

REGULAR MEETING, September 23, 2013

The Regular Session of the Deadwood City Commission convened on September 23, 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 Terri Williams 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 September 16, 2013. Roll Call: Aye-All. Motion carried.

APPROVAL OF DISBURSEMENTS

Silvernail moved, Van Den Eykel seconded to approve the September 23, 2013 disbursements. Roll Call: Aye-All. Motion carried.

A & J	ARDS	72.20
ACE INDUSTRIAL	SUPPLIES	249.80
ALCO	SUPPLIES	70.86
ALL NET CONNECTIONS	SERVICE	33.75
CALIFORNIA CONTRACTORS	SUPPLIES	99.80
CENTURY LINK	SERVICE	165.04
DAKOTA BUSINESS	MAINTENANCE	147.49
DAKOTACARE	INSURANCE	36,990.58
DEADWOOD CHAMBER	BILL LIST	161,818.10
FIRE SAFETY	SUPPLIES	300.00
FULLER, KELLY	REIMBURSEMENT	400.28
GALLS	SUPPLIES	286.97
INTEGRATED PARKING	MAINTENANCE	3,456.00
KONE	MAINTENANCE	250.00
LAWRENCE CO. REGISTER	EASEMENTS	150.00
LEAD-DEADWOOD REGIONAL	STANDBY	1,080.00
LOWE ROOFING	PROJECT	18,238.00
LYNN'S	SUPPLIES	49.00
MCDIRT EXCAVATION	PROJECT	765.31
NEIGHBORHOOD LENDING	SERVICE	750.00
NORTHWEST PIPE FITTINGS	SUPPLIES	32.41
QUILL CORPORATION	SUPPLIES	172.47
SACRISON PAVING	PROJECT	514.29
SCHMIDT, WILLIAM	PROJECT	2,808.00
SCHUMACHER, DUSTIN	REIMBURSEMENT	378.00
SD COMMISSION ON GAMING	PAYMENT	18,852.27
SD PUBLIC ASSURANCE	INSURANCE	1,202.70
SUMMIT SIGNS	SIGNS	240.90
TRIPLE K	REPAIR	1,958.90
TSP THREE	SERVICE	1,571.01
TURBIVILLE, CHARLES	REIMBURSEMENT	500.87
	TOTAL	\$253,605.00

ITEMS FROM CITIZENS ON AGENDA

Viewing

Mary Kopco, Deadwood History Inc. presented the Potato Creek Johnny Nugget and Potato Creek Johnny Nugget Two to the Commission. She stated Potato Creek Johnny Nugget Two would be up for auction, Saturday September 28, 2013 from 5:00 p.m. to 10:00 p.m. at the Deadwood Mountain Grand with proceeds benefiting Deadwood History Inc. and Wounded Warrior Project.

PUBLIC HEARINGS/BID OPENINGS

Public Hearing-Resolution 2013-16

Public hearing was opened at 5:10 p.m. by Mayor Turbiville. John Frederickson on behalf of the petitioners stated Resolution 2013-08 had the wrong legal descriptions and therefore, the resolution was amended. Silvernail moved, Van Den Eykel seconded to adopt the Resolution 2013-16. Roll Call: Aye-All. Motion carried.

RESOLUTION 2013-2016

AMENDED 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:

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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; and

Lot X1 and Lot X2 in a portion of Lot AB-1 of H.E.S. 613 in the Northeast quarter (NE1/4) of Section Eleven (11), Township Five North (5N), Range Three East (3E), of the B.H.M., Lawrence County, South Dakota.

Real Property owned by Victor M. Utech:

That part of H.E.S. 613, described as Plat of Lot C of H.E.S. 613, located in the NE1/4 of Section 11, T5N, R3E, B.H.M., 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, EXCEPTING Lot X of H.E.S. 613, as set forth in Plat Document No. 95-2382.

Real Property owned by Dunbar, Inc.:

Lots 1, 5 and 10, Lots 12 to 14 inclusive and Lots 17, 19 and 20 in Section 11; Lots 3 to 6 inclusive, Lots 10 to 15 inclusive and Lot 18 in Section 12; Lots 3 and 4 in Section 13; and Lots 10 to 12 inclusive in Section 14, all located in T5N, R3E, B.H.M., Lawrence County, South Dakota; and

All of that portion of Mineral Lot No. 921, known as the Red Placer, which is embraced within the original boundaries of the Wade Porter Placer Claim, more particularly described as follows: Beginning at the Southeast corner of the tract from which corner No. 12 of the official survey of said M.L. No. 921 bears South 35 degrees East, 563 feet distant, and running thence as follows: North 34 degrees 04 minutes East, 206 feet; thence North 30 degrees East, 212 feet; thence North 54 degrees 30 minutes West, 523 feet; thence North 87 degrees 30 minutes West, 119 feet; thence South 13 degrees 45 minutes East, 312 feet; thence South 35 degrees 15 minutes East, 438 feet to the place of beginning; and

ALSO All of Cattaraugus Placer (M.L. 952) EXCEPT a certain tract conveyed on June 29, 1893 to Benjamin H. Baker by Theodore G. Carter, described as follows: Beginning at corner No. 16 of the official survey of said Placer M.L. No. 952; thence with course No. 16 of said survey North 0 degrees 45 minutes West, 170 feet to corner No. 17; thence North 47 degrees East, 170 feet to corner No. 18; thence North 23 degrees East, 100 feet to corner No. 1 of said survey which is also a corner of the official survey of Red Placer M.L. No. 921; thence on course No. 11 of said last mentioned survey North 35 degrees West, 563 feet to a point; thence South 34 degrees 04 minutes West, 571.5 feet to a black stub or burned and broken tree, thence Southeasterly 606 feet, more or less to the place of beginning; and

AND EXCEPTING a parcel of ground beginning at corner No. 6 of Cattaraugus Placer No. 952, thence due East a distance of 491 feet and approximately to a road passing the same, thence at right angles due North a distance of 562 feet and to a point on said 5-6 of said placer claim, thence along said line 5-6 of said placer claim 47 degrees 18 minutes West a distance of 656 feet to Corner No. 6, the place of beginning; and

AND EXCEPTING Lot S-1 of M.C. 952, Subdivision of a portion of M.C. 952 located in Section 1, Township 5 North, Range 3 East, B.H.M., Lawrence County, South Dakota, according to Plat Document No. 78-316; and

AND EXCEPTING from each of the above described parcels the former right of way of the Chicago and North Western Railway Company as conveyed by said Railway Company to the State of South Dakota by Quit Claim Deed dated May 30, 1972; and all in Lawrence County, South Dakota; and

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Tracts 1 and 2, a subdivision of H.E.S. 37, located in the SE1/4 of Section 11, the SW1/4 of Section 12, and the NE1/4 of Section 14, T5N, R3E, B.H.M., Lawrence County, South Dakota, as shown on Plat Document No. 94-3087;

all 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 23rd day of September, 2013

ATTEST: CITY OF DEADWOOD
/s/ Mary Jo Nelson, Finance Officer /s/ Charles Turbiville, Mayor

Bid Opening

Silvernail moved, Van Den Eykel seconded to set bid opening on November 4, 2013 at 5:05 p.m. for Deadwood Recreation Center Window Upgrade. Roll Call: Aye-All. Motion carried.

HISTORIC PRESERVATION/PLANNING AND ZONING

Quote

Van Den Eykel moved, Silvernail seconded to accept quote from CAI Construction, Inc. for construction of a City retaining wall on Terrace Avenue at a cost of \$5,300.00, and direct City Attorney to prepare contract. To be paid from Historic Preservation. Roll Call: Aye-All. Motion carried.

STREETS AND WATER/PARKS AND REC/PUBLIC BUILDINGS

Proposal

Silvernail moved, Todd seconded to accept proposal from Sacrison paving to pave Miller Street Parking Lot at a cost of \$12,985.00. Roll Call: Aye-All. Motion carried.

Change Order

Silvernail moved, Peterson seconded to approve Change Order #2 in the amount of \$3,907.00 for the HVAC Project at City Hall. Commissioner Van Den Eykel asked why they did not find some of the problems beforehand. Public Works Director Raysor stated while removing some material, clay brick was found which would not support the steel and HVAC unit. Roll Call: Aye-Peterson, Silvernail, Todd, Turbiville. Nay -Van Den Eykel. Motion carried.

Purchase

Silvernail moved, Van Den Eykel seconded to purchase salt and fines from Nebraska Salt and Hills Materials for the 2013/2014 winter season at a total cost of \$14,250.00. Roll Call: Aye-All. Motion carried.

Plan

Van Den Eykel moved, Todd seconded to approve plan to allocate up to \$5,000.00 per household and business on Charles Street for B.H. Power underground services, to be paid from Historic Preservation funds. Commissioner Van Den Eykel stated this is a once in a lifetime opportunity to have the utilities underground on Charles Street and money well spent. Public Works Director Raysor stated there are a total of 22 households and 3 businesses affected. Roll Call: Aye-All. Motion carried.

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POLICE/FIRE/LIBRARY

Vacation

Silvernail moved, Peterson seconded to allow Kelly Fuller to extend 70 hours of vacation time to November 30, 2013. Roll Call: Aye-All. Motion carried.

Hire

Silvernail moved, Todd seconded to hire Alexis Stevens as a high school intern for the Police Department at \$8.00 an hour effective September 23, 2013. Chief Fuller stated the Police Department partners with Lead-Deadwood School District and students interested in law enforcement or related fields. Roll Call: Aye-All. Motion carried.

LEGAL BUSINESS

Agreement

Silvernail moved, Peterson seconded to allow the Mayor to sign amended parking agreement with John Frederickson to cancel two parking spaces in Miller Street lot effective October 1, 2013. Roll Call: Aye-All. Motion carried.

Contract (continued from September 16, 2013)

Todd moved, Silvernail seconded to allow the Mayor to sign contract with Lead-Deadwood Regional Hospital for use of swimming pool from November 1, 2013 to October 31, 2014. Sherry Bea Smith, Lead-Deadwood Regional Hospital, stated the contract has been a wonderful partnership for the Hospital's Physical Therapy Team to utilize the pool, but questioned why compensation to City was raised from \$7.00 per staff hour to \$25.00 per staff hour. Mayor Turbiville agreed it was a significant increase, but after discussion, both Turbiville and Smith agreed the service is so limited it should not be an issue. Roll Call: Aye-All. Motion carried.

Appoint (continued from September 16, 2013)

Van Den Eykel moved, Silvernail seconded to appoint Kevin Kuchenbecker as Deputy Building Inspector per 2012 Property Maintenance Code and 2012 Building Code. Attorney Williams stated this is for the purpose of dealing with Board of Appeals. Mayor Turbiville stated that when Kuchenbecker is acting as Deputy Building Inspector, he reports to Public Works Director Raysor. Roll Call: Aye-All. Motion carried.

Agreement

Silvernail moved, Van Den Eykel seconded to allow the Mayor to sign agreement with ABMC2, Ltd. doing business as Whistler Gulch to operate a shooting range. Roll Call: Aye-All. Motion carried.

Certificates

Todd moved, Silvernail seconded to allow the Mayor to sign four Oakridge Cemetery Certificates of Purchase and Warranty Deeds for Stefanie Jo Haux-Downard. Roll Call: Aye-All. Motion carried.

ITEMS FROM MAYOR, COMMISSIONERS, DEPARTMENT HEADS NOT ON AGENDA

Commissioner Van Den Eykel asked if changes could be made to the Broadway Alley Overlay Project for storm sewers and to bury power lines while the road is already under construction. Turbiville asked Raysor to get a cost, but added that there is a time constraint as to what point in the project changes can be made.

ADJOURNMENT

Silvernail moved, Van Den Eykel seconded to adjourn the regular session at 5:41 p.m. The next regular meeting will be at 5:00 p.m. on Monday September 30, 2013.

ATTEST:


Mary Jo Nelson, Finance Officer



DATE: Sept. 30, 2013

BY: 
Charles M Turbiville, Mayor