REGULAR MEETING, March 19, 2012

The Regular Session of the Deadwood City Commission convened on March 19, 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.

BOARD OF ADJUSTMENTS

Mayor Toscana called the meeting of the Board of Adjustments to order. There being no Appeals, Van Den Eykel moved, Silvernail seconded to close the Board of Adjustments. Roll Call: Aye-All. Motion carried.

APPROVAL OF MINUTES

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

APPROVAL OF DISBURSEMENTS

Van Den Eykel moved, Todd seconded, to approve the March 19, 2012 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	MAINTENANCE	226.36
ABC BUSINESS SUPPLY	SUPPLIES	1,021.34
ADAMS MUSEUM DBA ADAMS HOU	OPERATING	3,051.83
ALL NET CONNECTIONS	SETUP	591.00
AMERICAN FAMILY INSURANCE	AFLAC	1,318.62
AUGUSTANA COLLEGE	CONFERENCE	1,000.00
BH CHEMICAL	SUPPLIES	531.90
BH POWER & LIGHT	ELECTRICITY	4,664.68
BH SPECIAL SERVICE	CLEANING	1,050.00
CENTURY BUSINESS PRODUCTS	MAINTENANCE	862.28
CENTURY LINK	SERVICE	156.43
CHAMBERLIN ARCHITECTS	DAYS OF 76 PROJECT	1,155.00
COLONIAL INSURANCE	INSURANCE	88.68
CREDIT COLLECTIONS BUREAU	COLLECTIONS	44.07
CULLIGAN	RENTAL	136.00
CUSTOM MICRO	LICENSE	3,150.00
DAKOTA SECURITY	SECURITY	341.58
DAKOTACARE	INSURANCE	42,221.22
DEADWOOD ECONOMIC	CONTRACT	1,580.02
DELTA DENTAL	INSURANCE	3,423.36
DEPARTMENT OF SOCIAL SERVI	SUPPORT	338.50
EQUINE	HP AD	425.00
ESRI	MAINTENANCE	12,000.00
FERBER ENGINEERING	PROJECT	3,431.25
FOUR WINDS INTERACTIVE	PROJECT	4,406.14
GALLS,	UNIFORMS	158.95
GOLDEN WEST	COMPUTER	1,578.01
HCW	LOAN	1,200.00
INTERNAL REVENUE SERVICE	FEDERAL TAX	20,503.64
JASON RAKOW CONSTRUCTION	LOAN	18,849.24
KADRMAS LEE & JACKSON	PROJECT	11,595.30
LAWRENCE CO. REGISTER OF D	GRANT	789.00
LEAD-DEADWOOD MEDICAL CLIN	TESTING	18.00
LEXIS NEXIS MATTHEW BENDER	COURT RULES	37.49
MATHISON	PROJECT	1,439.25
MCDIRT EXCAVATION	LOAN	5,385.20
NEVE'S UNIFORMS	UNIFORM	220.96
NEW DEAL TIRE	DISPOSAL	22,347.00
NORTHERN HILLS RAILWAY	MODEL RAILROAD	750.00
OFFICE DEPOT	SUPPLIES	158.90
PRAIRIE HILLS TRANSIT	2012 ALLOCATION	7,000.00
RUNGE, MIKE	REIMBURSMENT	51.17
SAWYER MEMORIAL TRUST	GRANT	5,900.00
SD COMMISSION ON GAMING	CITY SLOTS	17,693.18
SD DEPT. OF CORRECTIONS	SERVICE	2,562.95
SD RETIREMENT SYSTEMS	RETIREMENT	21,001.43
SD STATE HISTORICAL SOCIET	CONFERENCE REGISTRATION	255.00
SDRS SUPPLEMENTAL RETIREME	RETIRE PLAN	240.00
STURDEVANT'S	BATTERY	539.90
TDG COMMUNICATIONS	BROCHURES	4,439.00
TRIDLE, JOHN	REIMBURSMENT	219.49
TURBIVILLE, CHARLES	REIMBURSMENT	14.99
TWIN CITY ANIMAL SHELTER	PROCEEDS	97.50
TWIN CITY HARDWARE	PROJECT	105.94
VECCHI, GREG	LOAN	1,200.00
VISION SERVICE PLUS	INSURANCE	696.29
WADDELL & REED	WADDELL & REED AFTER-TAX	50.00
WASHINGTON NATIONAL INSURA	WASHINGTON NAT'L INS. COMPANY	49.40
WESTERN COMMUNICATIONS, IN	LICENSE RENEWAL	100.00
	TOTAL	$234,462.44

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ITEMS FROM CITIZENS ON AGENDA

Commercial Truck Parking
Josh Hilpert spoke on behalf of Dennis Bammer regarding his commercial truck which is parked periodically on public parking lot. Hilpert indicated that while no citations have been issued, Mr. Bammer is concerned that one may be forthcoming due to a neighbor's complaints to the Police Department when he runs his truck in colder temperatures. Hilpert said he has visited with City Attorney Campbell, who directed him to the nuisance ordinance. Hilpert believes this issue may be more relevant to the noise ordinance, which specifically says in section 8.12.011b that states it is unlawful for any person to make, continue or cause to be made or continue any loud or unusual noise that disturbed the peace of the public by loud and unusual noise. Hilpert contends that this truck is not louder than any other vehicle of its size and certainly not any louder than anything that happens downtown, including Deadwood Mountain Grand construction when trucks were running up to 24 hours a day. Mr. Bammer feels singled out and would like to have city approval and if not, a viable alternative.
Campbell indicated that as background for the Commission, the noise ordinance is being rewritten and decibel readings will be used to indicate whether or not the truck is in violation. A person has complained on several occasions. Mark Speirs spoke in favor of Bammer and said as a neighbor he cannot hear the noise or feel any vibration. Letters of support for Mr. Bammer were received from Denise Rivette and Tom/Janet McNary and are filed as part of the record. Discussion was held among Commission regarding decibel readings and other issues relating to ordinance revision. Attorney Campbell suggested no action be taken on the issue until such time as ordinance is reviewed and amended. Mr. Hilpert will be provided with a copy.

FINANCE

Hire
Peterson moved, Silvernail seconded to hire election workers for the April 10, 2012 City Election; Elaine Robidou as Superintendent at $168.00, Arlene Gustafson and Verna Sandidge at $143.00. Roll Call: Aye-All. Motion carried. Roll Call: Aye – All. Motion carried.

Upgrade
Peterson moved, Silvernail seconded for permission to pay GovOffice to upgrade website at cost of $1,200.00, Cost to be split between Finance and Historic Preservation. Roll Call: Aye – All. Motion carried.

Write Off
Silvernail moved, Van Den Eykel seconded for Finance Officer to write off the following amount to Bad Debt Expense in Revolving Loan Fund due to Hickok's foreclosure sale on March 2, 2012 with no recovery to city: $1,140,047.47 in principle and $172,148.99 in interest and late fees. After discussion, Mayor stated that we would not recoup in money from building itself but that we still have the option of going after personal guarantees of ownership which is being studied. Mayor Toscana added that some changes have been made to revolving loan fund when substantial loans are made in order to safeguard our position. Roll Call: Aye –Van Den Eykel, Silvernail, Todd. Abstain – Peterson. All. Motion carried.

HISTORIC PRESERVATION/PLANNING AND ZONING/PUBLIC BUILDINGS/SAFETY

Contract
Todd moved, Silvernail seconded, to enter into contract with Suzanne Julin to conduct ten oral histories to be paid from Archives line item at $600.00 each and allow Mayor to sign contract. Roll Call: Aye – All. Motion carried.

Contract
Silvernail moved, Todd seconded, to enter into contract with Ainsworth Benning to move Gateway sign at cost of $37,549.00 to be paid from HP Capital Assets. Mayor stated the sign is in highway right-of-way. We are in the process of applying for grant with Game, Fish and Parks to help with beautification of the trailhead. Ainswoth Benning is being utilized since they are aware of the construction, how massive the structure is and will secure proper insurance in case structure is damaged during move. Commissioner Todd requested that conduit and power be considered during this move. Additional expenses will occur which are not in original quote. Roll Call: Aye-All. Motion carried.

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Agreement
Silvernail moved, Todd seconded to enter into agreement with Tim Davis to allow Archeology Camp to use property for a 3 week time period in 2012. Roll Call: Aye – All. Motion carried.

STREETS/WATER/LIBRARY

Purchase
Van Den Eykel moved, Todd seconded, to approve the purchase of five electrical boxes from Jim's Auto Salvage at $200 each from Streets budget. Roll Call: Aye-All. Motion carried.

POLICE/FIRE-COMMISSIONER SILVERNAIL

Wage Increase
Silvernail moved. Peterson seconded to increase the wage of Ordinance Officer Sarah Canida from $14.77 to $15.59 after one year of service effective 3/16/12 (95% prevailing wage). Roll Call: Aye-All. Motion carried.

PARKS/RECREATION/TROLLEY

Promote
Todd moved, Silvernail seconded to promote Jim Sterhagen as weekend Trolley Manager effective March 24th, 2012 and increase pay by $2.00 per hour while manager duties are performed. Roll Call: Aye-All. Motion carried.

Purchase
Todd moved, Van Den Eykel seconded for permission to purchase 100-watt repeater, cabinet and other items from Western Communications at cost of $5,863.00, split between city departments. Roll Call: Aye-All. Motion carried.

LEGAL

Agreement
Silvernail moved, Van Den Eykel seconded to allow the Mayor to sign George S. Mickelson Trail and Snowmobile Trail Access Easement Agreement with Game, Fish and Parks to insure GFP has easement on property by Terry Peak. Roll Call: Aye-All. Motion carried.

Agreement
Todd moved, Van Den Eykel seconded to allow the Mayor to sign memorandum of Agreement between South Dakota Dept. of Game, Fish and Parks and the City of Deadwood, which transfers the bulk of maintenance from city limits to the trailhead by Terry Peak. Roll Call: Aye-All. Motion carried.

First Reading
Silvernail moved, Peterson seconded the first reading of Ordinance #1172. Amending Chapter 2.08 City officers and Department Heads Generally to reflect those positions actually appointed. Roll Call: Aye-All. Motion carried.

Contract
Todd moved, Silvernail seconded to renew contract with Deadwood-Lead Economic Development to manage Broadway parking Ramp at cost of $18,960.24. Roll Call: Aye – All. Motion carried.

Contract
Todd moved, Silvernail seconded for Mayor to sign contract with Dakota Security to add camera at Deadwood Rec Center. Roll Call: Aye – All. Motion carried.

Contract
Todd moved, Silvernail seconded for Mayor to sign contact with Stanley Steemer to clean tile at Deadwood Interpretive Center. Roll Call: Aye – All. Motion carried.

Contract
Van Den Eykel moved, Peterson seconded for Mayor to sign contract with Deadwood Electric to provide wiring of wash bay/grease pit in Streets shop. Roll Call: Aye – All. Motion carried.

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MAYOR'S BUSINESS

Appoint
Toscana moved, Van Den Eykel seconded to appoint Charlene Miller to Library Board with three-year term expiring 2014. Roll Call: Aye – All. Motion carried.

Appoint
Toscana moved, Silvernail seconded to appoint Mary Jo Nelson to represent City of Deadwood on the Deadwood History Inc. Board. Roll Call: Aye – All. Motion carried.

Request
Toscana moved, Silvernail seconded to spend $500.00 from Bed and Booze Fund for the Easter Egg Hunt on April 7th. Roll Call: Aye – All. Motion carried.

ITEMS FROM CITIZENS NOT ON AGENDA

Shankar Jewelry
Georgette O'Hayon asked the commission to consider extending the free parking be extended to Shankar employees. She stated she is indirectly a city employee since she collects sales tax for the city. She requested the city consider extending free memberships to the rec center to Shankar employees also. She requested that the city clarify whether anyone working in Deadwood can use the trolley going to and from work. Mayor Toscana replied that all employees are given free trolley rides. Mayor Toscana thanked O'Hayon for her time.

Deadwood Business Club Members
On behalf of the Deadwood Business Club, Rhonda Van Den Eykel thanked the city for the financial commitment in the support of the holiday community lights and added that many favorable comments were received.

ADJOURNMENT
Silvernail moved, Van Den Eykel seconded to adjourn the regular session at 5:52 p.m. The next regular meeting will be at 5:00 p.m. on Monday, March 26, 2012.

ATTEST:
Mary Jo Nelson, Finance Officer

DATE: 3-26-12

BY: Francis A. Toscana, Mayor

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