

## REGULAR MEETING, July 16, 2012

The Regular Session of the Deadwood City Commission convened on July 16, 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, Georgetann 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 July 9, 2012. Roll Call: Aye-All. Motion carried.

### APPROVAL OF DISBURSEMENTS

Silvernail moved Todd seconded to approve the July 16, 2012 disbursements. Roll Call: Aye-All. Motion carried.

2ND AMENDMENT GUNS	CONTROLLER	3,102.00
A & B BUSINESS	LEASE	113.00
AARON PANIZO	BROWN COLLECTION	12,500.00
AASLH MEMBERSHIP	MEMBERSHIP	112.00
ABC BUSINESS SUPPLY	SUPPLIES	174.86
ADAMS MUSEUM	EDUCATION	5,245.68
ALBERTSON ENGINEERING	ENGINEERING	1,095.30
ALCO	SCOOTER	33.95
ALL NET CONNECTIONS	PROJECT	318.50
ALLEN, MEL	ATTENDANCE	225.00
AMAZON WEB SERVICES	SERVICES	341.70
ARLETH & ASSOCIATES	PROJECT	975.00
ATCO INTERNATIONAL	VANDEX	125.00
BARRON'S	SUBSCRIPTION	206.96
BH CHEMICAL,	SUPPLIES	1,333.01
BH POWER	ELECTRICITY	12,323.08
CENTURY BUSINESS	MAINTENANCE	171.67
CULLIGAN	WATER	287.00
DAKOTA GRAPHICS	CARDS	2,343.50
DAKOTA SECURITY	MONITOR	578.05
DAKOTA SPRAY	PROJECT	156.50
DAYS OF '76 MUSEUM	FUNDING	40,000.00
DAYS OF '76,	BUDGETED ITEM	55,000.00
DEADWOOD CHAMBER	BILL LIST	195,622.31
DEADWOOD GRANITE	PROGRAM	450.00
DRAGONS ARE TOO SELDON PUP	BOOK	60.00
EMERY-PRATT	ATLAS	509.73
FARMER BROTHERS	COFFEE	208.15
FARRIER, MARIE	ATTENDANCE	300.00
FASTENAL COMPANY	BATTERY	114.99
FERBER ENGINEERING	PROJECT	2,333.20
FLAT EARTH SIGN	SIGNAGE	2,215.00
GAYLORD BROS.	SUPPLIES	480.85
GOLDEN WEST	SERVICE	7,267.72
GREEN, SHEREE	ATTENDANCE	300.00
HCW, INC.	LOAN	2,214.54
JASON RAKOW	LOAN	1,869.62
KNOLOGY	PHONE	149.81
KONE	MAINTENANCE	205.00
LAWRENCE CO. REGISTER	GRANT	755.00
MARIAH PRESS	PROJECT	150.00
MIDDLEMAS, KAITLAN	REIMBURSEMENT	72.29
MIDWEST TAPE	DVD	266.93
MDU	UTILITIES	37.85
NEIGHBORHOOD LENDING	CONTRACT	21,725.00
NEWELL MUSEUM	GRANT	15,000.00
NEWSTRIPE	STENCIL	257.65
NORTHWEST PIPE FITTINGS	GASKET	82.69
NOVUS	REPAIR	110.00
OCCUPATIONAL HEALTH	TESTING	120.00
OSBORN, JANET	REIMBURSEMENT	36.00
OTIS ELEVATOR	ELEVATOR	110.01
PAPER DIRECT	SUPPLIES	65.95
PETE LIEN & SONS	BENCH	101.76
QUICK TROPHY	NAMEPLATES	39.99
QUIK SIGNS	SIGNAGE	51.25
RAISCH, BRUCE	BOOK	10.40
RASMUSSEN MECHANICAL	SERVICE	802.03
REGIONAL HEALTH	TESTING	50.00
ROGERS CONSTRUCTION	PROJECT	14,886.50
SD COMMISSION ON GAMING	CITY SLOTS	69,125.00
SD DEPT. OF TRANSPORTATION	EXHIBIT	44.91
SD ONE CALL	FEES	55.50
SD PUBLIC ASSURANCE	INSURANCE	56.66
SD STATE ARCHIVES	MICROFILM	57.60
SHEDD, JIM	ATTENDANCE	275.00
SPEARFISH AREA HISTORICAL	PUBLISHING	5,000.00
SPEARFISH HUSKY	TRIMMER	250.00
SPEIRS, MARK	ATTENDANCE	250.00
THE DURABLE SLATE COMPANY	EVALUATION	3,473.85
TOMS, DON	BOXES	576.00
TRIPLE K	SUPPLIES	34.27
TRU-FORM	PAY APP	12,449.64
TWILIGHT	SUPPLIES	368.15
TWIN CITY HARDWARE	SUPPLIES	1,670.09
WESTERN PLANNING	MEMBERSHIP	150.00
ZIEGLER BUILDING	PROJECT	1,475.26

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TOTAL

\$ 501,105.91

ITEMS FROM CITIZENS ON AGENDA

Service Awards

Mayor Toscana presented certificates to the following employees: Jason Campbell for five years of service, Mike Runge and Bob Nelson Sr. for 10 years of service and Robert Radensleben for 15 years of service and thanked each of them for their time.

Certificate Fire Department

Fire Chief Jeff Millard and Commissioner Silvernail presented Mike Runge a fire fighter certificate for completion of 300 hours of classroom training and 200 hours of practical training.

PUBLIC HEARINGS/BID OPENINGS

Bid Opening St. Ambrose Project

Two bids were received for the St. Ambrose Project, Removal of tree stumps at 2:00 p.m. as advertised. Present at the bid opening was Mary Jo Nelson, Mike Bender and Kevin Kuchenbecker. Bids are as follows:

<u>Item</u>	<u>Vic Utech</u>	<u>Rogers Construction</u>
Mobilization	\$400.00	\$300.00
Stump Removal	\$31,488.60	\$45,731.40
Furnish & Place Topsoil	\$3,600.00	\$2,070.00
Seeding and Stabilization	\$6,930.00	\$1,400.00
Clean Up and Disposal of Debris	\$2,500.00	\$300.00
<b>Total Base Bid</b>	<b>\$44,918.60</b>	<b>\$49,801.40</b>

Kevin Kuchenbecker asked the Commission to accept the Low Bid from Vic Utech and direct the City Attorney to prepare contract. Silvernail moved, Van Den Eykel seconded such request. Roll Call: Aye-All. Motion carried.

Public Hearing

Todd moved, Silvernail seconded to set public hearing at 5:05 p.m. on July 30, 2012 for Deadwood Jam events on September 14 and 15, 2012: Street closures, open container in Zone 2 only, special malt license, waiver of barricade, vending and banner fees and use of Interpretive Lot. Roll Call: Aye-All. Motion carried.

Public Hearing

Silvernail moved, Van Den Eykel seconded to set public hearing at 5:10 p.m. on July 30, 2012 for SSR Fanatics on August 30, 2012: Street closure and waiver of barricade fees. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING AND ZONING/PUBLIC BUILDINGS/SAFETY

Permission

Toscana moved, Todd seconded to remove Historic Preservation Intern Mark Mayfield from employment effective November 30, 2011. Roll Call: Aye-All. Motion carried.

Outside of Deadwood Grants

Kevin Kuchenbecker informed the Commission that eleven grant applications were submitted to Historic Preservation for the Outside of Deadwood grants project totaling \$196,216.12. Eight grants were approved. The approved grants are: SD Heritage Fund – Photo Digitization - \$24,000.00; Dell Rapids Society for Historic Preservation – Odd Fellows Building - \$24,000.00; Yankton Scottish Rite – Roof - \$24,000.00; The Pearl Hotel, Inc. – Pearl Hotel - \$10,000.00; Historic Homestake Opera House – Phase II/III Restoration - \$7,500.00; Fassbender Photographic Collection, Inc. – Archival Development - \$17,500.00; Hot Springs Lodge #112 – Roof - \$6,500.00; Lead Country Club – Clubhouse - \$10,000.00. Silvernail moved, Van Den Eykel seconded to accept the recommendations for the “Outside of Deadwood” grant allocations for a total of \$123,500.00 for the second half of 2012. Roll Call: Aye-All. Motion carried.

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### Approve Recommendation

Van Den Eykel moved, Silvernail seconded to approve the recommendation from Historic Preservation Commission for financial support of the 2012 South Dakota Realtor Workshops in the amount of \$2,000.00. To be paid from Public Education line item. Roll Call: Aye-All. Motion carried.

### Approve Recommendation

Todd moved, Silvernail seconded to approve the recommendation from Historic Preservation Commission for financial support during the Days of 76 celebrations in an amount not to exceed \$3,000.00 to be paid from Public Education line item. Roll Call: Aye-All. Motion carried.

### Contract

Van Den Eykel moved, Silvernail seconded to enter into a contract with Michael Conover to finish the walls for the Historic Preservation cold storage unit at a cost of \$2,754.53, to be paid from HP Capital Assets and direct City Attorney to prepare said contract. Roll Call: Aye-All. Motion carried.

## STREETS AND WATER/LIBRARY

### Payment

Van Den Eykel moved, Todd seconded to approve the annual payment of \$4,304.00 for South Dakota Library Network membership. Roll Call: Aye-All. Motion carried.

## POLICE/FIRE

### Resignation

Silvernail moved, Peterson seconded the resignation of Ordinance Officer Dusty Barker effective July 18, 2012. Roll Call: Aye-All. Motion carried.

### Advertise

Silvernail moved, Peterson seconded to advertise for Ordinance Officer. Roll Call: Aye-All. Motion carried.

### Discussion Railroad Parking Lot

Commissioner Silvernail requested discussion on the Railroad Parking Lot. Chief Fuller stated that an issue came before the Parking and Transportation Committee concerning the free parking on Lower Main Lot that has been consumed due to construction. The Parking and Transportation Committee recommends the removal of meters to create free parking in the Railroad Lot. Commissioner Todd asked why the contractors and businesses are not providing parking. Mayor Toscana agrees with Commissioner Todd that it is not necessarily the City's responsibility to provide parking for private business employees but has no problem removing the meters in Railroad Lot. After discussion Van Den Eykel moved, Silvernail seconded to remove the parking meters in the Railroad Parking Lot. Roll Call: Aye-All. Motion carried.

## PARKS/RECREATION/TROLLEY

### Wage Increase

Todd moved, Silvernail seconded to increase the wage of Rec Center employee Jeanne Emmert from \$8.28 an hour to \$8.79 an hour effective July 9, 2012 after two years of service. Roll Call: Aye-All. Motion carried.

### Update Traffic Light

Commissioner Todd requested discussion about the traffic light on Sherman Street and Pine Street. He stated that the adjustments made to the light have helped, but is still receiving negative comments from residents. Commissioner Van Den Eykel asked Bob Nelson Jr. and Chief Fuller if they have looked at the traffic flow and Bob Nelson Jr. said there are more adjustments that could be made. Mayor Toscana suggested we eliminate one or both stop signs at Sherman Street and Deadwood Street. Chief Fuller stated that a lot of the backup is blamed on this intersection when the backup is really from the light at Cemetery Street. Fuller said more time is needed to monitor during high volume times. Mayor Toscana is not opposed to letting the light run through August. Commissioner Todd is concerned about the Pack Horse and the Post Office customers. After discussion from Commissioners, citizens and department heads no action was taken regarding the stoplight but general consensus to remove stop sign at Sherman Street and Deadwood Street.

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**MAYORS BUISNESS**

Resolution 2012-20

Peterson moved, Silvernail seconded to pass Resolution 2012-20 to Surplus 515 square feet of land adjacent to Silverado. Roll Call: Aye-All. Motion carried.

**RESOLUTION NO. 2012-20**

**A RESOLUTION TO SURPLUS CERTAIN LAND  
WITHIN THE CITY OF DEADWOOD**

**WHEREAS** certain land within the City of Deadwood is no longer necessary, useful, or suitable for the purpose for which it was acquired; and

**WHEREAS** this body has the legal authority to sell, trade, destroy, or otherwise dispose of land pursuant to SDCL 6-13-1;

**NOW, THEREFORE, BE IT RESOLVED** that the City of Deadwood City Commission hereby:

1. Determines, pursuant to SDCL 6-13-1, that the land described herein is no longer necessary, useful, or suitable for the purpose for which it was acquired. That such land is described as follows:

A tract of land being in Lot A of Block 20, Original Townsite of the City of Deadwood, Formerly Lots 1 and 2 and a portion of Lot 17, Block 20, located in the SE ¼ of Section 22, T5N, R3E, B.H.M. Lawrence County, South Dakota and being more particularly described as follows: Commencing at a found pin and cap, said pin and cap being the southerly most corner of aforesaid Lot A and being on the Northwesterly R-O-W line of Pioneer Way, A.K.A. U.S. Highway 14A and being the true point of beginning of herein described tract; thence following the southwesterly line of said Lot a N55° 42'28" W a distance of 20.62' to a point in the southerly line of Lot 4 Block 20: thence following said southerly line of Lot 4 N34° 17' 32" E a distance of 27.36' to the southeasterly corner of said Lot 4; thence departing said southerly line of Lot 4 S55° 42' 28" E a distance of 17.07' to a point on the aforesaid northwesterly R-O-W line of Pioneer Way, A.K.A. U.S. Hwy 14A; thence following said Northwesterly R-O-W line S26° 53'53"W a distance of 27.59' to the point of beginning; the herein described tract having an area of 515 square feet, more or less. A sketch of the metes and bounds description is also attached for reference; and

2. Appoints, pursuant to SDCL 6-13-2, Jim Van Den Eykel, Joe Peterson and Georgeann Silvernail, as three real property owners, the appraisal board for such land. Such appraisal board shall file a report of their appraisal with the finance office for the City of Deadwood once it determines the value of such land.

Dated this 9th day of July 2012.

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Francis A. Toscana, Mayor

Report Appraisal Committee

Silvernail moved, Todd seconded the approval of the report from Appraisal Committee for the 515 square feet adjacent to Silverado, valued at .75 cents per square foot based on previous transactions. Roll Call: Aye-All. Motion carried.

Executive Session

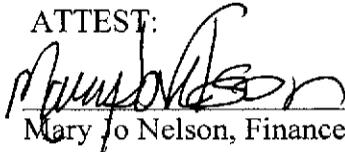
Mayor Toscana requested executive session for union negotiations per SDCL 1-25-2 (4).

ADJOURNMENT

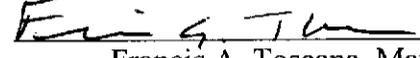
Silvernail moved, Van Den Eykel seconded to adjourn the regular session at 5:35 p.m. and convene into Executive Session for Union negotiations per 1-25-2 (4). The next regular meeting will be at 5:00 p.m. on Monday July 23, 2012.

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ATTEST:

  
Mary Jo Nelson, Finance Officer

DATE: 7-23-12

BY:   
Francis A. Toscana, Mayor

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