

REGULAR MEETING, January 28, 2013

The Regular Session of the Deadwood City Commission convened on January 28, 2013 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 Terri Williams and Commissioners Joe Peterson, Georgeann Silvernail and Jim Van Den Eykel. Mayor Toscana informed those present that all motions will be roll call votes due to Commissioner Gary Todd present via conference call. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Silvernail moved, Peterson seconded to approve the minutes of January 22, 2013. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Van Den Eykel seconded to approve the January 28, 2013 disbursements. Roll Call: Aye-All. Motion carried.

10-8 VIDEO	CAMERA	1,795.00
A & B BUSINESS	LEASE	113.00
ABC BUSINESS	SUPPLIES	171.15
ALL NET CONNECTIONS	PROJECT	193.95
ATCO INTERNATIONAL	SUPPLIES	249.00
BEST WESTERN RAMKOTA	LODGING	231.00
BILLION AUTO	RAM 1500	23,276.00
BH CHEMICAL	SUPPLIES	660.39
BH COUNCIL	ASSESSMENTS	1,565.00
BH POWER	ELECTRICITY	8,818.34
BUTLER MACHINERY	SUPPLIES	1,576.72
CENTURY BUSINESS	MAINTENANCE	206.44
CHAMBERLIN ARCHITECTS	BURNER	1,350.00
COCA COLA	SUPPLIES	122.00
DAKOTA STATE UNIVERSITY	PROGRAM	25,000.00
DAKOTA SUPPLY	SUPPLIES	464.26
DAKOTA TERRITORIAL MUSEUM	GRANT	25,000.00
DAKOTA WESLEYAN UNIVERSITY	DONATION	150.00
DAKOTACARE	INSURANCE	41,234.77
DEADWOOD ELECTRIC	PROJECT	1,606.75
ENVIRONMENTAL PRODUCTS	SUPPLIES	148.08
FASTENAL COMPANY	SUPPLIES	1,227.64
FOOTHILLS SEED	SUPPLIES	335.20
GAYLORD BROS.	SUPPLIES	476.25
GENERAL SERVICE GARAGE	REPAIRS	650.77
GLOVER, WILLIAM	REIMBURSEMENT	37.00
GOLDEN WEST	SUPPLIES	165.00
GOLDSTAR PRODUCTS	SEAL	613.63
GOOD SHEPHERD CLINIC	DONATION	1,000.00
HAWKI, KEN	REIMBURSEMENT	221.01
KADRMAS LEE & JACKSON	PROJECT	4,975.53
KNOLOGY	SERVICE	1,675.33
LAWRENCE CO. REGISTER	FEE	60.00
LAWRENCE TITLE	CLOSING COST	145.00
LYNN'S	SUPPLIES	66.02
MILLARD, JEFF	COMMISSION MTGS	325.00
NAMMINGA, LYNN	EXHIBIT	20.32
NAPC	DUES	130.00
NEIGHBORHOOD LENDING	CONTRACT	21,725.00
NEVE'S	SUPPLIES	191.32
NORTHERN HILLS CASA	ALLOCATION	4,000.00
NORTHWEST PIPE FITTINGS	SUPPLIES	69.96
PETTY CASH/HISTORIC PRESER	REIMBURSEMENT	74.00
QUILL	SUPPLIES	184.70
RUNGE, MIKE	REIMBURSEMENT	47.16
SD FIREFIGHTERS	DUES	540.00
SOUTHSIDE OIL	GAS	13,117.64
SPEIRS, MARK	RESTORATION	5,610.00
STATE RADIO	SERVICE	2,250.00
SUMMIT SIGNS	SIGNS	550.50
TEMPERATURE TECHNOLOGY	REPAIR	146.39
TOM'S T'S	SUPPLIES	111.75
TWIN CITY ANIMAL SHELTER	RECYCLING	81.50
WESTERN STATES FIRE	INSPECTION	218.05
WIERINGA, ANNA	REIMBURSEMENT	37.00
ZEP SALES	SUPPLIES	432.44
	TOTAL	\$195,442.96

ITEMS FROM CITIZENS ON AGENDA

Presentation

Kim Borsch representing Richard Olive of KISS, LLC presented a plan for the intersection of Highway 385 and Highway 85 including a hot dog cart, mobile unit for information station and a shipping container for bicycle rentals. After much discussion Silvernail moved, Van Den Eykel seconded to continue until applicant can provide more information regarding mobile units as requested by Commission. Roll Call: Aye-All. Motion carried.

REGULAR MEETING, January 28, 2013

PUBLIC HEARINGS/BID OPENINGS

Public Hearing-Deadwood Volunteer Fire Department

Public hearing was opened at 5:05 p.m. by Mayor Toscana. Silvernail moved, Peterson seconded to approve the special full temporary liquor license request for the Deadwood Volunteer Fire Department banquet at the Masonic Temple on Saturday, February 23, 2013. Roll Call: Aye-All. Motion carried.

Public Hearing-Deadwood Chamber

Public hearing was opened at 5:07 p.m. by Mayor Toscana. Sarah Anderson, Deadwood Chamber of Commerce requested approval for the following:

Open Container

Friday February 1, 2013

Silvernail moved, Peterson seconded to allow the relaxation of the open container ordinance at the Rodeo Grounds from 10:00 a.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Saturday February 2, 2013

Silvernail moved, Peterson seconded to allow the relaxation of the open container ordinance at the Rodeo Grounds from 8:00 a.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING AND ZONING/PUBLIC BUILDINGS/SAFETY

Deed

Silvernail moved, Van Den Eykel seconded to allow the Mayor to sign the Quit Claim Deed to transfer property located at Tract C, Hymers Addition, Located in the SW 1/4 of Section 23, Township 5 North, Range 3 East, Black Hills Principal Meridian, City of Deadwood, Lawrence county, South Dakota to Deadwood-Lead Economic Development. The action was approved by the Commission in 2006 but deed was not prepared. Roll Call: Aye-All. Motion carried.

Agreement

Silvernail moved, Peterson seconded to allow the Mayor to sign the labor only maintenance agreement with Temperature Technology for controls in HVAC systems in public buildings, annual cost is \$4,950.00. Roll Call: Aye-All. Motion carried.

Permission

Silvernail moved, Van Den Eykel seconded to pay ESRI for GIS software maintenance package at a cost of \$12,000.00. Roll Call: Aye-All. Motion carried.

Outside Deadwood Grants

Kevin Kuchenbecker informed the Commission that fifteen (15) grant applications were submitted to Historic Preservation for the "Outside of Deadwood" grants project totaling \$209,499.26. Kuchenbecker said the HP Commission approved twelve (12) grants. The approved grants are: City of Mobridge/Friends of Scherr Howe – Oscar Howe Mural Assessment and documentation – \$3,000.00, Sioux Falls State Theatre Company – restorations of the Theatre's original art features - \$9,000.00, Newell Museum – Phase III of the Bushnell Building Restoration Project - \$7,000.00, Historic Rapid City – restoration of the McGillicuddy House - \$10,000.00, Dakotaland/Pyle House/Centennial Stone Church in Huron, SD – work on the Pyle House Museum - \$4,500.00, Black Hills Mining Museum – continued archival development - \$8,500.00, Keystone Area Historical Society – interior renovations to the Keystone Museum - \$15,000.00, Our Savior's Lutheran Church in Menno, SD – repairs to the roof - \$25,000.00, Lead Rifle and Pistol Club/Homestake Opera House – repairs to the indoor shooting range - \$24,000.00, Frawley Ranches Inc. – work on the Anderson Milking Barn Floor - \$7,500.00, SD State Railroad Museum – creation of three exhibits - \$4,500.00, Society of Black Hills Pioneers – secure the Crook City Schoolhouse - \$7,000.00. Silvernail moved, Van Den Eykel seconded to accept the recommendations for the "Outside of Deadwood" grant allocations for a total of \$125,000.00 for the first half of 2013. Roll Call: Aye-All. Motion carried.

REGULAR MEETING, January 28, 2013

STREETS AND WATER/LIBRARY

Purchase

Van Den Eykel moved, Silvernail seconded to purchase backhoe from Butler Cat off State of South Dakota bid at a cost of \$83,965.00 to be paid 50% from Water Fund and 50% from Sewer Fund, budgeted item. Roll Call: Aye-All. Motion carried.

Payment

Van Den Eykel moved, Silvernail seconded to approve the payment of \$3,593.80 to Ainsworth Benning for leak repairs at intersection of Pioneer Way and 76 Drive. Roll Call: Aye-All. Motion carried.

POLICE/FIRE

Resignation

Silvernail moved, Peterson seconded to accept the resignation of Debra Heinrich at Deadwood Volunteer Fire Department. Roll Call: Aye-All. Motion carried.

Permission

Silvernail moved, Peterson seconded to advertise for a part-time Administrative Assistant at the Deadwood Volunteer Fire Department with a starting wage of \$8.00 an hour. Roll Call: Aye-All. Motion carried.

PARKS/RECREATION/TROLLEY

Moratorium – Shuttle Ordinance

Discussion was held on the expiration of the moratorium on Shuttle Ordinance. Mayor Toscana stated that something needs to happen because February 1, 2013 is the deadline. Van Den Eykel said the Ordinance is old and does not apply to how we currently operate. Toscana said that if allowed we should change the ordinance and suggested extending the moratorium for a lengthy period to allow preparation for a new ordinance. Todd agrees with Van Den Eykel that the Ordinance is outdated and believes there should be some kind of accountability as to who operates these shuttles and Silvernail agreed with Todd. Van Den Eykel moved to repeal Chapter 5.44.010, motion died for lack of second. After further discussion, Silvernail moved, Todd seconded to continue the moratorium until August 1, 2013. Toscana suggested setting up a task force and directed Finance Officer to put on the February 4, 2013 agenda. Roll Call: Aye - Peterson, Silvernail, Todd, Toscana. Nay - Van Den Eykel. Motion carried.

LEGAL BUSINESS

Agreement

Silvernail moved, Van Den Eykel seconded to allow the Mayor to sign the Agreement between the City of Deadwood and Arleth and Associates to plat Adams Museum, History Center and History Center Parking Lot. Roll Call: Aye-All. Motion carried.

Agreement

Mayor Toscana recused himself and left the room. Van Den Eykel moved, Peterson seconded to accept the payment of \$200,215.00 from Lead-Deadwood Sanitary District on February 12, 2013 for 50% co-ownership of properties known as Ice House Lot and Killarney Motel Lots and allow the Mayor to sign the Agreements. Roll Call: Aye-All. Motion carried.

MAYORS BUSINESS

Executive Session

Mayor Toscana requested executive session for Legal Matters per SDCL 1-25-2 (3).

ITEMS FROM CITIZENS NOT ON AGENDA

Ron Island asked about the building on the property across from Super 8. Bob Nelson Jr., Planning and Zoning Administrator said the building conforms to the ordinance and owner met setback and height requirements.

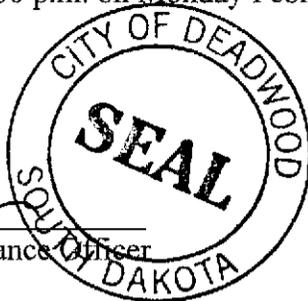
REGULAR MEETING, January 28, 2013

ADJOURNMENT

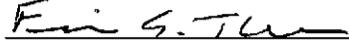
Silvernail moved, Van Den Eykel seconded to adjourn the regular session at 5:45 p.m. and convene into Executive Session for Legal Matters per SDCL 1-25-2 (3). The next regular meeting will be at 5:00 p.m. on Monday February 4, 2013.

ATTEST:


Mary Jo Nelson, Finance Officer



DATE: 2-4-13

BY: 
Francis A. Toscana, Mayor

Published once at the total approximate cost of _____.