

EXECUTIVE SESSION/REGULAR MEETING, January 3, 2012

The Regular Session of the Deadwood City Commission convened on January 3, 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 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 December 27, 2011. Roll Call: Aye-All. Motion carried.

DECEMBER, 2011 PAYROLL: COMMISSION, \$4,096.14; ATTORNEY, \$8,319.24; FINANCE, \$20,480.26; PUBLIC BUILDINGS, \$3,049.22; POLICE, \$61,659.57; FIRE, \$6,504.36; BUILDING INSPECTION, \$5,065.89; STREETS, \$38,920.46; PARKS, \$21,564.26; PLANNING & ZONING, \$5,538.45; LIBRARY, \$8,063.50; RECREATION CENTER, \$15,105.08; HISTORIC PRESERVATION, \$21,017.68; WATER, \$20,229.09; PARKING METER, \$10,778.68; TROLLEY, \$20,015.40; PARKING RAMP, \$8,116.53; RUBBLE SITE, \$1,236.06. **PAYROLL TOTAL: \$279,759.87.**

DECEMBER, 2011 PAYROLL PAYMENTS:

Internal Revenue Service, \$63,651.60; S.D. Retirement System, \$30,580.90; Delta Dental, \$3,423.36.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Todd seconded, to approve the January 3, 2012 disbursements with additional bill. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	MAINT	113.36
ABC BUSINESS	SUPPLIES	689.49
ALBERTSON ENGINEERING	ENG SERVICES	350.00
AMANO MCGANN, INC.	STAMPS	158.10
ANTIQUES & ART	PURCHASE	2,500.00
ATCO INTERNATIONAL	SUPPLIES	396.00
BH MINING MUSEUM	GRANT	6,598.47
BH POWER	UTILITIES	5,606.91
BH BADLANDS & LAKES	MEMBERSHIP	476.00
CENTURY BUSINESS PRODUCTS	COPIER	11,860.00
COMPANION LIFE	PREMIUMS	225.96
DAKOTA SECURITY SYSTEMS	SERVICE	165.82
DRAGOO CABINETS	CABINET	3,100.80
GAYLORD BROS.	SUPPLIES	32.06
GOLDEN WEST	SERVICE	1,605.88
KNOLGY	SERVICE	1,746.08
LC REGISTER DEEDS	CLOSING	132.00
MATT PARROTT	WATER BILLS	919.09
NATIONAL BUSINESS	CABINETS	3,997.26
NEVE'S	UNIFORMS	450.07
OFFICE DEPOT	SUPPLIES	292.31
RCS CONSTRUCTION	RETAIN WALL 33 TAYLOR	208,900.00
SD DEPT. REVENUE	TRSF FEE-HICKOK'S	75.00
SD DEPT. TOURISM	SD CONF TOURISM	600.00
TWILIGHT	SUPPLIES	63.75
WOLFF'S PLUMBING	REPAIRS	144.00
	TOTAL	\$ 251,198.41

ITEMS FROM CITIZENS ON AGENDA

Concerned Citizens – SDDOT Project

Ron Island, spokesperson for landowners and businesses along the proposed SD DOT highway project told the Commission they have held two meetings to discuss issues and concerns with this proposed project. Island said the main concerns once again are the loss of on-street parking/customer parking due to the addition of a turning lane, creating a three-lane highway. Island stated, "The majority consensus of the committee is they would not have any project at all than live with a project that is hurtful to real estate and businesses." "We are asking that the City take a real strong stand on this project," Island said. Mayor Toscana reassured the landowners and committee members in the audience that the City of Deadwood Task Force Committee have met, and are planning and preparing to meet with the South Dakota Secretary of Transportation and the DOT to explain the concerns of the citizens. Toscana added, "At the end of the day, we don't want a beautiful highway if it ruins our historic city." Island added that Deadwood is a pedestrian community and a three-lane highway is not conducive to our small city. Toscana said that parking is a valid concern on both ends of the project, as well as snow removal issues. Toscana said he hopes that the SDDOT will come up with some solutions to benefit them as well as meet the needs of our small community. Commissioner Todd agreed with Toscana and hopes that the SDDOT and the City can reach a mutual solution. Toscana asked Island to compile an economic impact report from the various businesses impacted by this proposed project and submit to the Task Force Committee.

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Main Street Businesses Request

Terry Haulk, General Manager Buffalo-Bodega, presented a Historic Main Street Parking Petition and proposed diagram to the Commission from Deadwood's Main Street businesses. The petition states: Without Main Street parking the Historic District will lose many retail and gaming properties, this year and into the future, help prevent the collapse of Deadwood and support parking on Main Street. Haulk expressed the concerns of the Deadwood businesses due to the slow winter business traffic and the devastating decrease in revenue. He requested the Commission consider the following proposal of 40 free parking spaces on Main with the following limitations: 1) parking on one side of Main Street; 2) Noon to midnight (after delivery trucks are gone and snow removal) 3) November through March 31st 4) request businesses to monitor spaces to keep employees from parking in designated spaces 5) continue shuttle bus services, emergency access, and loading zones in designated spaces on Main Street. Haulk added the designated handicap spaces in parking lots and Broadway Ramp are too far from establishments (during winter months) and costly for the elderly. Haulk said they are willing to make adjustments if necessary. He does not want to see any more vacant businesses on Main. Due to a conflict of interest, Toscana asked Van Den Eykel if he would recuse himself and Van Den Eykel said yes but he requested that for the record as a business owner he supports the parking proposal. Toscana reiterated the fact that Van Den Eykel owns a business in the proposed parking section and feels it is a conflict. Commissioner Todd referenced the special events and potential problems with this request. Todd added he supports all Deadwood businesses but does not know if parking is the issue or if it is the decrease of visitors to Deadwood and does not know what the answer is at this time. Commissioner Silvernail said this is a difficult request and a number of things to consider prior to voting. The Street and Police Departments would have a number of issues such as cars being parked on Main during snow removal, customers parked in spaces after hours, parking and towing violations, trolley service issues. Silvernail added if these spaces were approved, they need to be metered. Toscana agreed with Silvernail and said this would affect the revenue for the City's Trolley service. Toscana said he needs to know if the Business Improvement District (BID) is in favor of this request prior to voting. Paula Katon asked if businesses could compromise and accommodate the elderly with designated handicap spaces on Main Street. Haulk added one Trolley stop would be eliminated by the Buffalo-Bodega. Silvernail expressed concerns with the narrowness of the 600 block of Main Street (Gold Dust) because allowing parking on one side of Main in addition to two-way traffic would be a nightmare. Toscana reiterated the fact that he needs to hear from the Business Improvement District (BID) as to whether they are in favor or against this request as this request could affect them directly. Toscana suggested that the Deadwood Business Committee meet with the Business Improvement District 1-6 to discuss this proposal and report to the Commission.

PUBLIC HEARINGS/BID OPENINGS

Public Hearing

Silvernail moved, Todd seconded, to approve the transfer and renewal of the Retail (on-sale) Liquor license for DFC-Hickok's, Inc. (CL-508), Retail (on-off sale) Wine license for DFC-Hickok's, Inc. (RW-6428), Retail (on-off sale) Malt Beverage license for DFC-Hickok's, Inc. (RB-2306), Tracts A & C of the plat of Tracts A, B, & C, located in Lots 8, 9, & 10, and a portion of Lots 6 & 7, Block 18, and a portion of M.S. 72, and Tracts B and F, located in a portion of M.S. 72 and in Lots 8, 9 and 10 and a portion of Lots 6 and 7, Block 18, all located in Deadwood, SD dba Hickok's - Frontier Club at 681-685 Main Street. Roll Call: Aye-All. Motion carried.

Set Public Hearing

Todd moved, Peterson seconded, to set a public hearing at 5:05 p.m. on January 17, 2012 for Deadwood's 1st annual Tailgate party Event on February 5, 2012. Roll Call: Aye-All. Motion carried.

FINANCE

2012 Allocations

Peterson moved, Silvernail seconded, to approve the following 2012 allocations from the General Fund Commission professional service line item as follows: Twin City Senior Center \$1,000.00, Victims of Violence \$1,000.00, Deadwood-Lead Economic Development Corporation \$22,000.00 (budgeted) as requested by Finance Officer. Roll Call: Aye-All. Motion carried.

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Resolution 2012-01

Peterson moved, Silvernail seconded, to approve the Public Wage and Salary Resolution 2012-01 per SDCL 9-18-1. Roll Call: Aye-All. Motion carried.

RESOLUTION NO: 2012-01
CITY OF DEADWOOD EMPLOYEE WAGES FOR THE YEAR 2012

BE IT RESOLVED by the Deadwood City Commission that the City of Deadwood hereby approves the following wages for City of Deadwood employees for the year 2012: Thomas Adams, \$11.38 per hour; Roger Addington, \$16.27 per hour; Linda Allen, \$9.83 per hour; Dusty Barker, \$14.77 per hour and \$11.38 per hour; Ken Batka, \$17.70 per hour; Douglas Bechen, \$13.27 per hour; Deanna Berglund, \$16.42 per hour; Sonya Bertalot, \$11.38 per hour; William Binder, \$15.46 per hour; Richard Bracha, \$10.52 per hour; Anthony Bradley, \$19.67 per hour; Daniel Bridenstine, \$17.70 per hour; Richard Brooks, \$12.14 per hour; Sabrina Brossart, \$7.76 per hour; Cody Brotsky, \$8.28 per hour; William Burlison, \$20.65 per hour; Karla Cameron, \$8.79 per hour; Jason Campbell, \$72,930.00 per year; Sarah Canida, \$14.77 per hour and \$11.38 per hour; Jeanette Chaney-Moodie, \$42,840.00 per year; Randi Coddington, \$12.14 & \$14.14 per hour; Patrick Coffield, \$10.00 per hour; Henry Cordes, \$12.14 per hour; Debra Dauer, \$10.35 per hour; Dian DeRosier, \$8.28 per hour; Nicole Diedrich, \$7.76 per hour; Cliff Dower, \$17.70 per hour; Karla Dower, \$10.00 per hour; Kelly Elletson, \$10.35 per hour; Christine Elliott, \$10.52 per hour; Kenneth Elliott, \$10.52 per hour; Richard Elliott, \$12.14 per hour; Jeanne Emmert, \$8.28 per hour; Julie Evenson, \$16.47 per hour; Cherise Feser, \$7.76 per hour; Judy Fidler, \$9.83 per hour; Stephen Fisher, \$10.52 per hour; Kelly Fuller, \$64,770.00 per year; Luke Gainey, \$7.76 per hour; Robert Haley, \$7.76 per hour; Alex Hamann, \$19.67 per hour; Terry Hansen, \$12.14 per hour; Carol Hauck, \$14.79 per hour; Kenneth Hawki, \$22.80 per hour; Steven Hogan, \$10.35 per hour; Michael Holbert, \$11.38 per hour; Roanne Hudson, \$10.52 per hour; Barbara Hughes, \$9.31 per hour; Scott Jamison, \$7.76 per hour; Arlys Janke, \$10.52 per hour; Michael Kitzmiller, \$11.38 per hour; Milly Kitzmiller, \$10.00 per hour; Linda Kottke, \$10.35 per hour; Donald Kryger, \$20.65 per hour; Kevin Kuchenbecker, \$62,730.00 per year; Janet Lanphear, \$16.06 per hour; Frank Lawton, \$9.31 per hour; James Lee, \$17.70 per hour; Robert Lester, \$21.21 per hour; Alexandra Lindemann, \$11.38 per hour; Tavis Little, \$17.70 per hour; Justin Lux, \$17.70 per hour; John Marshall, \$19.67 per hour; Richard Marsolek, \$12.14 per hour; James Mattson, \$10.00 per hour; Kip Mau, \$19.67 per hour; Tera Mau, \$9.31 per hour; Mark Mayfield, \$7.76 per hour; Brian Mehlberg, \$15.50 per hour; Kenneth Mertens, \$21.21 per hour; Douglas Miller, \$12.14 per hour; Mildred Morrison, \$8.28 per hour; Ronda Morrison, \$20.65 per hour; Gregory Nelson, \$19.67 per hour; Mary Jo Nelson, \$67,830.00 per year; Robert Nelson Jr., \$48,960.00 per year; Robert Nelson Sr., \$52,530.00 per year; Gerald Niemi, \$11.38 per hour; Michael Olsen, \$9.96 per hour; James Olson, \$19.67 per hour; David Osborn, \$10.35 per hour; Janet Osborn, \$7.76 per hour; Janice Peppmeier, \$16.47 per hour; Joe Peterson, \$6,500.00 per year; Virginia Peterson, \$16.42 per hour; Randy Pfarr, \$17.98 per hour; Delmore Pidde, \$12.14 per hour & \$14.14 per hour; Lois Pidde, \$10.00 per hour; Edward Pierce, \$10.52 per hour; Janet Pisciotta, \$9.31 per hour; Charles Quenzer, \$19.07 per hour; Jerold Rchetto, \$16.27 per hour; Robert Radensleben, \$17.70 per hour; Jenessa Rantapaa, \$8.28 per hour; Jim Raysor, \$73,950.00 per year; Arthur Reato, \$11.38 per hour; Kenneth Rehberg, \$12.14 per hour; Scott Reif, \$17.08 per hour; Donovan Renner, \$20.65 per hour; David Riley, \$11.38 per hour; Michael Runge, \$18.10 per hour; Dean Schallenkamp, \$16.27 per hour; Dustin Schumacher, \$19.67 per hour; Kristy Schumacher, \$13.27 per hour; Georgeann Silvernail, \$6,500.00 per year; Sarah Solano, \$16.06 per hour; James Sternhagen, \$11.38 per hour and \$12.14 per hour; William Stone, \$12.14 per hour; Matthew Symonds, \$17.70 per hour; Gary Todd, \$6,500.00 per year; Francis Toscana, \$9,500.00 per year; Denise Trehwella, \$10.00 per hour; Misty Trehwella, \$8.28 per hour; John Tridle, \$17.59 per hour; Keith Umenthum, \$21.10 per hour; Jim Van Den Eykel, \$6,500.00 per year; Greg Wagner, \$12.14 & \$14.14 per hour; Thomas Wolf, \$8.28 per hour; Charles Wuitschick, \$12.14 per hour.

Dated this 3rd day of January, 2012.

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Francis A. Toscana, Mayor

Set Election Day

Peterson moved, Silvernail seconded, to set 2012 Election Day for April 10, 2012 for two (2) three-year terms for City Commissioner. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING AND ZONING/PUBLIC BUILDINGS/SAFETY

Complete Plat Transaction (March 9, 2009)

Silvernail moved, Todd seconded, to allow the Mayor to sign plat for Lots 1 and 2, being a part of School Lot 1 except Railroad Right-of-Way all located in the SW ¼ of Section 23, T5N, R3E, BHM, Deadwood, Lawrence County, SD. Roll Call: Aye-All. Motion carried.

Fred Thurston Architecture Assess Properties Request (Continued from 12/27/2011)

Mayor Toscana requested that this item be removed from the Agenda.

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Days of 76 Museum – Partial Certificate of Substantial Completion

Historic Preservation Officer Kevin Kuchenbecker provided the Commission with a copy of the AIA Document for Partial Certificate of Substantial Completion for the Days of 76 Museum project, which includes the Museum Exhibit Rooms 216B through 216K and the Carriage Exhibit Room 112. Todd moved, Van Den Eykel seconded, to allow the Mayor to sign the Partial Certificate of Completion for the Days of 76 Museum Project. Roll Call: Aye-All. Motion carried.

Change Order #8 – Days 76 Museum

Kevin Kuchenbecker requested permission for the Commission to approve Change Order #8 for the Days of 76 Museum: fire alarm revision-\$9,105.00; electrical changes-\$5,490.00; T&G and Trading Post flooring-\$2,078.96; display cases added (deduct)-(\$3,403.83); K1 Fixtures (deduct)-(\$618.16); stair handrail-\$534.25; track lighting-\$534.25; H-2 fixture guide wires-\$237.45 totaling \$13,957.92. Peterson moved, Silvernail seconded, to approve Change Order #8 for Days of 76 Museum, bringing total cost of contact to \$3,444,577.72. Roll Call: Aye-All. Motion carried.

Hire Request

Toscana moved, Silvernail seconded, to approve the hiring of Nickolas Heeb effective January 9, 2012 at \$7.76 per hour to assist City Archivist, pending pre-employment drug screening, a budgeted item. Roll Call: Aye-All. Motion carried.

Payment Request

Silvernail moved, Van Den Eykel seconded, to approve the Co-Sponsorship for the Governor's Conference on Tourism with the Deadwood Chamber at a cost of \$2,000.00, to be paid from Advocacy, a budgeted item. Roll Call: Aye-All. Motion carried.

Payment Request

Silvernail moved, Todd seconded, to approve the cost share request between the City of Deadwood, City of Spearfish and Lawrence County for GIS aerial imagery at a cost of \$18,218.83, to be paid from GIS Fund line item. Roll Call: Aye-All. Motion carried.

Change Order #1 – 66 Taylor Avenue

Silvernail moved, Peterson seconded, to approve Change Order #1 from Sabo Construction for 66 Taylor Avenue retaining wall (rock cap 50' of wall) at a cost of \$1,000.00, bringing total cost to \$14,300.00. Roll Call: Aye-All. Motion carried.

STREETS/WATER/LIBRARY

Task Force – COD

Van Den Eykel moved, Todd seconded, to add Ron Island and Jim Waisenen to the City of Deadwood Task Force with the SD Department of Transportation. Roll Call: Aye-All. Motion carried. Toscana questioned the additions to the Task Force Committee. Van Den Eykel said Ron Island is a business owner and he feels businesses need to be represented as well as the residents on the Task Force Committee. Van Den Eykel spoke of two meetings he has attended and Toscana asked what meetings, as he was not informed of such meetings. Toscana said he received a request from Mary Ann Oberlander to be on the Task Force Committee and Toscana opened the invitation to anyone else interested to serve on the Task Force Committee. Toscana asked Tom Blair and he accepted the offer. Van Den Eykel moved, Silvernail seconded, to add Mary Ann Oberlander and Tom Blair to the City of Deadwood Task Force Committee. Roll Call: Aye-All. Motion carried.

LEGAL BUSINESS

Contract

Silvernail moved, Todd seconded, to allow the Mayor to renew and sign the Neighborworks contract to provide administrative services in connection with the Revolving Loan Program from January 1, 2012 to December 31, 2012 at a cost of \$86,900.00. Roll Call: Aye-All. Motion carried.

Contract

Silvernail moved, Peterson seconded, to allow the Mayor to sign the contract with Dakota Security Systems, Inc. for the Adams House to replace the security system for \$8,854.28. Roll Call: Aye-All. Motion carried.

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Contract

Silvernail moved, Todd seconded, to allow the Mayor to sign the contract for the cost share of the Pictometry between the City of Deadwood, City of Spearfish, and Lawrence County. Roll Call: Aye-All. Motion carried. City of Deadwood's share is \$18,218.83. City of Deadwood payments may be over three year, if deemed necessary for budget purposes.

MAYORS BUSINESS

Meeting Date

Mayor Toscana announced that there would be a DOT Task Force committee meeting at 9:00 a.m. on Wednesday, January 4, 2012 in the Century Room.

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 CITIZENS NOT ON AGENDA

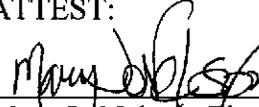
Broadway Street/Ramp Issues

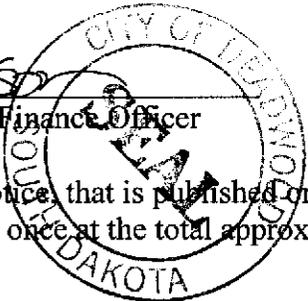
Ron Russo, Fairmont/Oyster Bay owner, informed the Commission that due to traffic congestion on Broadway Street and at the Broadway Ramp on Friday and Saturday nights he has been assisting with traffic issues. After discussing, Toscana requested Russo attend the next Parking and Transportation meeting to discuss this matter.

ADJOURNMENT

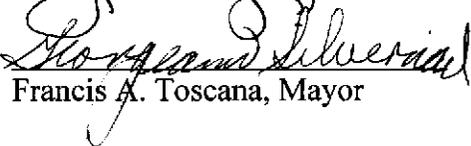
Silvernail moved, Peterson seconded, to adjourn the regular session at 5:45 p.m. and convene into Executive Session for Legal Matters per SDCL 1-25-2 (3) with no action to be taken. The next regular meeting will be at 5:00 p.m. on Monday, January 9, 2012.

ATTEST:


Mary Jo Nelson, Finance Officer



DATE: January 9, 2012

BY: 
Francis A. Toscana, Mayor

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