

**LEAD CITY COMMISSION**  
**Regular Meeting**  
**July 17, 2023**

The Lead City Commission met on Monday, July 17, 2023, in City Hall, 801 West Main Street at 5:00 PM with the following members present: Mayor Ron Everett, and Commissioners Roger Thomas, Dustin Heupel, and Robert Carr. Absent: Kayla Klein. Mayor Ron Everett called the Regular Meeting to order. The Pledge of Allegiance was recited.

**APPROVE MINUTES**

1. Minutes of July 3, 2023, Regular meeting are approved as read.

**EXECUTIVE SESSION**

M/Carr, S/Thomas- Carried to add executive session as the first thing on the agenda and move Short Term Rental Discussion to the end of the agenda.

M/Thomas, S/Carr- Carried to enter executive session.

M/Carr, S/Thomas- Carried to adjourn executive session.

M/Thomas, S/Carr- Carried to amend residency policy for officer Daniel Dove for one year to allow him to find a residence in Lead.

**LIBRARY**

1. Sarah Shoop thanked the fire department, police department and street department for their help bringing in different equipment and educating the kids.  
Summer Reading is going great. Please contact the library and sign up if you are interested.

**ITEMS FROM VISITORS**

1. Gordon Phillips- BHMM with have a lease agreement with Gold Run Park by the end of the week. This will be used for events.
2. Request from Matt Ackerman for land usage at Walt Green Park  
The Commission gave Matt Ackerman permission to drop off and pick up his biking customers and leave three spots open to the public.
3. Leah with the Homestake Visitors Center stated that the 4<sup>th</sup> of July events went very well.
4. Sherry Meidinger gave an update on Historic Preservation.
5. Comprehensive Plan visioning meetings coming soon.

**PLANNING AND ZONING/HIST. PRES./COMP PLAN**

1. Planning & Zoning recommendations—Short Term Rentals.
2. STR Packet Required at the rental property:
  - a. ~~City of Lead STR Permit (actual permit in the window, possibly neon green)~~
  - b. City of Lead STR information sheet
  - c. Local Emergency Contact information
  - d. Approved City of Lead STR application
  - e. Approved parking plan for property
  - f. Department of Health Certificate
  - g. ~~Department of Revenue Certificate~~
  - h. Copy of important city ordinancesM/Gerving, S/Wisser- Carried to take out (a.) and (g.) and approve Recommendation #1 with following changes.  
Those Voting Aye: All  
Those Voting no: None
3. Policy Changes:
  - a. STR applications must be fully completed before being accepted, no exceptions.
  - b. If a property is next on the waiting list for a STR application, they will have 5 business days to respond to the City regarding the available license.
  - c. A property owner must submit in writing to the City of Lead, their request to be removed from the STR list.  
M/Phillips, S/Wisser- Carried to approve recommendation # 2 as read.  
Those Voting Aye: All  
Those Voting no: None.
4. Resolution Changes:
  - a. Cap:
    - i. Of 16 voting, 4 (25% of the group) agreed with the 7.5% or 112 STR cap
      1. 12 (75% of the group) voted it should be lowered
        - a. 8 (66% of the group) voted it should be between 7.5%-5%

b. 4 (33% of the group) voted it should be less than 5%  
M/Phillips, S/Wisser- Carried to approve (3a.) as read.  
Those Voting Aye: Gerving, Sternhagen, Phillips, and Wisser.  
Those Voting No: Wilson

b. Fee:

i. STR Permit Fee:

1. Of 16 voting, 4 agreed with the \$100 fee
2. Of the 12 that did not agree with the set fee:
  - a. 8 (66% of the group) voted the fee should be between \$250-\$500
  - b. 4 (33% of the group) voted the fee should be higher than \$500

- ii. Application fee: A fee of \$25 should be implemented for STR applications. This fee will be payable when the application is submitted to city hall for administration costs and to maintain a future waiting list.

M/Wilson, S/Gerving- Carried to approve recommendation (3b.) with changes:

(a.) \$250 initial permit fee (first year applying)

(b.) \$\$125 renewal fee (each year after that)

(bii.) As Read.

Those Voting Aye: Gerving, Phillips, and Wisser, Sternhagen, Wilson.

Those Voting No: None

c. Parking:

- i. A detailed parking plan for each STR property is required to be submitted and approved by the City with their STR application and shall be included in the STR packet on site. (15 people voted for this, 1 against it)
- ii. No attached trailer parking is allowed at STR properties. (15 people voted for this, 1 against it)

M/Wisser, S/Phillips- Carried to approve (3c.) with no trailer parking on the streets at all.

Those Voting Aye: Gerving, Phillips, and Wisser, Sternhagen, Wilson.

Those Voting No: None

d. Advertisement:

- i. STR owners shall include a parking disclaimer on their STR advertisement or listing. This will provide, in detail, the parking regulations within the City of Lead and the parking arrangements for that specific property.

M/Phillips, S/Wisser- Carried to approve (3d.) as read.

Those Voting Aye: Gerving, Sternhagen, Phillips, and Wisser, Sternhagen, Wilson.

Those Voting No: None

e. Actively Using:

- i. STR properties shall be actively listed to retain their license. If the activity of the property is questioned, the owner shall provide active listings, advertisements, or Department of Revenue documentation.

M/Wisser, S/Wilson- Carried to approve (3e.) as read.

Those Voting Aye: Gerving, Phillips, and Wisser, Sternhagen, Wilson.

Those Voting No: None

f. Penalty:

i. Fee:

1. 16 voted to keep the \$100/day penalty
2. 1 voted against the \$100/day

M/Gerving, S/Wisser- Carried to approve (3f.) as read.

Those Voting Aye: Gerving, Phillips, and Wisser, Sternhagen, and Wilson.

Those Voting No: None

ii. Investigation:

1. If a property is listed online with availability and active bookings, a certified letter will be mailed to the owner and a phone call made to inform them of the regulations. The property owner has 24 hours from the receipt of the letter to stop operating a STR and remove the listing before becoming subject to the penalty.
2. STR properties with 3 documented ordinance violations will be subject to their STR permit being revoked. The STR owner may appeal against

that decision through the City Commission. If a STR permit is revoked, it may not be reapplied for within one calendar year.

M/Gerving, S/Wisser- Carried to approve (3ii.) as read.

Those Voting Aye: Gerving, Phillips, and Wisser, Sternhagen, Wilson

Those Voting No: None

5. Ordinance Changes:

a. Garbage Ordinance:

- i. If garbage volume exceeds provided garbage containers or will become a public health hazard before the scheduled garbage collection day, ~~the STR owner is responsible for disposal of garbage, at their expense.~~

Property Owner, is responsible.

b. STR Ordinance:

i. STR Definition change:

1. Short-term rental

Some of the group thought that the zoning should be accounted for in the definition of STR in order to exclude commercially zoned properties from the STR regulations as they are commercially zoned properties.

M/Phillips, S/Wisser- Carried to approve (4a.) and (4b.) with changes.

Those Voting Aye: Wisser, Sternhagen and Gerving

Those Voting No: Phillips, and Wilson.

The City Commission would like more time to talk about fees and the parking issues before making a final decision.

**PUBLIC SAFETY**

1. Employee Step Raise—Tanner Tadra- M/Thomas, S/Carr- Carried to approve employee step raise for Tanner Tadra at a rate of \$24.00/hr. effective immediately.

**BUILDING INSPECTIONS/HEALTH SAFETY**

**STREETS/UTILITIES/BUILDINGS AND GROUNDS**

1. Dixon Avenue Lot

The city has reached out to several realtors for a price on the Dixon Avenue lot that came back to be in the range of \$20,000 to \$22,000. The commission would like to hold off on this discussion for now.

2. Employee Raise—Joe Silvernail- M/Carr, S/Thomas- Carried to approve employee step raise for Joe Silvernail at a rate of \$26.00/hr. effective immediately and appoint him to the assistant public works administrator.

**BILLS**

M/Carr, S/Thomas- Carried to approve the Bills in the amount of \$192,039.59 (payables) \$116,777.75, and (wages) \$75261.84.

<b>Vendor</b>	<b>Amount</b>
ACE HARDWARE	\$ 1,670.50
ADAMS SALVAGE RECYCLING & RECOVERY	\$ 18.18
ALL FLAGS, LLC	\$ 1,503.76
BLACK HILLS CHEMICAL & JANITORIAL, INC.	\$ 345.80
BLACK HILLS ELECTRIC COOPERATIVE	\$ 66.67
BLACK HILLS PIONEER	\$ 507.98
BLACK HILLS PURE, INC	\$ 51.25
BRIAN & RHONDA GERVING	\$ 1,882.47
BUTLER MACHINERY COMPANY	\$ 1,144.53
CHADAMS	\$ 1,398.35
CHILDREN'S HOME SOCIETY	\$ 150.00
DEMCO	\$ 97.82
GENE'S LOCK SHOP	\$ 210.94
HEARST LIBRARY	\$ 83.52
INGRAM LIBRARY SERVICES	\$ 248.08
KETEL THORSTENSON LLP	\$ 4,000.00
LEAD/DEADWOOD SANITARY DIST	\$ 43,943.63
LEAD-DEADWOOD ARTS CENTER	\$ 5,000.00
M.S. MAIL	\$ 995.00
MCGAS PROPANE	\$ 44.00
MIDCONTINENT TESTING LAB	\$ 829.50
NORTHWEST PIPE FITTINGS, INC	\$ 879.81
RAPID DELIVERY INC	\$ 126.43
SARAH SHOOP	\$ 53.48
SERVALL TOWELL & LINEN, INC.	\$ 1,387.05
SIMON NORTH REGION SD	\$ 966.29
SOUTH DAKOTA ONE CALL	\$ 45.15
SOUTHSIDE OIL CO., INC.	\$ 4,864.92
SUMMIT SIGNS & SUPPLY INC	\$ 1,505.00
USA BLUEBOOK	\$ 357.15
VADIM MUNICIPAL SOFTWARE INC.	\$ 86.32
VERIZON WIRELESS	\$ 504.26
AT&T MOBILITY	\$ 280.28
DAKOTACARE FLEX	\$ 2,344.00
FIRST NATIONAL BANK	\$ 39,185.63
<b>Total Amount</b>	<b>\$ 116,777.75</b>
PAYROLL	
Mayor/Commission	\$ 1,246.60
Finance	\$ 5,880.37
Police	\$ 22,204.72
Streets	\$ 15,458.92
Cemetery	\$ 521.77
Health Inspections	\$ 4,885.05
Parks	\$ 10,380.66
Library	\$ 6,838.32
Water	\$ 6,801.53
Sewer	\$ 1,043.90
<b>Total Amount</b>	<b>\$ 75,261.84</b>

## LEGAL AND FINANCE

1. Financial Report—June 2023- M/Carr, S/Thomas- Carried to approve the June, 2023 Financial Report in the amount of \$1,749,189.69.
2. Ordinance 1092-23 Midcontinent Franchise—Second Reading- M/Thomas, S/Heupel- Carried to approve Ordinance 1092-23 Midcontinent Franchise—Second Reading
3. Ordinance 1093-23 Clarity Telecom Franchise—Second Reading- M/Carr, S/Thomas- Carried to approve Ordinance 1093-23 Clarity Telecom Franchise—Second Reading

## ITEMS FROM MAYOR & COMMISSIONERS

### MEETING/ANNOUNCEMENTS

1. Next Regular Meeting—August 1<sup>st</sup> @ 5:00 PM Lead City Hall
2. Planning & Zoning—July 25<sup>th</sup> @ 5:00 PM Lead City Hall

3. Comprehensive Plan—July 20<sup>th</sup> @ 11:00 AM Lead City Hall
4. Historic Preservation—July 19<sup>th</sup> @ 5:00 PM Lead City Hall

**ADJOURN**

M/Thomas, S/Heupel—Carried to adjourn Regular Meeting at 6:58PM.

CITY OF LEAD

ATTEST

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Ron Everett, Mayor  
(SEAL)

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John Wainman, City Administrator