

CITY OF DEADWOOD

PLANNING AND ZONING COMMISSION

June 6, 2012

JOINT MEETING

The Joint Meeting of the Deadwood Planning and Zoning Commission and Board of Adjustment was called to order by Chairperson Jim Shedd on Wednesday June 6, 2012 at 5:00 p.m. in the Deadwood City Hall Meeting Room located at 102 Sherman Street, Deadwood, SD 57732.

PRESENT PLANNING & ZONING: Jim Shedd, Mel Allen, Marie Farrier, Sheree Green and Mark Speirs.

PRESENT BOARD OF ADJUSTMENT: Francis Toscana, Georgeann Silvernail, Joe Peterson, Gary Todd and Jim Van Den Eykel. Also Present: Jason Campbell, City Attorney.

**APPROVAL OF MINUTES:**

*It was moved by Ms. Farrier and seconded by Mr. Allen to approve the minutes of the May 16, 2012 Meeting. Aye - All. Motion carried.*

**SIGNS:**

None.

**AMENDED PROJECT PLAN FOR TAX INCREMENT DISTRICT #9**

Mr. Nelson turned the meeting over to Mr. Blaise Emerson, with the Black Hills Council of Local Governments. Mr. Emerson stated that he had put together amendments for TIF #9 for the Cadillac Jack's Gaming and Lodging complex. Mr. Emerson stated that two factors had caused the need for the proposed amendments.

Mr. Emerson stated that the TIF had been approved in April 2011 and after approval, it came to his attention that some residential properties were mistakenly included in the legal description of the TIF boundary. The properties were located on the south side of the rodeo grounds and the amendment would eliminate the properties from the district.

Mr. Emerson also stated that the base bid came in over the engineering estimate causing the project to cost more than anticipated. He noted that the City of Deadwood had requested work along Williams Street that was not a part of the original cost estimate. Mr. Emerson explained that the burial of the overhead utilities would cost more than engineering had estimated. Mr. Emerson stated that the amendment would add the additional cost of \$468,479.00 to the Project Plan; bringing the TIF #9 total to \$1,645,709.94 and an additional year to the TIF.

Ms. Green asked how many years the TIF would be. Mr. Emerson stated that the TIF would be eight years total.

Ms. Farrier questioned if a tax payment had been made. Mr. Emerson stated that the first payment would be made in 2014.

Mr. Speirs questioned when the entire project would be completed. Mr. Emerson stated that the project should be completed by 2014 and the TIF to be paid off by 2020. Mr. Nelson stated that the public improvements would be completed in 2012.

Ms. Green questioned if the parking ramp is not completed if the facility would have the required amount of parking. Mr. Nelson stated they would have enough parking. Mr. Emerson stated that they would still be responsible for the amount approved even if the parking ramp is not built.

**It was moved by Mr. Allen and seconded by Ms. Green to recommend to the Board of Adjustment approval of the Amended Project Plan for Tax Increment District #9.**

**Resolution Amending Tax Increment District #9 Boundary**

**It was moved by Ms. Farrier and seconded by Mr. Speirs to recommend to the Board of Adjustment approval of the Resolution Amending Tax Increment District #9 Boundary.**

Resolution Amending Tax Increment District #9 Project Plan

It was moved by Ms. Farrier and seconded by Mr. Allen to recommend to the Board of Adjustment approval of Resolution Amending Tax Increment District #9 Project Plan.

Review Contract for Private Development Amendment One

It was moved by Ms. Green and seconded by Mr. Allen to recommend to the Board of Adjustment approval of the Contract for Private Development Amendment One.

*Mr. Shedd closed the Planning & Zoning Meeting.*

*Mr. Toscana opened the Board of Adjustment.*

Amended Project Plan for Tax Increment District #9

Mr. Todd asked Mr. Emerson to clarify what the additional \$468,479.00 would be used for. Mr. Emerson stated that it would be used for the Williams Street improvements, the underground utilities and the financing interest.

Mr. Toscana questioned when the widening of William Street would be completed. Mr. Jim Raysor, Public Works Director, stated it would be completed within a year.

It was moved by Mr. Peterson and seconded by Ms. Silvernail to follow the recommend of Planning & Zoning Commission to approve the Amended Project Plan for Tax Increment District #9.

Resolution Amending Tax Increment District #9 Boundary

It was moved by Ms. Silvernail and seconded by Mr. Peterson to follow the recommend of Planning & Zoning Commission to approve the Resolution Amending Tax Increment District #9 Boundary.

Resolution Amending Tax Increment District #9 Project Plan

It was moved by Ms. Silvernail and seconded by Mr. Van Den Eykel to follow the recommend of Planning & Zoning Commission to approve the Resolution Amending Tax Increment District #9 Project Plan.

Review Contract for Private Development Amendment One

It was moved by Ms. Silvernail and seconded by Mr. Peterson to follow the recommend of Planning & Zoning Commission to approve the Contract for Private Development Amendment One.

*Mr. Toscana closed the Board of Adjustment and turned the meeting over to the Planning and Zoning Commission.*

FINAL PLAT: Plat of Tract 1 of the Miller Street Subdivision, and Public Access and Utility Easements, Formerly part of Lot 28, Lot 29 and Lot H1 of Lots 25 and 26 of Block 30; Lot R-5-B of Lot R-5 of the City of Deadwood Railroad Property; A Portion of the Railroad R.O.W.; Probate Lots 500, 237, 54, 117, 193 and a portion of Probate Lot 53; The North half of Lot 40 and Lots 42 thru 58 of Block 35; And portions of Miller Street, Pine Street, and Center Street; Original Town of Deadwood Per P.L. Rogers Map; All Located in the SW1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota

Mr. Nelson stated that due to an issue, he would suggest continuing the Final Plat for Miller Street.

It was moved by Mr. Speirs and seconded by Ms. Green to continue the Final Plat for Tract 1 of Miller Street.

FINAL PLAT: Plat of Lot 5, Block 2 of Palisades Tract of Deadwood Stage Run Addition, All located in the SW 1/4 Section 14, the SE 1/4 of Section 15, the NE 1/4 NE 1/4 of Section 22 and the N 1/2 NW 1/4 of Section 23, T.5N, R.3E, B.H.M., City of Deadwood, Lawrence County, South Dakota

Mr. Nelson stated that the purpose of the plat was to facilitate the sale of the property. He noted that a home would be constructed on the property shortly.

It was moved by Ms. Green and seconded by Ms. Farrier to approve the Final Plat of Lot 5, Block 2 of Palisades Tract.

*Mr. Shedd closed the Planning & Zoning Meeting.*

*Mr. Toscana opened the Board of Adjustment.*

Mr. Toscana stated that Mr. Peterson indicated that he would be abstaining due to a conflict of interest.

**It was moved by Ms. Silvernail and seconded by Mr. Todd to follow the recommend of Planning & Zoning Commission to approve the Final Plat of Lot 5, Block 2 of Palisades Tract. Roll Call: Aye: Silvernail, Todd, Van Den Eykel & Toscana. Ney: None. Abstain: Peterson.**

*Mr. Toscana closed the Board of Adjustment and turned the meeting over to the Planning and Zoning Commission.*

**APPROVAL OF TEMPORARY VENDOR(S)**

**Sick Boy LLC. - Doug Asermely - 175 Sherman Street & 614 Main Street**

Mr. Nelson stated the application was for indoor vending for Sick Boy LLC at 175 Sherman Street and 614 Main Street. Mr. Nelson stated that Mr. Asermely had paid all the fees and had vended in the City of Deadwood for several years. He recommended approval.

Mr. Speirs questioned when Mr. Asermely would be obtaining his sales tax number. Mr. Nelson explained that vendors get there temporary numbers in Sturgis and Mr. Asermely would bring the number to the Planning & Zoning office.

**It was moved by Mr. Speirs and seconded by Ms. Green to approve the Temporary Vendor, Sick Boy LLC. - Doug Asermely at 175 Sherman Street and 614 Main Street .**

**TATS - Darwin Richardson - 658 Main Street & 657 Main Street**

Mr. Nelson stated the application was for indoor vending for TATS at 658 and 657 Main Street. Mr. Nelson stated that Mr. Richardson had not paid all the fees and he had written him a letter informing him of the fact. He recommended approval contingent on receiving all fees. Mr. Jason Campbell, City Attorney, suggested continuing the application until all fees had been received.

**It was moved by Ms. Green and seconded by Mr. Speirs to continue the Temporary Vendor application for TATS - Darwin Richardson at 658 & 657 Main Street.**

**Lucas Oil Co. - Michael Farabaugh - 555 Main Street**

Mr. Nelson stated the application was for outdoor vending for Lucas Oil at 555 Main Street. Mr. Nelson stated that Mr. Farabaugh had paid all the fees and had written him a letter informing of no use of temporary structures and the use of banners. He recommended approval.

**It was moved by Mr. Speirs and seconded by Mr. Allen to approve the Temporary Vendor, Lucas Oil Co. - Michael Farabaugh at 555 Main Street.**

**OPEN**

Ms. Farrier questioned if the Assessor's Office would receive correction of the TIF boundary for the residences that were affected by the change. She stated that their tax payment would go into City money not the TIF. Mr. Nelson stated that because the TIF #9 boundary was incorrect, the State of South Dakota had never certified it; therefore, the taxes were not affected on the properties.

**ADJOURNMENT:**

**It was moved by Mr. Speirs and seconded by Ms. Green to adjourn the Joint Meeting of the Planning and Zoning Commission and Board of Adjustment. Aye - All. Motion carried.**

There being no further business, the Planning & Zoning Commission adjourned at 5:30 p.m.

ATTEST:

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Mr. Jim Shedd  
Chairman  
Planning and Zoning

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Ms. Sheree Green  
Secretary  
Planning and Zoning