

REGULAR MEETING, July 15, 2013

At 4:35 p.m. Mayor Turbiville, Commissioners Van Den Eykel, Todd, Peterson and Finance Office employees Mary Jo Nelson and Ronda Morrison met with Dakotacare agent Darin Derosier to review a new product from health insurance carrier Dakotacare called Freedom EMarket. Renewal dates and rates were discussed, and action will be taken at Commission meeting prior to August 1, 2013.

The Regular Session of the Deadwood City Commission convened on July 15, 2013 at 5:00 p.m. in the Deadwood City Commission Chambers, 102 Sherman Street, Deadwood, South Dakota. Mayor Turbiville called the meeting to order with the following members present: Department Heads, City Attorney Quentin L. Riggins and Commissioners Joe Peterson, Gary Todd and Jim Van Den Eykel. Commissioner Georgeann Silvernail was absent. All motions passed unanimously unless otherwise stated.

APPROVAL OF MINUTES

Van Den Eykel moved, Todd seconded to approve the minutes of July 8, 2013. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Todd moved, Van Den Eykel seconded to approve the July 15, 2013 disbursements. Roll Call: Aye-All. Motion carried.

A & B BUSINESS	MAINTENANCE	248.05
ABC BUSINESS	SUPPLIES	81.99
ALL NET	SUPPLIES	513.17
AMAZON WEB SERVICES	MAPPING	275.63
BARRON'S	SUBSCRIPTION	52.00
BH DISPOSAL	RUBBLE/ELECTRONICS	2,600.00
BH OCCUPATIONAL	TESTING	1,499.68
BH PIONEER	ADS	194.00
CARROT-TOP	SUPPLIES	458.43
CENTURY BUSINESS	MAINTENANCE	186.58
CENTURY LINK	SERVICE	44.48
CHAINSAW CENTER	SUPPLIES	93.72
CULLIGAN	SUPPLIES	130.00
DAKOTA GRAPHICS	SERVICE	4,716.20
DANKO EMERGENCY	CHARGER	1,248.00
DEADWOOD ALIVE	PAYMENT	20,000.00
DEADWOOD CHAMBER	BILL LIST	40,554.87
DEMCO	MATTING	63.56
DEPART. PUBLIC HEALTH	TESTING	13.00
E.T. SPORTS	REPAIRS	3,476.43
EDDIE'S TRUCK	SERVICE	158.51
EMERY-PRATT	BOOKS	74.06
FLAT EARTH SIGN	PROJECT	495.00
FRAWLEY, HANK	FUNDING	875.00
GALLS	SUPPLIES	467.97
GAYLORD BROS.	SUPPLIES	207.10
GOLDEN WEST	SERVICE	5,239.77
GROLL, LARRY	REIMBURSEMENT	106.72
HEARTLAND PAPER	SUPPLIES	122.47
LAMBS PAINTING	PROJECT	6,000.00
LANCE ENGINEERING	PROJECT	3,479.78
M&M SANITATION	RENTAL	512.50
MARIAH PRESS	PROJECT	340.00
MEN'S HEALTH	RENEWAL	29.97
MERTENS, KENNETH	REIMBURSEMENT	261.40
MIDCONTINENT	SERVICE	65.00
MIDWEST TAPE	DVD	65.07
MDU	SERVICE	33.99
NAJA SHRINERS	CIRCUS	3,500.00
NAPA	SUPPLIES	2,005.74
OTIS ELEVATOR	SERVICE	113.31
PRO-STEAM CARPET	LIBRARY	22,981.20
RAKOW, JASON	REIMBURSEMENT	139.44
REDBOOK	RENEWAL	21.97
SD DEPT. OF REVENUE	LICENSE	162.50
SDN COMMUNICATIONS	SERVICE	571.20
SERVICE MASTER	LIBRARY	5,626.01
SIOUX FALLS THEATRE	GRANT	8,400.00
SOUTHSIDE OIL	SERVICE	9,036.15
SOUTHSIDE SERVICE	SERVICE	117.65
TDG COMMUNICATIONS	PROJECT	5,703.60
TEMPERATURE TECHNOLOGY	MAINTENANCE	2,475.00
THE WALL STREET JOURNAL	SUBSCRIPTION	828.67
TOMS, DON	PROJECT	630.00
TWILIGHT	SUPPLIES	829.06
USA BLUEBOOK	SUPPLIES	93.62
WYSS ASSOCIATES	PROJECT	721.25

TOTAL \$ 158,940.47

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ITEMS FROM CITIZENS ON AGENDA

Easement

Van Den Eykel moved, Peterson seconded to approve the underground easement for Century Link to run underground cable between cell towers above Mt. Moriah. Bob Nelson Jr. said Century Link will be going down the center of a trail so will not disturb any vegetation. Roll Call: Aye-All. Motion carried.

PUBLIC HEARINGS/BID OPENINGS

Public Hearing-Mind Blowing Studio

Public hearing was opened at 5:05 p.m. by Mayor Turbiville. No one spoke in favor or against. Todd moved, Van Den Eykel seconded to approve the application for Retail (on-off sale) Malt Beverage and South Dakota Farm Wine License for Mind Blown Studios at 73 Sherman Street. Roll Call: Aye-All. Motion carried.

Resolution of Intent

Public hearing was opened at 5:10 p.m. by Mayor Turbiville. John Fredrickson stated the County approved the annexation on July 9, 2013 at their regular meeting. The County Commission had some concerns, the first concern was the potential traffic coming in and out of commercial buildings. Vic Utech visited with Gary Engel at Department of Transportation in 2006 and at that time due to the low amount of traffic anticipated, no turning lane needed to be added. The other concern was the log home with no roof and if annexed, City code will come into play, building inspector has a number of tools available to ensure compliance, and the clients understand. Van Den Eykel moved, Peterson seconded to adopt the Resolution 2013-08. Roll Call: Aye-All. Motion carried.

RESOLUTION 2013-08

RESOLUTION OF INTENT TO ANNEX REAL PROPERTY

WHEREAS, a petition has been filed with the City of Deadwood, Lawrence County, South Dakota, in the manner and form required by law, requesting the voluntary annexation of certain real property pursuant to SDCL 9-4-1 and legally described as follows:

Real Property owned by Mark E. Valdez and Karen A. Valdez:

Lot A of H.E.S. 613 located in the NE1/4 of Section 11, T5N, R3E, B.H.M., Lawrence County, South Dakota, according to Plat Doc. No. 95-2242.

Real Property owned by Colleen J. Johnson:

Lot B of H.E.S. 613 located in NE1/4 of Section 11, T5N, R3E, B.H.M., Lawrence County, South Dakota, according to Plat Doc. No. 95-2243.

Real Property owned by Victor M. Utech:

That part of H.E.S. 613 in Section 11, T5N, R3E, B.H.M., located in Lawrence County, South Dakota, as said survey is bounded and described in Book 224, page 292 in the Office of the Register of Deeds of Lawrence County, South Dakota, lying South of a line dividing said survey. Said line beginning at a point 101.1 feet southwesterly from Corner No. 1 of said survey along the southeasterly boundary thereof, and extending thence N. 82°50' West 746.8 feet and continuing thence S. 84°4' West 165.3 feet to the southwesterly line of said survey and a point along said boundary 544.28 feet southeasterly from the Corner No. 4 of said survey, EXCEPT Lot H2, Lot H3 and Lot H4 as set out in Plat 92-4320 and deeded to the State of South Dakota DOT in Document No. 96-763.

Real Property owned by Dunbar, Inc.:

Gov't Lot 10, Por. 11 (13AC) & 12, Sec. 14, T005, R03;
Gov't Lot 10, Subdivision T-005 R-03, Sec. 14, T005, R03;
Gov't Lots 3&4, Sec. 13, T005, R03;
Gov't Lots 3, 4, 5, 6, 10, 11, 12, 13, 14, 15 & 18, Sec. 12, T005, R03;
Gov't Lots 3, 4, 5, Sec. 12, T005, R03;
Gov't Lots 1, 5, 10, 12, 13, 14, 17, 19, & 20, Sec. 11, T005, R03;
Gov't Lots 1, 5, 10, 1, Sec. 11 T005, R03;
Tract 1A S/D of HES 37, Sec. 11-12 7 14, Sec. 15, T005, R03;
Tract 1A S/D of HES, Sec. 15, T005, R03;
M.S. 952 PT M&B Cattaraugus in Lead/Dwd. School District, Sec. 01, T005, R03;

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M.S. 952 PT M& B CA, Sec. 01, T005, R03;
M.S. 952 PT M7B Cattaraugus in Spearfish School District, Sec. 01 T005 R03;
M.S. 952 PT M&B CA, Sec. 01 T005 R03
Tract 2 A S/D of HES 37 EX H1 (.14 AC), Sec. 11-12 & 14, Sec. 14 T005 R03;
Tract 2 A S/D of HES, Sec. 14 T005 R03;
Lot AB-1 in POR. HES 613 of the NE1/4, Sec. 11 T005 R03;
Lot AB-1 in POR. HES, Sec. 11- T005 R03;
P.C. 921 SEG. POR. RED, Sec. 12, T005 R03;
All located in Lawrence County, South Dakota, and as shown on Exhibit A attached hereto and by such reference incorporated herein.

WHEREAS, it has been determined that it would be in the public interest for the City of Deadwood to annex the above-described real property consisting of approximately 707.93 acres for use in the future as residential and commercial development of the City of Deadwood; and

WHEREAS, it appears that the Petitioners of the property, which is contiguous to the City of Deadwood, own one hundred percent (100%) of the above-described real property and that said Petitioners have voluntarily signed the Petition before the City of Deadwood and that said property should be annexed into the City of Deadwood, South Dakota; now therefore,

BE IT RESOLVED, pursuant to SDCL 9-4-1, by the City of Deadwood, South Dakota, that the above-described real estate, which is contiguous to the boundaries of the City of Deadwood, and the same is hereby annexed into the City of Deadwood.

Dated this 15th day of July, 2013

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

Bid Opening

Peterson moved, Van Den Eykel seconded to set a bid opening for Pavilion window improvement and painting for 5:10 p.m. on Monday August 19, 2013. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING AND ZONING

Change Order

Due to staff concerns, Van Den Eykel moved, Todd seconded to continue until Monday July 22, 2013 for the approval of change order one, to allow Tessier's to utilize CVD Construction to provide roof support for additional weight load, per review by engineer at a cost of \$94,379.00 and extend the contract deadline to October 25, 2013. Change order is allowed due to unforeseen circumstance per SDCL 5-18B-19 (2). Roll Call: Aye-All. Motion carried.

Hire

Van Den Eykel moved, Todd seconded to hire Ainsworth Benning and McDirt to repair water leak on Pleasant Street at a cost of \$5,440.00 from Water Fund. Roll Call: Aye-All. Motion carried.

Agreement

Van Den Eykel moved, Peterson seconded to allow the Mayor to sign the agreement with Dave Stafford Architecture for the Rec Center Window Project. Roll Call: Aye-All. Motion carried.

Agreement

Van Den Eykel moved, Peterson seconded to allow the Mayor to sign the agreement with Dave Stafford Architecture for the Depot Roof Replacement. Roll Call: Aye-All. Motion carried.

STREETS AND WATER/PARKS AND REC/PUBLIC BUILDINGS

Wage Increase

Turbiville moved, Todd seconded to increase the wage of Rec Center Receptionist, Jeanne Emmert from \$8.79 an hour to \$9.31 an hour effective July 9, 2013 after completing three years of service. Roll Call: Aye-All. Motion carried.

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POLICE/FIRELIBRARY

Hire

Turbiville moved, Peterson seconded to hire Matt Hardin as Police Reserve Officer at \$11.38 an hour. Roll Call: Aye-All. Motion carried.

Permission

Van Den Eykel moved, Todd seconded to staff the fire hall and distribute fire trucks in zones at a cost of \$600.00 during the Days of '76 Parade. Roll Call: Aye-All. Motion carried.

Advertise

Van Den Eykel moved, Todd seconded to advertise for used ladder truck and set bid opening at 5:10 p.m. on August 5, 2013. Fire Chief Glover said the Department found a used truck for \$150,000.00 in excellent shape and will meet the need of the Fire Department. The Fire Department itself will send firefighters to inspect if bid opening is successful. Roll Call: Aye-All. Motion carried.

LEGAL BUSINESS

Mayor Turbiville stated the following first readings of Ordinances are the results of sixteen months of Commission discussion and series of meetings.

First Reading

Van Den Eykel moved, Peterson seconded to approve the first reading of Ordinance #1189, Amending Section 5.44.010, designation of trolley as the only transportation service. Mayor Turbiville reviewed the changes to existing ordinance. Commissioner Todd had commented that he sat in on many meetings and believed a compromise was reached and thought we had duties as City Commission to make sure public transportation is safe. He believes we have a duty to insure Deadwood is historically correct and thinks golf carts running all over town is tacky. He believes in customer service but believes that we have a duty to know who provides public transportation to the guests. Turbiville said the Gaming Commission requires insurance and if City requires it is a duplication of government. Turbiville believes the golf cart situation has been addressed and will not be a problem in the future. No comments were received from audience. Roll Call: Aye-All. Motion carried.

First Reading

Van Den Eykel moved, Todd seconded to approve the first reading of Ordinance #1190, Amending Section 10.12.11, Main Street parking restrictions, permits and fees. Turbiville reviewed the changes. Roll Call: Aye-All. Motion carried.

First Reading

Van Den Eykel moved, Peterson seconded to approve the first reading of Ordinance #1191, Amending Section 10.12.010, stopping, standing, or parking. Turbiville reviewed the changes. Roll Call: Aye-All. Motion carried.

Certificate

Van Den Eykel moved, Peterson seconded to allow the Mayor to sign the Oakridge Cemetery Certificate of Purchase and Warranty Deed for Stefanie Jo Haux-Downard. Roll Call: Aye-All. Motion carried.

Executive Session

Attorney Riggins requested executive session for Legal Matters per SDCL 1-25-2 (3) with possible action.

MAYORS BUSINESS

Allocation

Van Den Eykel moved, Todd seconded to allow the Finance office to pay 2013 allocation of \$5,000.00 to Days of '76 Rodeo from Bed and Booze Fund and \$50,000.00 from Historic Preservation Visitor Management, a budgeted item. Roll Call: Aye-All. Motion carried. Peterson – Abstained.

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Parking Ramp Position

Mayor Turbiville told the Commission the Parking Ramp Manager position will be filled by distributing duties between the Finance Office and the Parking Ramp Staff.

ITEMS FROM CITIZENS NOT ON AGENDA

Andy Estoclet asked the Commission what the status is on the moratorium of the shuttle ordinance. Estoclet stated 18 months ago a moratorium was put on the shuttle ordinance, since that time two attempts have been made to create what was viewed as a very limited framework of regulation guidelines. The first attempt was tabled, and the second attempt ended very positive with the Mayor saying everyone agrees on very basic protection of the public operating issues and to draw up an ordinance. Mayor Turbiville stated the ordinance has not been acted on based on the approval of the previous first readings. Turbiville wants to do what is in the best interest of the guests and therefore did away with a number of things that would restrict taking a guest from one place to the another. Commissioner Todd said there was a first reading on the Shuttle Ordinance that was drafted but no second reading. After much discussion, Andy wished that everything works out.

ITEMS FROM MAYOR, COMMISSIONERS, DEPARTMENT HEADS NOT ON AGENDA

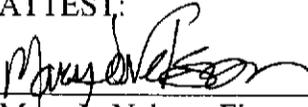
Finance Officer Nelson said the Budget Hearings will tentatively begin Monday July 22, 2013 and then meet between the Days of '76 and the Rally.

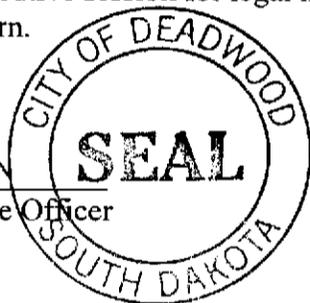
ADJOURNMENT

Van Den Eykel moved, Peterson seconded to adjourn the regular session at 5:49 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 July 22, 2013.

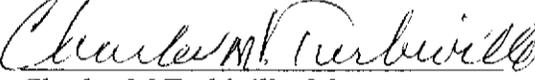
After coming out of executive session for legal matters at 6:30 p.m., Van Den Eykel moved, Todd seconded to adjourn.

ATTEST:


Mary Jo Nelson, Finance Officer



DATE: 7-22-2013

BY: 
Charles M Turbiville, Mayor

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