

REGULAR MEETING, April 23, 2012

The Regular Session of the Deadwood City Commission convened on April 23, 2012 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, City Attorney, and Commissioners, Joe Peterson, Georgeann Silvernail, Gary Todd and Jim Van Den Eykel. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Todd moved, Van Den Eykel seconded to approve the minutes of April 16, 2012. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Peterson seconded to approve the April 23, 2012 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	COPIES	113.00
ADT	SECURITY	349.92
BARCO PRODUCTS	SPEED BUMP	317.81
BH POWER	ELECTRICITY	6,710.27
BH SPECIAL SERVICES	TROLLEY CLEANING	1,092.00
BH WINDOW CLEANING	WINDOW CLEANING	90.00
CAMPBELL SUPPLY	BAGS	245.84
DAKOTACARE	HEALTH INSURANCE	45,104.56
DEADWOOD ECONOMIC DEVELOPM	APRIL CONTRACT	1,580.02
DELAHOYDE'S	REFINISH DURANGO	700.00
FREEMAN'S ELECTRIC	REINSTALL	76.53
HILLS MATERIALS	SAND	406.04
LAKER CHEMICAL	BAGS	840.00
LEE, JAMES	REIMB.	105.23
NATIONAL IMPRINT	LABELS	396.10
NEVE'S UNIFORMS	UNIFORMS	613.95
FITNEY BOWES	POSTAGE	500.00
RADENSLEBEN, ROBERT	REIMB.	30.00
RAMADA	ROOM CHG	111.00
SABO CONSTRUCTION	RETAINING WALL	5,812.00
SCHAEFFER MANUFACTURING	SUPPLIES	400.48
SCHMIDT, WILLIAM	REPAIR	1,000.00
SD COMMISSION ON GAMING	CITY SLOTS	17,693.18
TENNANT SALES	SUPPLIES	425.30
TWILIGHT	SUPPLIES	407.40
ZEP SALES	SUPPLIES	193.26

TOTAL **\$ 85,313.89**

PUBLIC HEARINGS/BID OPENINGS

Bid Opening – St. Ambrose Cemetery Preservation Phase 1

Five (5) bids were received by the Finance Officer and Historic Preservation Officer for the Pedestrian Stairway Rehabilitation Project at 2:00 p.m. as advertised. Bids are as followed:

	ENGINEERS ESTIMATE	Reausaw Const.	RCS Const.	Gustafson Const.	CAI Const.	Rogers Const.
Base Bid	\$215,502.50	\$325,000.00	\$177,000.00	\$343,000.00	\$229,000.00	\$161,105.00
Alternate 1	\$89,106.90	\$105,000.00	\$47,300.00	\$43,700.00	\$50,000.00	\$46,078.06
Alternate 2	\$30,114.30	\$42,500.00	\$17,400.00	\$16,700.00	\$20,000.00	\$15,609.83
Alternate 3	\$25,375.75	\$16,700.00	\$1,200.00	\$16,200.00	\$18,000.00	\$1,769.00
Alternate 4	\$10,425.00	\$12,800.00	\$3,600.00	\$11,500.00	\$16,000.00	\$7,500.00
Alternate 5	\$109,672.00	\$119,350.00	\$50,200.00	\$46,500.00	\$55,000.00	\$43,230.36
TOTAL	\$480,196.45	\$621,350.00	\$296,700.00	\$477,600.00	\$388,000.00	\$275,292.25

Bid/Surety Bond and Acknowledgement of Addendums 1 and 2 were received from all bidders. Kevin Kuchenbecker asked to continue Bid Opening. Silvernail moved, Todd seconded to continue the bid opening until April 30, 2012 meeting. Roll Call: Aye-All. Motion carried

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Public Hearing – Days of 76 Museum

Silvernail moved, Van Den Eykel seconded to approve the special Liquor License on Thursday May 17, 2012 for the Project Learning Tree Conference at the Days of 76 Museum from 5 p.m. to 7 p.m. Roll Call: Aye-All. Motion carried

Public Hearing – Northern Hill Community Band

Silvernail moved, Peterson seconded to approve the street closure on Main Street from Pine to Deadwood Street on Thursday July 26, 2012 from 6:15 p.m. to 7:45 p.m. for the Northern Hills Community Band performance for the Days of 76 concerts. Roll Call: Aye-All. Motion carried

Set Public Hearing

Van Den Eykel moved, Todd seconded to set Public Hearing at 5:11 p.m. on May 7, 2012 for License transfers from Four Aces Lodging Group LLC and Four Aces Gaming LLC to Platinum Ventures LLC dab Four Aces for the following License: Package (off-sale) Liquor (PL-4521), Retail (on-off sale) Wine (RW-6515), Retail (on-off sale) Malt Beverage (RB-2831), Retail (on-off sale) Malt Beverage (RB-2463) and Retail (on-off sale) Malt Beverage (RB-2391). Roll Call: Aye-All. Motion carried

Set Public Hearing

Silvernail moved, Todd seconded to set Public Hearing at 5:13 p.m. on May 7, 2012 for License transfers from Four Aces Gaming LLC to High Noon Investments LLC dba Gold Dust Gaming for the following License: Package (off-sale) Liquor (PL-4520), Retail (on-sale) Liquor (RL-5792) and Retail (on-off sale) Malt Beverage (RB-2418). Roll Call: Aye-All. Motion carried

FINANCE

Permission to Pay

Peterson moved, Van Den Eykel seconded to pay Claims Associates, Administrator for South Dakota Public Assurance Alliance \$2,261.94 from Revolving Loan Fund for 15% of costs to defend City in Hickok's foreclosure. Roll Call: Aye – All. Motion carried.

Permission to Pay

Peterson moved, Silvernail seconded to pay \$1,041.01 to SDPAA to add coverage until renewal in September for grocery store building. Roll Call: Aye-All. Motion carried.

Information

Petition for recount received from Wayne Morris and Election Recount Board scheduled to meet on April 24, 2012 at 1:00 p.m. Board members as follows: Candidate Silvernail Representative Chuck Turbiville, Candidate Wayne Morris Representative Andrew Estoclet and Finance Officer Representative Bruce Outka.

HISTORIC PRESERVATION/PLANNING AND ZONING/PUBLIC BUILDINGS/SAFETY

Approve or Deny Signage

Discussion was held regarding signage variance at Days of 76 Museum. According to City Attorney Campbell, the front of the building needed two variaces; one for height and one for square footage. In addition, the sign located at the back of the building needed one variance for height. Mayor Toscana commented that as a city building, we have the right to decide what size sign is placed on our property. Bill Peterson, Deadwood History Inc, was present to answer questions about the request for variance. Peterson stated the signs would be visible from a greater distance and also from the highway. Mayor Toscana questioned why signs would be so big and added that his concern is that the city spent several months rewriting our own ordinance and then we are the first to ask for a variance. Todd stated if we go any smaller on the signs it will not look balanced but agrees with the Mayor. Van Den Eykel stated the signs compliment the building. After much discussion regarding size and visibility, Van Den Eykel moved, Todd seconded to approve the structural improvement to Days of 76 Museum per lease agreement. Roll Call: Aye - Peterson, Silvernail, Todd and Van Den Eykel. Nay: Toscana. Motion carried.

Purchase

Silvernail moved, Peterson seconded to purchase a Reader Assembly for the Parking Ramp from Amano McGann, Inc. at a cost not to exceed \$2,300.00 plus shipping. Roll Call: Aye – All. Motion carried

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Enter into Contract

Silvernail moved, Todd seconded to enter into contract with PL Carpentry & Associates for rehabilitation of the public restroom at a cost of \$4,864.48 with the funds coming from Historic Preservation Capital Assets line item and direct City Attorney to prepare contract. Roll Call: Aye – All. Motion carried

Enter into Contract

Silvernail moved, Van Den Eykel seconded to enter into contract with Jorgensen Log Homes, Inc. for the fencing project at the Visitor Center at a cost of \$10,140.00 with the funds coming from Historic Preservation Capital Asses line item and direct City Attorney to prepare contract. Roll Call: Aye – All. Motion carried

STREETS/WATER/LIBRARY

Permission

Van Den Eykel moved, Silvernail seconded to negotiate a contract with TSP to act as City Highway 85 Consultant. Roll Call: Aye-All. Motion carried.

POLICE/FIRE

Resignation

Silvernail moved, Todd seconded with regret to accept the resignation of Ordinance Officer Sarah Canida effective April 25, 2012. Roll Call: Aye-All. Motion carried.

Advertise Position

Silvernail moved, Toscana seconded to post job opening in-house for five days and advertise at the end of the five day period. Commissioner Todd asked if the volunteer firefighters can apply for in house positions, Mayor stated not as of yet. The policy has never been changed but has been discussed. Roll Call: Aye – All. Motion carried

Hire Ordinance Officer

After Commissioner Van Den Eykel informed Commissioners that a group is coming forward to discuss free parking in Deadwood, Silvernail moved, Van Den Eykel seconded to continue until April 30, 2012, the hire of Teresa Tomford as Seasonal Ordinance Officer at \$14.77 an hour effective April 24, 2012 pending pre-employment drug screening. Roll Call: Aye – All. Motion carried

PARKS/RECREATION/TROLLEY

Waive Trolley Fee

Jackie Mitchell, representative for Lawrence County Historic Society asked the Commission to waive trolley fees. Todd moved, Silvernail seconded to waive trolley group fee and travel outside of City limits for Historic Home tour on June 10, 2012 for the Lawrence County Historic Society. Roll Call: Aye – All. Motion carried

Hire Parks

Todd moved, Silvernail seconded to hire Seasonal Parks Employees: Bo Burleson at \$10.00 an hour, Derek Makley at \$9.31 an hour and Makayla Morrison at \$8.28 an hour effective April 24, 2012 pending pre-employment drug screening. Roll Call: Aye – All. Motion carried

Adjust Fee

Todd moved, Van Den Eykel seconded to adjust the snow removal fee at 38 Denver Avenue from \$208.00 to \$104.00. Roll Call: Aye – All. Motion carried

Permission

Todd moved, Silvernail seconded to pay interstate Engineering \$4,460.00 for additional engineering expenses for the Whitewood Creek Pedestrian Bridge. According to Public Works Director Jim Raysor this is the last phase of the 2005 grant and the City is responsible for 12% of total cost. Roll Call: Aye – All. Motion carried

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LEGAL

Contract

Todd moved, Silvernail seconded for Mayor to sign contract with Mark Speirs for the painting of the Information Center Restrooms. Roll Call: Aye-All. Motion carried.

Contract

Silvernail moved, Todd seconded for Mayor to sign contract with RCS Construction for the USS Maine Monument in Gordon Park. Roll Call: Aye – All. Motion carried

MAYORS BUSINESS

Executive Session

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

ITEMS FROM MAYOR, COMMISSIONERS, DEPARTMENT HEADS NOT ON AGENDA

Rec Center

Kelly Fuller, Jim Raysor and John Tridle meet and informed the commission the expansion of free Rec Center Parking from four spaces to eight spaces.

Rubble Site

Jim Raysor announced that summer hours at Rubble Site are Tuesday-Saturday, 8:00 a.m. - 4:00 p.m. 2012.

ADJOURNMENT

Silvernail moved, Van Den Eykel seconded to adjourn the regular session at 5:31 p.m. and convene into Executive Session for Legal 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 30, 2012.

ATTEST:

The seal is circular with the text "CITY OF SOUTH DAKOTA" around the perimeter and "SEAL" in the center. A signature is written over the seal.
Mary Jo Nelson, Finance Officer

DATE: 4-30-12

BY: Francis A. Toscana
Francis A. Toscana, Mayor

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