

REGULAR MEETING, January 14, 2013

The Regular Session of the Deadwood City Commission convened on January 14, 2013 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 Quentin L. Riggins and Commissioners Joe Peterson, Georgeann Silvernail, Gary Todd and Jim Van Den Eykel. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Silvernail moved, Van Den Eykel seconded to approve the minutes of January 7, 2013. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Todd moved, Van Den Eykel seconded to approve the January 14, 2013 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	MAINTENANCE	50.80
ABC BUSINESS	SUPPLIES	256.68
ADAMS MUSEUM	OPERATING	114,000.00
ALBERTSON ENGINEERING	ENGINEERING	510.45
ALCO	SUPPLIES	41.20
ALL NET CONNECTIONS	SERVICE	49.00
AMANO MCGANN	SERVICE	839.45
AMAZON	GIS	352.84
ANDY'S COMPUTER	REPAIR	100.00
ARGUS LEADER	SUBSCRIPTION	326.32
BETTER HOMES & GARDENS	SUBSCRIPTION	11.98
BH CHEMICAL	SUPPLIES	537.00
BH DISPOSAL	DUMPSTERS	720.00
BH PIONEER	ADS	570.60
BH SPECIAL SERVICES	CLEANING	1,302.00
BLUE TARP	MOTOR	543.93
COMPUTER SUPPORT	ASSISTANCE	96.25
CULLIGAN	SUPPLIES	313.25
DAYS OF '76 MUSEUM	OPERATING	40,000.00
DEADWOOD CHAMBER	BILL LIST	72,016.12
DEADWOOD-LEAD ECONOMIC	ALLOCATION	22,000.00
DIVERSIFIED INSPECTIONS	INSPECTION	442.00
EMERY-PRATT	BOOKS	224.53
FASTENAL	SUPPLIES	12.39
FREEMAN'S ELECTRIC	SERVICE	550.00
FURCIS, ED & SUMNERS	FASSBENDER COLLECTION	20,250.00
GOLDEN WEST	SERVICE	1,011.40
GOLDRUSH BROADCASTING	ADS	125.00
HEIMAN FIRE	SUPPLIES	95.60
HISTORIC RAPID CITY	GRANT	10,000.00
J.V.BAILEY	STAIRWAY	52,950.00
JUNEKS	SERVICE	208.41
M & T	TESTING	4,372.02
M&M SANITATION	RENTAL	410.00
MARIAH PRESS	RESEARCH	771.95
MENARD'S	SUPPLIES	310.86
MIDCONTINENT	SERVICE	75.83
MIDWEST TAPE	BOOKS	254.88
MDU	GAS	371.78
NATIONAL TRUST	MEMBERSHIP	250.00
NORTHERN HILLS TECHNOLOGY	STORAGE	720.00
OTIS ELEVATOR	SERVICE	113.31
PHILIP HORIZONS	GRANT	2,460.20
RAPID DELIVERY	SERVICE	21.60
RAYSOR, JAMES	REIMBURSEMENT	35.00
SABO CONSTRUCTION	PROJECT	14,400.00
SD DEPT. OF ENVIRONMENT	FEE	10.00
SD DEPT. OF REVENUE	TRANSFER	75.00
SD FIRE CHIEF'S	REGISTRATION	100.00
SD STATE ARCHIVES	MICROFILM	21.60
SD STATE TREASURER	SALES TAX	3,157.97
SOUTHSIDE SERVICE	SERVICE	250.55
STRETCH'S	SERVICE	259.44
TROPHY AWARDS	TOWERS	201.42
TULARE ECONOMIC	GRANT	3,100.00
TWILIGHT	SUPPLIES	64.00
TWIN CITY HARDWARE	GRANT	259.83
WESTERN COMMUNICATIONS	RADIOS	2,625.00
	TOTAL	\$375,199.44

PUBLIC HEARINGS/BID OPENINGS

Public Hearing – Mardi Gras

Public hearing was opened at 5:05 p.m. Sarah Anderson, Deadwood Chamber of Commerce requested approval for the following:

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Open Container

Friday February 8, 2013

Silvernail moved, Todd seconded to allow the relaxation of the open container ordinance on Main Street from the Four Aces to Masonic Temple, Broadway Street from Wall to Shine, Sherman Street from Pioneer Way to the south side of Pine Street, Deadwood Street from Pioneer Way to Sherman Street, Siever Street, Pine Street from Main Street to Sherman Street and Lee Street from Pioneer Way to Sherman Street from 5:00 p.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Saturday February 9, 2013

Silvernail moved, Todd seconded to allow the relaxation of the open container ordinance on Main Street from the Four Aces to Masonic Temple, Broadway Street from Wall to Shine, Sherman Street from Pioneer Way to the south side of Pine Street, Deadwood Street from Pioneer Way to Sherman Street, Siever Street, Pine Street from Main Street to Sherman Street and Lee Street from Pioneer Way to Sherman Street from 5:00 p.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Street Closures

Main Street from Four Aces to the Masonic Temple from 6:45 p.m. to 8:00 p.m. or until parade ends on Friday February 8, 2013 and Main Street from Four Aces to the Masonic Temple from 5:30 p.m. to 8:00 p.m. or until parade ends on Saturday February 9, 2013. Silvernail moved, Peterson seconded such request. Roll Call: Aye-All. Motion carried.

Banner Fees

Silvernail moved, Todd seconded to waive banner fees on Friday February 8 and Saturday February 9, 2013. Roll Call: Aye-All. Motion carried.

Public Hearing – Snow Cross Shootout

Public hearing was opened at 5:10 p.m. Sarah Anderson, Deadwood Chamber of Commerce requested approval for the following:

Open Container

Friday February 1, 2013

Silvernail moved, Todd seconded to allow the relaxation of the open container ordinance at the Rodeo Grounds on February 1, 2013 from 10:00 a.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Saturday February 2, 2013

Silvernail moved, Todd seconded to allow the relaxation of the open container ordinance at the Rodeo Grounds on February 2, 2013 from 8:00 a.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

User Fees

Todd moved, Van Den Eykel seconded to waive user fees at the Rodeo Grounds, Football Field, Parks Department Parking Lot, Concession Stands, Crow's Nest and All of the Track Area on Sunday January 27 through February 4, 2013. Roll Call: Aye-All. Motion carried.

Banner Fee/Vendor Fee

Todd moved, Silvernail seconded to waive banner fees on Sunday January 27, 2013 through February 4, 2013, to waive vendor fees on public property at the rodeo grounds on February 1 and 2, 2013. Roll Call: Aye-All. Motion carried.

Fireworks

Silvernail moved, Peterson seconded to continue until Tuesday January 22, 2013 so they could talk with the Fire Department. Roll Call: Aye-All. Motion carried.

Public Hearing – License Transfer

Public hearing was opened at 5:13 p.m. by Mayor Toscana. There being no public comment in opposition, Silvernail moved, Van Den Eykel seconded to approve the Retail (on-off sale) Malt Beverage License (RB-2521) from All Seasons Inn to WWW, LLC dba as Gold Country Inn at 801 Main Street. Roll Call: Aye-All. Motion carried.

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Public Hearing – Tailgate Party

Public hearing was opened at 5:13 p.m. by Mayor Toscana. Rhonda Van Den Eykel, Deadwood Business Club, requested approval for the following:

Open Container

Sunday February 3, 2013

Peterson moved, Todd seconded to allow the relaxation of the open container ordinance on Main Street from the Four Aces to Masonic Temple, Broadway Street from Wall to Shine, Sherman Street from Pioneer Way to the south side of Pine Street, Deadwood Street from Pioneer Way to Sherman Street, Siever Street, Pine Street from Main Street to Sherman Street and Lee Street from Pioneer Way to Sherman Street from 12:00 p.m. to 8:00 p.m. Roll Call: Aye-All. Motion carried.

Street Closure

Silvernail moved, Peterson seconded to approve street closure on Main Street from Wall to Deadwood Street from 11:00 a.m. to 5:00 p.m. on Sunday February 3, 2013. Roll Call: Aye-All. Motion carried.

Banner Fee

Silvernail moved, Todd seconded to waive banner fees for event promoter on Sunday, February 3, 2013. Roll Call: Aye-All. Motion carried.

Approval of Open Container Mug

Rhonda Van Den Eykel asked the Commission to approve the special mugs for the Tailgate Party and informed the Commission that if approved the mugs would be used for Cinco De Mayo and the Tailgate Party. Silvernail stated that the Chamber uses this as a fundraiser and would like the Business Club to select some other method of fundraising. Toscana mentioned the request was for Tailgate Party only. Ms. Van Den Eykel stated their organization would be responsible for hanging "No Drinking Beyond This Point" signs and notifying all business owners involved. After further discussion on logistics of handling both Chamber and Business Club mugs Todd moved, Peterson seconded such request. Roll Call: Aye-All. Motion carried.

Public Hearing

Van Den Eykel moved, Todd seconded to set a public hearing at 5:05 p.m. on January 28, 2013 for a special full temporary liquor license application for the Deadwood Volunteer Fire Department banquet at the Masonic Temple on February 23, 2013. Roll Call: Aye-All. Motion carried.

FINANCE

Parking and Transportation

Finance Officer Mary Jo Nelson gave the Commission a Parking and Transportation Revenue and Expense Report as requested by Mayor. Nelson said excluding depreciation expense of \$90,000.00, operating expenses were greater than revenues by \$141,000.00. Historic Preservation also contributed \$92,000.00 toward the shortfall in 2012. Other revenue from Parking and Transportation Fund brought in \$227,000.00 in revenue and showed a profit of \$54,000.00 after depreciation. Nelson added that incoming invoices with 2012 dates will be entered for the next thirty days.

HISTORIC PRESERVATION/PLANNING AND ZONING/PUBLIC BUILDINGS/SAFETY

Contract

Silvernail moved, Van Den Eykel seconded to enter into contract with Arleth to plat Adams Museum, History Center and History Center Parking Lot. Roll Call: Aye-All. Motion carried.

Change Order #1

Silvernail moved, Van Den Eykel seconded to approve the Change Order #1 with Mark Speirs at the Adams House for two additional turned newel posts in the amount of \$600.00, bringing the total contract amount to \$5,610.00. Roll Call: Aye-All. Motion carried.

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Contract

Silvernail moved, Peterson seconded to enter into contract with Albertson Engineering for professional services for retaining wall program for the Historic Preservation Grant Program at a cost not to exceed \$45,000.00. Roll Call: Aye-All. Motion carried.

Advertise

Silvernail moved, Todd seconded to advertise for Historic Preservation Intern to accession Clowser Collection, starting wage is \$8.00 per hour. Roll Call: Aye-All. Motion carried.

STREETS AND WATER/LIBRARY

Wage Increase

Van Den Eykel moved, Silvernail seconded to increase the wage of Library Assistant Janet Osborn from \$8.28 an hour to \$8.79 an hour effective January 11, 2013 after two years of service. Roll Call: Aye-All. Motion carried.

Purchase

Van Den Eykel moved, Todd seconded to purchase a F250 pickup off state bid list from Lamb Motors, Contract #16416 at a cost of \$22,401.00. Roll Call: Aye-All. Motion carried.

Purchase

Van Den Eykel moved, Silvernail seconded to purchase of a service box from Northern Hills Truck at a cost of \$11,239.00. Roll Call: Aye-All. Motion carried.

Amendment #1

Van Den Eykel moved, Silvernail seconded to allow the Mayor to sign the amendment #1 to TSP Highway 85 Consulting Contract at an additional cost of \$3,450.00 for pot-holing to determine waterline storm sewer conflicts and allow Arleth to provide alternate work to tie hydrants, valves and curb stops if it is determined that DOT locates are not accurate. Roll Call: Aye-All. Motion carried.

Amendment #2

Van Den Eykel moved, Silvernail seconded to allow the Mayor to sign the amendment #2 to TSP Highway 85 Consulting Contract at an additional cost of \$6,745.00 plus reimbursables to provide conceptual plans for proposed trailhead and parking area on former Killarney Motel property and surrounding area. Todd question the necessity of doing this now rather than waiting until project begins and Raysor replied that once conceptual plans are complete, it enables the City to apply for the Department of Transportation Community Outreach Grant Programs. Roll Call: Aye-All. Motion carried.

Purchase

Van Den Eykel moved, Silvernail seconded to purchase of 5500 gallons of fuel at a cost of \$3.04 per gallon. Roll Call: Aye-All. Motion carried.

Memorandum of Understanding

Van Den Eykel moved, Silvernail seconded to allow the Mayor to sign the Memorandum of Understanding for the DOT Project. Jim Raysor stated that this memorandum would allow DOT to move highway towards the trail if the city owned the property, also the City and Lead Deadwood Sanitary District would not have to move the utility infrastructure when the DOT makes improvements along Highway 85. Roll Call: Aye-All. Motion carried.

POLICE/FIRE

Permission

Silvernail moved, Todd seconded to approve the travel for three certified instructors to attend the annual conference held in Pierre on January 12 and 13, 2013 at a cost of \$420.00 plus use of city vehicle. Roll Call: Aye-All. Motion carried.

Permission

Silvernail moved, Peterson seconded to allow one instructor to attend the electric vehicle safety trainer class in Brookings on January 26, 2013, cost not to exceed \$260.00 plus the use of city vehicle. Roll Call: Aye-All. Motion carried.

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PARKS/RECREATION/TROLLEY

Update

Commissioner Todd gave an update on the Tourism loop discussed on January 7, 2013. He stated that he has concerns about the Tour Bus Companies. Mike Kitzmiller with Alkali Ike Tours said that the loop would severely affect profitability of their operation. He thinks the solution to the trolley is to raise the price to \$2.00 per person. Toscana asked if he would be opposed if we omit Mt. Moriah, and Kitzmiller said that it's not that he is opposed to it but he doesn't think it would be very effective. Ron Pray with Boot Hill Tours says he invested in the business as a franchise opportunity, wonders why a public entity is competing with a private business and would like to omit Mt. Moriah but other attractions are beneficial. After much discussion Van Den Eykel thinks we should try the loop and believes it would help the first time visitor utilize a trolley that would otherwise be idle. Silvernail questioned why the City is involving itself in private enterprise. Toscana said we could try the loop for a season and if it does not make sense economically, it will be eliminated next season. After much discussion Todd moved, Silvernail seconded to table until February 11, 2013. Roll Call: Aye-All. Motion carried.

Terminate

Todd moved, Silvernail seconded to terminate Trolley Driver Bill Stone effective January 14, 2013. Roll Call: Aye-All. Motion carried.

Lease

Todd moved, Van Den Eykel seconded to allow the Mayor to sign the Skate Park Lease with South Dakota Department of Transportation. Roll Call: Aye-All. Motion carried.

LEGAL BUSINESS

Agreement

Peterson moved, Silvernail seconded to allow the Mayor to sign the Land Use Lease Agreement between the City of Deadwood and Barefoot Resorts to allow rental space at \$55.00 per month at M.S. 774, Uncle Tom Lode for twelve months. Roll Call: Aye-All. Motion carried.

MAYORS BUSINESS

Executive Session

Mayor Toscana requested executive session for Legal Matters (two items) per SDCL 1-25-2 (3).

Resolution 2013-03

Van Den Eykel moved, Silvernail seconded to pass Resolution 2013-03 to set special events for 2013. Roll Call: Aye-All. Motion carried.

RESOLUTION 2013-03

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 2013 as "special or civic event(s)" for purposes of Ordinances 15.32.100 and 15.32.140:

<u>Special or Civic Event:</u>	<u>Date(s) of Event:</u>
1. Superbowl Tailgate Party	February 3, 2013
2. Mardi Gras	February 8-9, 2013
3. St. Patrick's Day	March 15-17, 2013
4. Cinco De Mayo	May 4, 2013
5. Mickelson Trail Marathon	June 2, 2013
6. Wild Bill Hickok Days	June 14-15, 2013
7. Fourth of July	July 4, 2013
8. Days of '76	July 23-27, 2013
9. Sturgis Bike Rally	August 5-10, 2013
10. Kool Deadwood Nites	August 22-25, 2013
11. Deadwood Jam	September 13-14, 2013
12. Oktoberfest	October 4-5, 2013
13. Deadweird	October 25-26, 2013

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Dated this 14th day of January, 2013

ATTEST:
/s/ Mary Jo Nelson, Finance Officer

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

Holiday Meeting

Mayor Toscana announced the next City Commission meeting would be on Tuesday, January 22, 2013 at 5:00 p.m. due to the observance of the Martin Luther King Day.

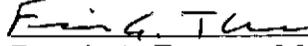
ADJOURNMENT

Silvernail moved, Todd seconded to adjourn the regular session at 6:15 p.m. and convene into Executive Session for Legal Matters per SDCL 1-25-2 (3) with no action. The next regular meeting will be at 5:00 p.m. on Tuesday January 22, 2013.

ATTEST:

DATE: 1-22-13


Mary Jo Nelson, Finance Officer

BY: 
Francis A. Toscana, Mayor

Published once at the total approximate cost of _____.

