

REGULAR MEETING, July 25, 2011

The Regular Session of the Deadwood City Commission convened on July 25, 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

Van Den Eykel moved, Silvernail seconded, to approve the minutes of July 18, 2011. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Todd moved, Van Den Eykel seconded, to approve the July 25, 2011 disbursements. Roll Call: Aye-Todd, Van Den Eykel, Toscana. Abstain-Peterson, Silvernail. Motion carried.

ABERLE, CATHIE	REIMBURSE-REC	90.00
AIR SYSTEMS MECHANICAL	A/C MORIAH	4,700.00
BARCO PRODUCTS	POST	71.35
BH CHEMICAL	SUPPLIES	640.15
BH POWER	UTILITIES	6,650.92
BH WINDSHIELD	REPAIRS	50.00
CALIFORNIA CONTRACTORS	SUPPLIES	138.80
CHAINSAW CENTER	SAW	3,495.00
DAKOTACARE	PREMIUMS	45,691.63
DAYS '76,	2011 ALLOCATION	55,000.00
DEADWOOD ELECTRIC	REPAIRS	109.87
DEADWOOD MOUNTAIN GRAND	BID 7 PYMT-CONTRACT	300,000.00
FIRE SAFETY USA, INC	SPOTLIGHT	60.00
FLACK TRUCKING	TOP SOIL	335.00
GOLDEN WEST TECHNOLOGIES,	NEW FIREWALL	3,585.00
INTERSTATE ENGINEERING	ENGIN. SERV-MCGOVERN HILL	10,920.00
KNOLOGY	SERVICE	798.39
LAWSON PRODUCTS	SUPPLIES	182.51
NH SOD FARM	SOD	165.00
NORTHWEST PIPE	PARTS	180.35
PITNEY BOWES	POSTAGE	500.00
QWEST	SERVICE	211.40
SD LIBRARY NETWORK	ANNUAL FEE	4,200.00
SD ONE CALL	FEES	53.01
SILVERNAIL, GEORGEANN	REIMBURSE	167.40
SOUTHSIDE OIL	REFILLS/SHOP	1,575.10
STURDEVANT'S AUTO PARTS	PARTS	33.01
TC ANIMAL SHELTER	RECYCLING	140.25
US POST OFFICE	FIRE DEPT	204.10
WEST PAYMENT CENTER	SUBSCRIPTION CHARGES	249.50
WESTERN STATES FIRE	REPAIRS	193.72
WHISTLER GULCH CAMPGROUND	WORK CAMPERS	5,600.00
	TOTAL	\$ 445,991.46

ITEMS FROM CITIZENS ON AGENDA

Deadwood Volunteer Fire Department Award
(Continued to August 1, 2011 meeting)

PUBLIC HEARINGS/BID OPENINGS

Set Public Hearing

Silvernail moved, Todd seconded, to set a public hearing at 5:10 p.m. on August 8, 2011 for the application of a special full temporary liquor license for the Days of 76 event on September 3, 2011. Roll Call: Aye-All. Motion carried.

Set Public Hearing

Silvernail moved, Van Den Eykel seconded, to set a public hearing at 5:11 p.m. on August 8, 2011 for the 2011 Kool Deadwood Nites events. Roll Call: Aye-All. Motion carried.

FINANCE

Ordinance #1161 Refund Parking Ramp Bonds (Second Reading)

Peterson moved, Silvernail seconded, to approve second reading of Ordinance #1161 to Refund Parking Ramp Revenue Bonds as requested by Finance Officer. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING AND ZONING/PUBLIC BUILDINGS/SAFETY

Contract Amendment – BH Nailworks

Black Hills Nailworks requests an increase in monthly rent from \$50 to \$60 per month for the storage of the soda fountain, effective November 2010. Historic Preservation Officer Kevin

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Kuchenbecker informed the Commission he met with the interested party that wants to lease the soda fountain, and would possibly be moving it in the near future. After much discussion, Silvernail moved, Todd seconded, to direct the City Attorney to draft a letter and/or contract addressing the items the Commission discussed and requested this item be added to the agenda for the August 1, 2011 meeting. Roll Call: Aye-All. Motion carried.

Ordinance #1162

Bob Nelson Jr. Zoning Administrator, informed the Commission of the changes to Chapter 5.48 Vehicles for Hire. The following proposed changes are as follows: 1) regulate taxicab services and protect the patrons, 2) license fees are \$75.00 and for each additional license is \$25.00 (January 1 – December 31), 3) Maximum of 5 taxicab businesses allowed to operate in the City of Deadwood, 4) taxicabs must meet inspection requirements, 5) insurance requirements are \$1,000,000.00 liability and proof of insurance on each vehicle, 6) taxicabs required to post fares in vehicle, 9) taxicabs must obtain identification cards (\$25.00 fee per card), place them in plain sight, and each individual (taxicab employees) must meet the requirements requested by the Deadwood Police Department. Parking and Transportation met with the taxicab businesses to discuss the proposed Ordinance #1162 and they were in favor of changes to City ordinance. Silvernail moved, Peterson seconded, to approve first reading of Ordinance #1162 Amending Chapter 5.48 Vehicles for Hire. Roll Call: Aye-All. Motion carried.

Status Pineview Building

Kevin Kuchenbecker presented the Commission with a detailed memo from Keith Umenthum, Building Inspector, reiterating the following criteria and stipulations prior to Lee Street reopening as requested by Tony Seiber, Holiday Inn Express. 1) The structure's exterior walls must be shored braced and/or stabilized per engineering plans and specs with copies of said plans to be submitted to building inspector. Office did receive these engineering plans for Pineview. 2) Stabilization work on the roof and balance of exterior of structure must be able to be continued based on construction methods necessary to carry out said work to comply with Section 304 of the 2003 International Property Maintenance Code. A written schedule has been submitted and approved by City office with input from the engineer on record to ensure the safety concerns of the structure are met. 3) A barrier has been constructed and approved by this office per Section 3306 of Chapter 33 "Safeguards of Construction" of the 2003 International Building Code. According to Umenthum, all items have been completed according to the respective codes and meet the approval of a professional engineer and the City office. Umenthum requests permission to work with the contractor to open and close Lee Street on an as needed basis to allow the construction project to progress. Seiber said he appreciates the City's efforts, and is looking forward to having Lee Street open. Silvernail moved, Todd seconded, to reopen Lee Street to vehicular traffic with an 18' traffic lane and pedestrian traffic on the northeast side of Lee Street and allow building inspector to open and close Lee Street on an as needed basis for rehabilitation of the Pineview building. Roll Call: Aye-All. Motion carried. Seiber was given permission to store signage and fencing on Pineview property.

Ordinance #1163 (First Reading)

City Attorney Jason Campbell informed the Commission that when reviewing and updating City Ordinances Chapter 5.36 Selling from Vehicles was left in as an oversight, he requested the Commission repeal chapter 5.36, due to a conflict between Chapters 5.28 and 5.36. Silvernail moved, Peterson seconded, to approve first reading of Ordinance #1163 to Repeal Ordinance 5.36 Selling from Vehicles. Roll Call: Aye-All. Motion carried.

STREETS/WATER/LIBRARY

Update - Burnham Hill Quotes (Continued from July 5 & 11, 2011)

Jim Raysor informed the Commission that American Technical Services (ATS) performed a soil analysis on Burnham Hill. When performing the soil analysis they found 4 ½ feet of green clay which is extremely wet possibly due to the numerous storm events. Raysor said Dave Bressler, ATS agreed with the option of placing cleats in the very bottom section of Burnham Hill to act as a brake. Van Den Eykel suggested placing rebar 8-10 inches below the frost line for stabilization purposes. Raysor said rebar is no longer used a dowel method is being used currently. Van Den Eykel suggested obtaining quotes for Burnham Hill repairs and bring before Commission for approval.

Quote – Hills Materials (Chip Seal Upper Main)

Jim Raysor, Public Works Director, requested permission to accept the Hills Materials quote for chip seal of Upper Main Street at a cost of \$19,543.70. Van Den Eykel questioned chip sealing

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versus an overlay process. Raysor said the chip seal process would be an adequate repair process for Upper Main repairs. He added that the additional cost of an overlay is not in the budget for this year. After discussing, Raysor added that they are trying to do yearly concrete panel repairs however, there is funding available for panel projects, which the money would potentially be used for the overlay if deemed necessary. Van Den Eykel requested Raysor to obtain a quote from Hills Materials for an overlay project for Upper Main for the August 1, 2011 meeting.

Purchase Request

Van Den Eykel moved, Silvernail seconded, to approve the purchase of materials for the Sherman Parking Lot street meter project from Twin City Hardware for \$3,552.50 to be paid from Parking and Transportation. Roll Call: Aye-Todd, Silvernail, Peterson, Toscana. Nay-Van Den Eykel. Motion carried.

Water Street Resurfacing (Continued from July 11, 2011)

Commissioner Van Den Eykel requested this item be continued to the August 1, 2011 meeting to discuss this project with Deadwood Mountain Grand and contractors to determine how much more ongoing traffic there will be on Water Street during the hotel construction phase.

POLICE/FIRE

Gustafson Parking Lease – Possible Action

According to Chief Fuller, they continue to receive complaints in the Sherman Street Parking Lot. Gustafson Builders is continuing to utilize more than the allotted twelve leased parking spaces at \$500.00 per month. Fuller asked the Commission for direction on this issue. The Commission discussed various options regarding the lease and City staff has made suggestions to Gustafson. According to City Attorney, the lease may be terminated with a 30-day written notice. Silvernail moved, Peterson seconded, to direct Campbell to prepare a written notice to Gustafson Builders to terminate the lease of twelve parking spaces in the Sherman Street Parking Lot effective September 1, 2011. Roll Call: Aye-All. Motion carried.

Payment Request

Silvernail moved, Peterson seconded, to approve the payment of \$2,250 to State Radio Communications for teletype services from July 1 through December 31, 2011, to be paid from Police Department budget. Roll Call: Aye-All. Motion carried.

PARKS/RECREATION/TROLLEY

Hire Request

Todd moved, Peterson seconded, to approve the hiring of Chance Burleson as lifeguard, effective July 27, 2011 at \$9.26 per hour. Roll Call: Aye-All. Motion carried.

LEGAL BUSINESS

Contract – Deadwood Gulch Resort

Silvernail moved, Peterson seconded, to allow the Mayor to sign the amended contract between the City of Deadwood and Deadwood Gulch Resort to allow parking at cold storage (added Paragraph 3 requesting parking in fenced area) during 2011 Rally and Kool Deadwood Nites, 2011. Roll Call: Aye-All. Motion carried.

Memorandum of Agreements – Trolley Service

Silvernail moved, Peterson seconded, to allow the mayor to sign the Memorandum of Agreements between the City of Deadwood and the following for allowing City trolley on private property: Whistler Gulch Campground, Bullock Express, Black Hills Inn and Suites, Deadwood Gulch Resort and Comfort Inn. Roll Call: Aye-All. Motion carried.

MAYOR BUSINESS

Proclamation

Mayor Toscana read a proclamation which proclaims Friday, July 29, 2011 Days of '76 Day in the City of Deadwood.

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ITEMS FROM CITIZENS NOT ON AGENDA

Charter Bus Parking

According to Chief Fuller, charter bus parking on certain days is becoming an issue and he requested that charter bus parking be moved to the underutilized Lower Main Parking Lot (east side past the Information Center.) The spaces would be marked with signs and a few meters would need to be removed. By relocating the charter buses, this increases the parking spaces in the Sherman Parking Lot and allow for better access for ingress and egress in the Lower Main Lot. Fuller added an information sheet regarding the new bus location would be printed and distributed to various locations. Item to be placed on agenda for August 1, 2011 for Commission approval.

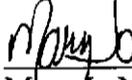
Waste Connection Garbage Service Issues

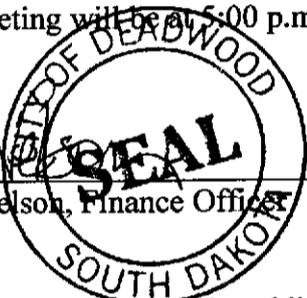
Commissioner Van Den Eykel addressed the numerous issues with the weekly residential garbage service for the City of Deadwood residents. Mayor Toscana agreed and said that if the Waste Connections is going to change the day they are picking up garbage the residents of Deadwood must be notified (via newspaper publications) of the change (example: holiday schedules.) Toscana said he visited with Waste Connections and informed them that Deadwood residents are not happy with their collection service. Raysor commented that they are making a mess in the streets and the City water trucks have to go out and wash down the streets. Toscana said if this is the case, a bill should be sent to Waste Connections.

ADJOURNMENT

Silvernail moved, Peterson seconded, to adjourn the regular session at 5:55 p.m. The next regular meeting will be at 5:00 p.m. on Monday, August 1, 2011.

ATTEST:


Mary Jo Nelson, Finance Officer



DATE: 8-1-11
BY: Francis A. Toscana
Francis A. Toscana, Mayor

For any public notice, that is published one time:

Published once at the total approximate cost of _____.