

REGULAR MEETING, December 17, 2012

The Regular Session of the Deadwood City Commission convened on December 17, 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 Terry Williams and Commissioners Joe Peterson, Georgeann Silvernail and Jim Van Den Eykel. Commissioner Gary Todd was absent. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Silvernail moved, Van Den Eykel seconded to approve the minutes of December 10, 2012. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Peterson seconded to approve the December 17, 2012 disbursements. Roll Call: Aye-All. Motion carried.

A & B WELDING	CYLINDER	29.00
ABC BUSINESS	SUPPLIES	2,391.77
ALL NET CONNECTIONS	PROJECT	49.00
ALLEN, MEL	ATTENDANCE	175.00
AMAZON WEB SERVICES	PROJECT	341.70
BH PIONEER	ADS	1,320.75
BH POWER	ELECTRICITY	5,895.49
BUTLER MACHINERY	BEARINGS	36.76
CENTURY BUSINESS	MAINTENANCE	196.39
CENTURY LINK	SERVICE	165.82
CULLIGAN	SUPPLIES	100.50
DAKOTA GRAPHICS	SUPPLIES	867.50
DATA FLOW	CHECKS	213.42
DEADWOOD ECONOMIC	CONTRACT	1,580.02
LD-DWD ARTS COUNCIL	SERVICE	315.18
FARMER BROTHERS	SUPPLIES	255.80
FARRIER, MARIE	ATTENDANCE	225.00
FASTENAL COMPANY	SUPPLIES	46.70
FLOYD, LAURA	ATTENDANCE	250.00
FRED PRYOR	CLASS	170.00
GENE'S LOCK SHOP	KEYS	6.50
GOLDEN WEST	SERVICE	427.00
GRAYBAR	MODULE	392.00
GREAT PLAINS CHEMICAL	SERVICE	180.00
GREEN, SHEREE	ATTENDANCE	200.00
GUSTAFSON BUILDERS	PROJECT	21,446.04
HALDEMAN HOMME	SUPPLIES	1,075.31
HANSEN, ANITA	ATTENDANCE	200.00
HAWKINS	CHEMICALS	852.40
HOMESTAKE ADAMS RESEARCH	GRANT	8,948.45
INTERSTATE BATTERY	BATTERIES	49.90
J.V. BAILEY	PROJECT	79,050.00
JACOBS WELDING	SERVICE	97.55
KADRMAS LEE & JACKSON	PROJECT	6,700.13
KNOLOGY	SERVICE	138.89
KONE INC.	MAINTENANCE	205.00
LINDSTAD'S	SERVICE	50.00
M&M SANITATION	RENTAL	358.28
MARIAH PRESS	PROJECT	480.00
MERCHANTS CAPITAL	LEASE	43,474.23
MILOS, GEORGE	ATTENDANCE	200.00
NAMMINGA, LYNN	ATTENDANCE	300.00
NORTHWEST PIPE FITTINGS	SERVICE	944.75
OFFICE DEPOT	SUPPLIES	251.07
OLSON, STEVE	ATTENDANCE	275.00
PASTPERFECT	RENEWAL	432.00
PERSON, JEAN	TRAINING	722.85
PETE LIEN & SONS	PROJECT	188.50
PIKE, MATTHEW	ATTENDANCE	200.00
PIONEER DESIGNS	SUPPLIES	513.46
PITNEY BOWES	POSTAGE	63.72
PRO-STEAM CARPET	SERVICE	174.00
PUMPHOUSE COFFEE	PARTY	1,030.69
REIF, SCOTT D.	REIMBURSEMENT	40.01
SABO CONSTRUCTION	PROJECT	28,261.14
SD COMMISSION ON GAMING	CITY SLOTS	18,852.27
SD DEPT. OF ENVIRONMENT	RENEWAL	36.00
SD ONE CALL	SERVICE	19.98
SD STATE ARCHIVES	PROJECT	4,247.88
SDN COMMUNICATIONS	SERVICE	571.20
SHEDD, JIM	ATTENDANCE	225.00
SPECIALTY VEHICLES	PAYMENT	33,317.50
SPEIRS, MARK	ATTENDANCE	225.00
STEINLICHT, WILLIE	ATTENDANCE	300.00
TDG COMMUNICATIONS	SERVICE	1,150.00
TEMPERATURE TECHNOLOGY	SERVICE	939.12
TOMS, DON	PROJECT	288.00
TRIDLE, JOHN	REIMBURSEMENT	419.99
VALKENBURG, STEPHANY	BROCHURES	500.00
VIC UTECH CONSTRUCTION, IN	PROJECT	1,500.00
WOOD STOCK SUPPLY	PROJECT	112.29
	TOTAL	\$275,258.90

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PUBLIC HEARINGS/BID OPENINGS

Public Hearing – Bid 1-6 Levy

Public hearing was opened at 5:05 p.m. by Mayor Toscana. There being no one present to speak in favor or against, hearing closed. Silvernail moved, Van Den Eykel seconded to establish the Levy of Business Occupation Tax for Districts 1, 2, 3, 4, 5, and 6 per SDCL 9-55-13 (Resolution 2012-24 passed September 24, 2012.) Roll Call: Aye-All. Motion carried.

Public Hearing-Bid 7 Levy

Public hearing was opened at 5:07 p.m. by Mayor Toscana. There being no one present to speak in favor or against, hearing closed. Silvernail moved, Peterson seconded to establish the Levy of Business Occupation Tax for District 7 per SDCL 9-55-13 (Resolution 2012-26 passed September 24, 2012.) Roll Call: Aye-All. Motion carried.

Public Hearing-Days of '76

Public hearing was opened at 5:10 p.m. by Mayor Toscana. There being no one present to speak in favor or against, hearing closed. Van Den Eykel moved, Silvernail seconded to allow the special full temporary liquor license permit at the Days of 76 Museum event on Monday January 7, 2013 from 4:30 p.m. to 7:30 p.m. Roll Call: Aye-All. Motion carried.

Public Hearing-Franklin Hotel

Public hearing was opened at 5:13 p.m. by Mayor Toscana. John Rystrom, Franklin Hotel requested approval for the following.

Street Closure

Silvernail moved, Van Den Eykel seconded to approve the street closure request on Main Street from Lee Street to Pine Street from 11:50 p.m. on December 31, 2012, to 12:10 a.m. on January 1, 2013 for the New Year's Eve Ball Drop at the Franklin Hotel. Roll Call: Aye-All. Motion carried.

Public Hearing-Rec Center

Public hearing was opened at 5:15 p.m. by Mayor Toscana. There being no one present to speak in favor or against, hearing closed. Silvernail moved, Peterson seconded to allow the waiver of vendor fee and allow vending on public property for a non-profit organization to provide concessions at the Deadwood Rec Center Swim Meet on Saturday, January 5, 2013. Roll Call: Aye-All. Motion carried.

FINANCE

Second Reading

Peterson moved, Silvernail seconded to approve the second reading of Supplemental Budget Ordinance #1185 for Revolving Loan, TIF #9 and Rubble Site. Roll Call: Aye-All. Motion carried.

Agreement

Peterson moved, Silvernail seconded to allow the Mayor to sign the 2013 Combined Voting Agreement with the Lead-Deadwood School District #40-1, the Lead-Deadwood Sanitary District and the cities of Central City, Deadwood, Lead and Whitewood. Roll Call: Aye-All. Motion carried.

Lease

Peterson moved, Van Den Eykel seconded to allow the Mayor to sign the three year parking lease with Silverado for city-owned spots by the Franklin Motor Lodge at \$2,182.50 per month plus tax. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING AND ZONING/PUBLIC BUILDINGS/SAFETY

City Hall HVAC System

Public Works Director Jim Raysor explained ongoing issues with the HVAC system at the City Hall. According to Raysor, to rebuild the system it would cost \$4,900.00 with new parts and no warranty and \$13,000.00 to replace with a warranty. Doorways and alterations have created added problems and restricted return airflow. Toscana asked Raysor to interview firms for design services and give the Commission an update in January. Commission took no action at this time.

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Permission

Silvernail moved, Van Den Eykel seconded to allow Kevin Kuchenbecker and Bob Nelson Jr. to attend the South Dakota Tourism Conference in Pierre on January 16-18, 2013, requesting registration, lodging, use of vehicle and meals not included in the registration. Roll Call: Aye-All. Motion carried.

Agreement

Silvernail moved, Peterson seconded to allow the Mayor to sign the agreement with Midcontinent for internet service at the History and Information Center. Roll Call: Aye-All. Motion carried.

STREETS AND WATER/LIBRARY

Permission

Van Den Eykel moved, Silvernail seconded to pay Good Well for televising well at the Oak Mountain well in the amount of \$4,210.00. According to Public Works Director Jim Raysor, after checking and troubleshooting electrical, pressure tanks and pump it was determined that mineral deposits had formed in the pump mostly due to inactivity for a number of years. He recommended applying high-pressure air to the well and updating the Commission at a later date. Roll Call: Aye-All. Motion carried.

Permission

Van Den Eykel moved, Silvernail seconded to pay Western Communications \$3,600.00 for radios at the Public Works Shop. Roll Call: Aye-All. Motion carried.

POLICE/FIRE

Permission

Silvernail moved, Peterson seconded to allow the Fire Dept. to purchase a multi-gas meter at a cost not to exceed \$2,400.00 after evaluation of three quotes. Roll Call: Aye-All. Motion carried.

PARKS/RECREATION/TROLLEY

Information

Mayor Toscana stated that the Trolley would stop service at 8:00 p.m. on December 24, 2012 and begin again at 8:00 a.m. on December 25, 2012.

MAYORS BUSINESS

CONDOLENCES

On behalf of the Commission, Mayor Toscana extended condolences to Bill Burleson and family on the loss of his son Brian.

December 24, 2012

Peterson moved, Van Den Eykel seconded to cancel City Commission meeting December 24, 2012 and to close City offices and declare a holiday for payroll purposes. Roll Call: Aye-All. Motion carried.

Meeting

Silvernail moved, Van Den Eykel seconded to change the meeting time from 5:00 p.m. to 12:00 p.m. on Monday December 31, 2012. Roll Call: Aye-All. Motion carried.

Executive Sessions

Mayor Toscana requested Executive Sessions for Legal Matters per SDCL 1-25-2(3) with possible action and Union Negotiations per SDCL 1-25-2 (4) with no action.

ITEMS FROM CITIZENS NOT ON AGENDA

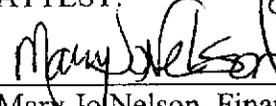
Ted Thompson, Pat Roberts and Chris Roberts with the Days of '76 thanked the City and stated that the Days of '76 Rodeo was chosen Rodeo of the Year at the PRCA National Convention. Toscana thanked them, stated they are great ambassadors for the City and is glad that we can be part of this success.

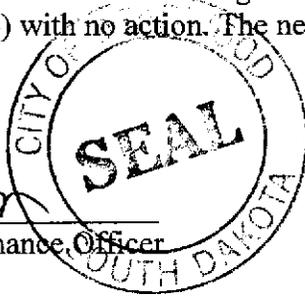
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ADJOURNMENT

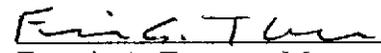
Silvernail moved, Van Den Eykel seconded to adjourn the regular session at 5:33 p.m. and convene into Executive Session for Legal Matters per SDCL 1-25-2 (3) and Union Negotiations per SDCL 1-25-2 (4) with no action. The next regular meeting will be at 12:00 p.m. on Monday December 31, 2012.

ATTEST:


Mary Jo Nelson, Finance Officer



DATE: 12-31-12

BY: 
Francis A. Toscana, Mayor

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Special Meeting, December 20, 2012

The Special Session of the Deadwood City Commission convened on December 20, 2012 at 11:00 a.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: Commissioners Joe Peterson, Gary Todd and Jim Van Den Eykel. City Attorney Terri Williams, and Finance Officer Mary Jo Nelson. Commissioner Silvernail arrived at 11:10 a.m.

VandenEykel moved, Todd seconded to go into Executive Session for legal matters per SDCL 1-25-2 (3). Peterson moved, VandenEykel seconded to come out of Executive Session.

Open session convened. Mayor Toscana said the City has been in negotiations to purchase two pieces of property commonly known as the "Ice House property" and the "Killarney Motel property." He added that if the City/Sanitary District does not purchase these properties, major portions of the city's high pressure water lines as well as a Sanitary District 24" inch sewer line will be relocated which will be expensive and make the Highway 85 project longer in duration. Attorney Williams directed the Commission to paragraph 8 of both purchase agreements which sets out responsibilities of both parties. Peterson moved, Silvernail seconded to purchase the "ice house property" at a purchase price of \$124,900.00 and give Mayor permission to sign purchase agreement for the following:

Lot IP-2 of the remaining portion of the Ice Plant Lot as recorded in Document 81-3698 located in M.S. 107 in the City of Deadwood, Lawrence County, South Dakota, according to Plat Documents No. 89-3154 EXCEPT a 66' wide highway right of way as shown on Plat Document 89-3154.

Aye: All.

VandenEykel moved, Silvernail seconded to purchase the "motel property" at a purchase price of \$275,000.00 and give Mayor permission to sign purchase agreement for the following:

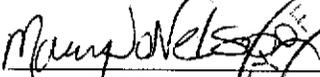
Beginning at Corner No. 1 from which corner No. 18 of Placer 107 bears S. 66 degrees 09' E. a distance of 273.4 feet, thence N. 26 degrees 33' W. a distance of 96.2 feet to Corner No. 2, thence N. 05 degrees 40' W. a distance of 91 feet to Corner No 3; thence N 06 degrees 30' E. a distance of 50 feet to Corner No. 4; thence N. 04 degrees 16' W a distance of 130.3 feet to Corner No. 5; thence in a southerly direction along the right of way of highway 85 a distance of 405.5 feet more or less to Corner No. 6; thence along the line from Corner No. 18 of Placer 107 to Corner No. 1 of Liberty Motel tract, now known as Killarney Motel, N 66 degrees 09' W a distance of 30.2 feet to Corner No. 1 the place of beginning", being known as M.S. 107, City of Deadwood, Lawrence County, South Dakota AND Lot B1 of M.S. Placer 107, Lawrence County, South Dakota, as shown in Plat Book 3, Page 355 AND Lot IP-1, being a portion of the Ice Plant Lot as recorded in Plat Document No. 88-2515, located in M.S. 107, City of Deadwood, Lawrence County, South Dakota.

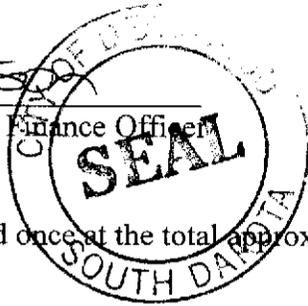
Aye: All.

City Attorney Williams informed Commission that closing date for both properties is scheduled on December 28, 2012 at noon and one half of closing costs (city portion) would be communicated to Finance Officer prior to closing. Silvernail moved, VandenEykel seconded to adjourn the special meeting at 11:20 a.m.

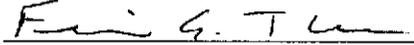
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ATTEST:


Mary Jo Nelson, Finance Officer



DATE: 12-31-12

BY: 
Francis A. Toscana, Mayor

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