

LEAD CITY COMMISSION
Regular Meeting
August 21, 2023

The Lead City Commission met on Monday, August 21, 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, Kayla Klein and Robert Carr. Absent: None. Mayor Ron Everett called the Regular Meeting to order. The Pledge of Allegiance was recited.

APPROVE MINUTES

1. Minutes of August 7, 2023, Regular meeting are approved as read.

ITEMS FROM VISITORS

1. NH Rec—Hearst Avenue Trail—M/Klein, S/Thomas- Carried to support the NH Rec Hearst Avenue Trail. The Commission would like a drafted easement agreement and overall agreement for the City Attorney to view.

LIBRARY

1. Appoint Beth Bertolotto to the Library Board for a three-year term- Effective Immediately—M/Carr, S/Klein- Carried to approve the appointment of Beth Bertolotto to the three-year library board term.

PLANNING AND ZONING/HIST. PRES./COMP PLAN

1. Opening on Historic Preservation Board
2. Approve CUP for 221 Mountain View Drive- M/Thomas, S/Klein- Carried to approve CUP for 221 Mountain View Drive.
 - i. Leonardo Cardona—221 Mountain View Drive
 - a. Bed and Breakfast out of home
3. Approve Variance for 520 Sunnyhill Road- M/Klein, S/Thomas- Carried to approve variance for 520 Sunnyhill Rd.
 - i. Brandon and Kristine Webb—530 Sunnyhill Road
 - a. Construction of deck over existing driveway along the South property line adjoining Sunnyhill Road.

PUBLIC SAFELY

1. Meet and Greet PD and FD—Manuel Brother’s Park—Date to be Set.

BUILDING INSPECTIONS/HEALTH SAFETY

1. Julius Parking Lot—Deed to Economic Development- M/Klein, S/Carr- Carried to approve Julius parking lot deed to Economic Development.

BILLS

M/Carr, S/Klein- Carried to approve the Bills in the amount of \$432,548.61 (payables) \$357,14364, and (wages) \$75,665.27.

Vendor	Amount
605 CREATIVE CO	\$ 5,750.00
A & L CONTRACTORS LLC	\$ 245,307.64
A&B BUSINESS SOLUTIONS	\$ 250.30
AMERICAN LEGAL PUBLISHING CORP.	\$ 377.13
AXON ENTERPRISE, INC	\$ 201.25
BLACK HILLS ELECTRIC COOPERATIVE	\$ 98.96
BLACK HILLS PURE, INC	\$ 80.25
BUTLER MACHINERY COMPANY	\$ 40,403.33
CARPET BUYERS OUTLET	\$ 1,454.45
CORE & MAIN	\$ 3,420.48
DAKOTA RENTALS	\$ 495.00
DEADWOOD DENTAL	\$ 162.40
GAGES	\$ 180.00
GALLS, INC.	\$ 324.42
GTI COMPANIES	\$ 18,471.60
HEARST LIBRARY	\$ 697.09
INGRAM LIBRARY SERVICES	\$ 131.77
JERRY GREERS ENGINEERING	\$ 391.98
JOSH BRIDENSTINE	\$ 159.61
JUNIOR LIBRARY GUILD	\$ 195.43
LYNN'S	\$ 396.07
MARK REID	\$ 28,000.00
MICOLE DAVIS	\$ 39.48
MIDCONTINENT TESTING LAB	\$ 181.50
RUSHMORE OFFICE	\$ 110.10
SACRISON ASPHALT	\$ 3,800.46
SERVALL TOWELL & LINEN, INC.	\$ 753.36
SIMON NORTH REGION SD	\$ 2,392.26
SOUTH DAKOTA ONE CALL	\$ 43.05
TJ LOFTUS DENTAL	\$ 225.80
VERIZON WIRELESS	\$ 511.53
VIGILANT BUSINESS SOLUTIONS	\$ 111.00
SOUTH DAKOTA STATE TREASURER	\$ 1,876.64
VISION SERVICE PLAN	\$ 149.30
Total Amount	\$ 357,143.64
MAYOR/COMM	\$ 1,246.60
FINANCE	\$ 5,880.37
POLICE	\$ 20,919.44
STREETS	\$ 18,003.91
CEMETERY	\$ 1,857.84
HEALTH/INSPECTION	\$ 4,899.95
PARKS	\$ 7,439.63
LIBRARY	\$ 6,967.50
WATER	\$ 7,657.30
SEWER	\$ 782.73
Total Amount	\$ 75,655.27

LEGAL AND FINANCE

1. July 2023—Financial Report—M/Carr, S/Klein- Carried to approve the July 2023 Financial Report in the amount of \$1,630,721.92
2. STR Ordinance—Second Reading of Amendment to Ordinance 1083-22- M/Thomas, S/Klein- Carried to approve STR Ordinance—Second Reading of Amendment to Ordinance 1083-22.
Commissioner Carr voted no.

ORDINANCE #1083-22

AN ORDINANCE AMENDING

LEAD CITY ORDINANCE #1083-22, TITLE XV, LAND USAGE, BY AMENDING CHAPTER 156: SHORT TERM RENTAL REGULATIONS

BE IT ORDAINED by the City Commission of the City of Lead that, pursuant to SDCL 9-19, section of Lead Ordinance Title XV, Chapter 156: Short Term Rental Regulations be amended to read as follows:

CHAPTER 156 SHORT TERM RENTALS

§ 156.01 DEFINED.

For the purpose of this chapter, a **SHORT-TERM RENTAL** is any home, cabin or similar building that is rented, leased or furnished, in part or in its' entirety, to the public on a daily or weekly basis for more than 14 days in a calendar year.

(Ord. 1083-22, passed 4-4-2022)

§ 156.02 REQUIREMENTS FOR SHORT-TERM RENTALS.

(A) A completed application for use as a short-term rental shall be submitted to the city and approved by the city before commencing the use of the rental.

(B) A fee for the application can be set by resolution by the City Commission.

(C) Unattached trailer parking on city streets or city parking lots will not be allowed.

(D) Attached trailer parking on city streets or city parking lots will not be allowed, except for the short period for off-loading and on-loading of vehicles, supplies, or equipment. This restriction can be waived by the city, based on the location of the short-term rental and availability of parking in the immediate vicinity.

(E) Vehicle parking on city streets for tenants of short-term rentals will be limited to one vehicle per licensed driver, for a maximum of three vehicles, with no exceptions.

(F) A limit to the number of short-term rentals can be set by resolution by the City Commission.

(G) A license issued under this chapter shall be for a maximum of one (1) year and will expire automatically at the end of its' term (December 31 of year issued). Its' term can continue on a year-to-year basis if it is timely renewed. Failure to timely renew prior to the expiration date will result in the license lapsing. If the license lapses or is revoked for a violation of a provision of Lead City Ordinance XV governing land usage, any new license will depend, in part, on availability.

(H) Applicants for Short-Term Rentals are required to list a parking disclaimer on their web-based advertising sites letting potential customers know of the parking limitations.

(I) Applicants must actively use the Short-Term License by having it available to rent for a minimum of 15 days per calendar year.

(J) Waste must be deposited in applicant provided containers with an appropriate lid to contain it inside the container. No waste will be piled or placed outside the containers for any reason.

(K) Short-Term Rental properties that receive three (3) substantiated violations of any of the City of Lead Ordinances or South Dakota Codified Law may, by order of the City Commission, have their Short-Term Rental application revoked. If revoked, the applicant will be informed and may appeal against the revocation to the Board of Commissioners within fourteen (14) days of the revocation. Once revoked, the applicant may not re-apply for a Short-Term Rental for one (1) calendar year from the date of revocation.

(L) Applicants must post inside the rental property the following documents:

1. Department of Health Certificate
2. Parking directions listing what is allowed at the location both on and off the street.
3. The number for Lead City Hall (605-584-1401) and the Lawrence County Sheriff's Office dispatch (605-578-2230).

(Ord. 1083-22, passed 4-4-2022)

§ 156.03 Waiting List.

(A) If the number of approved Short-Term Rental applications reaches the cap set by resolution, the City of Lead staff will create a waiting list.

(B) If a Short-Term Rental application becomes available, city staff will contact the applicants on the waiting list in order that the completed applications were submitted to the City of Lead staff.

(C) The contacted applicant will have five (5) business days to respond to city staff with a decision to become an active Short-Term Rental applicant. If no response is made by the applicant within five (5) business days, the applicant will be removed from the waiting list and the next applicant on the list will be contacted.

§ 156.99 PENALTY.

Any homeowner violating any provision of this chapter shall be subject to a penalty of \$100 per day for every day of the violation.

(Ord. 1083-22, passed 4-4-2022)

3. Amendment to Resolution 2023-04 Setting the number of STR's allowed- M/Klein, S/Carr- Carried to approve Amendment to Resolution 2023-04 Setting the number of STR's allowed.

AMENDED RESOLUTION #2023-04

CITY OF LEAD

A RESOLUTION THAT SUSPENDS THE TAKING OF ANY MORE APPLICATIONS FOR A SHORT-TERM RENTAL.

The City Commission of the City of Lead, a municipal corporation, meeting in session on, August 7, 2023, pursuant to SDCL 9-19, motion was made by Klein, seconded by Heupel, that the following resolution be adopted:

WHEREAS the issuance of short-term rental applications in the City of Lead is a new program and there is not sufficient evidence to determine the number of short-term rentals that should be allowed:

NOW, THEREFORE BE IT RESOLVED:

That the City of Lead will cap the total number of short-term rentals at 7.5% of the total residential structures in the city limits of Lead.

And the City of Lead Board of Commissioners can repeal or modify this resolution at any time prior to the end of calendar year 2023 by a majority vote of the Board of Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of August 2023.

Those voting aye: Mayor Everett, and Commissioners Robert Carr, Kayla Klein, Roger Thomas, and Dustin Heupel

Those voting nay: None

Ron Everett, Mayor

John Wainman, City Administrator

(SEAL)

4. Amendment to Resolution 2023-05 Setting the Application fee for STR's- M/Klein, S/Thomas- Carried to approve Amendment to Resolution 2023-05 Setting the Application fee for STR's in the amount of \$250

CITY OF LEAD RESOLUTION # 2023-05

The City Commission of the City of Lead, a municipal corporation, meeting in regular session on August 7, 2023, pursuant to SDCL 9-19, motion was made by Klein, seconded by Thomas, that the following resolution be adopted:

A RESOLUTION ESTABLISHING THE FEES FOR SHORT-TERM RENTALS IN THE CITY OF LEAD.

WHEREAS, the City of Lead adopted Ordinance 1083-22, a short-term rental ordinance, and

WHEREAS, Ordinance 1083-22 states that the City of Lead will set the fees for short-term rentals by resolution,

NOW, THEREFORE, BE IT RESOLVED, that the City of Lead sets the following fees for short-term rentals:

The fee for part 1 of the application shall be set at \$250 and shall be valid from January 1 through December 31 of the year the fees were submitted and the application was approved.

The fee for part 2 of the application (inspection if done by city), shall be set at \$150 and shall be valid from January 1 through December 31 of the year the fees were submitted and part 2 of the application was approved.

This resolution shall replace resolution 2022-15.

DATED this 7th day of August, 2023

Those voting aye: Mayor Everett, and Commissioners Robert Carr, Kayla Klein, Roger Thomas, and Dustin Heupel

Those voting nay: None

CITY OF LEAD:

ATTEST:

Ron Everett, Mayor

John Wainman Jr., City Administrator

(SEAL)

ITEMS FROM MAYOR & COMMISSIONERS

1. Budget Meeting Schedule:
 - a. 08/21/23 after commission meeting.
 - b. 08/28/23 at 5:00 p.m. if needed.

MEETING/ANNOUNCEMENTS

1. City Hall will be Closed Monday, September 4, 2023, in observance of Labor Day.
2. Next Regular Meeting—Tuesday, September 5th @ 5:00 PM Lead City Hall
3. Planning & Zoning—August 15th @ 5:00 PM Lead City Hall
4. Comprehensive Plan—August 17th @ 11:00 AM Lead City Hall
5. Historic Preservation—September 19th @ 5:00 PM Lead City Hall

ADJOURN

M/Thomas, S/Heupel—Carried to adjourn Regular Meeting at 6:30PM.

CITY OF LEAD

ATTEST

Ron Everett, Mayor

John Wainman, City Administrator

(SEAL)

