

**EXECUTIVE SESSION/REGULAR MEETING, September 6, 2011**

The Regular Session of the Deadwood City Commission convened on September 6, 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, Van Den Eykel seconded, to approve the minutes of August 29, 2011. Roll Call: Aye-All. Motion carried.

**AUGUST, 2011 PAYROLL:** COMMISSION, \$2,730.76; ATTORNEY, \$1,584.36; FINANCE, \$13,726.60; PUBLIC BUILDINGS, \$2,147.48; POLICE, \$66,334.36; FIRE, \$4,301.09; BUILDING INSPECTION, \$3,356.56; STREETS, \$24,755.00; PARKS, \$26,575.59; PLANNING & ZONING, \$3,692.30; LIBRARY, \$5,342.21; RECREATION CENTER, \$15,244.40; HISTORIC PRESERVATION, \$15,447.55; WATER, \$12,195.02; MT. MORIAH, \$6,003.72; PARKING METER, \$11,368.48; TROLLEY, \$16,961.16; PARKING RAMP, \$6,552.01; RUBBLE SITE, \$1,790.33. **PAYROLL TOTAL: \$240,108.98.**

**AUGUST, 2011 PAYROLL PAYMENTS:**

Internal Revenue Service, \$54,808.52; S.D. Retirement System, \$21,175.42; Delta Dental, \$3,433.07.

**APPROVAL OF DISBURSEMENTS**

Todd moved, Van Den Eykel seconded, to approve the September 6, 2011 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	MAINT	130.96
ABC BUSINESS	SUPPLIES	99.92
ADAMS MUSEUM	FUNDING	4,829.88
ALBERTSON ENGINEERING	RW ENG-37 LEE	11,451.57
ARBOR DAY FOUNDATION	DUES	15.00
BH CHEMICAL	SUPPLIES	37.40
BUFFALO GAP	GRANT	305.53
COMPANION LIFE	PREMIUMS	216.06
CONRADS BIG "C"	SUPPLIES	32.40
CULLIGAN	SUPPLIES	154.50
CUSTER COUNTY	GRANT	20,000.00
DWD FIRE DEPT	DAYS 76 EVENT	1,116.00
EMERY-PRATT	BOOKS	479.18
ESTOCLET, ANDY	LOAN DISB	1,200.00
FASTENAL	PARTS	65.75
FLAT EARTH SIGN	SIGNS	5,340.00
FOUR WINDS INTERACTIVE	PACKAGE	3,700.00
GOLDEN WEST	SERVICE	455.00
GREEN'S MOVING	SODA FOUNTAIN	700.00
HAWKINS INC	CHEMICALS	982.56
HCW, INC.	INTERP CNTR	654.38
J. SCULL CONSTRUCTION	DAYS OF 76 PROJECT	262,188.80
KNOLOGY	SERVICE	633.70
LC REGISTER DEEDS	FEE 53 TAYLOR	106.00
LAWRENCE TITLE	SEARCH	25.00
LEAD-DEADWOOD SANITARY DIST	USAGE	33,860.74
MARTINISKO, JOHN	LOAN DISB	1,800.00
MIDWEST TAPE	DVD'S	72.42
MDU	UTILITIES	10.85
MORRIS, WAYNE	LOAN DISB	7,054.00
MUSSELMAN, RICHARD	SUPPLIES	23.08
NORTHERN STATES CONSERVATION	CLASSES	902.50
NORTHWEST PIPE	DEVICE	220.26
OSBORN, JANET	REIMBURSE	90.01
PETTY CASH- LIBRARY	POSTAGE	37.04
PITNEY BOWES INC	POSTAGE	500.00
POHLIG BROS. LLC	SUPPLIES	349.50
RADIO ENGINEERING INDUSTRIAL	MODULE	259.39
SCHALLENKAMP, DEAN	REIMBURSE	69.86
SERVALL	SUPPLIES	178.71
SPEIRS, MARK	GORDON PARK PRJ	2,652.00
STRETCH'S	KEY LOCK RAMP	890.85
TOMS, DON	LC PROJECT #3	630.00
TRIPLE K	BATTERIES	299.28
TRUGREEN CHEM-LAWN	SUPPLIES	86.50
TURNBULL & SONS	STONE WALL	4,252.50
TC ANIMAL SHELTER	PROCEEDS	103.50
TC HARDWARE	SUPPLIES	4,800.64
US POST OFFICE	POSTAGE	44.00
	<b>TOTAL</b>	<b>\$ 374,107.22</b>

**ITEMS FROM CITIZENS ON AGENDA**

**Adams Museum Request**

Rose Speirs from Adams Museum requested permission to serve beer and wine for the Adams Museum "Thank You Event" on September 23, 2011. Todd moved, Silvernail seconded, to allow the Adams Museum to serve beer and wine on September 23, 2011 from 5:00 to 7:00 p.m. for event. Roll Call: Aye-All. Motion carried.

## EXECUTIVE SESSION/REGULAR MEETING, September 6, 2011

### PUBLIC HEARINGS/BID OPENINGS

#### Public Hearing

Silvernail moved, Todd seconded, to approve the use of the Sherman Street Parking Lot, use of a trolley, waive vending fees, and allow vending on public property for the 14<sup>th</sup> Annual Mickelson Trail Trek on September 18, 2011. Roll Call: Aye-All. Motion carried. Toscana added a certificate of insurance may not be needed, due to State being self-insured.

#### Waive Banner Fee

Van Den Eykel moved, Todd seconded, to waive the banner fee for the 14<sup>th</sup> Annual Mickelson Trail Trek on September 18, 2011. Roll Call: Aye-All. Motion carried.

#### Set Public Hearing

Silvernail moved, Peterson seconded, to set a public hearing at 5:05 p.m. on September 19 for Oktoberfest request for waiver of vending fee, exception to allow vending on public property, relaxation of open container ordinance, and street closure. Roll Call: Aye-All. Motion carried.

#### Set Public Hearing

Silvernail moved, Todd seconded, to set a public hearing at 5:06 p.m. on September 12 for Lead-Deadwood High School Homecoming Parade on September 16, 2011. Roll Call: Aye-All. Motion carried.

### FINANCE

#### Ordinance #1164 - First Reading

Peterson moved, Silvernail seconded, to approve first reading of Ordinance #1164 Budget Appropriation for 2012. Roll Call: Aye-All. Motion carried. Finance Officer Mary Jo Nelson stated that the budget for all funds stayed approximately the same as prior years, the budget decreased by \$3 million due to the construction and completion of the Days of 76 Museum, total budget is \$16,011,352.00.

#### Information – Deadwood Mountain Grand

Commission Peterson informed the Commission that the Finance Office has received payment for all change orders billed per agreement between the City of Deadwood and TenTexKota, LLC. Total billed and paid by developer was \$117,320.03.

#### Travel Request

Peterson moved, Van Den Eykel seconded, to allow Mary Jo Nelson and Jim Raysor to attend the SDML Conference in Sioux Falls on October 4-7-2011, \$100 registration plus lodging and meals not covered in registration. Roll Call: Aye-All. Motion carried.

#### BID #7 Request

Peterson moved, Silvernail seconded, to approve the request from BID #7 to allocate \$250,000 to the Deadwood Chamber for the Deadwood Mountain Grand holiday season concert series. Roll Call: Aye-All. Motion carried. Silvernail added she does not want to see any additional City funds committed to this project.

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

#### Employee Resignations

Van Den Eykel moved, Silvernail seconded, to accept the resignations from Archive Interns, Tyler Myers effective August 11, 2011 and Matthew Hodson effective August 12, 2011. Roll Call: Aye-All. Motion carried.

### STREETS/WATER/LIBRARY

#### Travel Request

Van Den Eykel moved, Silvernail seconded, to allow Jim Raysor to attend South Dakota Wastewater Annual meeting in Huron on September 13-15, 2011, \$60 registration plus lodging and meals not covered in registration. Roll Call: Aye-All. Motion carried.

## EXECUTIVE SESSION/REGULAR MEETING, September 6, 2011

### POLICE/FIRE

#### Hire Request

Silvernail moved, Peterson seconded, to approve the hiring of Justin Lux as full time officer effective September 7, 2011, pending pre-employment testing at \$17.37 per hour, 90% of prevailing wage. Roll Call: Aye-All. Motion carried.

### PARKS/RECREATION/TROLLEY

#### Employee Resignations

Todd moved, Silvernail seconded, to accept the resignations from Rec Center Lifeguards, Kayla Rommen effective August 26, 2011, Koree McLellan effective August 30, 2011, and Gregory Stagner effective August 31, 2011. Roll Call: Aye-All. Motion carried.

#### Wage Increase

Todd moved, Silvernail seconded, to approve the wage increase for Parks, and Rubble Site employee, Lawrence LesMeister, from \$8.62 to \$9.13 per hour effective September 1, 2011, after completion of two years of service. Roll Call: Aye-All. Motion carried.

#### Employee Termination

Todd moved, Silvernail seconded, to terminate Parks Department seasonal employee Jim Kirby effective September 1, 2011. 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 Linda Tomahawk. Todd moved, Van Den Eykel seconded, to allow the Mayor to sign said deed. Roll Call: Aye-All. Motion carried.

#### Contract – McDirt Excavation, Inc.

Silvernail moved, Van Den Eykel seconded, to allow the Mayor to sign the contract between the City of Deadwood and McDirt Excavation, Inc. for the Ryan Road and Peck Street Water Main Improvements for \$198,986.10. Roll Call: Aye-Silvernail, Todd, Van Den Eykel, Toscana. Abstain-Peterson. Motion carried.

#### Contract – Forgey Construction, 91 Forest-Retaining Wall

Silvernail moved, Van Den Eykel seconded, to allow the Mayor to sign the contract between the City of Deadwood, Naomi Gathmann, and Forgey Construction for the retaining wall project at 91 Forest for \$250,000. Roll Call: Aye-All. Motion carried. Silvernail moved, Van Den Eykel seconded, to rescind the motion. Roll Call: Aye-All. Motion carried. Kevin Kuchenbecker requested this item be continued to the September 12, 2011 meeting. Silvernail moved, Van Den Eykel seconded, to continue to September 12, 2011 meeting. Roll Call: Aye-All. Motion carried.

#### Contract – RCS Construction, 33 Taylor-Retaining Wall

Peterson moved, Silvernail seconded, to allow the Mayor to sign the contract between the City of Deadwood, Ben Ortiz, and RCS Construction for the retaining wall project at 33 Taylor for \$80,500. Roll Call: Aye-All. Motion carried.

### MAYORS BUSINESS

#### Mickelson Trail Easement

Mayor Toscana explained the SD Game, Fish, & Parks Department requests that City of Deadwood agree and approve a permanent easement on the already established trail segments on the following four parcels of land which are located on the Mickelson Trail: MS 774 Uncle Tom, MS 771 Detroit, MS 772 Terminus and MS 773 Depot Lode. Bob Nelson Jr. added the City-owned parcels are located in the Nevada Gulch area. Toscana said the City is considering selling this property and suggested continuing this item to a later date. Silvernail moved, Van Den Eykel seconded, to continue to a later date. Roll Call: Aye-All. Motion carried.

**EXECUTIVE SESSION/REGULAR MEETING, September 6, 2011**

**Committee Appointment**

Mayor Toscana announced that a Capital Improvements Committee has been formed. Toscana appointed the following to the committee: Historic Preservation Commission members (2), City Department Heads, Commissioner Georgeann Silvernail and he will serve on the committee. Silvernail moved, Todd seconded, to approve said appointment. Roll Call: Aye-All. Motion carried.

**Executive Session**

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

**ITEMS FROM CITIZENS NOT ON AGENDA**

**Main Street Closure**

Kevin Kuchenbecker request permission for street closure on Main Street (Oyster Bay/Celebrity Hotel) on Thursday, September 8, 2011 from 4:30 to 4:45 p.m. Silvernail moved, Peterson seconded, to approve said request. Roll Call: Aye-All. Motion carried.

**CONDOLENCES**

Trolley Manager Bob Nelson Sr. and Mayor Toscana along with the Commission expressed condolences to the Byrum family for the passing of Don Byrum, a former trolley driver for the City.

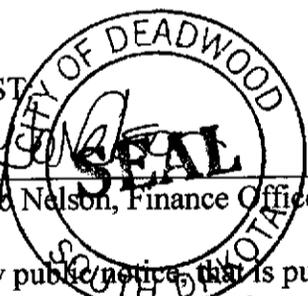
**Soda Fountain**

Commissioner Todd said he visited with Larry Shama regarding the storage of the city-owned soda fountain and payment. According to Todd, Shama did not receive payment for the soda fountain storage. Toscana said the City did process a check for Larry Shama however, Larry Shama returned the check to the Finance Office. Toscana requested this matter be placed on the agenda for the September 12, 2011 meeting.

**ADJOURNMENT**

Silvernail moved, Van Den Eykel seconded, to adjourn the regular session at 5:30 p.m. and convene into Executive Session for union negotiations per SDCL 1-25-1(4) with no action to be taken. The next regular meeting will be at 5:00 p.m. on Monday, September 12, 2011.

ATTEST

   
 *Mary Jo Nelson*   
 \_\_\_\_\_   
 Mary Jo Nelson, Finance Officer

DATE: 9-12-11   
 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 \_\_\_\_\_.