

**REGULAR MEETING, October 9, 2012**

The Regular Session of the Deadwood City Commission convened on October 9, 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, Todd seconded to approve the minutes of October 1, 2012. Roll Call: Aye-All. Motion carried.

**APPROVAL OF DISBURSEMENTS**

Silvernail moved, Van Den Eykel seconded to approve the October 9, 2012 disbursements. Roll Call: Aye-All. Motion carried.

ALERT-ALL	SUPPLIES	325.00
BH POWER	ELECTRICITY	6,861.49
CAMPBELL SUPPLY	SUPPLIES	107.64
CAMPBELL, JASON	REIMBURSEMENT	32.25
CLEARWATER SECURITY	INSTALLATION	785.00
COMPUTER SUPPORT SERVICES	SERVICE	288.75
DEADWOOD CHAMBER	BILL LIST	115,000.00
DMI	FUEL PUMP	238.54
EMERY-PRATT	BOOK	162.15
GENE'S LOCK SHOP	SERVICE	323.42
HILLS MATERIALS	SERVICE	106.27
KNECHT	SUPPLIES	15.02
KNOLOGY	SERVICE	231.62
LEAD-DEADWOOD SANITARY	USAGE CHARGE	29,787.48
M&M SANITATION	RENTAL	307.50
MIDWEST TAPE	DVD	129.94
MILLARD, JEFF	COMMISSION MEETINGS	325.00
MDU	GAS	1,740.77
NAPA	RETURN OF SCRW KIT	2,892.80
NEVE'S UNIFORMS	SUPPLIES	486.87
OTIS ELEVATOR	CONTRACT	110.01
PIONEER PRODUCTS	DISINFECTANT	221.46
RADIOSHACK	MONITOR	129.99
RASMUSSEN MECHANICAL	MAINTNANCE	844.95
SCHALLENKAMP, DEAN	REIMBURSEMENT	181.23
SD CONTINUING LEGAL	SUBSCRIPTION	500.00
SD DEPT. OF REVENUE	TRANSFER	75.00
SD STATE TREASURER	SALES TAX	3,897.45
SERVALL	SUPPLIES	1,736.56
SPECIALTY VEHICLES	SUPPLIES	239.95
TURBIVILLE, CHARLES	REIMBURSEMENT	27.58
WASTE CONNECTIONS	DUMPSTERS	7,844.33
	<b>TOTAL</b>	<b>\$ 175,956.02</b>

**ITEMS FROM CITIZENS ON AGENDA**

**VFW Request**

Silvernail moved, Todd seconded to allow the VFW to sell alcohol at the Deadwood Pavilion October 19-21, 2012 from 10:00 a.m. to 10:00 p.m. for the Annual 9 Ball Shoot-Out Pool Tournament. Roll Call: Aye-All. Motion carried.

**PUBLIC HEARINGS/BID OPENINGS**

**Public Hearing – Alcohol License Transfers**

Public hearing was opened at 5:05 p.m. by Mayor Toscana. There being no public comment, Silvernail moved, Todd seconded to approve the Retail (on-off sale) Convention Center liquor License (CL-0501) and the Retail (on-off sale) Malt Beverage License (RB-3536) from Comfort Inn to Deadwood Comfort Inn at 225 Cliff Street. Roll Call: Aye-All. Motion carried.

**HISTORIC PRESERVATION/PLANNING AND ZONING/PUBLIC BUILDING/SAFETY**

**Terminate**

Silvernail moved, Van Den Eykel seconded to terminate Nicholas Heeb, Historic Preservation employee effective May 31, 2012. Roll Call: Aye-All. Motion carried.

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### STREETS AND WATER/LIBRARY

#### Lee Street

Commissioner Van Den Eykel would like to send a letter to Pineview with notification to move the fence back to the curb on Lee Street since it creates traffic congestion for busses and other vehicles. Historic Preservation Officer Kevin Kuchenbecker stated the building's exterior appears to be stabilized. Mayor Toscana suggested if the building official concurs then give them a November 1, 2012 deadline and at that point if they have professionals that disagree with the Commission then they can come forward and state their case.

#### Bus Tour

Commissioner Van Den Eykel said he had hoped he wouldn't have to bring this up but he was involved in an incident regarding Original Deadwood Tours last Tuesday. VandenEykel informed the Commission that Mr. Van Tassel of Original Deadwood Tours talked to him about 111 veterans to coming to tour the city. Van Den Eykel did not think it would be an issue, but visited with an Ordinance Officer and also informed Officer Lester. While parked on Main Street, Mr. Van Tassel received three tickets. When questioned as to why, the officer replied there was an ordinance against parking for a long period of time. VandenEykel added that he had a problem with the ticket even though it did take a little longer than anticipated and did not think it was appropriate to fine the bus company, especially since people wanted to come to Deadwood. He added that it does not reflect well on the city. Mayor Toscana said he was confused as to what the tour bus being on Main Street for two and a half hours had to do with people coming into town. At that point Mr. Van Tassel explained his point of view and did not believe the time on the street was that long, and Chief Fuller was asked to provide information. Chief Fuller said his department received a complaint from another tour bus operator that the busses were in violation of the ordinance and while the police were aware of the additional busses, Mr. Van Tassel was informed that he was only allowed to drop off and pick up, not to park on Main Street. Commissioner Silvernail added that she received a complaint from another bus owner about the situation and at a recent conference, the subject of ordinance enforcement was discussed. According to Silvernail, "If you have an ordinance in place and do not treat everybody the same you might as well throw the ordinance out." Silvernail also asked why this was not run through Parking and Transportation Committee, which is the normal channel for contested tickets. Toscana stated he believes VandenEykel can not be impartial on the matter due to his close business relationship with Mr. Van Tassel. Commissioner VandenEykel replied that Mr. Van Tassel was a business person and a citizen of Deadwood. Mayor replied that so are a lot of other people, and their complaints are heard by Parking and Transportation Committee. VandenEykel replied that he still believes it was appropriate to bring to the Commission and hopes that when it comes to ordinances that we do not set time clocks but use common sense along the way. Toscana added that he had a problem with a statement made at an earlier meeting whereby Commissioner VandenEykel stated that as a business person/shuttle bus operator if he did not agree with an ordinance he would not obey it, but he is part of the body that makes these rules. According to Mayor Toscana, if VandenEykel does not believe in the rules currently in place then he should change them. VandenEykel replied that he did not want to discuss that item, but instead would make a motion to dismiss \$75.00 in tickets issued to Original Deadwood Tours as he thought it was inappropriate. Todd seconded for discussion. At that time Mr. Van Tassel said the ordinance was twenty-five years old and needed to change with the times. He added that the city went after \$1,000.00 bet limit to make Deadwood grow but the Commission refuses not change with the times. Mayor Toscana explained that the city did not ask for an increase in the bet limit and asked Mr. Van Tassel to be seated and asked for a vote. Call: Aye-Peterson, Todd, VandenEykel. Nay-Silvernail, Toscana. Motion carried. As a point of order, Attorney Campbell asked if the Commission is going to be addressing all of the parking tickets and Toscana said yes.

### PARKS/RECREATION/TROLLEY

#### Resignation

Todd moved, Silvernail seconded to accept the resignation from Mt. Moriah employee, Constance Olsen effective September 28, 2012. Roll Call: Aye-All. Motion carried.

#### Transportation Consultant

Commissioner Todd requested permission to pursue an estimate from four different firms who specialize in public transportation due to the transportation issues in Deadwood. Todd moved, Silvernail seconded such request. Roll Call: Aye-All. Motion carried.

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Terminate

Todd moved, Silvernail seconded to terminate Brendon Hall, Rec Center employee effective August 4, 2012. Roll Call: Aye-All. Motion carried.

Advertise

Todd moved, Silvernail seconded to advertise for lifeguards and receptionists for the Rec Center. Roll Call: Aye-All. Motion carried.

Legal Business

Contract

Silvernail moved, Van Den Eykel seconded to allow Mayor to sign contract with Global Caulking & Masonry Restoration for the sealing work at the Pavilion. Roll Call: Aye-All. Motion carried.

Certificate of Purchase

Todd moved, Silvernail seconded to allow Mayor to sign Oakridge Cemetery Certificate of Purchase and Warranty Deed for Terrence M. or Margie G. Lee. Roll Call: Aye-All. Motion carried.

Contract

Van Den Eykel moved, Silvernail seconded to allow Mayor to sign contract with Lowe Roofing, Inc. for the repair work to various roofs of City building. Roll Call: Aye-All. Motion carried.

Contract

Silvernail moved, Peterson seconded to allow the Mayor to sign the contract with Lead-Deadwood Regional Hospital for the use of the swimming pool facility. Roll Call: Aye-All. Motion carried.

**MAYORS BUISNESS**

Safety/Loss Control and Achievement Awards

The Mayor recognized the City employees on the safety committee for receiving the Gold Achievement Award for 12 years in a row. The City also received the Platinum Award, which is only given to entities with losses that are less than 60% of workers compensation and liability premiums.

Jim Fjerestad Memorial Award

Mayor Toscana recognized Bob Nelson Sr. for receiving the Jim Fjerestad Memorial Award for Safety and Loss Control.

**ITEMS FROM MAYOR, COMMISSIONERS, DEPARTMENT HEADS NOT ON AGENDA**

Mt. Moriah ticket booth is closed for the season.

Trolley winter hours started Monday October 8, 2012.

Commission received a letter from Spencer Rossi thanking the Commission for allowing the use of the trolley for Tromp'n for Trash.

**ADJOURNMENT**

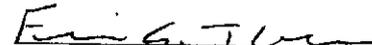
Silvernail moved, Todd seconded to adjourn the regular session at 5:31 p.m. The next regular meeting will be at 5:00 p.m. on Monday October 15, 2012.

ATTEST:

  
Mary Jo Nelson, Finance Officer



DATE: 10-15-12

BY:   
Francis A. Toscana, Mayor

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