

EXECUTIVE SESSION/REGULAR MEETING, January 24, 2011

The Regular Session of the Deadwood City Commission convened on January 24, 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, Peterson seconded, to approve the minutes of January 18, 2011. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Schroeder moved, Silvernail seconded, to approve the January 24, 2011 disbursements. Roll Call: Aye-All. Motion carried.

ABC	SUPPLIES	202.71
ALCO	SUPPLIES	23.98
BW RAMKOTA	LODGING	308.00
BH CHEMICAL	SUPPLIES	1,009.26
BH POWER	UTILITIES	19,497.01
BUTLER	PARTS	679.08
CITY OF LEAD	1/2 COST SHLTR	1,099.88
CONRADS BIG "C"	REPAIRS	220.50
CULLIGAN	RENTAL	74.75
DAKOTA SUPPLY GROUP	COUPLINGS	427.74
DAKOTACARE	INS. PREMIUMS	42,025.16
DEADWOOD ECONOMIC DEV	RAMP CNTRT	1,580.02
DEADWOOD ELECTRIC	REPAIRS	3,390.11
DEADWOOD FIRE DEPT	CLASS	280.00
FIVE STAR SERVICES	SUPPLIES	471.60
GLAXOSMITHKLINE	VACCINES	478.00
GLOVER, WILLIAM	REIMBURSE TRVL	38.00
GROLL, LARRY	REIMBURSE TRVL	38.00
HAWKI, KEN	REIMBURSE TRVL	165.00
HILLS INTERIORS	CARPET/LIBRARY	4,022.98
INLAND TRUCK PARTS	SHIFTER	118.07
KNOLOGY	SERVICE	44.79
LC AUDITOR	PROP TAX	26.94
MDU	UTILITIES-ENG HS	5.95
NELSON, GREG	REIMBURSE TRVL	388.62
NHS OF BH	2011 ALLOCATION	4,000.00
NH ALLIANCE	2011 ALLOCATION	2,500.00
PIONEER DESIGNS	BB SHIRTS	433.61
QWEST	PHONE-PK RAMP	154.18
SD COMMISSION GAMING	CITY SLOTS	17,693.18
SERVALL	SUPPLIES	162.65
SD ONE CALL	FEES	23.98
STATE RADIO COMM	TELETYPE SERV	2,250.00
TEEN COURT	2011 ALLOCATION	8,500.00
TRIPLE K	REPAIRS	33.95
TTG ENTERPRISES	REPAIRS	51.00
TC HARDWARE	SUPPLIES	87.93
TWO WHEELER DEALER	BENCH	149.99
WIERINGA, ANNE	REIMBURSE TRVL	38.00
ZEP	SUPPLIES	432.56
	TOTAL	\$ 113,127.18

ITEMS FROM CITIZENS ON AGENDA

SD DOT - 3 Phase Projects

Steve Palmer with the South Dakota Department of Transportation Department appeared before the Commission to discuss in detail the application of an epoxy deck seal on several structures, and three (3) bridge projects (Highway 85 near BHP Substation, Gulches of Fun, and Super 8 Hotel, and the box culvert under Highway 14A between Pine and Main Street. These projects will be done in three (3) phases and will require the following: 1) utilizing Deadwood and Sherman Streets as a detour for approximately 3 days for the epoxy deck seal on Pine Street, 2) restricted parking at the intersection of Deadwood and Sherman Streets to accommodate larger vehicles turning radii during a three day period, 3) to allow two-way traffic on Lee Street only during the time that work takes place at the intersection of Lee Street and Highway 14A - to accommodate employee parking only south of Lee Street. Palmer added all work within the City Limits of Deadwood scheduled is to be completed by July 15, 2011. After discussing these various State and City projects, Mayor Toscana directed Jim Raysor to prepare a list of street closures for the January 31, 2011 meeting.

Adams Museum/House Request

Silvernail moved, Schroeder seconded, to allow the Adams House to serve complimentary glass of champagne for the Adams House Valentine's Day function on February 11, 12, and 13, 2011. Roll Call: Aye-All. Motion carried.

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Mardi Gras Request

Silvernail moved, Peterson seconded, to waive the vendor fee and allow the St. John's Episcopal Women to sell beads during the Mardi Gras parades on March 4 and 5, 2011. Roll Call: Aye-All. Motion carried.

LC Weed Board

David Heck with the Lawrence County Weed Board gave a detailed presentation on the rapidly escalating Mt. Pine Beetle crisis in the Black Hills region. According to Heck, figures show that pine-beetle mortality in the Black Hills has increased from 1,500 trees six years ago to 485,000 last year. Crews are currently surveying Lawrence County and added they could do a survey for Deadwood. Heck stressed the importance of harvesting the bug trees to preserve healthy trees and protect against wildfires. Infested trees within city limits and on private property can be treated chemically when harvesting is not an option. Mayor Toscana asked what the costs are for the survey and Heck replied there is funding available. Heck added the the City needs to determine the amount acreage of City owned and private property to determine a cost. Mayor Toscana directed Fire Chief Mohr to research amount of acreage for Deadwood and report findings to Mr. Heck.

FINANCE

Payment Request

Peterson moved, Silvernail seconded, to approve the 2011 allocation of \$4,000.00 to the Northern Hills Area CASA program, to be paid from the General Fund, a budgeted item. Roll Call: Aye-All. Motion carried.

Property Tax Abatement

Peterson moved, Silvernail seconded, to allow the Mayor to sign the property tax abatement for Parcel #:30025-06000-000-00, 26 Adams, homeowner Andrew Estoclet. Roll Call: Aye-All. Motion carried.

Property Tax Abatement

Peterson moved, Schroeder seconded, to approve property tax abatement for property per SDCL 10-4-40 owned by disabled veteran. Due to the HIPPA Laws, information is to remain "CONFIDENTIAL." Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING/ZONING/PUBLIC BUILDINGS/SAFETY

Payment Request

The City received an invoice from CAI Construction for utility work done to bury cables at the Visitor's Center for \$3,383.92. Mayor Toscana said that the City was under the assumption that this work and previously approved cost was \$1,100.00 for Conrad Electric. Kevin Kuchenbecker explained that the Commission had previously approved \$1,100.00 for Conrad Electric for electrical work. Commissioner Silvernail asked what this bill is actually for and Kuchenbecker replied it is for additional dirt work, concrete, and labor for this project. Kuchenbecker added that there was not time to go out for bids to complete this project. Mayor Toscana said that the work has been done however; he would like to have the City Attorney Jason Campbell review and determine if the City is obligated to pay this invoice. Schroeder added he feels someone (possibly City employee) authorized CAI Construction to perform this work. After much discussion, Kuchenbecker said the work needed to be done and did not know the cost at that time. Silvernail added that this cost is way over the City policy amount and added that the Commission did not approve this. Mayor Toscana said this is not first time this happened however, the City staff must be sure that the proper agreements with all pertinent information are in place prior to the work being done along with the Commission's prior approval. Campbell told the Commission that they are obligated to pay the bill. Schroeder moved, Oberlander seconded, to approve the payment to CAI Construction for the burying of cables at the Visitor's Center at a cost of \$3,383.92, to be paid from the Historic Preservation General Maintenance fund. Roll Call: Aye-All. Motion carried.

Findings of Fact - Dan Collins

Silvernail moved, Peterson seconded, to approve the Findings of Fact for the conditional use permit for a Tattoo Business at 376 Main Street for Dan Collins as recommended by the Deadwood Planning and Zoning Commission. Located at Parcel #30350-00300-200-00, Northeasterly 17' of Lot 18 and all of Lot 19 and 20, Block 3, Fountain City Addition, City of Deadwood, Lawrence County, South Dakota. Roll Call: Aye-All. Motion carried.

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STREETS/WATER/LIBRARY

Purchase Agreement

Jim Raysor, Public Works Director, explained that the Jacobsen's own the property by the Upper Main Street Gateway Monument and would like to utilize this area for off street parking. Raysor explained that the City would have to relocate utilities (electrical and irrigation) for this request. After negotiating with the homeowner the City is offering to purchase this property from the Jacobsen's at a cost of \$2,000.00, authorize construction of a 18' by 21' concrete pad behind the Upper Main Gateway Sign, and grant a permanent easement for their off street parking (estimated investment \$4,500.00.) Commissioner Silvernail said the City would need to replat this property. Schroeder moved, Silvernail seconded, to approve the purchase of the property from Jacobsen's for \$2,000, construct 18'by 21' concrete pad, and grant a permanent easement for off street parking. Roll Call: Aye-All. Motion carried.

Purchase Request

Schroeder moved, Silvernail seconded, to approve the purchase of a two-stage, 7.5 HP, 80-gallon capacity air compressor from NAPA Auto Parts at a cost of \$2,450.00. Roll Call: Aye-All. Motion carried.

Resolution 2011-06

Schroeder moved, Silvernail seconded, to approve Resolution 2011-06 to Place Timm Lane Bridge in State Transportation Inventory Program. Roll Call: Aye-All. Motion carried.

RESOLUTION 2011-06

FEDERAL AID BRIDGE REPLACEMENT OR REHABILITATION PROGRAM RESOLUTION FOR COUNTY AND URBAN PROJECTS

WHEREAS,	The City of Deadwood	desires the
(check one) replacement	xx or rehabilitation	of the bridge hereinafter described:

STRUCTURE NUMBER AND LOCATION: Structure #41-157-166 located on Timm Lane In Deadwood over Whitewood Creek

AND WHEREAS, The City of Deadwood is obligated and hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right-of-way of the proposed project in accordance with State and Federal requirements.

AND WHEREAS, The City of Deadwood is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Bridge Replacement Funds.

AND WHEREAS, the bridge is in need of replacement/rehabilitation for the following reasons:

1. The sufficiency rating is 44.9.
2. The bridge is or is not xx located on a County or Township designated Minimum Maintenance Road.
3. The bridge is located on a Federal Aid Route , a school bus route , a mail route , a field to farm to market route , a lake or recreation access route , or other (please specify) .
4. The load carrying capacity of the existing bridge can or cannot xx be improved to carry legal loads by rehabilitation of the existing bridge.

NOW THEREFORE BE IT RESOLVED:

That the South Dakota Department of Transportation be and hereby is authorized and requested to program for construction, in accordance with the "Local Roads Plan" and the State's "Standard Specifications for Roads and Bridges," the bridge replacement or rehabilitation project at the above described location. Items to be handled by State forces with Federal Participation will include hydraulic study review, foundations investigation (if necessary), plan reviews, and construction administration.

Estimated Cost of Project Including Engineering:	\$	<u>323,000</u>
Federal Share (80%):	\$	<u>258,400</u>
Local Share (20%):	\$	<u>64,600</u>

Proposed Year of Construction:

Vote of Commissioners/Council: Yes 5 No

Dated at Deadwood, SD, this 24th day of January, 2011.

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ATTEST:
/s/ Mary Jo Nelson, City Finance Officer

City of Deadwood
/s/ Francis A. Toscana, Mayor

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Discussion - Timm Lane Cold Storage

Jim Raysor informed the Commission that in order to build a cold storage facility at Timm Lane the City must have a hydraulic analysis prepared to determine whether the construction of this building is conducive at this location. Raysor obtained two detailed quotes from professional consultants to perform the analysis on this property. Raysor said that with the various issues with this property such as the adjustment in flood mapping issues, change in flood insurance, and FEMA requesting a map revision he asked the Commission for direction on this matter. Commissioner Oberlander suggested meeting with the Cold Storage committee to discuss the quotes and other options.

POLICE/FIRE

Purchase Request

Oberlander moved, Schroeder seconded, to approve the purchase of a truck vault from Northern Truck Equipment Company at a cost of \$2,137.00 to be paid from Police Department budget. Roll Call: Aye-All. Motion carried.

Employee Resignation

Oberlander moved, Schroeder seconded, to accept with regret the resignation of Cindy Rische no later than April 30, 2011. Roll Call: Aye-All. Motion carried.

Advertise - In-House

Oberlander moved, Silvernail seconded, to allow the Police Department to advertise for five days in-house for the Ordinance Officer position. Roll Call: Aye-All. Motion carried.

PARKS/RECREATION/TROLLEY

Ordinance #1140 - First Reading

Silvernail moved, Peterson seconded, to approve first reading of Ordinance #1140 Amending Title 12 and Adopting Chapter 12.44 Recreation Center. Roll Call: Aye-All. Motion carried.

Work Camper Request

Silvernail moved, Peterson seconded, to approve the hiring of the work campers Hank and Debbie Toppin and James and Deborah Carmody for the 2011 summer season (May 15 - September 15.) Roll Call: Aye-All. Motion carried. Monthly fees to Whistler Gulch Campground have not been determined for the 2011 season.

LEGAL BUSINESS

Contract - Lead- Deadwood School District

Silvernail moved, Schroeder seconded, to allow the Mayor to sign the Swimming Pool contract between the City of Deadwood and the Lead-Deadwood School District for 2011. Roll Call: Aye-All. Motion carried.

Resolution 2011-04

Silvernail moved, Peterson seconded, to approve Resolution 2011-04 Designating 2011 Special Events Recognized by the City of Deadwood. Roll Call: Aye-All. Motion carried.

**RESOLUTION NO. 2011-04
A RESOLUTION DESIGNATING SPECIAL EVENTS
RECOGNIZED BY THE CITY OF DEADWOOD
FOR PURPOSES OF ORDINANCES 15.32.100 and 15.32.140**

BE IT RESOLVED by the Deadwood City Commission that the following events, with their respective months of occurrence, are hereby recognized for the year 2011 as "special or civic event[s]" for purposes of Ordinances 15.32.100 and 15.32.140:

Special or Civic Event:

Date(s) of Event:

- | | |
|--------------------------|---------------|
| 1. Mardi Gras | March 4-5 |
| 2. St. Patrick's Day | March 17-19 |
| 3. Wild Bill Hickok Days | June 17 & 18 |
| 4. Days of '76 | July 26 - 30 |
| 5. Sturgis Bike Rally | August 8 - 14 |

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- | | |
|------------------------|--------------------------|
| 6. Kool Deadwood Nites | August 25 - 28 |
| 7. Deadwood Jam | September 16 & 17 |
| 8. Oktoberfest | September 30 - October 1 |
| 9. Deadweird | October 29 |

Dated this 24th day of January, 2011.

ATTEST:
/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD
/s/ Francis A. Toscana, Mayor

Request Executive Session

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

ITEMS FROM CITIZENS NOT ON AGENDA. Items will be considered but action will be taken at this time.

Residential Garbage Issues

Jim Raysor informed the Commission that there have been numerous garbage collection issues in both Deadwood and Lead. Raysor and Mike Stahl met with the Waste Connection manager to discuss these issues. Waste Connections employees make notes when they are collecting garbage and it was determined that in most cases the residents are not getting their garbage out by 6:00 a.m. as requested by Waste Connections. Raysor said to eliminate future problems he urged the residents to be sure that the garbage is at the curb before or by 6:00 a.m.

ADJOURNMENT

Silvernail moved, Peterson seconded, to adjourn the regular session at 6:13 p.m. The next regular meeting will be at 5:00 p.m. on Monday, January 31, 2011.

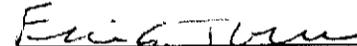
ATTEST:



Mary Jo Nelson, Finance Officer



DATE: 1-31-11

BY: 

Francis A. Toscana, Mayor

For any public notice, that is published one time:

Published once at the total approximate cost of _____.