

EXECUTIVE SESSION/REGULAR MEETING, March 28, 2011

The Regular Session of the Deadwood City Commission convened on March 28, 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, Bruce Oberlander, Joe Peterson, Lenny Schroeder, and Georgeann Silvernail. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Silvernail moved, Schroeder seconded, to approve the minutes of March 21, 2011. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Schroeder seconded, to approve the March 28, 2011 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	MAINT	418.42
AASLH MEMBERSHIP	SURVEYS	2,044.00
ABC BUSINESS	SUPPLIES	69.24
ADAMS MUSEUM	EDUCATION	7,387.46
ALCO	SUPPLIES	109.59
ASSOC FOR GRAVESTONE	DUES	60.00
BIESIOT, TONY	REFUND/REC	75.00
BH CHEMICAL	SUPPLIES	230.38
BH MINING MUSEUM	GRANT	1,794.57
BH POWER	UTILITIES	3,114.87
CHAMBERLIN ARCHITECTS	DAYS 76 PRJ	813.00
CITI CHEMICAL INC.	SPRAY	175.00
COBURN, BETTY	REPAIR	400.00
CULLIGAN	H2O	89.75
DAKOTA TRAVEL	TRAVEL	499.30
DEADWOOD CHAMBER	BILL LIST	35,847.60
DEADWOOD HOME	SUPPLIES	45.48
EDDIE'S TRUCK SALES	CLUTCH	761.25
FARMER BROTHERS	SUPPLIES	50.79
FASTENAL	PARTS	76.83
FLAT EARTH SIGN CO	SIGNAGE	4,980.00
GALLS	BOOTS	122.98
GENPRO POWER	INSPECTION	349.36
GOLDEN WEST	SUPPLIES	366.82
HOMWOOD SUITES	TRAVEL	258.55
INTERSTATE BATTERY	BATTERIES	179.90
JACOBS WELDING	REPAIRS	84.73
JULIN, SUZANNE	HISTORY PRJ	1,725.00
KNOLOGY	SERVICE	1,831.98
LEXIS NEXIS	SUPPLEMENT	34.47
MENARD'S	HEATER	283.00
MS MAIL	HP MAILING	191.85
NELSON, GREG	REIMBURSE-TRVL	703.80
NORTHERN TRUCK	MAGNUM 2 DWR.	2,137.00
NORTHWEST PIPE	VALVE	703.86
PENNINGTON CO FIREFIGHTERS	REGISTRATION	15.00
PITNEY BOWES	RENTAL	315.00
PITNEY BOWES	POSTAGE	500.00
PRESERVATION ACTION	DUES	100.00
PRESSURE SERVICES	PARTS	242.30
SD SHERIFFS' ASSOC	REGISTRATION	60.00
SERVALL	SUPPLIES	160.61
SD PUBLIC HEALTH	TESTING	24.00
STURDEVANT'S	PARTS	14.94
TDG COMMUNICATIONS	POSTERS	122.00
TRIPLE K	PARTS	506.13
TURNBULL & SONS	SUBSURFACE WALL-2	10,000.00
TC ANIMAL SHELTER	ALLOCATION	3,000.00
TC HARDWARE	SUPPLIES	221.39
ZEP	SUPPLIES	289.78
	TOTAL	\$ 83,586.98

ITEMS FORM CITIZENS ON AGENDA

Request Funding - VFW/American Legion

Ki Caserio, representing the VFW, informed everyone they are in the process of placing a 6-foot memorial for all Lawrence County veterans on the front lawn of the courthouse. Caserio added there would be a time capsule placed in the memorial honoring all who contributed. The total cost for the memorial is approximately \$14,000 with the remainder of \$2,000 to be raised. Mayor Toscana added possible funding for this request could be paid from the Bed and Booze fund. Oberlander moved, Silvernail seconded, to continue to the April 4, 2011 meeting. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS/BID OPENINGS

Public Hearing

Silvernail moved, Oberlander seconded, to waive the vending fee for the ninth Annual Historic Preservation Symposium May 14, 2011 at the Masonic Temple. Roll Call: Aye-All. Motion carried.

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FINANCE

Payment Request

Peterson moved, Silvernail seconded, to allow the Finance Office to pay Black Hills Vision \$10,000.00, to be paid from the Bed and Booze fund, a budgeted item. Roll Call: Aye-All. Motion carried.

Payment Request

Peterson moved, Silvernail seconded, to authorize the Finance Officer to pay the Deadwood Chamber of Commerce \$70,000 for marketing funds from Business Improvement District (BID) #7, per recommendation from the December 14, 2010 meeting, to be matched by South Dakota Tourism. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING AND ZONING/PUBLIC BUILDINGS/SAFETY

Advertise Position

Silvernail moved, Schroeder seconded, to approve the request to advertise for part time Broadway Parking Ramp attendants at \$8.62 per hour. Roll Call: Aye-All. Motion carried.

Purchase Request

Silvernail moved, Oberlander seconded, to approve the purchase of a Genie 2032, 20-foot scissor lift from National Lift Equipment at a cost of \$5,860.00, to be paid from Public Buildings. Roll Call: Aye-All. Motion carried.

Pineview Building Update

Historic Preservation Officer, Kevin Kuchenbecker, provided the Commission with a detailed report concerning the condition of the Pineview Building at 25 Lee Street, which has been vacant for over 20 years. The new owners of the building acknowledge the notice of a "Demolition by Neglect" violation and fully accepted the responsibility for making the repairs which is in accordance with section 107.5 (Transfer of Ownership) of the International Property Maintenance Code (IPMC) as adopted by the City of Deadwood. Due to a recent call from an adjacent property owner regarding water draining from the Pineview, and seeping into his establishment, the City staff inspected the building and found numerous structural deficiencies that are in need of immediate attention. The current owners have not attempted to rehabilitate and secure the Pineview structure. Kuchenbecker said that the owners do have engineering and architectural plans to stabilize and secure the property. The City has officially notified the current owners that under the IPMC Section 109.1 and posted building that the "Structure is Unsafe and Its Occupancy has been Prohibited by the City of Deadwood Code Official." Kuchenbecker provided a list of current conditions and hazards that have the potential of falling or collapsing from the structure and injuring individuals and/or causing physical damage to vehicles. The City is very concerned that the structure will partially or completely collapse due to a heavy wet snowfall. The owners have responded to the City with their recent request to make repairs for the stabilization and weatherization of the Pineview by submitting a completed building permit application and provided the architectural and engineering plans for stabilization of the structure. The owners have indicated that the work is to commence before or by April 25, 2011. However, the City has not received payment for the permit fee to date, so therefore no building permit has been issued. Kuchenbecker said that if the work has not begun by April 25, the City of Deadwood would need to proceed to make the building safe under IPMC Section 109.4 by employing labor and materials to perform the required work as expeditiously as possible. After much discussion, the recommendations are to close Lee Street from Pioneer Way to Main Street and barricade the sidewalk and street until the City receives a schedule from the owners regarding the required repairs and a timeline addressing this matter. City staff discussed this matter in detail with Tony Sieber, General Manager of Holiday Inn Express, and stressed the importance of the stabilization of the building and public safety concerns. Sieber assured the Commission that this is a priority for the owners and asked the Commission to reconsider the closure of Lee Street due to this being the main entrance for their hotel access and temporary parking for their customers checking in and out. Commissioner Silvernail and Toscana stressed that the number one priority is public safety at this point. Silvernail moved, Oberlander seconded, to approve the closing of Lee Street from Pioneer Way to Main Street until the City Code Official deems it safe. Roll Call: Aye-All. Motion carried.

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STREETS/WATER/LIBRARY

Purchase Request

Schroeder moved, Silvernail seconded, to approve the purchase of ten radios for the Street Department from Western Communications at a cost of \$4,580.00, to be paid from Street Department budget. Roll Call: Aye-All. Motion carried.

POLICE/FIRE

Williams Street (one way traffic) - Continued 3/14/2011

Commissioner Oberlander suggested setting a public hearing for the City to consider converting a portion of Williams Street to one-way traffic (proposed section to include Guy Street to Spring Street) due to safety concerns. Mayor Toscana directed the Zoning Administrator to notify the affected residents and property owners of this proposed change. Peterson moved, Oberlander seconded, to set a public hearing on April 25, 2011 at 5:05 p.m. to consider converting a portion of Williams Street to one-way traffic due to safety concerns, and the proposed section is to include Guy to Spring Street. Roll Call: Aye-All. Motion carried.

Travel Request

Oberlander moved, Silvernail seconded, to allow Dusty Barker and Sarah Reed to attend the South Dakota Animal Control Training Seminar in Brookings on April 26-29, 2011, total cost for meals, lodging, and registration \$628.00, plus use of City vehicle. Roll Call: Aye-All. Motion carried.

Travel Request

Oberlander moved, Schroeder seconded, to allow John Marshall to attend Criminal Interdiction Training in Pierre May 3-6, 2011 at no cost other than use of a City vehicle. Roll Call: Aye-All. Motion carried.

Hire Request

Oberlander moved, Silvernail seconded, to approve the hiring of Justin Lux as a summer intern at \$7.50 per hour effective June 1, 2011. Roll Call: Aye-All. Motion carried.

PARKS/RECRATION/TROLLEY

Use of Trolley

Silvernail moved, Peterson seconded, to allow Historic Preservation to use two trolleys to transport Historic Preservation Symposium attendees on May 13-14, 2011 and to waive fee. Roll Call: Aye-All. Motion carried.

Use of Trolley

Silvernail moved, Oberlander seconded, to allow Historic Preservation to use a trolley to transport students from the Adams House to the Hills Apartments archeology site during the Archaeology Camp from June 13 - July 1, 2011 and to waive fee.

Purchase Request

Silvernail moved, Schroeder seconded, to approve the purchase of a scoreboard for the Little League Field from Dakota Fence at a cost of \$2,850.00, to be paid from the Parks Department budget. Roll Call: Aye-All. Motion carried.

Travel Request

Silvernail moved, Oberlander seconded, to allow Lorna Squire to attend Endurance Training Symposium in Colorado Springs at a cost of \$364.00 for mileage, to be paid from the Rec Center budget. Roll Call: Aye-All. Motion carried.

LEGAL BUISNESS

Memorandum of Agreement

Silvernail moved, Peterson seconded, to allow the Mayor to sign the Memorandum of Agreement between the City of Deadwood and Tentexkota, LLC for the request of a private roadway and given the name of Deadwood Mountain Drive (private roadway to remain private and City will not maintain), and assign to Deadwood Mountain Grand Hotel and Convention Center the address of 1906 Deadwood Mountain Drive. Roll Call: Aye-All. Motion carried. Water Street to remain enacted and a City street.

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Contract

Silvernail moved, Oberlander seconded, to allow the Mayor to sign the Agreement between the City of Deadwood and Hills Materials for paving Miller Street Parking Lot in Deadwood at a cost of \$62,913.00. Roll Call: Aye-All. Motion carried.

Contract

Oberlander moved, Silvernail seconded, to allow the Mayor to sign the Agreement between the City of Deadwood and Hills Materials for paving 3 Siever Street Parking Lot in Deadwood at a cost of \$37,452.00. Roll Call: Aye-All. Motion carried.

MAYORS BUSINESS

Lead-Deadwood Middle School Request

Mayor Toscana received a request from the Lead-Deadwood Middle School students requesting possible funding (no specific amount) from the Deadwood Commission for a fixed route bus service in the Lead-Deadwood area for June to August, 2011. Prairie Hills Transit would provide this service and the cost is \$1.00 per ride (the service would need to make \$55.00 per day to break even.) Possible funding sources are Parking and Transportation line item, Bed & Booze tax, or the Marriage fund. After discussing, Oberlander moved, Silvernail seconded, to continue this item to April 4, 2011 meeting until more information is received. Roll Call: Aye-All. Motion carried.

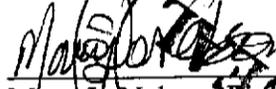
Request Executive Session

Mayor Toscana requested an Executive Session following the Regular Session for Legal Matters per SDCL 1-25-2 (3) and Contractual Matters per SDCL 1-25-2 (3) with no action to be taken.

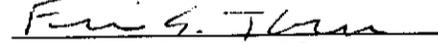
ADJOURNMENT

Silvernail moved, Peterson seconded, to adjourn the regular session at 5:15 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2 and contractual matters per SDCL 1-25-2 (3) with no action to be taken. The next regular meeting will be at 5:00 p.m. on Monday, April 4, 2011.

ATTEST:


Mary Jo Nelson, Finance Officer

DATE: 4-4-11

BY: 
Francis A. Toscana, Mayor

For any public notice that is published one time:
Published once at the total approximate cost of _____.