

EXECUTIVE SESSION/REGULAR MEETING, February 22, 2010

The Regular Session of the Deadwood City Commission convened on February 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 February 16, 2010. Roll Call: Aye-All. Motion carried.

CONDOLENCES

On behalf of the Commission and the City of Deadwood, Mayor Toscana extended condolences to the Kelley family for the passing of Robert (Bob) Kelley. Bob was a former Chief of Police in Deadwood and served in law enforcement in the area for over fifty years. Tom Blair, former Mayor, shared some thoughts and stories with the Commission and added that he will be sadly missed.

APPROVAL OF DISBURSEMENTS

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

ABC	SUPPLIES	342.03
AMERICAN LEGAL	RENEWAL	262.50
ARMSTRONG EXTINGUISHER	MAINTENANCE	71.00
BH POWER	UTILITIES	11,033.98
BUTLER	SUPPLIES	1,518.62
CULLIGAN	SUPPLIES	16.50
DAKOTACARE	HEALTH INS	38,341.37
DEADWOOD CHAMBER	BILL LIST	45,000.00
DEADWOOD HOME	SUPPLIES	38.16
ECOLAB	PEST CONTROL	306.00
FARMER BROS	SUPPLIES	14.68
FASTENAL	SUPPLIES	89.13
GENPRO ENERGY	SOLAR CONV	2,664.14
HUBBART, KEN K.	REIMBURSE	295.64
KUSTOM SIGNALS	VIDEO SYSTEM	4,056.00
LAB SAFETY	CHAPS	70.86
NEVE'S	UNIFORMS	156.77
ONE CALL SYSTEMS	TICKETS	4.52
PENFIELD, TIM	REIMBURSE	297.95
PRAIRIE HILLS TRANSIT	ALLOCATION	7,000.00
SD FIRE CHIEF'S	DUES	50.00
TEMPERATURE TECHNOLOGY	MOTOR	120.12
TRIPLE K	REPIARS	81.90
TURBIVILLE INDUSTRIAL	REPAIRS	112.50
TC HARDWARE	SUPPLIES	50.45
ZEP	SUPPLIES	184.07
	TOTAL	\$112,178.89

PUBLIC HEARINGS/BID OPENINGS

Bid Opening

Finance Officer Mary Jo Nelson opened the sole bid received for the Archive Storage System for the City Hall Basement Archives project. The bid was from Haldeman Homme, Sioux Falls, South Dakota for \$41,076.38. Peterson moved, Schroeder seconded, to continue this bid opening to March 1, 2010 meeting. Roll Call: Aye-All. Motion carried.

Public Hearing

Silvernail moved, Klamm seconded, to allow the relaxation of the open container ordinance on Saturday, March 13, 2010 from 2:00 p.m. to 10:00 p.m. on Main Street from Four Aces to the Masonic Temple. Roll Call: Aye-All. Motion carried.

Silvernail moved, Klamm seconded, to allow the relaxation of the open container ordinance on Wednesday, March 17, 2010 from 4:00 p.m. to 10:00 p.m. on Main Street from Four Aces to the Masonic Temple. Roll Call: Aye-All. Motion carried.

Silvernail moved, Klamm seconded, to approve the street closures for two parades on Main Street from the Four Aces to the Masonic Temple on Saturday, March 13, 2010 from 6:00 p.m. to 8:00 p.m. and Wednesday, March 17, 2010, from 4:00 p.m. to 6:00 p.m. or until parade ends. Roll Call: Aye-All. Motion carried.

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Public Hearing

Silvernail moved, Klamm seconded, to approve the temporary street closure request for Main Street from Deadwood to Wall Street for the Marengo, Illinois High School Band and Choir Concert from 11:00 a.m. to 2:00 p.m. on Thursday, June 10, 2010. Roll Call: Aye-All. Motion carried.

Public Hearing

Silvernail moved, Peterson seconded, to grant the use of the Sherman Street Parking lot for the Mickelson Trail Marathon on Saturday, June 5 from noon through Sunday, June 6, 2010 to 5:00 p.m. Roll Call: Aye-All. Motion carried.

Jerry Dunn, representative for Mickelson Trail Marathon, requested waiver of the vendor ordinance for the event that will be held at The Lodge of Deadwood on Friday, June 4, 2010 and Saturday, June 6, 2010. Commissioner Silvernail expressed her concerns with this request. She said that when organization/vendors are making a profit they should be required to pay the vending fees that apply. City Attorney Jason Campbell quoted that the vending fees would be \$250.00 per vendor (inside establishment) and vendor is required to provide proof of sales tax to the Planning and Zoning Department. No motion was made to waive the vending fees for this event.

FINANCE

Resolution 2010-05

Commissioner Peterson explained a resolution is enacted annually to extend Workers' Compensation coverage to elected and appointed individuals. Peterson moved, Silvernail seconded, to approve Resolution 2010-05 Extending Workers' Compensation Coverage to Specific Individuals. Roll Call: Aye-All. Motion carried.

**RESOLUTION NO. 2010-05
A RESOLUTION EXTENDING WORKERS' COMPENSATION COVERAGE TO
SPECIFIC INDIVIDUALS FOR THE YEAR 2010**

BE IT RESOLVED by the Deadwood City Commission that the City of Deadwood extend the South Dakota Municipal League Workers' Compensation benefit for coverage on the following individuals who are not automatically covered because they are appointed or elected to their positions:

City Commission: Francis A. Toscana, Joe Peterson, Mike Klamm, Lenny Schroeder, and Georgeann Silvernail;

Historic Preservation Commission: Darin Derosier, Ronda Feterl, Mary Ann Oberlander, Mike Olsen, Steve Olson, Matt Pike and Willie Steinlicht;

Planning & Zoning Commission: Mel Allen, Marie Farrier, Sheree Green, Larry Ryan and Jim Shedd;

Library Board: Shirley Bergen, Kathy Kirby Eide, Mike Olsen, Jackie Pehrson, Lenny Schroeder and Mark Speirs;

Parks & Recreation Board: Shirley Black, Tom Blair, Henry Cordes, Sue Hart and Brad Steinlicht;

Police Department Reserve Officers: Dawn Allen, Kenneth Batka, Doug Bechen, Tavis Little, Verla Little, Kristy Schumacher, Matthew Symonds, and Chris Tomford;

Deadwood Volunteer Fire Department: Randy Addington, Ken Allen, Danny Arnold, John Bigney, Wesley Coffield, Pat Eastman, Verne Edstrom, Sandy Glover, Bill Glover, Gary Gould, Larry Groll, Francis Iverson, Mike Klamm, Seth Martens, Jeff Millard, Trent Mohr, Jerry Pontius, Richard Stanger, Allen Sternhagen, Paul Thomson, Kathy Toscana, Greg Wagner, Ben Weiss, Keith Wellard and Anne Wieringa.

Deadwood Fire Department Oversight Committee: Georgeann Silvernail and Robert Sjomeling.

The Finance Office will be notified of any personnel changes to the above-mentioned committees and commissioners.

Dated this 22nd day of February, 2010.

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Francis A. Toscana, Mayor

Set Meeting Date

Peterson moved, Silvernail seconded, to set a meeting date for March 16, 2010 at 9:00 a.m. for a Local Review Board Meeting to review assessments in March, 2010. Roll Call: Aye-All. Motion carried.

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HISTORIC PRESERVATION/PLANNING & ZONING/PUBLIC BUILDINGS/SAFETY

Change Order #1 - 111 Williams Street

Kevin Kuchenbecker requested this item be continued due to lack of information on behalf of the contractor. Silvernail moved, Klamm seconded, to continue the Change Order #1 request for 111 Williams Street. Roll Call: Aye-All. Motion carried.

STREETS/WATER/LIBRARY

Snow Removal Policy (Continued from 2/16/2010)

Commissioner Schroeder informed everyone that a meeting was held to discuss the existing snow removal ordinance. A decision was made to follow the existing ordinance that requires snow to be removed from sidewalks within 24-hours after snowfall and the entire width of the sidewalk must be shoveled. Ordinance Officers will continue to take photos of sidewalks that are in violation, Public Works employees will take photos prior to shoveling and after snow removal process. Ordinance Officer Cindy Rische requested more direction on how and when to issue citations due to the amount of ice build up on the sidewalks. She said residents shovel the sidewalk but neglect to remove the snow and ice to the concrete. Tim Conrad, Lincoln Street resident, said has a corner lot and keeps his sidewalks shoveled, maintained, and agrees that the City's ordinance on snow removal should be enforced. Bob Nelson Sr., agreed with Conrad and added that the sidewalks should be shoveled the width of the sidewalk and down to the concrete. Toscana concurred with Conrad and Nelson in regards to the City's ordinance. Toscana said that the hourly rate needs to be amended with a minimum charge of one half hour (1/2) versus the current charge of a one-hour minimum due to either the amount of snow or the size of the sidewalk. After much discussion, Schroeder requested that an addition be made to the ordinance requiring residents to placed salt or ice melt to icy sidewalks. City Attorney to amend ordinance for the March 1, 2010 meeting. Roll Call: Aye-All. Motion carried.

Resolution 2010-06

Schroeder moved, Klamm seconded, to approve Resolution 2010-06 for the Bridge Reinspection Agreement Program between the City of Deadwood and the South Dakota Department of Transportation. Roll Call: Aye-All. Motion carried.

**RESOLUTION 2010-06
BRIDGE REINSPECTION PROGRAM FOR USE WITH SD DEPARTMENT OF TRANSPORTATION
RETAINER CONTRACTS**

WHEREAS, Title 23, Section 151, *United States Code* and Title 23, Part 650, Subpart C, *Code of Federal Regulations*, requires initial inspection of all bridges and reinspection at intervals not to exceed two years with the exception of reinforced concrete box culverts that meet specific criteria. These culverts are reinspected at intervals not to exceed four years.

THEREFORE, the City of Deadwood is desirous of participating in the Bridge Inspection Program using Bridge Replacement funds.

The City requests SDDOT to hire NJS Engineering (Consulting Engineers) for the inspection work. SDDOT will secure Federal approvals, make payments to the Consulting Engineer for inspection services rendered, and bill the City for 20% of the cost. The City will be responsible for the required 20% matching funds.

There are four (4) bridges in the City of Deadwood that require an inspection.

Dated this 22nd day of February 2010, at Deadwood, South Dakota.

ATTEST

/s/ Mary Jo Nelson, Finance Officer

City of Deadwood

/s/ Francis A. Toscana, Mayor

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POLICE/FIRE

Payment Request

Klamm moved, Schroeder seconded, to approve the payment of \$3,150.00 to Custom Micro, Inc. to renew the annual license and maintenance for the computer software for the Police Department. Roll Call: Aye-All. Motion carried.

Wage Increase

Klamm moved, Silvernail seconded, to approve the wage increase of Police Officer Zachariah Bell from \$17.14 to \$19.04 per hour, (100% of prevailing wage) effective February 18, 2010. Roll Call: Aye-All. Motion carried.

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Canyon Cab Company

Chief Fuller informed the Commission that Canyon Cab Company appeared before the Parking and Transportation Committee to request permission to expand a taxicab service to the City of Deadwood. According to Fuller, Parking and Transportation approve this request pending the Canyon Cab Company provide proof of insurance, verification of sales tax, and to pay \$75.00 fee. After discussing, Klamm moved, Schroeder seconded, to approve the Canyon Cab Company request pending proof of insurance, sales tax, and \$75.00 fee. Roll Call: Aye-All. Motion carried.

Resolution 2010-07

Klamm moved, Schroeder seconded, to approve Resolution 2010-07 to surplus a trailer for the Fire Department. Roll Call: Aye-All. Motion carried.

RESOLUTION NO. 2010-07

A RESOLUTION TO DECLARE THE FOLLOWING SURPLUS PROPERTY

BE IT RESOLVED by the Deadwood City Commission that the City of Deadwood approve the following to be declared surplus:

2004, 8 X 20 Trailer - VIN# 48BTE20274B036313 Title # 11925114

Dated this 22nd day of February, 2010.

ATTEST:

CITY OF DEADWOOD

/s/ Mary Jo Nelson, Finance Officer /s/ Francis A. Toscana, Mayor

Board of Appraisers

Mayor Toscana appointed Bob Nelson Sr., Trent Mohr, and Ken Hawki to the board of appraisers to determine a value of the surplus trailer for the Fire Department.

LEGAL

Contract - Microvision, LLC

Silvernail moved, Klamm seconded, to allow the Mayor sign the contract between the City of Deadwood and Macrovision, LLC for digitization of 87 VHS tapes for the Archives Department. Roll Call: Aye-All. Motion carried.

Contract - Chamberlin Architects

Klamm moved, Silvernail seconded, to allow the Mayor to the contract between the City of Deadwood and Chamberlin Architects to provide as-needed owner's representative services for the new Days of 76 Museum project. Roll Call: Aye-All. Motion carried.

Burnham Hill Nuisance

City Attorney Jason Campbell informed the Commission of the issues that were discussed in November 2009 with the construction project at 45 Burnham, which is owned by Scot Munro. Campbell said that he notified Munro of the potential nuisance issues with this construction site. Recently the water pipes and sewer pipes burst causing sewage to seep on to the lot. The pipes were repaired however, there is a spring that runs across the property and onto Pleasant Street, which causes ice to build up on the street City crews were dispatched last week to try and breakup the ice that was caused by this ongoing construction project. Campbell added that Munro has had an adequate amount of time to make these repairs and has neglected to do so at this point. Campbell said it is time to take legal action and under the City's nuisance ordinance the City could issue a citation with a fine, issue a stop work order on the building permit and start proceedings in Civil Court to obtain approval so the City would be allowed to fix the problems and assess cost onto property. Scot Munro reassured the Commission that the water and sewer problem has been repaired and added that there has been some miscommunication between himself and the contractor. After much discussion regarding the two issues, Public Works Director Jim Raysor said that the spring runoff issue needs to be diverted under Pleasant Street into a storm sewer catch basin and the City would allow them to dig up the street providing the proper repairs are made to the street. The sewer line needs to be tapped out with a 90-degree angle and directed to the front of the house, which allows the line to be tapped in to the Burnham Street sewer line. Mayor Toscana agreed that these issues need to be resolved in a timely manner. Commissioner Silvernail, a Burnham Street resident, said this has been an ongoing issue since August 2008 and she along with the residents of Burnham would like these issues taken care of as soon as possible. She told Munro that raw sewage has been running in the neighborhood and he needs to clean it up. Munro's response was "I want it corrected immediately." Raysor told Munro that he would be allowed to cut both Burnham and Pleasant streets to make the needed repairs however, the streets must be repaired properly by pouring concrete and using a heated cover to allow concrete to cure. Commissioner Klamm added that these issues must be addressed in a timely manner and allowed Munro two weeks (March 5, 2010) to make the proper repairs or the City will shut down the project and take legal action. Campbell asked Munro to communicate with Jim Raysor to eliminate future

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miscommunication issues. Klamm moved, Schroeder seconded, to give Scot Munro until March 5, 2010 to make the required repairs to 45 Burnham Street. Roll Call: Aye-All. Motion carried.

MAYORS BUSINESS

Request Executive Session

Mayor Toscana requested an Executive Session following the Regular Session for personnel matters with no action to follow.

EXECUTIVE SESSION/ADJOURNMENT

Klamm moved, Schroeder seconded, to adjourn the regular session at 6:00 p.m. and convene into Executive Session for personnel matters with no action to be taken. The next regular meeting will be at 5:00 p.m. on Monday, March 1, 2010.

ATTEST:


Mary Jo Nelson, Finance Officer

DATE: 3-1-10

BY: 
Francis A. Toscana, Mayor

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



