

REGULAR MEETING, November 21, 2011

The Regular Session of the Deadwood City Commission convened on November 21, 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, Gary Todd, Georgeann Silvernail, and Jim Van Den Eykel. Commissioner Joe Peterson was absent. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Silvernail moved, Van Den Eykel seconded, to approve the minutes of November 14, 2011. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Todd seconded, to approve the November 21, 2011 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	LEASE	110.30
A & B WELDING	ACETYLENE	55.00
BH CHEMICAL	SUPPLIES	815.49
BH POWER	UTILITIES	16,315.86
CAMPBELL SUPPLY	WHEELS	31.98
CENTURION TECHNOLOGIES	SUPPORT	192.00
CENTURY LINK	SERVICE	155.29
DAKOTA SECURITY	SUPPORT	33.16
DEADWOOD ECONOMIC DEV	CONTRACT	1,580.02
DORSEY & WHITNEY	SERVICES	8,000.00
FASTENAL	SUPPLIES	510.54
GAYLORD BROS.	STORAGE	477.77
HAWKI, KEN	REIMBURSE	62.44
HEIMAN FIRE EQUIPMENT	EXTINGUISHER	173.75
LAKER CHEMICAL	SUPPLIES	208.25
M&M SANITATION	RENTAL	307.50
M.R. GUSTAFSON SELF-DIRECT	TIF-2011 #2	39,433.89
MICHAEL TODD & COMPANY	PARTS	506.63
NATIONAL ENVIRONMENTAL	SUPPLIES	813.89
PARTSMASTER	CRYOBITS	142.73
SD COMMISSION ON GAMING	CITY SLOTS	17,693.18
SD GOV. FINANCE OFFICERS ASSOC	DUES	130.00
SD GOV. HUMAN RESOURCE ASSOC	DUES	50.00
SOUTH SIDE SERVICE	TIRE	13.00
TRIDLE, JOHN	REIMBURSE	121.30
TRUGREEN CHEM-LAWN	FERTILIZER	81.50
YOUTH GROUP	WREATHS, GARLANDS	1,380.00
ZEP SALES	SUPPLIES	220.29
	TOTAL	\$ 89,615.76

ITEMS FROM CITIZENS ON AGENDA

Permit Fees – Tim Conrad

Tim Conrad appeared before the Commission to request waiver of the \$328.00 investigation fine for not purchasing a building permit for placing a portable shed at 52 Dunlap (by City Trolley barn and Copper Key apartments for the storage of his Bobcat.) According to Conrad, he visited with Keith Umentum within the last year and was told there is no fee required for portable buildings. Once the shed was in place, the City contacted Conrad and told him a building permit was required. Conrad came to City Hall to purchase a building permit and in the process was fined an investigation fee of \$328.00 for not purchasing a building permit. Conrad told the Commission he does not have a problem paying the \$82.00 building permit fee but the \$328.00 fine is not right. Toscana asked if the size of the shed poses a problem with the City's Building Code Ordinance and Kuchenbecker added if the shed is over 120 square feet it requires a building permit. The size of the shed does exceed the 120 square feet requirement. Van Den Eykel moved, Todd seconded, to waive the \$328.00 investigation fee. Motion carried. After discussing, Toscana said due to Keith Umentum's absence he suggested continuing to the next meeting to get more information from the City Building Inspector on this matter. Van Den Eykel moved, Todd seconded, to rescind the motion. Roll Call: Aye-All. Motion carried. Van Den Eykel moved, Todd seconded, to continue to the November 28, 2011 meeting. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS/BID OPENINGS

Public Hearing

Sarah Anderson representing the Deadwood Chamber requested the following for Deadwood's Winter Wonderland Events:

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Street Closures:

Silvernail moved, Todd seconded, to approve street closure on Main Street from Four Aces to Pine Street from 5:45 p.m. until parade ends on December 9, 2011 for the Parade of Lights event. Roll Call: Aye-All. Motion carried.

Relaxation of Open Container:

Van Den Eykel moved, Todd seconded, to approve the relaxation of open container ordinance on Main Street from the Four Aces to the Masonic Temple from 5:00 p.m. to 10:00 p.m. on Friday, December 9, 2011 for Parade of Lights. Commissioner Silvernail added this is a family event and did not think the open container request was necessary. Roll Call: Aye – Van Den Eykel, Todd, Toscana. Nay – Silvernail. Motion Carried.

Exception to Barricade Fee Ordinance:

Silvernail moved, Van Den Eykel seconded, to grant exception and waive fees for the ordinances pursuant to the following City Code: 12.24.150-barricade fees. Roll Call: Aye-All. Motion carried.

Horse and Buggy Rides -Use of Interpretive Lot at no Charge:

Silvernail moved, Todd seconded, to allow horse and buggy rides to be offered at Interpretive Lot, proceed down Water Street, onto Sherman Street and back to Interpretive Lot: Saturday, December 3, 2011 from 4:30 to 6:30 p.m. and Sunday, December 18, 2011 from 12:00 noon to 3:00 p.m. Roll Call: Aye-All. Motion carried.

Permission to Waive Temporary Vending Fees:

Silvernail moved, Todd seconded, to grant exception and waive fees for the ordinances pursuant to the following City Codes, 5.28.060-vending, 5.28.030-vending on public property: Lead-Deadwood PTO group to provide Concessions at the History and Information Center on December 3, 2011 from 4:30-6:30 p.m., December 10, 2011 from 3:00-5:00 p.m., and December 18, 2011 from noon to 3:00 p.m. Roll Call: Aye-All. Motion carried.

Public Hearing

Silvernail moved, Van Den Eykel seconded, to approve Special Full Temporary Liquor License for the Cowboy Christmas event at the Deadwood Pavilion at 767 Main Street on Saturday, December 10, 2011 from noon to 11:00 p.m. Roll Call: Aye-All. Motion carried.

Set Public Hearing

Silvernail moved, Van Den Eykel seconded, to set public hearing at 5:12 p.m. on December 12, 2011 for application of transfer for retail (on-off sale) malt beverage license from Mary C. Larson, Deadwood Dicks Saloon to Kathleen McShane dba Deadwood Dicks Saloon and Application for 2012 retail (on-off sale) wine license for Kathleen McShane dba Deadwood Dicks Saloon at 51-53-55 Sherman Street. Roll Call: Aye-All. Motion carried.

FINANCE

Payment Request

Silvernail moved, Todd seconded, to approve the payment request of \$11,251.25 to First National Bank for Historic Preservation Certificates of Participation trustee fees, to be paid from Historic Preservation debt service line item. Roll Call: Aye-All. Motion carried.

Payment Acknowledgement

Finance Officer requested acknowledgement of the principle and interest payment to bondholders for \$2,121,340.00 for Historic Preservation Certificates of Participation to First National Bank, bond trustee, a budgeted item. Silvernail moved, Todd seconded, to approve said request made by Finance Officer. Roll Call: Aye-All. Motion carried.

Payment Request

Van Den Eykel moved, Silvernail seconded, to approve the payment of \$13,000.00 to Standard and Poor's for analytical services rendered in connection with Certificates of Participation Refunding from Historic Preservation service line item. Roll Call: Aye-All. Motion carried.

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HISTORIC PRESERVATION/PLANNING & ZONING/PUBLIC BUILDINGS/SAFETY

Final Plat – Bullock Hotel Properties, LLC

Silvernail moved, Van Den Eykel seconded, to approve and allow the Mayor to sign the final plat for Bullock Hotel Properties, LLC: Parking Lot located at the intersection of Wall Street and Pioneer Way. The purpose of plat is to facilitate transfer of property and provide access to two properties. Legal Description: Plat of Lots R-6A and R-6B a subdivision of Lot R-6 of the Deadwood Railroad Property, located in a portion of Lots 50, 51, 52, and 53, Block 30, Original Town site and a portion of Outlots 1 and 2, City of Deadwood, located in the SE ¼ of Section 23, T5N, R3E, BHM, Lawrence County, SD. Roll Call: Aye-All. Motion carried.

Contract

Van Den Eykel moved, Todd seconded, to allow the Mayor to sign the contract between the City of Deadwood and Western States Fire Protection for five-year sprinkler inspection (per NFPA 25) in City Hall at a cost of \$850.00. Roll Call: Aye-All. Motion carried.

Contract

Silvernail moved, Todd seconded, to enter into a contract with Paul Larson to repair and replace door at Mt. Moriah House at a cost not to exceed \$1,000.00. Roll Call: Aye-All. Motion carried.

Change Order #1 – 334 Williams Retaining Wall

Kevin Kuchenbecker informed the Commission that RCS Construction, Inc. has requested a change order for the retaining wall project at 334 Williams Street. The proposed change order is because of revised soil parameters by the geotechnical engineer to address the soil nail portion on the project as well as the replacing of the front staircase. (Stairwell cost - \$867.35 and additional soil nails and longer lengths - \$19,250.00) After much discussion, Silvernail moved, Van Den Eykel seconded, to approve the Change Order #1 for 334 Williams Street Retaining Wall for \$20,117.35; amount is within the allotted 15% of the original bid for total project. Roll Call: Aye-All. Motion carried.

Change Order #1 – 350 Williams

Kevin Kuchenbecker informed the Commission that Corr Construction, Inc. has requested a change order for the retaining wall at 350 Williams Street. This proposed change is because of revised soil parameters by the geotechnical engineer to address the soil nail wall portion on the project. Additional soil nails and longer lengths - \$28,286.28. After much discussion, Silvernail moved, Van Den Eykel seconded, to approve the Change Order #1 for 350 Williams Street Retaining Wall for \$28,286.28; amount is within the allotted 15% of the original bid for total project. After much discussion, regarding change orders, costs, retaining walls and conditions of existing and future repairs, Mayor Toscana requested Kuchenbecker and Raysor to prepare a list of retaining walls that have been done, and a list of walls that need to be done on Williams Street from Shine Street past John Hopkins residence and present to the Commission when complete. Roll Call: Aye-All. Motion carried.

STREETS/WATER/LIBRARY

Hire Request

Van Den Eykel moved, Todd seconded, to approve the hiring of Brian Mehlberg as a part time snowplow operator at \$15.50 per hour effective November 22, 2011, pending pre-employment screening. Roll Call: Aye-All. Motion carried.

PARKS/RECREATION/TROLLEY

Hire Request

Todd moved, Silvernail seconded, to approve the hiring of Jared A. Richards as a lifeguard at the Deadwood Rec Center at \$7.61 per hour effective November 22, 2011 pending pre-employment screening. Roll Call: Aye-All. Motion carried.

LEGAL BUSINESS

Ordinance #1168 – Second Reading

Silvernail moved, Todd seconded, to approve second reading for Ordinance #1168 Amending Chapter 15.01 International Building Code to address unvented room heaters (propane heaters used in smoking out buildings.) Roll Call: Aye-All. Motion carried.

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Contract

Silvernail moved, Todd seconded, to approve and allow the Mayor to sign the contract between the City of Deadwood and Mathison's for digitization of 811 slides at a cost not to exceed \$1,500.00. Roll Call: Aye-All. Motion carried.

ITEMS FROM MAYOR, COMMISSIONERS, DEPARTMENT HEADS NOT ON AGENDA

Snow Removal

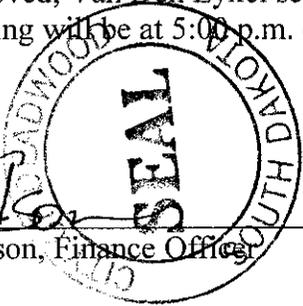
Commissioner Van Den Eykel said he received a couple of comments regarding the snow removal due to the recent snowstorm over the weekend. He would like to see a more timely response to snow removal matters. After much discussion, regarding snow removal, budget constraints, work force, City's policy requiring a 24-hour notice prior to snow removal, Toscana added if anyone could come up with a better plan please bring it forward.

ADJOURNMENT

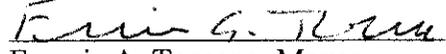
Silvernail moved, Van Den Eykel seconded, to adjourn the regular session at 5:55 p.m. The next regular meeting will be at 5:00 p.m. on Monday, November 28, 2011.

ATTEST:


Mary Jo Nelson, Finance Officer



DATE: 11-28-11

BY: 
Francis A. Toscana, Mayor

For any public notice, that is published one time:

Published once at the total approximate cost of _____.