

REGULAR MEETING, July 18, 2011

The Regular Session of the Deadwood City Commission convened on July 18, 2011 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 July 11, 2011. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Todd seconded, to approve the July 18, 2011 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	LEASE	110.30
ABC BUSINESS	SUPPLIES	485.88
ADAMS MUSEUM	OP EXP	3,986.25
AINSWORTH-BENNING	GRANT	33,678.25
ALBERTSON ENGINEERING	ENG 350 WILLIAMS	4,994.02
ALLEN, MEL	PZ MTGS	200.00
ALPINE IMPRESSIONS	SERV AWARD	30.00
AMANO MCGANN	REPAIRS	1,867.72
AMERICAN TECHNICAL	MUSEUM PRJ	1,538.00
AMPAC	BAGS	296.73
ARLETH & ASSOC	SERVICES	750.00
BAUDVILLE	SUPPLIES	155.25
BERRY, PAUL	BIKE	300.00
BH POWER	UTILITIES	10,264.94
BH SPECIAL SERV	CLEANING	1,470.00
BH TENT-AWNING	REPAIRS	550.00
CHAINSAW CENTER	REPAIRS	304.91
CHAMBERLIN ARCHITECTS	MUSEUM PRJ	135.00
CITY OF LEAD	GRANT	3,160.00
CITY OF RAPID CITY	WORKSHOP	200.00
CONRADS BIG "C" ELECTRIC	REPAIRS	964.19
DAKOTA GRAPHICS	TIME RPTS	3,420.12
DAKOTA SPRAY EQUIPMENT	PARTS	66.50
DATA FLOW	CHECKS	106.29
DEADWOOD CHAMBER	BILL LIST	14,750.00
DEROSIER, DARIN	HPC MTG	275.00
DRAGOO CABINETS	MORIAH DISPLAY	1,648.32
FARRIER, MARIE	PZ MTGS	225.00
FASTENAL	PARTS	34.13
FETERL, RONDA	HPC MTGS	350.00
FLOYD, LAURA	HPC MTGS	75.00
FOURFRONT DESIGN	CORRIDOR STUDY	12,198.36
GAYLORD BROS.	SUPPLIES	602.04
GENES LOCK SHOP	KEYS/POLICE DEPT.	157.96
GOLDEN WEST	GIS ISSUES	5,209.00
GREEN, SHEREE	PZ MTGS	175.00
HCW, INC.	METHODIST BELL PRJ	2,508.34
HD SUPPLY WATERWORKS	CURB BOXES	287.50
HILLS MATERIALS	SAND	103.61
HILLSIDE DISPOSAL	DUMPSTERS	1,020.00
J. SCULL CONSTRUCTION	MUSEUM PRJ	294,162.78
KELLY'S FLOORING	REPAIRS	225.00
KNOLOGY	SERVICE	132.93
LAWSON PRODUCTS	REPAIRS	515.50
LEAD-DEADWOOD MEDICAL CLINIC	TESTING	18.00
LYNN, JAMI	EXHIBIT	75.00
M&M SANITATION	RENTAL	307.50
MACROVISION	PERSERVATION PRJ	6,000.00
MILOS, GEORGE	HPC MTGS	75.00
NAPA	SUPPLIES	57.04
NEVE'S	UNIFORMS	335.34
OBERLANDER, MARY ANN	HPC MTGS	200.00
OLSEN, MIKE	HPC MTGS	300.00
OLSON, STEVE	HPC MTGS	350.00
PIKE, MATTHEW	HPC MTGS	300.00
RAPID DELIVERY	SERVICE	9.78
RAPID FIRE PROTECTION	INSPECTION/REC	290.00
RYAN, LARRY	PZ MTGS	25.00
SHEDD, JIM	PZ MTGS	225.00
SOUTH SIDE SERVICE	SERVICE	1,160.80
SPEARFISH HUSKY	PARTS	240.00
STEINLICHT, WILLIE	HPC MTGS	350.00
SUMMIT SIGNS	SIGNS	397.50
TDG COMMUNICATIONS	BANNER	208.00
TEMPERATURE TECHNOLOGY	COMPRESSOR MUSEUM	1,892.64
TRIPLE K	REPAIRS	402.50
TURBIVILLE INDUSTRIAL ELECTRIC	REPAIRS	25.00
TWILIGHT	SUPPLIES	46.80
TC HARDWARE	SUPPLIES	1,143.65
ZIEGLER BUILDING	WOOD	126.72
	TOTAL	\$ 418,251.09

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ITEMS FROM CITIZENS ON AGENDA

Truck Route - Black Hills Loggers Association

Robert Christian, Black Hills Log Haulers Association, appeared before the Commission to discuss the truck route through Deadwood. Christian said due to the new construction of the Deadwood Mountain Grand on the corner of Deadwood and Pioneer Way and the increased traffic and pedestrians crossings this intersection has become a major concerns the log haulers. Christian stressed the importance of their safety record along with pedestrian safety. He added that Tim Brown, Deadwood Mountain Grand General Manager, is in favor of the congested truck route being relocated back to Sherman Street/Pioneer Way. Christian said the old route, which was along Sherman Street to Pioneer Way was much more accessible and would like to see that route return. He added that his real concern is that a pedestrian standing on the corner is going to get between the truck and trailer and due to their blind spots that would be a tragedy. Mayor Toscana said that Sherman Street is much narrower now with parking on both sides of Sherman Street and the trolley routes. He added his biggest concern is that the logging trucks would be on a City right-of-way versus a SD DOT right-of-way and with the additional street repairs. Toscana said the City Commission would not make a decision at this time. After discussing, Toscana directed Public Works Director Jim Raysor to visit with the SD DOT regarding this matter and report back.

Bolt Construction – Investigation Fee

No one from Bolt Construction appeared. Jim Raysor informed the Commission that in 2010 Keith Umentum noted Bolt Construction had finished a roofing project at the Cedarwood Inn Motel and City had no record of them having a contractor's license or a building permit for this project. Subsequently the contractor started a project at the Penny Motel. Umentum notified Bolt Construction that they need to purchase a contractor's license and a building permit prior to work commencing. Bolt Construction paid the contractor's license and building permit fee for the Penny Motel but did not respond to Umentum's certified letter requesting the payment of the building permit and investigation fees for the roofing job at Cedarwood Inn prior to work at the Penny Motel. Umentum notified the contractor again in 2011 when purchasing a building permit and contractor's license for roofing projects in Deadwood. Bolt Construction paid the building permit fee due for the Cedarwood Inn but refused to pay the investigation of \$1,771.70 per City Ordinance #1092. Bolt Construction requested the investigation fee be waived. No action was taken.

PUBLIC HEARINGS/BID OPENINGS

Public Hearing

Chief Fuller explained that due to limited parking on Adams Street a petition was filed with the Parking and Transportation Committee by Adams Street residents to create a new residential parking zone. Toscana opened the public hearing for residential parking request. Jean Makely, Adams Street resident, represented the residents of Adams Street and explained various parking issues and a recent concern of a resident from Jefferson Street potentially parking on Adams Street in the future. James Gibbens and Karla Dower agreed with Makely on limited parking and mentioned snow removal issues. No one spoke in opposition. Fuller explained that the petition is in compliance of the City Ordinance and requested permission to issue permits and post proper signage on Adams Street. Silvernail moved, Todd seconded, to approve the petition for Adams Street residents for residential parking zone. Roll Call: Aye-All. Motion carried.

Public Hearing

Todd moved, Silvernail seconded, to allow Motorcycle Parking in the Interpretive Parking Lot from 10:00 a.m. to 2:00 a.m. daily from Thursday, August 4 through Saturday, August 13, 2011. Roll Call: Aye-All. Motion carried.

Silvernail moved, Peterson seconded, to allow Motorcycle Parking on Main Street from the Franklin Hotel to Four Aces, northwest side only, from 10:00 a.m. to 2:00 a.m. daily from Saturday, August 6 through Saturday, August 13, 2011. Roll Call: Aye-All. Motion carried. Chief Fuller requested the parking meters on Main Street located by the Four Aces and across from the Lead-Deadwood Elementary School be bagged to allow motorcycle parking.

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Public Hearing

Silvernail moved, Van Den Eykel seconded, to approve the street closure on Main Street from Pine to Deadwood Street from 9:00 a.m. to 3:30 p.m. for Legends Ride participants to register at the Silverado-Franklin Hotel & Gaming complex. Roll Call: Aye-All. Motion carried.

Silvernail moved, Peterson seconded, to allow motorcycle parking on a portion of Main Street in front of Deadwood Tobacco Company (west side only from 10:00 a.m. to 3:00 p.m. Roll Call: Aye-All. Motion carried.

Set Bid Opening

Silvernail moved, Peterson seconded, to set a bid opening at 5:05 p.m. on August 8, 2011 for the retaining wall projects at 33 Taylor and 91 Forest. Roll Call: Aye-All. Motion carried.

FINANCE

Payment Request

After Mayor Toscana explained the process of a Business Improvement District to residents, Peterson moved, Silvernail seconded, to approve the payment of \$300,000 to Tentekota/Deadwood Mountain Grand from Business Improvement District #7 Fund, per agreement. Roll Call: Aye-All. Motion carried.

Write Off Request

Peterson moved, Silvernail seconded, to allow the Finance Office to write off \$215.00 on a utility account #1-310579-03 due to Chapter 7 Bankruptcy. Roll Call: Aye-All. Motion carried.

Raffle Ticket Request

The Commission received a request for raffle permit per SDCL 22-25-25 from the Black Hills State University Yellow Jacket Foundation with the drawing to be held on September 10, 2011. No action was taken per SDCL 22-25-25.

Refund Parking Ramp Bonds/Ordinance #1161 (First Reading)

Finance Officer Mary Jo Nelson gave the Commission a detailed report on the Broadway Parking Revenue Bond Refunding scenario. If the market conditions remain the same as of June 30, 2011; the rates would be reduced to an estimated 1.9% to 3.6% vs. the current 4.4% to 5.0%. Nelson also recommended that the City contribute \$400,000.00 in equity to reduce the amount of outstanding debt, which would reduce interest expense and pay off the bonds one year earlier than originally scheduled. Savings with lower interest rate and no equity contribution is approximately \$92,500, and the bonds are retired in 2019. Nelson added should the rates increase to a point the refunding would not create a cost savings, the City is under no obligation to continue with the closing. Nelson requested permission to begin the process of refunding the Broadway Parking Ramp bonds and have first reading of Ordinance #1161, Authorizing Issuance and Sale of Parking Revenue Refunding Bonds. After discussing, Peterson moved, Silvernail seconded, to approve first reading of Ordinance #1161 as requested by Finance Officer. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING AND ZONING/PUBLIC BUILDINGS/SAFETY

Bid Recommendation – 334 Williams

Kevin Kuchenbecker, Historic Preservation Officer, recommended that the Commission accept the sole retaining wall bid for 334 Williams for \$285,000 to RCS Construction (bid opening was held on June 27, 2011 @ 5:05 p.m.) Peterson moved, Silvernail seconded, to accept said bid. Roll Call: Aye-All. Motion carried.

Ordinance #1160 – Second Reading

Kevin Kuchenbecker said no comments have been received. City Attorney Jason Campbell explained that the City is adopting the ordinance to comply with a change in State law. Peterson moved, Todd seconded, to approve second reading for Ordinance #1160 Amending Ordinance #17.68.020 Historic Preservation Commission. Roll Call: Aye-All. Motion carried.

Repairs Request

Silvernail moved, Van Den Eykel seconded, to approve the repair request to Northern Hills Railway Society for model railroad and the creation of a diorama, costs not to exceed \$4,500.00, to be paid from Public Education line item. Roll Call: Aye-All. Motion carried.

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Funding Request

Silvernail moved, Todd seconded, to approve the funding request to the Society of Black Hills Pioneers for the restoration program, amount not to exceed \$5,000.00, to be paid from Advocacy line item. Roll Call: Aye-All. Motion carried.

"Outside of Deadwood" Grants – 2011

Kevin Kuchenbecker informed the Commission that fifteen (15) grant applications were submitted to Historic Preservation for the "Outside of Deadwood" grants project totaling \$257,261.30. Eight (8) grants were approved. The approved grants are: Keystone Area Historical Society – repairs/maintenance for windows-\$13,550; Lawrence County Register of Deeds – Scanning Project-\$22,500; Black Hills Mining Museum – Professional Archiving System-\$12,500; Preserve South Dakota – Jones Building-\$25,000; The Diocese of South Dakota – Gethsemane Episcopal Church-\$5,550; Lewis and Clark Theatre Company – Stage Two Front Façade Restoration-\$20,000; Woodlawn Cemetery – Pettigrew Mausoleum-\$20,000; Sawyer Memorial Trust – Interpretive Trail-\$5,900. Silvernail moved, Todd seconded, to accept the recommendations for the "Outside of Deadwood" grant allocations for a total of \$125,000 for the second half of 2011. Roll Call: Aye-All. Motion carried.

Non-Profit Grant – St. Ambrose Church

Mayor Toscana and Commissioner Georgeann Silvernail recused themselves and left the room. Commissioner Peterson led meeting. Todd moved, Van Den Eykel seconded, to award the "Not for Profit" grant to St. Ambrose Church for \$50,000 for the restoration of the entrance of the church (floors, doors, and windows), to be paid from not-for-profit grant line item. Roll Call: Aye-All. Motion carried.

2011 Allocation – Days of 76 Inc.

Silvernail moved, Todd seconded, to approve the 2011 allocation of \$50,000 to the Days of 76 Inc. from Historic Preservation and \$5,000 from Bed and Booze Fund, a budgeted item. Roll Call: Aye-Silvernail, Todd, Van Den Eykel, Toscana. Abstain-Peterson. Motion carried.

STREETS/WATER/LIBRARY

Payment Request

Van Den Eykel moved, Silvernail seconded, to approve the annual payment of \$4,200 to the South Dakota Library Network from the Library Fund, a budgeted item. Roll Call: Aye-All. Motion carried.

Purchase Request

Van Den Eykel moved, Silvernail seconded, to approve the purchase of a concrete saw from the Chain Saw Center for \$3,495, to be paid from Water, Street, and Park Departments budget. Roll Call: Aye-All. Motion carried.

POLICE/FIRE

Revisit Sherman Street Parking Lot Meters

Toscana said he received feedback from a Deadwood employee expressing concerns of the ongoing parking issues. Todd said that if the City places parking meters in the Sherman Lot he realizes it is a source of income however; he has not gotten any positive feedback on metering this lot. The residents/employees of Deadwood do not want to see any more parking meters. Van Den Eykel agreed with Todd. Silvernail said there are over 300 parking spaces and metering only eight-two spaces behind the HARC Building would be metered. Silvernail moved, Peterson seconded, to follow the recommendations of Parking and Transportation to meter the 82 spaces behind the HARC Building at a cost of \$19,169.00 for meters and shells. Van Den Eykel and Fuller discussed the potential of creating additional parking spaces in the Sherman would be to move the chartered buses and RV's to the Lower Main Parking Lot. Roll Call: Aye-Silvernail, Peterson, Toscana. Nay-Todd, Van Den Eykel. Motion carried.

Accept Quote – Schmidt Construction

Silvernail moved, Peterson seconded, to accept the low quote of \$2,396 from Schmidt Construction to repair sidewalk by Four Aces, damaged while moving meter poles, to be paid from Parking and Transportation Fund. Roll Call: Aye-All. Motion carried.

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Information – Safety Messages

Chief Fuller informed the Commission that Lawrence & Schiller, Advertising Agency, and the South Dakota Department of Safety are joining to request permission to place helmet safety signs on Main Street during the 2011 Rally. The graphics would be placed on sidewalks on August 1 and removed by August 19, 2011. Silvernail moved, Peterson seconded, to approve said request. Roll Call: Aye-All. Motion carried.

PARKS/RECREATION/TROLLEY

Employee Termination

Todd moved, Silvernail seconded, to terminate the employment of Rec Center employee, Maxwell Erpenbach, effective May 13, 2011. Roll Call: Aye-All. Motion carried.

LEGAL BUSINESS

Contract – 334 Williams Retaining Wall

Silvernail moved, Peterson seconded, to allow the Mayor to sign the contract between the City of Deadwood, R.C.S. Construction and Bradford Baucom for the retaining wall project for \$285,000. Roll Call: Aye-All. Motion carried.

Contract – 350 Williams Retaining Wall

Silvernail moved, Peterson seconded, to allow the Mayor to sign the contract between the City of Deadwood, Corr Construction, Jim and Donna Fletcher for the retaining wall project for \$321,200. Roll Call: Aye-All. Motion carried.

MAYOR BUSINESS

Discussion - Department Head Positions (Continued from 7/5/2011)

The Commission discussed pro and cons of appointing versus the hiring of City Department Heads. Toscana added the City Finance Office has done some research on this matter and the Commission needs to make a decision one way or the other. Van Den Eykel moved, Silvernail seconded, to continue this matter to the September 6, 2011 meeting and gather research from other communities on this matter. Roll Call: Aye-All. Motion carried.

Days of 76 Recognition

Mayor Toscana congratulated the Days of 76 Committee for being inducted into the PRCA Rodeo Hall of Fame.

ITEMS FROM CITIZENS NOT ON AGENDA

Holiday Inn Express Request

Tony Seiber, Holiday Inn Express Manager, appeared before the Commission to request permission for Lee Street to be re-opened. After much discussion, regarding the structural engineering reports and the fact that the City Building Inspector has not received a set of engineering plans to date. According to Kevin Kuchenbecker, the reports are conflicting regarding the structural safety of the Pineview building. City Attorney Jason Campbell reiterated the fact that this was not on the agenda and the Commission cannot take any action on this matter. Campbell suggested to Seiber that he contact the Finance Office and be added to the agenda for the July 25 meeting.

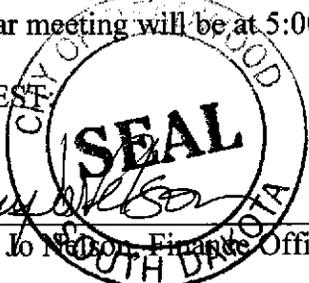
Water Street Resident

Donna Karotko thanked the City staff for their hard work and efforts towards making Water Street safer due to all the construction activity and traffic.

ADJOURNMENT

Silvernail moved, Peterson seconded, to adjourn the regular session at 6:25 p.m. The next regular meeting will be at 5:00 p.m. on Monday, July 25, 2011.

ATTEST



Mary Jo Nelson, Finance Officer

DATE: 7-25-11

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