

REGULAR MEETING, March 22, 2010

The Regular Session of the Deadwood City Commission convened on March 22, 2010 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, Mike Klamm, Joe Peterson, Lenny Schroeder, and Georgeann Silvernail. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Silvernail moved, Klamm seconded, to approve the minutes of March 15, 2010. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Schroeder moved, Silvernail seconded, to approve the March 22, 2010 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	MAINT CNT	780.60
ABC	FILES	19.99
ACTIVE DATA SYSTEMS	SOFTWARE	6,158.86
AINSWORTH-BENNING	PAY APP 7	584,635.00
BH POWER	UTILITIES	7,700.84
BURLESON, BILL	REIMBURSE	105.00
BUTLER	PARTS	206.63
CULLIGAN	WATER	31.50
DAKOTACARE	HEALTH INS	38,341.37
DEADWOOD ELECTRIC	SUPPLIES	477.00
GOLDEN WEST	SERVICE	350.63
HAMANN, ALEX	REIMBURSE	47.22
HAWKI, KEN	REIMBURSE	18.95
INTERSTATE BATTERY	SUPPLIES	192.00
LIGHT-SIREN	LIGHTS	44.00
M & T FIRE	HELMET	150.64
MOHR, TRENT	REIMBURSE	125.00
NEVE'S	SUPPLIES	119.90
NORTHWEST PIPE	PIPE	35.14
ONE CALL SYSTEMS	TICKETS	4.52
PITNEY BOWES	RENTAL	315.00
PONTIUS, JERRY	REIMBURSE	125.00
SD COMMISSION GAMING	CITY SLOT	17,693.18
SD FEDERAL PROPERTY	REFRIGERATOR	85.00
SD SECRETARY	NOTARY	30.00
TEMPERATURE TECHNOLOGY	MAINT	1,125.00
TRIPLE K	REPAIRS	116.00
TC HARDWARE	SUPPLIES	40.43
WESTERN MECHANICAL	PARTS	1,313.61
	TOTAL	\$ 660,388.01

ITEMS FROM CITIZENS ON AGENDA

Comfort Inn - Snow Removal

Steve Olson with the Comfort Inn appeared before the Commission to discuss the bill they received for snow removal services that took place on February 25, 2010. Olson protested the \$1,736.00 bill for the following reasons: they have never been required to remove the snow from the sidewalk below their retaining wall, the large amount of snow on the sidewalk is primarily from the State plowing the highway, and he asked why the Comfort Inn is any different from the other businesses (i.e. Best Western, Gold Country Inn, Pizza Hut, and Lead-Deadwood Regional Hospital) as the City assists in plowing their snow. Olson said he visited with Jim Raysor regarding this issue and Raysor replied it was not a problem. Mayor Toscana explained that a City Ordinance Officer spoke with the Comfort Inn maintenance people and they said they did not have the equipment to remove the snow and requested that the City remove the snow. Since that time, Toscana received a complaint from a commissioner and told Jim Raysor to remove the snow. He said he sympathizes with Olson due to his property bordering the state highway however; the snow needs to be removed as it does throughout the various locations of the City. Commissioner Silvernail said she understands Olson's complaint and agreed that the City does in fact remove snow for other businesses however; she feels it is not the City's responsibility to remove their snow. Instead, the business owners should contract out snow removal if they are not able to remove themselves. Commissioner Schroeder said he feels it is safer for the City to assist with snow removal. Silvernail said the residents are not allowed to shovel snow in to the streets and commercial businesses should not be allowed to do so but it happens. Olson said if he would have known he was going to receive such an excessive bill he would have arranged for snow removal. Olson reiterated the fact that the City hauls snow for other businesses and said it is not fair that he has to pay a contractor to remove snow their property. Toscana referenced an article in the newspaper regarding a notice to the public for pushing snow in to streets/highways and people are subject to a fine due to violating the State right-of-way. Klamm moved, to deny the request from Comfort Inn. Motion died for lack of a second. Schroeder stated he did not agree with the bill amount however; since the City used their equipment, they should have to pay a portion. Silvernail moved,

REGULAR MEETING, March 22, 2010

Peterson seconded, to decrease the bill for Comfort Inn to \$868.00. Roll Call: Aye-All. Motion carried. Mayor Toscana said that the policy needs to be reviewed and requested that commercial snow removal needs to be placed on the March 29, 2010 agenda for discussion.

52 Denver - Snow Removal (Continued 3-12-2010)

Mayor Toscana said this item was continued due to discrepancies with a possible third party or the City removing the snow and issues of where the bill was sent (property owner versus contractor.) After discussing the City's snow removal policies and procedures, Schroeder moved, Peterson seconded, to credit off snow removal invoice for \$208.00 for Ron Rader. Roll Call: Aye-Schroeder, Peterson, Toscana. Nay-Silvernail. Abstain-Klamm. Motion carried.

PUBLIC HEARGINGS/BID OPENINGS

Public Hearing - Days of 76 Events

Silvernail moved, Klamm seconded, to issue the Deadwood Chamber a special malt beverage license for the Days of 76 (Mineral Survey 60 - Rodeo Grounds, 76 Complex) during the dates of July 27-31, 2010. Roll Call: Aye-Silvernail, Klamm, Schroeder, Toscana. Abstain-Peterson. Motion carried.

Silvernail moved, Klamm seconded, to waive the open container ordinance at the Days of '76 rodeo grounds July 27, 2010. Roll Call: Aye-Silvernail, Klamm, Schroeder, Toscana. Abstain-Peterson. Motion carried.

Silvernail moved, Klamm seconded, to waive the open container ordinance at the Days of '76 rodeo grounds July 28, 2010. Roll Call: Aye-Silvernail, Klamm, Schroeder, Toscana. Abstain-Peterson. Motion carried.

Silvernail moved, Klamm seconded, to waive the open container ordinance at the Days of '76 rodeo grounds July 29, 2010. Roll Call: Aye-Silvernail, Klamm, Schroeder, Toscana. Abstain-Peterson. Motion carried.

Silvernail moved, Klamm seconded, to waive the open container ordinance at the Days of '76 rodeo grounds July 30, 2010. Roll Call: Aye-Silvernail, Klamm, Schroeder, Toscana. Abstain-Peterson. Motion carried.

Silvernail moved, Klamm seconded, to waive the open container ordinance at the Days of '76 rodeo grounds July 31, 2010. Roll Call: Aye-Silvernail, Klamm, Schroeder, Toscana. Abstain-Peterson. Motion carried.

Silvernail moved, Klamm seconded, to amend motions for the waiver of the open container ordinance to add the time of 7:00 a.m. to 2:00 a.m. from July 27-31, 2010. Roll Call: Aye-Silvernail, Klamm, Schroeder, Toscana. Abstain-Peterson. Motion carried.

Silvernail moved, Klamm seconded, to close Main Street from the Masonic Temple to the Four Aces and a portion of Highway 14A from the Four Aces to the rodeo grounds, from 1:00 p.m. until the parade ends on July 30 and from 9:30 a.m. until parade ends on July 31. Roll Call: Aye-Silvernail, Klamm, Schroeder, Toscana. Abstain-Peterson. Motion carried.

Klamm moved, Silvernail seconded, to grant exception to the vending ordinance pursuant to City Code 22-107 for the Days of '76 event at the Days of '76 rodeo grounds on July 27-31, 2010. Roll Call: Aye-Silvernail, Klamm, Schroeder, Toscana. Abstain-Peterson. Motion carried.

Silvernail moved, Klamm seconded, to allow sound amplification for music one (1) hour prior to rodeo starting on July 29, 30, & 31, 2010. Roll Call: Aye-Silvernail, Klamm, Schroeder, Toscana. Abstain-Peterson. Motion carried.

Public Hearing

Silvernail moved, Peterson seconded, to waive the fee for use at the rodeo grounds (City Code 12-28-020) for the Black Hills Veterans March on September 25, 2010 from 6:00 a.m. to 11:00 p.m. Roll Call: Aye-All. Motion carried.

Silvernail moved, Peterson seconded, to waive the open container ordinance at the rodeo grounds for the Black Hills Veterans March on September 25, 2010 from 7:00 a.m. to 11:00 p.m. on September 25, 2010. Roll Call: Aye-All. Motion carried.

REGULAR MEETING, March 22, 2010

FINANCE

Ordinance #1128 - Second Reading

Peterson moved, Silvernail seconded, to approve second reading of Supplemental Budget Appropriation #1 for 2010. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING & ZONING/PUBLIC BUILDINGS/SAFETY

Advertise Position

Silvernail moved, Peterson seconded, to approve the advertising for a parking ramp attendant, starting wage \$8.00 per hour, not to exceed 19 hours a week with no benefits. Roll Call: Aye-All. Motion carried.

Payment Request

Schroeder moved, Peterson seconded, to approve the payment for \$2,741.58 to Deadwood Electric to install heat tape and run conduit at the Adams Museum, to be paid from Historic Preservation Capital Asset line item. Roll Call: Aye-All. Motion carried.

Rec Center - Sound System

Public Works Director Jim Raysor gave a detailed description and various functions of the proposed sound system for the Rec Center. After much discussion, regarding the various costs of purchasing one versus five receivers, speakers, wiring, amplifiers, and the possibility of purchasing BMI licenses. Mayor Toscana asked Raysor to research the costs and requirements and report to the Commission. Silvernail moved, Peterson seconded, to continue this item to the March 29, 2010 meeting.

POLICE/FIRE

Purchase Request

Klamm moved, Schroeder seconded, to approve the purchase of hardware and software upgrade for Fire Department computers at a cost of \$1,784.99. Roll Call: Aye-All. Motion carried.

Advertise-Set Bid Opening

Public Works Director Jim Raysor requested to advertise and set a bid opening for Williams Street repairs. He added that the plans are complete along with the engineers estimate and will prepare bid specification package. Silvernail moved, Peterson seconded, to allow the Street Department to advertise and set a bid opening for Williams Street Repairs on May 3 at 5:05 pm. Roll Call: Aye-All. Motion carried.

PARKS/RECREATION/TROLLEY

Wage Increase

Silvernail moved, Schroeder seconded, to approve the wage increase for trolley driver Michael Holbert from \$8.00 to \$9.00 per hour, after completion of 18 months of service, effective March 22, 2010. Roll Call: Aye-All. Motion carried.

Hire Request

Silvernail moved, Schroeder seconded, to approve the hiring of David Osborn as part time trolley driver, pending pre-employment drug screening, and independent CDL third party testing, effective March 24, 2010. Roll Call: Aye-All. Motion carried.

Use of Trolley

Silvernail moved, Schroeder seconded, to allow the trolley to travel to Belle Fourche on March 25, 2010 for CDL testing. Roll Call: Aye-All. Motion carried.

LEGAL BUSINESS

Contract - Deadwood-Lead Economic Development

Schroeder moved, Klamm seconded, to allow the Mayor to sign the contract between City of Deadwood and Deadwood-Lead Economic Development to manage the Broadway Parking Ramp for \$18,960.24 per year, to be paid monthly (\$1,580.02). Roll Call: Aye-All. Motion carried.

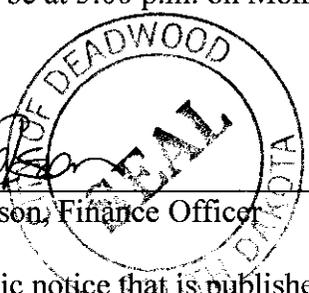
REGULAR MEETING, March 22, 2010

ADJOURNMENT

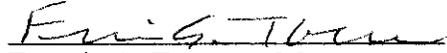
Silvernail moved, Schroeder seconded, to adjourn the regular session at 5:45 p.m. The next regular meeting will be at 5:00 p.m. on Monday, March 29, 2010.

ATTEST:


Mary Jo Nelson, Finance Officer



DATE: 3-29-10

BY: 
Francis A. Toscana, Mayor

For any public notice that is published one time:

Published once at the total approximate cost of _____.