REGULAR MEETING, MAY 7, 2012

The Regular Session of the Deadwood City Commission convened on May 7, 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, Georgeann Silvernail, Gary Todd and Jim Van Den Eykel. Commissioner Peterson was absent. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Silvernail moved, Todd seconded to approve the minutes of April 30, 2012. Roll Call: Aye-All. Motion carried.

APRIL 2012 PAYROLL: COMMISSION, $2,730.76; ATTORNEY, $5,656.16; FINANCE, $13,803.19; PUBLIC BUILDINGS, $2,028.04; POLICE, $39,173.98; FIRE, $4,013.00; BUILDING INSPECTION, $3,422.16; STREETS, $24,277.18; PARKS, $14,503.95; PLANNING & ZONING, $3,766.16; LIBRARY, $5,401.38; RECREATION CENTER, $10,907.51; HISTORIC PRESERVATION, $14,228.14; WATER, $12,354.29; PARKING METER, $7,558.40; TROLLEY, $13,104.68; PARKING RAMP, $5,270.35; RUBBLE SITE, $1,050.00. **PAYROLL TOTAL: $183,249.33.**

APRIL 2012 PAYROLL PAYMENTS:
Internal Revenue Service, $40,811.44; S.D. Retirement System, $19,921.24; Delta Dental, $3,423.36.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Van Den Eykel seconded to approve the May 7, 2012 disbursements. Roll Call: Aye-All. Motion carried.

A & B WELDING	PROPYLENE	64.52
ARCHITECHTURAL DIGEST	SUBSCRIPTION	72.00
ATCO INTERNATIONAL	RUSTAME	175.00
BIERSCHBACH EQUIPMENT	SEALANT	310.50
BH PIONEER	SUBSCRIPTION	223.60
CAMPBELL, JASON	REIMBURSEMENT	237.85
CANIDA, SARAH	REIMBURSEMENT	85.51
COMPANION LIFE	LIFE INSURANCE	222.48
DAKOTA SECURITY	INSTALL CAMERAS	2,049.70
EMERY-PRATT	BOOKS	143.22
FREDERICKSON LAW	AGREEMENT	2,047.82
GENES LOCK SHOP	KEYS	4.50
GOLDEN WEST	DISPLAY PAGER	226.78
HARVEY, BRANDON	REIMBURSEMENT	54.34
HD SUPPLY WATERWORKS	GRATE	896.12
HILLS MATERIALS	UNWASHED SAND	112.89
JACOBS PRECISION WELDING	FLAT BAR	26.00
JACOBSON, DOUGLAS J.	AGREEMENT	2,000.00
KEN'S CAMPER	PROPANE	51.00
KNOLOGY	SERVICE	303.79
KT CONNECTIONS	RECORDER	2,094.00
LAWSON PRODUCTS	NOISE INDICATOR	129.11
LEAD-DEADWOOD SANITARY	USAGE CHARGE	25,060.16
M & T FIRE AND SAFETY	FILTER	56.41
MIDCO DIVING & MARINE	INSPECTIONS	2,499.00
MIDWEST TAPE	DVD	100.21
MDU	NATURAL GAS	4,339.58
NAPA	SUPPLIES	3,736.35
NORTHWEST PIPE FITTINGS	SUPPLIES	322.15
PIONEER PRODUCTS	DISINFECTANT	404.78
SANITATION PRODUCTS	WATER PUMP	1,041.83
SD DEPT. OF REVENUE	LICENSE TRANSFERS	600.00
SD MAGAZINE	SUBSCRIPTION	49.00
SD PUBLIC HEALTH LAB	TESTING	26.00
SD STATE HISTORICAL SOCIET	MEMBERSHIP	35.00
SD STATE TREASURER	SALES TAX	2,800.61
SERVALL	SUPPLIES	1,646.10
SOUTHSIDE OIL	PREMIUM GAS	19,262.99
SPEARFISH HUSKY	REPAIR	99.50
SPORTS ILLUSTRATED	SUBSCRIPTION	89.04
SURVEILLANCE SYSTEMS	POWER CABLE	109.29
TEMPERATURE TECHNOLOGY	SERVICE	389.20
TOSCANA, FRANCIS	REIMBURSEMENT	70.95
TRIPLE K	REPAIR	1,355.46
TRUGREEN	SPRING ROUNDUP	310.00
TWIN CITY HARDWARE	SAFETY FLAG	3,477.97
WASTE CONNECTIONS	DUMPSTERS	7,959.33
WESTERN COMMUNICATIONS	REPAIRE	369.00
	TOTAL	**$** 87,740.64

SWEAR IN COMMISSIONERS

The Honorable Michelle Percy, Magistrate Judge, administered the Oath of Office to newly elected City Commissioners Georgeann Silvernail and Gary Todd.

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SWEAR IN CITY ATTORNEY

Van Den Eykel moved, Todd seconded to reappoint Jason Campbell as City Attorney. Roll Call: Aye-All. Motion carried. Judge Percy then administered the Oath of Office to Attorney Campbell.

COMMISSION DEPARTMENTAL APPOINTMENTS

Mayor Toscana announced the following Commission appointments:
Georgeann Silvernail -Commission President, Police and Fire Commissioner, and Representative to Chamber of Commerce;
Joe Peterson - Finance Commissioner and Black Hills Council of Local Governments Representative;
Francis Toscana - Historic Preservation, Zoning, Public Buildings, and Safety Commissioner;
Gary Todd – Parks, Recreation, and Trolley Commissioner;
Jim Van Den Eykel – Public Works Commissioner, Library Representative, and Neighborworks Representative.
Silvernail moved, Van Den Eykel seconded to approve the appointments. Roll Call: Aye - All. Motion carried.

ITEMS FROM CITIZENS ON AGENDA

Free Parking Proposal (cont. from 4/30/2012)

Mike Trucano thanked the Commission for allowing him to speak again and stated that this will be the final time he will stand before them regarding free parking in certain parking lots. Trucano thanked Finance Officer Nelson and City Attorney Campbell for spending time with him, adding that his numbers and Mr. Campbell's numbers now balance with each other. Trucano stated that at the end of the day, we might still disagree about the number of parking meters that our town should operate, but at least we agree about revenues and expenses with our Parking and Transportation Department. He said he surveyed the Business Improvement District and spoke with every owner or general manager about this issue except for three businesses. He thinks we can all agree that financially this issue boils down to removing 351 nonproductive parking meters in exchange for the reduction of one full time Ordinance Officer. He also stated at the end of 2011 there were two-and-a-half Ordinance Officers who enforced about 652 parking meters for an average of 260 or so meters per Officer. This proposal suggests the removal of 351 meters leaving 301 meters to be enforced by one-and-a-half Ordinance Officers. This represents a 23% reduction in parking meter enforcement per officer. He recognized Ordinance Officers do more than only enforce parking meters, such as animal control, weed complaints and snow removal. With the reduction in the parking meter enforcement workload contemplated by this proposal, those other duties could continue to be performed by Ordinance Officers at a higher level. He stated the cost of another Ordinance Officer is $40,635.00 per year and the meter revenue loss per this proposal is $45,060.00 per year. Furthermore, he believes there are operating savings of about $11,000 contained within this proposal such as cost of uniforms, and supplies that would be saved without a second Ordinance Officer. He stated that the Mayor suggested the time to look at such a proposal is at budget time and he appreciates and respects that position. He also believes a time for such a proposal as this one is prior to the hiring of a second Ordinance Officer so that no one will lose a job. Mr. Trucano thanked the Commission again for hearing him.

Use of Trolley

Carolyn Weber with The Adams Museum asked the Commission to allow a trolley to transport a group of people from the Elk Horn Ridge RV Resort Event Center to Hank Frawley property to view buffalo on June 2, 2012 for Buffalo Busters from 4:00 p.m. to 5:30 p.m. and to waive trolley fee. Van Den Eykel moved, Todd seconded to allow a trolley and waive trolley fee. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS/BID OPENINGS

Three-Year City Slot Machine Action

Silvernail moved, Todd seconded to set the auction at 10:00 a.m. on June 4, 2012 for the Three Year City Slot Machine Leases – fifteen devices. Roll Call: Aye-All. Motion carried.

Rescind Hearing

Van Den Eykel moved, Todd seconded to rescind public hearing held April 30, 2012 at 5:07 p.m. to transfer Wine, Liquor and Malt Beverage Licenses for Platinum Ventures, LLC dba Four Aces Hotel and Casino. Roll Call: Aye-All. Motion carried.

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Rescind Hearing
Silvernail moved, Todd seconded to rescind public hearing held April 30, 2012 at 5:10 p.m. to transfer Package off-sale Liquor, Retail on-sale Liquor and Retail on-off sale Malt Beverage License transfers from Gold Dust Gaming, LLC to High Noon Investments, LLC dba Gold Dust Gaming. Roll Call: Aye-All. Motion carried.

Public Hearing
Public hearing was opened at 5:11 p.m. by Mayor Toscana. There being no public comment, Silvernail moved, Todd seconded to approve the Package off-sale Liquor (PL-4520), Retail on-sale Liquor (RL-5792) and Retail on-off sale Malt Beverage (RB-2418) Licenses from Four Aces Gaming, LLC to High Noon Investments, LLC dba Gold Dust Gaming. Roll Call: Aye-All. Motion carried.

Public Hearing
Public hearing was opened at 5:13 p.m. by Mayor Toscana. There being no public comment, Todd moved, Silvernail seconded to approve the Package off-sale Liquor (PL-4521), Retail on-off sale Wine (RW-6415) and three Retail on-off sale Malt Beverage (RB-2831, RB-2463 and RB-2391) Licenses from Four Aces Lodging Group, LLC to Platinum Ventures, LLC dba Four Aces Hotel and Casino. Roll Call: Aye-All. Motion carried.

Bid Opening – City Step Project
Todd moved, Silvernail seconded to set bid opening for City Step Project at 5:05 p.m. on Tuesday May 29, 2012 with 5:00 p.m. deadline for submittal. Roll Call: Aye-All. Motion carried.

FINANCE

Property Tax Abatement – Cappa's
Silvernail moved, Van Den Eykel seconded a property tax abatement for Alfred and Odette Cappa, Juanita p. Lindquist, Personal Representative for parcel #30670-00000-260-00. Roll Call: Aye-All. Motion carried.

Permission
Van Den Eykel moved, Todd seconded to give permission for Ronda Morrison and Mary Jo Nelson to attend Human Resource and Finance Officer School in Huron June 12 – June 15, 2012. Total registration is $200.00 plus lodging and meals not included at conference and use of vehicle. Roll Call: Aye-All. Motion carried.

Acknowledge Certificates
Mayor Toscana acknowledged the Certificates of Participation interest payment from First National Bank – Sioux Falls to bondholders in the amount of $484,837.50 on May 1, 2012. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING AND ZONING/PUBLIC BUILDINGS/SAFETY

Permission to Purchase
Silvernail moved, Todd seconded to allow the Safety Committee to purchase a laptop computer for training purposes at a cost of $1,244.00. Roll Call: Aye – All. Motion carried.

Change hire Date
Silvernail moved, Todd seconded to change hire date for Summer Intern, Tyler Myers from May 21, 2012 to May 9, 2012. Roll Call: Aye – All. Motion carried.

Permission to Purchase
Silvernail moved, Todd seconded to purchase replacement pavers from I-29 Brick, Tile and Stone in an amount not to exceed $5,000.00, to be paid from HP Capital Assets. Roll Call: Aye – All. Motion carried.

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STREETS AND WATER/LIBRARY

Permission to Purchase
Van Den Eykel moved, Todd seconded to purchase rubber crack sealer from Asphalt Kingdom at cost of $1,950.00 including freight, to be paid from Streets budget. Roll Call: Aye-All. Motion carried.

Discussion on conflict of interest
Van Den Eykel requested a letter from City Attorney Campbell detailing his conflict of interest regarding the parking issue and continue with appropriate response May 14, 2012.

PARKS/RECREATION/TROLLEY

Permission to Hire
Todd moved, Van Den Eykel seconded to hire Chelsea Percy at $7.76 an hour in Parks Department effective May 10, 2012 pending pre-employment drug screen. Roll Call: Aye – All. Motion carried.

Permission to Hire
Todd moved, Silvernail seconded to hire Melinda Kanitz at $7.76 an hour at Mt. Moriah effective May 8, 2012 pending pre-employment drug screen. Roll Call: Aye – All. Motion carried.

Permission
Todd moved, Van Den Eykel seconded to allow Lead Deadwood Elementary School to use the Rec Center May 9 - 10, 2012 for the Triathlon. Roll Call: Aye – All. Motion carried.

LEGAL

Agreement (continued from 4/30/2012)
Van Den Eykel moved, Silvernail seconded to allow Mayor to sign contract with TSP, Inc. to act as consultant and communications liaison with the State of South Dakota during the reconstruction of Highway 85 through the City of Deadwood. Roll Call: Aye-All. Motion carried.

Agreement
Todd moved, Silvernail seconded to allow Mayor to sign the State of South Dakota Wildland Fire Suppression Agreement. Roll Call: Aye – All. Motion carried.

Agreement
Silvernail moved, Van Den Eykel seconded to allow Mayor to sign agreement with Rogers Construction for construction services at St. Ambrose Cemetery. Roll Call: Aye – All. Motion carried.

Agreement
Todd moved, Silvernail seconded to allow Mayor to sign agreement with Flat Earth Sign Company for signage at the Rec Center and Visitor Center. Roll Call: Aye-All. Motion carried.

Agreement
Van Den Eykel moved, Silvernail seconded to allow Mayor to sign agreement with Deadwood Electric for wiring of the Deadwood Trailhead Lights. Roll Call: Aye-All. Motion carried.

MAYORS BUSINESS

Appoint and Swear in Department Heads
Mayor Toscana appointed the following department heads: Mary Jo Nelson - Finance Officer; Kelly Fuller - Chief of Police and Chairman of Parking and Transportation Committee; Jim Raysor - Public Works Director, City Planner, Cemetery Sexton; Robert Nelson Jr. - Zoning Administrator; Kevin Kuchenbecker - Historic Preservation Officer; Robert Nelson Sr. - Transportation Director and Risk Services Director; Jeanette Chaney-Moodie - Librarian; Jeff Millard - Fire Chief. Silvernail moved, Todd seconded to accept the appointments. Roll Call: Aye-All. Motion carried. Attorney Campbell then jointly administered the Oath of Office to all the Department Heads.

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ITEMS FROM CITIZENS NOT ON AGENDA

Rhonda Van Den Eykel, on behalf of the Cinco De Mayo Committee, thanked the City for their support. She thinks they met their goal of raising $3,000.00 for the Day Care Center and The Lead Deadwood Soccer Association raised about $300.00 for their summer camp. Mayor Toscana thanked Rhonda and the Committee.

Lee Thompson is concerned about the street lights at the intersection of Shine Street and Main Street not having a walk signal. Mayor Toscana said that this issue has been brought up several times before, but the problem is the expense, which would have been $45,000.00 per light. Public Works Director Jim Raysor said it would be about $180,000.00 for the intersection. He also stated that this is the oldest operating streetlight in South Dakota. Mayor Toscana said this should be considered at budget time and said the other option suggested by Commissioner Van Den Eykel was to make this a four-way stop and present it to Parking and Transportation for consideration.

ITEMS FROM MAYOR, COMMISSIONERS, DEPARTMENT HEADS NOT ON AGENDA

Mayor Toscana requested an Executive Session for legal matters per SDCL 1-25-2(3) with no action to be taken.

Mayor Toscana recognized David Wells, a constituent service representative for Congresswoman Noem's Office out of Rapid City, and thanked him for being here.

Commissioner Silvernail commented on employees attending different schools. She said they come back with several new and good ideas and thanked them for attending the schools because it makes them a better group of people that work for the City.

ADJOURNMENT

Van Den Eykel moved, Silvernail seconded to adjourn the regular session at 5:35 p.m. and convene into Executive Session for Legal Matters per SDCL 1-25-2 (3) with no action to be taken. The next regular meeting will be at 5:00 p.m. on Monday, May 14, 2012.

ATTEST: DATE: 5-22-12

Mary Jo Nelson, Finance Officer BY: Francis A. Toscana, Mayor

CITY OF DEADWOOD SEAL SOUTH DAKOTA

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