

REGULAR MEETING, March 12, 2012

The Regular Session of the Deadwood City Commission convened on March 12, 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, 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 March 5, 2012. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Todd moved, Silvernail seconded, to approve the March 12, 2012 disbursements. Roll Call: Aye-All. Motion carried.

| | | |
|-----------------------------|----------------------------|---------------------|
| A & B WELDING | PROPYLENE | 28.83 |
| AQITY | LOCK, KEYS | 244.06 |
| BH COUNSELING | SERVICES | 60.00 |
| BH PIONEER | DOT MEETING | 458.70 |
| BH POWER | ELECTRICITY | 43.00 |
| BUTLER MACHINERY | REPAIRS | 2,013.59 |
| CAMPBELL, JASON | REIMBURSEMENT | 238.88 |
| CNA SALES | DISINFECTANT | 167.99 |
| CRUM ELECTRIC | PLUG | 71.72 |
| DAKOTA GRAPHICS | TROLLEY BROCHURES | 2,280.00 |
| DEADWOOD ELECTRIC | BULBS | 68.66 |
| EDDIE'S TRUCK SALES | REPAIR | 650.62 |
| FARMER BROTHERS | SUPPLIES | 153.50 |
| FOOTHILLS SEED | PARTS | 303.70 |
| GENES LOCK SHOP | KEYS | 47.50 |
| GOLDEN WEST | SERVICE | 734.53 |
| HAWKI, KEN | SMOKE ALARMS | 286.01 |
| HILLS MATERIALS | ROADSTONE | 113.55 |
| HILLSIDE DISPOSAL | ROLL-OFF DUMPSTERS/TC DUMP | 680.00 |
| LEAD-DEADWOOD REGIONAL HOS | TESTING | 39.00 |
| M&M SANITATION | MONTHLY TOILET RENTAL | 205.00 |
| MCDIRT EXCAVATION | WATER LEAK | 715.00 |
| NAPA | SUPPLIES | 2,091.49 |
| NORTHWEST PIPE FITTINGS | FLOOR DRAIN | 122.13 |
| NUCO INDUSTRIES | SUPPLIES | 114.02 |
| OCCUPATIONAL HEALTH NETWORK | TESTING | 928.30 |
| RAPID DELIVERY | DELIVERY SERVICE | 46.58 |
| SD DEPT. OF MOTOR VEHICLES | LICENSE PLATE | 9.00 |
| SD ONE CALL | MESSAGE FEES | 9.99 |
| SD STATE TREASURER | FEBRUARY TAX | 2,728.85 |
| SDN COMMUNICATIONS | COMMUNICATION LINE | 571.20 |
| SERVALL | SUPPLIES | 1,583.88 |
| STAN HOUSTON EQUIP | CHOP SAW | 1,229.50 |
| TWILIGHT | SUPPLIES | 239.95 |
| WASTE CONNECTIONS | DUMPSTER | 7,224.33 |
| | TOTAL | \$ 26,503.06 |

ITEMS FROM CITIZENS ON AGENDA

Service Award

Mayor Toscana and Chief Jeff Millard presented a thirty-year service award to Toby Edstrom of the Fire Department and thanked him for his years of service.

Snow Removal

Joel Livengood requested a waiver of fees for snow removal on his residence on Denver Street. He said his property is used as a turn around and drivers keep packing snow and ice onto his sidewalk. He has tried to keep up, but cannot stay on top of it all the time because he does not live at the property. Mayor told Mr. Livengood he understands his frustration but the city requires property owners to keep sidewalks clear of ice and snow. Silvernail said everyone in Deadwood needs to be responsible for his or her sidewalks. Van Den Eykel moved to cut bill in half due to special situation of people driving on it and no previous violations. Finance Office was directed to credit \$104.00. Roll Call: Aye - Todd, Van Den Eykel, Peterson and Toscana. Nay - Silvernail. Motion carried.

Free Parking

Mike Trucano presented a proposal to institute free parking in the City. He obtained figures from the Finance Office and stated that the city lost \$300,000.00 last year in the Parking Fund, \$250,000.00 in the Trolley Department and the remainder of the loss was from meters portion including improvements. He believes the cost to the city is more than the dollars collected. He

REGULAR MEETING, March 12, 2012

added that city could save an estimated \$27,000.00 in operational expenses by eliminating parking meters and discussed these figures with the Finance Officer. He also suggested that trolleys start at 11 a.m. instead of 7 a.m. and would like to see other adjustments in Trolley Department so city does not need to subsidize with as many dollars. Trucano believes guests would spend more if they did not have to leave to feed meter, that free parking would enhance guest experience, and residents would appreciate as well. Deadwood Business Club supports this idea. Toscana said the revenue lost from meters will have to come from the General Fund and taxpayers may see an increase in taxes or reduction in services without the \$300,000.00 in revenue coming in from meters. Toscana believes that the timing is poor, that we are only in the first quarter of our fiscal year and said no one mentioned this concept during budget sessions. He said to institute free parking with no plan is bad government and requested the group come before the City Commission during 2013 budget sessions.. He added individuals may lose their jobs, which should not be taken lightly. Mayor also reminded members of the audience that the Walker Parking Study indicated that to make the ramp cash flow, meters were needed and in fact should be more expensive closer to the ramp. BID 1-6 would likely have to subsidize the ramp with more dollars, which is down \$8,000.00 in revenue for the first two months in 2012 as compared to 2011. When the structure was built, it was determined that BID 1-6 is responsible for any shortage at the ramp. Commissioner Todd would like to look at the issue and would like to see how other communities can get by without charging. He would love to offer free parking to residents and guests but thinks the matter needs to be studied. Commissioner Van Den Eykel stated there never is a good time but from a marketing standpoint it is something to look at. He believes guests coming to Deadwood leave a business to feed meters and never come back. Ronda Van Den Eykel, office holder in the Deadwood Business Club, said she took a survey and response from businesses and residents was strong for eliminating meters in town. Ronda believes core district business owners are at a disadvantage due to bigger venues at either end of the city. Georgette O'Hayon believes more parking be available for Rec Center users and disagrees with free parking for city and county employees at Blondie's, as well as the recent move by the City to lease parking to the VFW on Siever Street during construction of Deadwood Mountain Grand, which took away customer parking from her establishment. Mayor Toscana informed O'Hayon that this was a decision made some time ago to accommodate construction but the situation is in the past and the city made the right decision. Ron Russo informed the commission that he been in business for 22 years and supports the effort to eliminate parking meters and does not believe doing so will affect revenues at the parking ramp. Ron suggested the city hire a professional to do study. Van Den Eykel moved to cover meters for up to one year to test. Todd seconded. Roll Call: Aye – Todd, Van Den Eykel. Nay – Peterson, Silvernail, Toscana. Motion did not pass.

Capital Improvement Plan

Sue Konstant from PACE informed Commission about the role PACE can play if city institutes a strategic plan and identifies priorities for a capital improvement plan. Konstant expects a fifteen-month process with nine-member task force and a three, six and 12-month review. The cost of the service is \$8,850.00. Silvernail moved, Van Den Eykel seconded to refer this back to the Capital Improvement Committee for review. Roll Call: Aye – All. Motion carried.

FINANCE

Prairie Hills Transit

Peterson moved, Silvernail seconded to allow Finance Office to pay 2012 allocation of \$7,000.00 to Prairie Hills Transit. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING AND ZONING/PUBLIC BUILDINGS/SAFETY

Hire

Silvernail moved, Peterson seconded, to hire David Swaney at Broadway Parking Ramp Effective March 13, 2012 at \$8.79 per hour pending pre-employment drug screen. Roll Call: Aye – All. Motion carried.

Contract

Silvernail moved, Van Den Eykel seconded, to approve the contract with Stanley Steemer to clean and seal Interpretive Center restroom tile and grout at a cost of \$2,649.00 Roll Call: Aye-All. Motion carried.

REGULAR MEETING, March 12, 2012

STREETS/WATER/LIBRARY

Agreement

Van Den Eykel moved, Todd seconded, to approve the agreement with Deadwood Electric to wire control panel into wash bay at cost of \$1,528.06. Roll Call: Aye-All. Motion carried.

POLICE/FIRE-COMMISSIONER SILVERNAIL

Resignation

Silvernail moved. Peterson seconded to accept the resignation of Alexandra Johnsen-Lux as seasonal ordinance office effective immediately. Roll Call: Aye-All. Motion carried.

Advertise

Silvernail moved. Peterson seconded to advertise for seasonal ordinance officer position. Roll Call: Aye-All. Motion carried.

Renew License

Silvernail moved. Peterson seconded to renew the Custom Micro Inc. annual license and computer maintenance for Police Dept. at a cost of \$3,150.00. Roll Call: Aye-All. Motion carried.

Approve Purchase

Silvernail moved. Todd seconded for the permission for Fire Department to purchase digital video recorder at cost of \$2,195.00 from KT Connections, Inc. Roll Call: Aye-All. Motion carried.

PARKS/RECREATION/TROLLEY

Contract

Todd moved, Silvernail seconded to approve the Adaptive Use Contract between the Rec Center and Lead Deadwood School District. Roll Call: Aye-All. Motion carried.

Contract

Todd moved, Silvernail seconded to approve the Elementary School Contract between the Rec Center and Lead Deadwood School District. Roll Call: Aye-All. Motion carried.

Resignation

Todd moved, Van Den Eykel seconded to accept the resignation from Misty Trehwella, front desk position at Deadwood Rec Center effective March 9, 2012. Roll Call: Aye-All. Motion carried.

Purchase

Todd moved, Van Den Eykel seconded to purchase additional poles/signs from Brandon Industries to complete signage at Mt. Moriah Cemetery. Roll Call: Aye-All. Motion carried.

LEGAL

Second Reading Ordinance #1170

Silvernail moved, Todd seconded to approve the second reading of Ordinance #1170, Sign Ordinance Revision. Roll Call: Aye-All. Motion carried.

Second Reading Ordinance #1171

Silvernail moved, Peterson seconded to approve the second reading of Ordinance #1171 regarding Flood Plain. Commission held discussion regarding timing of map receipt, and Public Works Director informed Commission that map would be received April 17 or shortly thereafter. Roll Call: Aye-All. Motion carried.

Resolution 2012-07

Todd moved, Van Den Eykel seconded to approve the Resolution 2012-07 to apply for flood insurance in Deadwood. Roll Call: Aye-All. Motion carried.

RESOLUTION NO. 2012-07

**A RESOLUTION TO APPLY FOR FLOOD INSURANCE
FOR THE CITY OF DEADWOOD**

WHEREAS certain areas of the City of Deadwood are subject to periodic flooding, mudslide (i.e., mudflow), or flood-related erosion, causing serious damages to properties within these areas; and

WHEREAS relief is available in the form of federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968; and

WHEREAS it is the intent of this Commission to require the recognition and evaluation of flood, mudslide (i.e., mudflow), or flood-related erosion hazards in all official actions relating to land use in areas having these hazards; and

WHEREAS this body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to SDCL 9-12-13.

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

1. Assures the Federal Emergency Management Agency that it will enact, as necessary, and maintain in force in those areas having flood, mudslide (i.e., mudflow), or flood-related erosion hazards, adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Section 60.3 of the Nation Flood Insurance Program Regulations; and

2. Vests FEMA and the South Dakota Office of Emergency Management with the responsibility, authority, and means to:

a. Assist the Administrator, at his request, in his delineation of the limits of the area having special flood, mudslide (i.e., mudflow), or flood-related erosion areas.

b. Provide such information as the Administrator may request concerning present uses and occupancy of the floodplain, mudslide (i.e., mudflow), or flood-related erosion areas.

c. Cooperate with Federal, State, and local agencies and private firms that undertake to study, survey, map, and identify floodplain, mudslide (i.e., mudflow), or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain, mudslide (i.e., mudflow), or flood-related erosion areas in order to prevent aggravation of existing hazards.

d. Submit on the anniversary date of the community's initial eligibility an annual report to the Administrator on the progress made during the past year within the community in the development and implementation of floodplain management measures.

e. Upon occurrence, notify the Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all Flood Hazard Boundary Maps and Flood Insurance Rate Maps accurately represent the community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

3. Appoints FEMA and the South Dakota Office of Emergency Management to maintain for public inspection and to furnish upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a Flood Hazard Boundary Map or Flood Insurance Rate Map, any certificates of floodproofing and information on the elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new or substantially improved structures, and whether or not such structures

REGULAR MEETING, March 12, 2012

contain a basement, and if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed.
4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

Dated this 12th day of March, 2012.

CITY OF DEADWOOD

BY: Francis A. Toscana, Mayor

ATTEST:

Mary Jo Nelson, Finance Officer

MAYOR'S BUSINESS

Board of Equalization

Mayor Toscana reminded everyone of the Board of Equalization Meeting in Century room at 9:00 a.m. on March 19 and a quorum is required.

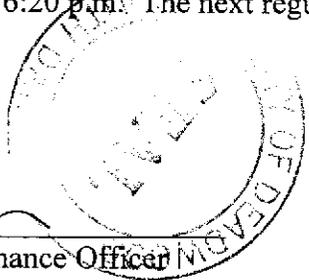
ADJOURNMENT

Silvernail moved, Van Den Eykel seconded to adjourn to Executive Session for legal matters per SDSC 1-25-2 (3) at 6:20 p.m. The next regular meeting will be at 5:00 p.m. on Monday, March 19, 2012.

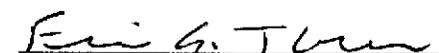
ATTEST:



Mary Jo Nelson, Finance Officer



DATE: 3-19-12

BY: 

Francis A. Toscana, Mayor

Published once at the total approximate cost of _____.