATE A PORTION OF FREMONT STREET RIGHT-OF-WAY**

WHEREAS, the Deadwood City Commission has received a petition for the vacation of a portion of a city street pursuant to SDCL 9-45-7; and

WHEREAS, the petition requested vacation of the following-described property:

That portion of Fremont Street located between Probate Lot 432 and Lots 5 and 16 of Highland Addition of the City of Deadwood, Lawrence County, South Dakota, as shown on Exhibit A attached hereto and by such reference incorporated herein.

WHEREAS, a public hearing was held on Tuesday, September 4, 2012, after due notice to the public and any other adjacent landowners, and no objections were made or received; and

WHEREAS, the actual construction of Fremont Street was at a different location than proposed in the original plat for the street and the public interest will be better served by vacating the street right-of-way because petitioners' home has been built on the original platted portion of Fremont Street, which is different than the actual existing Fremont Street as shown on Exhibit A; and

WHEREAS, it would cause no inconvenience to the public because public travel will not be impacted; now therefore, it is hereby

RESOLVED, pursuant to SDCL 9-45-7, that the public interest will be better served by the proposed vacating of the portion of the street right-of-way; and it is further

REGULAR MEETING, September 4, 2012

RESOLVED that the Deadwood City Commission shall publish and file this Resolution as statutorily provided.

Date: September 4, 2012

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Francis A. Toscana, Mayor

Public Hearing

Public hearing was opened at 5:12 p.m. by Mayor Toscana. Silvernail moved, Van Den Eykel seconded to allow the special alcoholic beverage permit at the Days of 76 Museum Event on Sunday September 9, 2012. Roll Call: Aye-All. Motion carried.

Public Hearing

Public hearing was opened at 5:13 p.m. by Mayor Toscana. Todd moved, Van Den Eykel seconded to allow the special alcoholic beverage permit at the Days of 76 Museum event on Friday September 21, 2012. Roll Call: Aye-All. Motion carried.

Public Hearing

Silvernail moved, Peterson seconded to set a public hearing at 5:07 p.m. on September 17, 2012 for Oktoberfest Events on October 6, 2012: Street closures, Open container in zone 1 and zone 2, waiver of vending and banner fees. Roll Call: Aye-All. Motion carried.

FINANCE

First Reading

Peterson moved, Silvernail seconded to approve the first reading of Ordinance #1176 – 2013 Budget Appropriation. Finance Officer informed Commission that the total budget was \$17,290,728.00 and the second reading will be September 24, 2012. Mayor Toscana thanked the Finance Office, Department Heads and fellow Commissioners. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING AND ZONING/PUBLIC BUILDINGS/SAFETY

Resignation

Silvernail moved, Peterson seconded to accept the resignation with regret from Milly Kitzmiller, Public Buildings employee effective August 31, 2012. Roll Call: Aye-All. Motion carried.

Contract

Peterson moved, Silvernail seconded to enter into contract with S and C Services to provide temporary cleaning services at the City Hall at a cost of \$400.00 per week. Jr Raysor added that he would advertise again for vacant position. . Roll Call: Aye-All. Motion carried.

Contract

Van Den Eykel moved, Todd seconded to enter into contract with Custom-Décor Masonry, Inc. to repair the foundation at the Library at a cost not to exceed \$11,650.00. Historic Preservation Officer, Kevin Kuchenbecker stated the work will provide repairs to the south foundation wall. Roll Call: Aye-All. Motion carried.

STREETS AND WATER/LIBRARY

Contract

Van Den Eykel moved, Silvernail seconded to accept low quote and enter into contract with Interstate Engineering for \$3,500.00 to address drainage issues in the Miller Street Parking Lot. Roll Call: Aye-All. Motion carried.

POLICE

Hire

Silvernail moved, Peterson seconded to hire Casey Nelson as an Ordinance Officer at \$14.77 an hour effective September 10, 2012 pending pre-employment. Roll Call: Aye-All. Motion carried.

REGULAR MEETING, September 4, 2012

Travel Request

Silvernail moved, Todd seconded to allow Ken Hawki to attend the Emergency Management Conference in Lead on September 10 through September 12, 2012 at no cost to the City. Roll Call: Aye-All. Motion carried.

PARKS/RECREATION/TROLLEY

Resignation

Todd moved, Van Den Eykel seconded to accept the resignation of Zach Steinlicht effective August 28, 2012. Roll Call: Aye-All. Motion carried.

LEGAL BUISNESS

First Reading

Silvernail moved, Van Den Eykel seconded the first reading of Ordinance #1177 to Amend Chapter 13.04. Water service system. Campbell added this ordinance as well as Ordinance #1178 will clarify homeowner's responsibility and clean up outdated language. Roll Call: Aye-All. Motion carried.

First Reading

Silvernail moved, Peterson seconded the first reading of Ordinance #1178 to Amend 13.08. Roll Call: Aye-All. Motion carried.

First Reading

Silvernail moved, Todd seconded the first reading of Ordinance #1179 to Amend 13.12. Utility billing procedure which moved to Chapter 13.04. Roll Call: Aye-All. Motion carried.

Contract

Silvernail moved, Van Den Eykel seconded to allow Mayor to sign the contract with A-Tech to repair brick manhole near the corner of Deadwood and Main Street. Roll Call: Aye-All. Motion carried.

City Attorney Campbell requested Executive Session for Legal and Contractual Matter per SDCL 1-25-2(3) with no action to be taken.

MAYORS BUSINESS

Travel Request

Silvernail moved, Peterson seconded to allow Mary Jo Nelson and Jim Raysor to attend South Dakota Municipal League Conference in Pierre on October 3 through October 5, 2012. Requesting registration fee of \$100.00 each, lodging, use of vehicle and meals not covered during conference. Roll Call: Aye-All. Motion carried.

ITEMS FROM CITIZENS NOT ON AGENDA

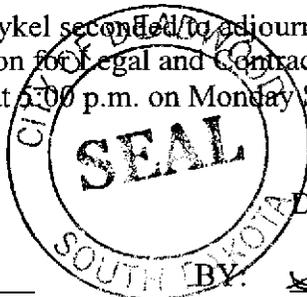
Police Chief, Kelly Fuller stated the Drug Take Back Program will be held at the Rec Center on Saturday September 29, 2012 from 10:00 a.m. to 2:00 p.m.

ADJOURNMENT

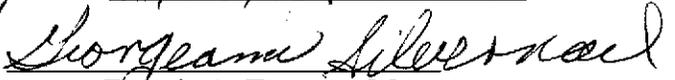
Silvernail moved, Van Den Eykel seconded to adjourn the regular session at 5:31 p.m. and convene into Executive Session for Legal and Contractual Matters per SDCL 1-25-2(3). The next regular meeting will be at 5:00 p.m. on Monday September 10, 2012.

ATTEST:


Mary Jo Nelson, Finance Officer



DATE: 9/10/12


Francis A. Toscana, Mayor