

**CITY OF DEADWOOD**  
**HISTORIC PRESERVATION COMMISSION**

Wednesday, December 28, 2005

**PRESENT HISTORIC PRESERVATION COMMISSION:** Darin Derosier, Dr. Michael Guilbert, Louie Lalonde, Mary Ann Oberlander, Steve Olson, Rose Speirs, Willie Steinlicht, Jim Wilson – Historic Preservation Officer.

**ABSENT HISTORIC PRESERVATION COMMISSION:** None.

---

Chairman Speirs called the meeting of the Deadwood Historic Preservation Commission to order on Wednesday, December 28, 2005 at 5:15 p.m. in the Deadwood City Hall Meeting Room located at 102 Sherman Street, Deadwood, SD 57732.

**ADDITIONS, DELETIONS OR CORRECTIONS TO THE AGENDA:**

It was moved by Mr. Derosier, seconded by Mr. Steinlicht and carried unanimously to approve the following additions to the agenda:

Under New Matters before the Deadwood Sign Commission:

- b) Boothill Tours
- c) Black Hills Video

**REVIEW MINUTES FROM WEDNESDAY, DECEMBER 14, 2005:**

Because the minutes of the last commission meeting had not been finalized at this time, Chairman Speirs announced this item would be tabled to the next meeting.

**VOUCHER APPROVAL:**

**Operating Account:**

It was moved by Mr. Steinlicht, seconded by Ms. Lalonde and carried unanimously to adopt a resolution approving the HP Operating Account in the amount of \$38,615.00.

**Bonded Account:**

It was moved by Ms. Lalonde, seconded by Mr. Derosier and carried unanimously to adopt a resolution approving the HP Bonded Account in the amount of \$25,473.60, contingent upon further review and ultimately resolution of the shuttle head bill in the amount of \$5,173.60 by Planning & Zoning Administration Bernie Williams, prior to approval by the City Commission.

**NEW MATTERS BEFORE THE DEADWOOD SIGN COMMISSION:**

**Original Deadwood Tour**

The commission referred to the following staff report:

**STAFF REPORT**

The applicant requests permission to install the following signs.

The City Commission has determined that prior to issuing tour bus licenses the operators of the tour bus must submit an application to the Deadwood Sign Commission that shows what the bus will look like and what signage will be allowed on the bus.

Section 15.32.130 (5) of the sign ordinance prohibits off premises advertising signs.

Section 15.32.120 defines "Off-Premises Advertising Sign" "Off-premises advertising sign" means any off-premises sign, including, without limitation, a bill board or general outdoor advertising device which advertises or directs attention to a business, commodity, service or activity conducted, sold, offered or offered elsewhere than on the same lot or within the building on which the sign is located.

Section 15.32.140 (13) allows for "Signs displayed on motor vehicles that are being operated in the normal course of a business, such as signs indicating the name of the owner or business, which are located on delivery trucks, rental trucks and the like are allowed without permit, provided that the primary purpose of such vehicles is not for display of signs....."

Original Deadwood Tour has submitted the attached application showing signage on two buses. The City Commission has indicated that only one bus will be allowed under the tour bus permit.

Original Deadwood Tour will need to designate one bus to be eligible for the Tour Bus license. This bus should have no signage on it except "Original Deadwood Tour". The large sign promoting Tatanka should be removed as should the painted on signs for Tatanka (including the words "Story of the Bison") and Midnight Star.

The sign ordinance would not apply to the other bus.

Jerry Rchetto, representing Original Deadwood Tour, stated the large billboard type signs promoting Tatanka and the Midnight Star have been removed from the both busses. Discussion commenced regarding the two busses in operation by the company. Mayor Toscana offered clarification on the matter stating for the past year, the company was allowed to operate only one vehicle at any given time. The company determines the appropriate bus to be utilized based upon the number of people participating in the Mt. Moriah tour. The remaining bus must be parked.

Mr. Rchetto, reiterated "the large billboard type signs have been removed". Discussion commenced regarding the painted-on signage promoting the Midnight Star and Tatanka on both busses. Mayor Toscana explained that, in meeting with Jan VanTassel, operating manager with Original Deadwood Tour last fall, he was informed that the entrance to Mt. Moriah couldn't accommodate the larger bus. If the City Commission approves a tour bus license for the smaller bus, the larger bus could be used to transport people to Tatanka from the Midnight Star but it would not be allowed to park on Main Street in front of the Midnight Star. Should this be the action taken, the painted-on signage would not be an issue for the commission.

Several potential scenarios for operation of the busses were discussed. Mayor Toscana and City Commissioner Nyla Griffith spoke to the three (3) tour bus licenses issued by the city to companies providing transportation to Mt. Moriah, other tour busses that frequent Deadwood, and jurisdiction of the commission. Mr. Wilson stated the commission should address only the bus that is issued the city bus tour license. It was moved by Ms. Oberlander, seconded by Mr. Olson and carried unanimously to adopt a resolution to approve the Tour Bus License Application for Original Deadwood Tour, specifically the 1972 International bus, stipulating that the only signage allowed are the words "Original Deadwood Tour" and all other signage must be removed.

Mr. Rchetto stated this action appears to be contrary to the agreement City Attorney John Frederickson reached with the Mike Reynolds, the attorney representing Original Deadwood Tour. The attorneys will continue discussions to resolve the matter.

**Boot Hill Tours**

The commission referred to the following staff report:

**STAFF REPORT**

The applicant requests permission to install the following signs.

The City Commission has determined that prior to issuing tour bus licenses the operators of the tour bus must submit an application to the Deadwood Sign Commission that shows what the bus will look like and what signage will be allowed on the bus.

Section 15.32.130 (5) of the sign ordinance prohibits off premises advertising signs.

Section 15.32.120 defines “Off-Premises Advertising Sign” “Off-premises advertising sign” means any off-premises sign, including, without limitation, a bill board or general outdoor advertising device which advertises or directs attention to a business, commodity, service or activity conducted, sold, offered or offered elsewhere than on the same lot or within the building on which the sign is located.

Section 15.32.140 (13) allows for “Signs displayed on motor vehicles that are being operated in the normal course of a business, such as signs indicating the name of the owner or business, which are located on delivery trucks, rental trucks and the like are allowed without permit, provided that the primary purpose of such vehicles is not for display of signs.....”

Boot Hill Tours has submitted the attached application showing signage on its bus. The signage is appropriate as it is the name of the Tour. No additional signage should be allowed on the bus.

This application was received on December 27, 2005.

It was moved by Ms. Lalonde, seconded by Ms. Oberlander and carried unanimously to adopt a resolution to approve the Tour Bus License Application for Boot Hill Tours, as presented.

**134½ Sherman, Black Hills Video**

The commission referred to the following staff report:

**STAFF REPORT**

The applicant requests permission to install one sign at 134½ Sherman.

Address: 134½ Sherman  
Applicant: Black Hills Video

*Size:* 12” x 24”. The size does conform to the ordinance.

*Location:* The sign will be placed on existing chains and project from the front of the building.

*Material:* Painted wood

*Is a variance required?* No

*Comments:* Existing business moving within the building. This application was submitted 12-27-05.

It was moved by Ms. Lalonde, seconded by Mr. Steinlicht and carried unanimously to adopt a resolution to approve the Sign Permit Application for Black Hills Video, 134½ Sherman, with the stipulation that the sign be constructed of wood.

**NEW MATTERS BEFORE THE DEADWOOD HISTORIC PRESERVATION COMMISSION:**

**69 Forest, Wyss, Window Replacement**

The commission referred to the following staff report:

**STAFF REPORT**

The applicant requests Project Approval to replace a window at 69 Forest, Deadwood.

Applicant: Pat Wyss  
Owner: Pat Wyss  
Constructed: 1891

**CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS**

**The Historic District Commission shall use the following criteria in granting or denying Project Approval:**

***General Factors:***

- 1. Historic significance of the resource:*** This is a contributing building in the Deadwood National Landmark Historic District.
- 2. Architectural design of the resource and proposed alterations:*** The building has been nicely rehabilitated by the present owner. Recently broken water pipes caused severe damage to the interior of the building. As part of the rehabilitation project the owner would like to replace a non-historic double window on the second floor front façade with a bow window. The existing non-historic window is set in the historic window opening and the new window would fit in the existing historic window opening.
- 3. General appearance of the resource:*** The new window should visually mimic double hung windows.
- 4. Condition of the resource:*** The existing window is deteriorated and ill fitting.
- 5. Materials composing the resource:*** The new window should be wood framed.

***Attachments:***

***Photos***

***Recommended Decision:*** A wooden replacement window in the existing opening would have no adverse effect on the historic character of the building or the historic character of the Deadwood National Landmark Historic District.

Mr. Olson noted the application refers to "installation of a bay window" while the staff report references a "bow window" and requested clarification. Ms. Lalonde, Mr. Olson and Chairman Speirs were hesitant to approve installation of a bay window in an original window opening of a contributing building and questioned whether it is "historically appropriate". Mr. Steinlicht and Dr. Guilbert spoke in favor the improvement. Responding to Ms. Oberlander's question regarding the original window, Mr. Wilson stated given the dimensions of the opening, a double hung window was likely utilized. It was moved by Dr. Guilbert and seconded by Mr. Derosier to adopt a resolution to approve the Application for Project

Approval for the window replacement project at 69 Forest, stipulating the new window visually mimic double hung windows and made of wood. Upon roll call vote being taken thereon, the motion carried unanimously.

**102 Charles, Oberlander, Dormer Addition**

The commission referred to the following staff report:

**STAFF REPORT**

The applicant requests Project Approval to build a rear dormer at 102 Charles St., Deadwood.

Applicant: Bruce & Mary Ann Oberlander  
Owner: Bruce & Mary Ann Oberlander  
Constructed: 1900

**CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS**

**The Historic District Commission shall use the following criteria in granting or denying Project Approval:**

***General Factors:***

***1. Historic significance of the resource:*** This is a contributing building in the Deadwood National Landmark Historic District.

***2. Architectural design of the resource and proposed alterations:*** The building retains its historic appearance. The owners proposes to construct a rear dormer matching the two side dormers. This will allow for headroom for a staircase. The dormer will not be visible from the street at the front of the house. The dormer should mimic the appearance of the side dormers.

***3. General appearance of the resource:*** The proposed change will not affect the historic appearance of the house.

***4. Condition of the resource:***

***Attachments:***

***Photos***

***Recommended Decision:*** The proposed change will have no adverse effect on the historic character of the building or the historic character of the Deadwood National Landmark Historic District.

It was moved by Mr. Steinlicht and seconded by Mr. Olson to adopt a resolution to approve the Application for Project Approval for the rear dormer addition at 102 Charles, as proposed by the applicant and property owners, Bruce and Mary Ann Oberlander, as presented. For the benefit of the new commissioners, Mr. Wilson emphasized the following: the dormer is on the rear façade; it is not visible from the street in the front of the house; and it mimics the appearance of the existing dormers. It would be a different matter all together, if the dormer were proposed on the front of the house. Hearing no further discussion, upon vote taken thereon, the motion carried with Ms. Oberlander abstaining.

**Funding Request, Leatherman**

Mr. Wilson provided a brief explanation of the request from Chris Leatherman to the City of Deadwood to finance travel and lodging expenses for the Society for Historical Archaeology (SHA) annual conference in Sacramento, CA, in January 2006. He will be speaking about his archaeological investigation of

Chinese mortuary rituals in historic Deadwood. Expenses are estimated at \$1,200. It was moved by Ms. Lalonde, seconded by Dr. Guilbert and carried unanimously to deny the request for funds.

## **NEW MATTERS BEFORE THE DEADWOOD HISTORIC DISTRICT COMMISSION**

### **Phone Vote, December 22, 2005, Hire Jeff Buechler as Fire Hall Archeologist**

On December 22, 2005, a telephone poll was conducted to approve the hiring of Jeff Buechler to conduct archeological monitoring and excavation as part of the Fire Hall Addition project. The hiring was approved.

### **REVOLVING LOAN FUND/RETAINING WALL GRANT UPDATE:**

Joy McCracken, Executive Director for Neighborhood Housing Services, provided the following reports to the commission.

#### **Retaining Wall Fund Voucher**

None.

#### **Revolving Loan Fund Disbursements**

None.

#### **NHS Financial Report**

None.

#### **Review Loan Delinquency Report**

The loan delinquency report consisted of The Gillmore and the Fairmont Hotel. Staff is in the process of rewriting the loan for the Fairmont Hotel.

#### **3 Pearl, Lehman, Loan Renewal**

Ms. McCracken informed the commission that is necessary to renew an undisbursed balance for two loans approved for Marvin Lehman for property located at 3 Pearl. Funds of \$7,971 are undisbursed on a zero percent (0%) loan with an original principal balance of \$10,000; funds of \$5,632 remain undisbursed on a four percent (4%) loan with an original principal balance of \$25,000. It was moved by Ms. Lalonde, seconded by Dr. Guilbert and carried unanimously to adopt a resolution to renew the loan balances of \$7,971 and \$5,632, for Marvin Lehman, 3 Pearl, with the stipulation that undisbursed construction loan funds will not be available after the maturity date of June 2006.

#### **65 Centennial, Bartel, Place in Retaining Wall Program**

It was moved by Ms. Lalonde, seconded by Dr. Guilbert and carried unanimously to adopt a resolution to approve the Retaining Wall Grant Program Application for 65 Centennial, William and Beth Bartel, as presented.

#### **HPC Committees:**

Mr. Wilson referred the commission to the updated HPC Committee list, reflecting the recent appointments.

**COMMITTEE REPORTS:**

**Loan:**

Ms. McCracken requested the next loan committee meeting be rescheduled to Tuesday, December 27<sup>th</sup> at 8 a.m. Ms. McCracken was asked to notify the committee via e-mail regarding future meetings.

**Advocacy/HistoryLink/Public Education:**

Mr. Wilson stated the committee will meet next week. The next issue of the *HistoryLink* newsletter is at the printer.

**Hall of Fame and Recognition:**

Mr. Wilson is in the process of scheduling a meeting.

**Cemetery:**

Mr. Wilson stated the recordation project underway by Ferber Engineering will be delayed until a substantial amount of snow melts at St. Ambrose. He will keep the commission posted.

**Museum/Homestake Archives:**

Chairman Speirs announced the committee met and hired a consultant. Dr. Guilbert has agreed to serve on the Days of '76 Museum committee, representing historic preservation.

**Representative to Adams Museum Board:**

Nothing to report at this time.

**Representative to Chamber of Commerce:**

Nothing to report at this time.

**Representative to NHS:**

Nothing to report at this time.

**Representative to Planning & Zoning:**

Chairman Speirs and Planning & Zoning Administrator Bernie Williams reported Tax Increment Financing (TIF) was approved for a project proposed at First Gold. At this time, the project consists of sewer and water infrastructure improvements but the project might also involve utilities and storm sewer. At this time, the boundary of the TIF was approved by Planning & Zoning.

**Scholarship Committee:**

Mr. Wilson agreed to schedule a meeting with Ron Pray in the next two weeks to establish the guidelines for the scholarship.

**Outside of Deadwood Grants Committee:**

Mr. Wilson announced the deadline for grant applications is close of business on Tuesday, January 3, 2006. He will schedule a meeting soon to consider those applications.

**ITEMS FROM CITIZENS NOT ON THE AGENDA:**

Mayor Toscana reported that over the past weekend, "very significant historical structures to the city of Deadwood were removed". He stated the City Commission and staff have been considering legal action against the responsible party. He asked that members of the commission refrain from further public discussion of the matter at this time. Persons seeking information regarding the matter should be directed to him.

**OTHER BUSINESS:**

None.

**EXECUTIVE SESSION:**

Chairman Speirs announced there will be an executive session following the meeting to discuss contractual and legal matters with no action to be taken thereafter.

**ADJOURNMENT:**

Hearing no further business to come before the commission at this time and no objections from the commission or the audience, Chairman Speirs adjourned the meeting at 6:00 p.m.

**ATTEST:**

---

Ms. Rose Speirs  
Chairman  
Historic Preservation Commission  
Mary Burket, Recording Secretary