REGULAR MEETING, May 21, 2012

The Regular Session of the Deadwood City Commission convened on May 21, 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 May 14, 2012. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Todd seconded to approve the May 21, 2012 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	LEASE	113.00
AMERICAN WATER WORKS	DUES	70.00
ASSOCIATED SUPPLY	SUPPLIES	650.95
BH COUNCIL	ASSESSMENT	1,719.00
BH POWER	ELECTRICITY	16,837.91
CENTURY LINK	SERVICE	156.31
DAKOTA SECURITY	INSTALLATION	41.83
DAKOTACARE	INSURANCE	41,705.21
DEADWOOD ECONOMIC DEVELOPM	CONTRACT	1,580.02
DEADWOOD FIRE DEPARTMENT	REIMBURSEMENT	690.00
FASTENAL	SUPPLIES	65.70
HAWKI, KEN	REIMBURSEMENT	120.00
INTERNATIONAL ASSOCIATION	DUES	229.00
LAWRENCE CO. AUDITOR	ELECTION	182.80
LAWSON PRODUCTS	CONCRETE	350.54
LESTER, ROB	REIMBURSEMENT	109.97
LYNN'S	SUPPLIES	4.99
M.R. GUSTAFSON	TIF PYMT	42,103.19
MOHR, TRENT	REIMBURSEMENT	200.00
NEVE'S	UNIFORMS	397.32
NORTHERN TRUCK EQUIPMENT	CABLES	152.05
NORTHWEST PIPE FITTINGS	REPAIR	383.64
PETTY CASH	PETTY CASH	250.00
PITNEY BOWES	RENTAL FEE	315.00
QUILL CORPORATION	SUPPLIES	288.77
RAPID CITY JOURNAL	SUBSCRIPTION	210.60
REGIONAL HEALTH PHYSICIANS	TESTING	54.00
RELIABLE OFFICE SUPPLIES	SUPPLIES	258.57
SD COMMISSION ON GAMING	CITY SLOTS	17,693.18
SD DEPT. OF CORRECTIONS	PROJECT	1,128.14
SIRCHIE	MINILITE	168.75
STRETCH'S GLASS	LABOR	206.00
TWILIGHT	SUPPLIES	122.90
UTILITY SERVICES	REPAIR	2,465.00
WESTERN STATES FIRE PROTEC	REPAIR	583.25
	TOTAL	**$ 131,607.59**

ITEMS FROM CITIZENS ON AGENDA

Recognize Ken Hawki

Fire Chief Millard recognized Ken Hawki for 40 years of service to Deadwood Volunteer Fire Department. Mayor Toscana thanked Ken for his years of service and dedication to the City of Deadwood.

Deadwood Chamber

Sarah Anderson with Deadwood Chamber, requested the use of the trolley and waiver of group fees for Familiarization Tours on May 30, and May 31 from 7:45 a.m. to 5:00 p.m. Todd moved, Silvernail seconded to allow said request. Roll Call: Aye-All. Motion carried.

Mickelson Trail Marathon

Emily Wheeler with The Mickelson Trail Marathon requested 100 parking spots in The Lower Main Lot on June 3, 2012 for six hours at a cost of $300.00. Silvernail moved, Van Den Eykel seconded to allow said request. Roll Call: Aye-All. Motion carried.

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PUBLIC HEARINGS/BID OPENINGS

Public Hearings
Van Den Eykel moved, Silvernail seconded to set public hearing at 5:05 p.m. on June 4, 2012 for Malt Beverage and Wine License Transfers from The Mint to Madame Peacock's Accessory Lounge at 638 Main Street. Roll Call: Aye-All. Motion carried.

FINANCE

Permission to Pay
Peterson moved, Silvernail seconded to pay The Shrine Circus allocation of $3,500.00 from Bed and Booze Fund, a budgeted item. Roll Call: Aye-All. Motion carried.

Advertise
Peterson moved, Silvernail seconded to advertise for summer Finance Office Assistant. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING AND ZONING/PUBLIC BUILDINGS/SAFETY

Use of Vehicle
Silvernail moved, Todd seconded to allow City Archivist Mike Runge, use of city vehicle to travel to Pierre on May 30, 2012 to attend the South Dakota Records Advisory Board Meeting. Roll Call: Aye – All. Motion carried.

Archeology Field School
Silvernail moved, Todd seconded to approve the use of a trolley to transport Archeology Field School/Day Campers for Historic Preservation and Adams Museum on the following date: June 11 – June 15, June 18 – June 22 and June 25 – June 29, 2012. Roll Call: Aye – All. Motion carried.

Contract
Silvernail moved, Todd seconded to enter into a contract with Willson's Tree Service for $1.730.00 to trim trees at Interpretive Center, to be paid from HP Capital Assets and allow Mayor to sign contract. Roll Call: Aye – All. Motion carried.

Bid Project
Van Den Eykel moved, Todd seconded to give permission to stain grandstand at rodeo grounds and set bid opening for the project at 5:05 p.m. on June 11, 2012, to be paid from HP Capital Assets. Roll Call: Aye – All. Motion carried.

STREETS AND WATER/LIBRARY

Advertise
Van Den Eykel moved, Todd seconded to advertise for Rubble Site Operator at $8.28 an hour. Roll Call: Aye – All. Motion carried.

POLICE/FIRE

Resignation
Silvernail moved, Peterson seconded the resignation of Lois Pidde effective June 22, 2012. Roll Call: Aye – All. Motion carried.

Advertise
Silvernail moved, Peterson seconded to advertise for Fire Department Office Assistant. Roll Call: Aye – All. Motion carried.

Purchase
Silvernail moved, Peterson seconded to purchase four stop signs for Wall Street and Main Street from Brandon Industries at a cost not to exceed $2,299.00 from Parking and Transportation and Historic Preservation. Roll Call: Aye – All. Motion carried.

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Parking and Transportation Recommendation
Chief Fuller stated that Parking and Transportation Committee met with Commissioner Todd and several taxicab companies to discuss the shuttle bus ordinance moratorium. Fuller stated that after taking into consideration the issues of the concerns of the cab owners, community members, and the recommendation of The Chamber Board, the following three recommendations were considered as a fair compromise and would benefit all involved. First recommendation was that shuttle busses be limited to the three previously approved drop off and pickup points (Lower Main Lot, Interpretive Lot and the Main Street parking ramp area). Second recommendation: busses be limited to operating between the hours of 7 a.m. and 11 p.m. and the last recommendation was the exception be made for handicapped people confined to a wheel chair or other mobility devices. Commissioner Van Den Eykel stated the Chamber Board voted for the moratorium to remain beyond July 1 and Pat Roberts agreed. Commissioner Todd stated that he, Mayor Toscana, George Milos met and compromised to provide customer service as well as protect taxi and trolley service and thought they had a solution prior to the Chamber Meeting. Business owners Gary Keehn, Tracy Island, Steve Olsen, Louie LaLonde, and Anthony Galbraith spoke in favor of moratorium and postponement of ordinance citing the following concerns: pickup and drop off spots, request to add Deadwood Mountain Grand, The Lodge and Rodeo Grounds during events, opposition to restrictions on vehicle advertising, congestion downtown and customer service. Mayor Toscana asked for ideas for a resolution so on June 30 at end of moratorium, the city has something in place. Commissioner Van Den Eykel suggested leaving the moratorium as is as voted on by Chamber board and does not believe there are any problems. Commissioner Todd stated it was his understanding that we placed a moratorium only on a trial basis to see how we can make it work so that we can all provide better customer service. Andy Estoclet stated that he would like to see this issue go back to the Parking and Transportation Committee meeting and added that taxi companies are concerned about this issue. Tracy Island stated that they should have the same rights as taxi companies, and Mayor Toscana disagrees and stated that they are not the same business so therefore have different obligations. After much discussion, Van Den Eykel made a motion to continue to table and involve all parties at next meeting and Todd seconded. Roll Call: Aye-All. Motion carried.

PARKS/RECREATION/TROLLEY

Resignation
Todd moved, Van Den Eykel seconded to accept the resignation from Rec Center employee, Jenessa Rantapaa effective May 31, 2012. Roll Call: Aye-All. Motion carried.

Wage Increase
Todd moved, Silvernail seconded to increase the wage of Rec Center Employee, Dian DeRosier from $ 8.28 to $8.79 an hour effective May 28, 2012 after two years of service. Roll Call: Aye-All. Motion carried.

Parking Meter Discussion
Commissioner Todd stated that the Deadwood Chamber, several groups and concerned citizens came to him asking about the parking meter issue and believes it is his duty to bring forward. Van Den Eykel commented on previous letter provided by Attorney Campbell concerning conflict of interest due to his membership in The Deadwood Business Club. Van Den Eykel stated that after review, he disagrees with Campbell and at this point, if it comes to a vote he will vote. Van DenEykel indicated he has discussed the matter with a judge, attorneys and legislators who believe he does not have a conflict and challenged the Commission to carry this one step further citing SDCL 6-1-7. Toscana asked if he had a legal opinion. Commissioner Silvernail stated that one of her fellow Commissioners owns a parking lot with ten parking spaces yet he chooses to lease out nine of them and questioned why the City should not do the same thing. Silvernail cited financial results indicating revenues were over expenses for the past five years and believes the Business Club is being irresponsible when asking the city to remove meters when budget has already been approved for 2012. Silvernail moved to deny. Campbell asked VanDenEykel if he was reversing his recusal he agreed to earlier. Commissioner VanDenEykel agreed that he was reversing his recusal. Silvernail reminded the Commission of an earlier motion to deny. Upon further clarification from Silvernail that said motion was to deny the request to remove or cover meters, motion died for lack of second. Commissioner Todd asked for a compromise and stated several projects are budgeted so it would be convenient to decide at budget time,that he would love to see free parking and added that parking meters do generate the revenue that does allow us to maintain our parking lots but would like free parking on both ends of town. Todd stated that he believes free parking would result in increased trolley ridership, gaming revenue and sales tax revenue. Toscana introduced a letter from Bob Nelson, owner of

The Celebrity Hotel, who stated he disagrees with Mr. Trucano's proposal, because he owns a parking lot and giving away parking will hurt him as a business owner. Commission Peterson stated that the Lower Main Lot was free parking the privilege was abused by some hotels and meters were installed as a result. Peterson stated if thecity was to give away parking, Railroad Lot and possibly Qwest Lot would be the logical locations. Phil Brelind spoke on behalf of the Deadwood Business Club, requested that the Commission pass a resolution to bag the parking meters on Lower Main, Railroad and Qwest lots this summer as a trial, allowing our residents and guests to park at no cost in these lots. He stated this proposal has minimal financial impact on the City budget, as the meters in question are very low in income. He added that it has overwhelming support from the Deadwood Chamber, Business Improvement District and Deadwood Business Club. Chief Fuller stated he resents the implication that elimination of certain parking meters equates to elimination of an Ordinance Officer and is simply "trading dollars". He added that the buzz word "customer service" applies to residents as well as guests to the community, and it is difficult to put a dollar amount on the customer service provided by ordinance officers for the community, and added examples, including school patrol every morning, dead storage vehicles, nuisance and animal control issues as well as directing tourists to their destination. He believes trading dollars for an ordinance officer is a wrong statement and he thinks it would be a great disservice to the community if we eliminate that position and severely hinder his ability to provide those services to the community that we have for so many years. If the shuttle bus ordinance is revised, more congestion will be created on Main Street at the same time the city has less staff to control the situation. After further discussion Todd made a motion to allow free parking at The Lower Main Street Parking Lot effective immediately. Van Den Eykel seconded. Roll Call: Aye: Todd, Van Den Eykel. Nay: Peterson, Silvernail, Toscana. Motion did not pass.

Permission to Hire
Todd moved, Van Den Eykel seconded to hire Brendon Hall as Summer Camp Assistant at $7.76 an hour effective May 22, 2012. Roll Call: Aye-All. Motion carried.

LEGAL BUSINESS

LEASE
Silvernail moved, Todd seconded to allow Mayor to sign lease with NMD for Broadway Parking Ramp. Roll Call: Aye-All. Motion carried.

Agreement
Todd moved, Van Den Eykel seconded to allow Mayor to sign agreement with Durable Slate Company. Roll Call: Aye-All. Motion carried.

Martin-Mason Redemption
Attorney Campbell stated that the Martin Mason building was sold at foreclosure and First Interstate Bank was the sole bidder with purchase price of their note totaling $963,013.14. Interest accrues at $263.84 per day and outstanding taxes are $14,125.62, which also has to be redeemed. According to Campbell, the Martin Mason building currently has a taxable assessed value of $1,421,420.00 and was appraised in June 2011 at $1,650,000.00. Campbell stated if the Commission were to authorize the Finance Office to write a check on Wednesday, May 23 for $980,304.84 and the city was able to sell the property at a reduced price but in excess of the redemption amount, we would be closer in trying to recoup a portion of the money that Mr. Haverberg owes the City which is approximately $800,000.00. Campbell stated if the Commission desired, this action may protect the city's interest in money owed to us but is in no way a failsafe remedy and is a risk either way. He reminded the Commission that three other properties remain that can be sold to reduce Haverberg's debt. After much discussion, Silvernail moved, Peterson seconded to redeem the Martin Mason building in the amount of $980,304.84. Lee Thompson, realtor, spoke in opposition to the city redeeming the note and believes it is a risk for the city to purchase. Mayor Toscana asked if he were representing any particular party in this transaction and Mr. Thompson said he was not. Roll Call: Aye-All. Motion carried.

Executive Session
Attorney Campbell requested Executive Session for Personnel per SDCL 1-25-2 (1) and Union Negotiations per SDCL 1-25-2 (4) with no action to be taken.

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MAYORS BUSINESS

Meeting Change
Mayor Toscana announced the next meeting would be at 5:00 p.m. on Tuesday, May 29, 2012 due to the Memorial Day Holiday.

ADJOURNMENT
Van Den Eykel moved, Silvernail seconded to adjourn the regular session at 6:24 p.m. and convene into Executive Session for Personal per SDCL 1-25-2 (1) and Union negotiations per SDCL 1-25-2 (4) with no action to be taken. The next regular meeting will be at 5:00 p.m. on Tuesday May 29, 2012.

ATTEST:
Mary Jo Nelson, Finance Officer

DATE: 5-29-12

BY: Francis A. Toscana, Mayor

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