

**DEADWOOD PLANNING AND ZONING COMMISSION**

**Wednesday, November 4, 2015 – 5:00 p.m.**

**City Hall, 102 Sherman Street, Deadwood, SD**

**AGENDA**

1. Call Meeting to Order
2. Approval of September 16, 2015 Minutes
3. Sign Review Commission

**Holiday Inn Express – 663 Main Street**

1. Add one wall sign (50 Square Feet)

Action Required:

- a. Approval/Denial of New Wall Sign

**Broken Boot Gold Mine – 1200 Pioneer Way**

2. Replace existing sign

Action Required

- a. Approval/Denial of Replacing Existing Signs - Signs 1-5
- b. Approval/Denial Sign 6 with a Variance

4. Items from Staff
  - Proposed Annexation Discussion-No Action
  - Highway 85
  - Gordon Park
5. Adjourn

**DEADWOOD PLANNING AND ZONING COMMISSION**

**Wednesday, September 16, 2015 – 5:00 p.m.**

**City Hall, 102 Sherman Street, Deadwood, SD**

**AGENDA**

1. Call Meeting to Order
2. Approval of August 19, 2015 Minutes
3. Sign Review Commission

**Darin Derosier – 804 Main Street – Security Insurance**

1. Relocate Wall Sign

Action Required:

- a. Approval/Denial of Relocating Wall Sign

**Timothy Patrick Klatte – 83 Sherman Street – Kodiak's Arcade & Shooting Gallery**

1. Install New Sign

Action Required:

- a. Approval/Denial of Hanging Sign

4. Planning and Zoning Commission and Board of Adjustments

**City of Deadwood Banner Ordinance -- Discussion**

5. Items from Staff
  - Highway 85 Reconstruction Update
  - Mickelson Trail Boardwalk
  - Upcoming Projects
6. Adjourn

**CITY OF DEADWOOD**  
**PLANNING AND ZONING COMMISSION**  
**Wednesday, September 16, 2015**

**Planning and Zoning Commission Present** : Jim Shedd, Marie Farrier, Tony Biesiot, Mel Allen and Sheree Green.

**Board of Adjustments Present** : Dave Ruth Jr. and Jim Van Den Eykel

**Staff Present:**

Bob Nelson Jr., Trent Mohr, Bonny Fitch and Jerity Krambeck

A quorum present Chair Shedd called the Planning and Zoning Commission meeting to order Wednesday, September 16, 2015 at 5:00 p.m. in Deadwood City Hall at 102 Sherman Street, Deadwood, SD.

**Approval of August 19, 2015 Minutes:**

*It was moved by Mr. Biesiot and seconded by Ms. Farrier to approve the August 19, 2015 meeting minutes. Aye - All. Motion carried.*

**Sign Review Commission:**

**Darin Derosier - 804 Main Street - Security Insurance**

Mr. Mohr informed the Commission that Darin Derosier recently purchased the property at 804 Main Street with the intent of using it for a business office. He has moved his office to this location from 311 Cliff Street and this permit would allow him to move the existing sign to the 804 Main Street location. The sign is painted wood and will be installed above the door. The sign request and location are compliant with the sign ordinance. *It was moved by Mrs. Farrier and seconded by Mr. Allen to approve the sign permit application to move the existing sign from 311 Cliff Street and install the same sign at 804 Main Street. Aye - All. Motion carried.*

**Timothy Patrick Klatte - 83 Sherman Street - Kodiak's Arcade & Shooting Gallery**

Mr. Mohr informed the Commission that Timothy Patrick Klatte recently opened a new business at 83 Sherman Street and is requesting a permit for the installation of a new projecting sign advertising said business. The sign and its location are compliant with the sign ordinance. *It was moved by Mr. Biesiot and seconded by Mrs. Farrier to approve the sign permit application for 83 Sherman Street. Aye - All. Motion carried.*

**Planning and Zoning Commission and Board of Adjustment:**

**City of Deadwood Banner Ordinance - Discussion - No Action Taken**

Mr. Nelson Jr. presented the Commission with the current City of Deadwood Banner Ordinance along with proposed changes to the ordinance. The first proposed change would be to change the size and number of the banners allowed and the second proposal would be to not allow the banners all together. Mr. Nelson Jr. stated he has more people supporting proposal number two. This issue may come before the City Commission. Mrs. Silvernail asked if paper signs were allowed in the windows. Mr. Nelson Jr. stated the ordinance has to do with attaching it to the glass. Mr. Mohr stated it is a grey area. Mr. Shedd stated during this year's rally there were more signs than what was paid for and Deadwood is starting to look too much like Sturgis. Mr. Shedd stated he is against the banner ordinance. Mr. Allen stated he agrees with Mr. Shedd and is also against the banner ordinance. Mr. Allen commented it would be OK to approve a banner for the school or the hospital. Mr. Mohr stated during the rally he collected \$4,020 in banner fees which consumed his day and sometimes into the evening. Mr. Mohr stated, as a City of Deadwood resident, he feels Deadwood is also starting to look like Sturgis and the visitors are wanting to come here to see Deadwood not Sturgis. Mr. Biesiot asked what if the school or hospital wanted to put up a special banner. Mr. Nelson Jr. stated they would go before the City Commission for a waiver of the restriction.

Mr. Biesiot asked if it was the businesses wanting to do away with the banners. Mr. Nelson Jr. stated it was about 50 50. Ms. Farrier suggested only allowing banners to tax exempt entities.

**Items From Staff** (no action taken)

Bob Nelson Jr. reported:

- Highway 85 Reconstruction Update -The Contractor will be laying asphalt September 28 - October 2 up to Mollmans South Side Service. Utilities are going to start, leaving secondary up so street lights will work through the winter. Curb and sidewalk work will continue through the winter. Storm sewer beyond Mollmans. Work will start on the off road alignment by Thunder Cove this winter along with the retaining wall by Super 8. The Gateway Park will start next week;
- Mickelson Trail Boardwalk Project is complete. There will be a sign placed at the bridge to show the future park;
- Gordon Park will be starting in a couple of weeks;
- Lower Main Visitor Center is at 50% of construction drawings. Hope to bid project in mid October;
- Madison Street from Lincoln to Washington is getting torn up to put in a water main and a small section of Calamity Lane to Burlington will be torn up for a new water main;
- Jerity Krambeck was introduced to the Commission. She is our new Administrative Assistant.

**Items from Planning and Zoning Commission**

- Ms. Green stated, with much regret, she will no longer be a Deadwood resident and will be resigning her position on the Planning and Zoning Commission effective October 19, 2015.

**Adjournment:**

*It was moved by Ms. Green and seconded by Ms. Farrier to adjourn the Regular Meeting of the Planning and Zoning Commission. Aye - All. Motion carried.*

There being no further business the Planning and Zoning Commission adjourned at 5:20 p.m.

ATTEST:

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Jim Shedd  
Chairman, Planning & Zoning Commission  
*Bonny Fitch, Planning & Zoning Office/Recording Secretary*

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Sheree Green  
Secretary, Planning & Zoning Commission



# DEADWOOD

*"The Historic City of the Black Hills"*  
Deadwood, South Dakota 57732

OFFICE OF  
PLANNING, ZONING  
AND HISTORIC PRESERVATION  
108 Sherman Street  
Telephone (605) 578-2082  
Fax (605) 578-2084

DEADWOOD CITY HALL  
102 Sherman Street  
Telephone (605) 578-2600

## SIGN PERMIT STAFF REPORT

Sign Review Commission  
November 4, 2015

**Applicant:** Gold Dust Lodging Group, LLC

**Address:** 205 6<sup>th</sup> Ave SE STE 300, Aberdeen, SD 57402

**Site Address of Proposed Signage:** 663 Main Street, Deadwood (Holiday Inn Express)

### Computation of Sign Area

**Building Frontage:** 229 Square Feet

**Total Available Signage:** 458 Square Feet

**Existing Signage:** Total of approximately 116 Square Feet

**Remaining Available Signage Area:** 342 Square Feet

**Proposed Sign Project:** Add one wall sign (50 Square Feet) to the Pioneer Way side of the building.

**Proposed Building Materials:** Vinyl wrapped metal.

**Proposed Lighting of the Signs:** Non-Illuminated.

**Location of Proposed Sign:** Attached is a rendering showing the proposed location of the new wall sign.

### Discussion

The sign project application in review is proposed at a location inside the locally-designated historic district which is regulated by chapter 15.32.300 of the sign ordinance. The signage project proposed in the current application is regulated by 15.32.090 of the Sign Ordinance, reference below.

- A. Before any sign can be erected or altered in any way, a valid permit must be issued. Any further alteration of the sign shall require an amendment of the existing permit or the issuance of a new permit. Such changes, as well as original permits, shall be issued pursuant to review by the sign review commission. It is unlawful to display, construct, erect, locate or alter any sign without first obtaining a sign permit for such sign.

In 1999 a projecting sign was approved for the Pioneer Way side of this building. Please see the attached agenda and minutes of the June 23<sup>rd</sup>, 1999 meeting of the Deadwood Historic Preservation Commission. Sometime later it was ordered to be removed by the South Dakota Department of Transportation as it encroached into the highway right of way.

The applicant wishes to install a wall sign on the Pioneer Way side of this building. The section of the sign ordinance addressing walls signs in the historic district follows:

**15.32.300 Historic district.**

*Within the local historic district as established by Ordinance No. 777 and any amendment thereto:*

*C. Commercial Uses in Nonresidential Zone. Each building in a commercial zone in which one or more commercial uses exist shall be allowed a maximum of two square feet of signage for each one foot of building frontage. Such signs shall be nonilluminated or indirectly illuminated, except in the case of landmark signs described in Article VI of this chapter or interior neon signs described in Section 15.32.200(B).*

*1. Wall Sign. One wall sign per public entrance so long as such entrances and signs are at least ten (10) feet apart. Such sign shall be attached parallel to the building and shall project not more than eight inches from the building surface. The maximum square footage of the sign is fifty (50) square feet. The maximum vertical dimension of the sign shall be two feet. The top of any wall sign shall be no higher than the lowest of the following:*

- a. Twenty-five (25) feet above grade;*
- b. The bottom of the sills of the first level of windows above the first story, except in the case of upper story business with exterior entrances;*
- c. The lowest point of the roof surface, except in the case of a one-story building with a continuous horizontal parapet, the top of such parapet.*

There is no public entrance on Pioneer way side of this building and therefore the proposed sign would require a variance of the sign ordinance. A public entrance is defined in the sign ordinance as follows:

**15.32.100 Definitions.**

*As used in this chapter:*

*“Public entrance” means an entrance to a building or premises that is customarily used or intended for use by the general public. Examples of private entrances not intended for use by the general public are fire exits, special employee entrances, and loading dock entrances.*

## **Variances**

The sign application in review as proposed requires a variances from the sign ordinance. Signage variances may be obtained if the sign review commission is able to find “special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures, distance or other matters on adjacent lots or within the adjacent public right-of-way that would substantially restrict the effectiveness of the sign in question and such special circumstances or conditions are peculiar to the business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or

enterprises in the area.” However, it is the responsibility of the applicant to provide adequate evidence of such special circumstances or conditions.

### **Sign Review Commission Action**

Motion to approve a sign permit for one new wall sign at 663 Main Street as proposed granting a variance of the sign ordinance

OR

Motion to deny sign permit application as proposed.





2' x 25' non-illuminated wall sign



1740 East North St.  
Rapid City, SD 57701  
**605-348-8744**  
Fax: 388-6199  
Email: signs@hills.net

Date: 8/5/2015

SCALE: 1/8" = 1'

Gold Dust

Approved by: NAME DATE

Vicky Fenhaus  
Sales Consultant

Jeri Calvin  
Designer

File Name: GD new wall2

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This drawing was created to assist you in visualizing our proposal. Actual sign may vary (color design & size). The original ideas herein are the property of Conrad's Big "C" Signs. Permission to copy or revise this drawing can only be obtained through a written agreement with Conrad's Big "C" Signs.

Contact: Tony  
Location: Deadwood  
Phone: 605-940-5459  
E-mail/Fax: tonys@fouraceshotel.com



## DEADWOOD HISTORIC PRESERVATION COMMISSION

Agenda – Wednesday, June 23, 1999

5:00 p.m.

City Hall, 108 Sherman Street, Deadwood, South Dakota

1. Call meeting to order.
2. Review minutes.
3. Voucher approval.
4. New Matters before the Deadwood Historic Preservation Commission.
  - a. 99046-R – 151 Charles Street – New Roof.
  - b. 99047-R – 61 Taylor Avenue – New Railing.
  - c. 99048-R – 21 Guy Street – New Addition.
  - d. 99049-R – 21 Guy Street – Retaining Wall.
  - e. 99050-R – 7 Rodenhaus Street – New Porch.
5. New Matters before the Deadwood Sign Commission.
  - a. 99051-S – 155 Sherman Street – Wall sign.
  - b. 99052-S – 630-634 Main Street – Mustang Sally's – Signage.
  - c. 99053-S – 12 Lee Street – Signage.
  - d. 99054-S – 665 Main Street – Holiday Inn Express – Signage.
6. Revolving Loan Fund/Retaining Wall Grant Update.
7. Other Business.
  - a. Grandstand Project – Quotes for Exhaust Hood
  - b. Adams Museum – HVAC Upgrade for Y2K
8. Adjournment.
9. Executive Session – Legal.

Mr. Peterson stated it had been moved and seconded to deny the request for a Certificate of Appropriateness and Sign Permit for the replacement of an existing off-site sign for the property at 12 Lee Street in Deadwood, and to encourage Ms. Hayes to work directly with Mr. Hetzel on sign designs and configurations.

All in Favor - 5  
Opposed - 0

♦ 99054-S - 665 Main Street - Holiday Inn Express - Signage

Mr. Hetzel stated the applicant, Full House Inc., had submitted an application requesting a Certificate of Appropriateness to install seven new signs on the building at 665 Main Street in Deadwood. The building is a non-contributing property in the Deadwood Downtown Historic District.

Mr. Hetzel read the following from the staff report:

The applicant requests a Certificate of Appropriateness to install seven new signs on the building at 665 Main Street in Deadwood. The building is a non-contributing property in the Deadwood Downtown Historic District.

Applicant/Owner: Full House, Inc.  
Constructed: 1999

CRITERIA FOR THE ISSUANCE OF CERTIFICATES OF APPROPRIATENESS OR PROJECT APPROVALS

The Historic District and Historic Preservation Commissions shall use the following criteria in granting or denying Certificates of Appropriateness and Project Approvals:

*General Factors:*

1. *Architectural design of the resource and proposed alteration:*

Anticipating of completing their hotel project, the applicant would like to install seven new signs on their newly erected building. These signs would consist of three projecting signs, four wall signs, and one marquee sign. The signs are described as follows (the numbers correspond with labels on each attached illustration.

- 1) 3'4" x 5'4" double-sided projecting sign, made from sandblasted redwood and exhibiting the Holiday Inn Express name and logo, located above the building's Main Street entrance between the second and third floor windows.
- 2) 17' x 2' wall sign, made from sandblasted redwood and exhibiting the Gold Dust name and logo, located on the projecting balcony above the building's Main Street entrance.
- 3) 11' x 2' wall sign, made from sandblasted redwood and exhibiting the Gold Dust name and logo, located on the projecting balcony on the building at the corner of Lee Street and Main Street.
- 4) 4' x 3' projecting sign, made from sandblasted redwood and exhibiting the Gold Dust name and logo, located above the building's Main Street entrance, but below the projecting balcony.
- 5) A marquee sign above the building's Lee Street entrance displaying the Holiday Inn Express name and logo.
- 6) 3'4" x 5'4" projecting sign, made from sandblasted redwood and exhibiting the Holiday Inn Express name and logo, located on the building's east elevation along the four-lane highway.
- 7) 12' x 2' wall sign, made from sandblasted redwood and exhibiting the Holiday Inn Express name and logo, located on the building's north elevation, visible from the four-lane highway.



2. *Historic significance of the resource:*

The building is a non-contributing resource in the Deadwood Downtown Historic District because it is less than fifty-years old.

3. *General appearance of the resource:*

Please see the attached illustrations.

4. *Condition of the resource:*

N/A

5. *Materials composing the resource:*

N/A

6. *Size of the resource:*

The building has a frontage of eighty feet on Main Street, one hundred-fifty feet on Lee Street, and 100 feet along the four-lane highway.

7. *The relationship of the above factors to, and their effect upon the immediate surroundings and upon the District as a whole and its architectural and historical character and integrity:*

The applicant's proposal should have no significant affect on the downtown historic district. The proposal also appears to meet all requirements of the City of Deadwood's Sign Ordinance with the exception that sign #7 is not directly associated with a public entrance.

*Exterior Alteration:*

1. *All exterior alterations to a building, structure, object, site, or landscape feature shall be compatible with the resource itself and other resources with which it is related. The original design of a building, structure, object, or landscape feature shall be considered in applying these standards.*
2. *Exterior alterations shall not affect the architectural character or historic quality of a resource and shall not destroy the significance of resource sites.*

SIGN ORDINANCE

Section 6.1.3 - Historic District - Commercial Uses in a Non-Residential Zone: Each building in a commercial zone in which one or more commercial uses exist shall be allowed a maximum of two (2) square feet of signage for each (1) foot of building frontage. Such signs shall be non-illuminated or indirectly illuminated, except in the case of landmark signs described in Article 7 or interior neon signs described in Section 5.1.2.

- A. Wall sign: One wall sign per public entrance so long as such entrances are at least (10) feet apart. Such signs shall be attached parallel to the building and shall project not more than eight (8) square inches from the building surface. The maximum square footage of the sign if fifty (50) square feet. The maximum vertical dimension of the sign shall be two (2) feet. The top of any wall sign shall be no higher than the lowest of the following:
  1. Twenty-five (25) feet above grade;
  2. The bottom of the sills of the first level of windows above the first story, except in the case of upper story business with exterior entrances;



1. Shall project no more than six (6) feet from the face of the building, or four (4) feet back from the face of the curb, whichever is less;
  2. The maximum area of one (1) face shall not exceed one (1) square foot per one (1) foot of building frontage, subject to a maximum of thirty-six (36) square feet;
  3. The top of the sign shall be no higher than is permitted for a wall sign on that building.
- D. Awning Canopy and Marquee Signs - Awning Signs may be allowed by special review of the Sign Commission.

Ms. Stanley stated she felt all the signs proposed by Full House Inc., were beautifully designed.

Ms. Shivers moved to approve the issuance of a Certificate of Appropriateness and a Sign Permit for the installation of seven new signs on the building at 665 Main Street in Deadwood. Ms. Keene seconded and the motion carried.

Mr. Peterson stated it had been moved and seconded to approve the issuance of a Certificate of Appropriateness and a Sign Permit for the installation of seven new signs on the building at 665 Main Street in Deadwood.

All in Favor - 4  
Opposed - 0 (Ruth abstained)

#### COMMITTEE REPORT

Ms. Deborah Gangloff, curator of the Adams House Museum was present at the meeting to review the restoration project.

Drawings and specifications for Phase II went to bid this month. Paul Darling, Architect for Quinn Evans was in town to conduct a pre-bid walk through meeting on June 18 for contractors interested in the project. Steve McCarthy of MAC Construction and some of his subcontractors attended the meeting. Bids are currently being accepted and will be opened at the City Commission meeting on Tuesday, July 6 at 5:00 p.m.

Phase II includes interior work, including interior finishes, plaster repair, cleaning wall and ceiling surfaces, refinishing hardwood floors and restoring the master bedroom suite to its pre-Bed and Breakfast condition.

Negotiations continue with Owen Emme regarding a shared wall agreement to complete necessary work on the garage walls. This is made more delicate due to the fact that Mr. Emme has decided to appeal the court's decision in our favor acknowledging the City's ownership of the back of the property and the garage. Jon Mattson drew up the shared wall agreement and Chris Emme received it on June 16, 1999. We were informed that he turned it over to his attorney. We are currently waiting for a response.

Work on site continued, including work on the addition (shingling, siding, construction of an entryway overhang, concrete pad at entrance, etc.). Storm windows, which had been constructed off site, were delivered to the house and are being fitted. They will then be returned

Gold Dust Lodging Group, LLC dba Holiday Inn Express  
22 Lee Street  
Deadwood, SD 57732

City of Deadwood  
Planning and Zoning Commission  
Attn: Trent Mohr  
108 Sherman Street  
Deadwood, SD 57732

October 1, 2015

Dear Planning and Zoning Commission,

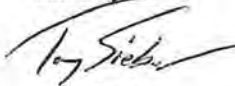
The Holiday Inn Express, located at 22 Lee Street in Deadwood, SD, would like to request a variance in Deadwood's sign ordinance to allow a flat wall sign on the east elevation along the four-lane highway without an approved public entrance.

During the June 23, 1999 Historic Preservation Commission meeting, a projecting sign was approved in this same location without an approved public entrance. The sign was later taken down during the widening of the four-lane highway years later to comply with the minimum feet distance from public highway requirement of a projecting sign.

The Holiday Inn Express would request that the same approval be granted in the same location for a 2' x 25' wall sign that meets all the other requirements.

Thank you for your consideration with this request.

Sincerely,



Tony Sieber

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2. *Historic significance of the resource:*

The building is a non-contributing resource in the Deadwood Downtown Historic District because it is less than fifty-years old.

3. *General appearance of the resource:*

Please see the attached illustrations.

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OFFICE OF  
PLANNING, ZONING  
AND HISTORIC PRESERVATION  
108 Sherman Street  
Telephone (605) 578-2082  
Fax (605) 578-2084

DEADWOOD CITY HALL  
102 Sherman Street  
Telephone (605) 578-2600

## SIGN PERMIT STAFF REPORT

Sign Review Commission  
November 4, 2015

**Applicant:** Broken Boot Gold Mine

**Address:** 767 Main Street, Deadwood, SD 57732

**Site Address of Proposed Signage:** 1200 Pioneer Way

### Computation of Sign Area

**Building Frontage:** 250 Feet

**Total Available Signage:** 500 Square Feet

**Existing Signage:** All signage on premises to be replaced

**Remaining Available Signage Area:** 500 Square Feet

**Proposed Sign Project:** Replace existing signs with the following:

- Sign # 1 - 2'x8' wall sign
- Sign #2 - 2'x8' wall sign
- Sign #3 - 2'x5' projecting sign
- Sign #4 - 2'x8' freestanding sign
- Sign #5 - 4'x4' wall sign
- Sign #6 - 4'x10' roof sign

**Proposed Building Materials:** Signs are constructed of painted aluminum, wood and high density urethane. (see attached renderings)

**Proposed Lighting of the Signs:** Non-Illuminated.

**Location of Proposed Sign:** Attached are photos showing the proposed locations.

### Discussion

The sign project application in review is proposed at a location outside the locally-designated historic district and outside the national historic landmark district which is regulated by chapter 15.32.315 of the sign ordinance. The signage project proposed in the current application is regulated by 15.32.090 of the Sign Ordinance, reference below.

- A. Before any sign can be erected or altered in any way, a valid permit must be issued. Any further alteration of the sign shall require an amendment of the existing permit or the issuance of a new permit. Such changes, as well as original permits, shall be issued pursuant to review by the sign review commission. It is unlawful to display, construct, erect, locate or alter any sign without first obtaining a sign permit for such sign.

The proposed signs are direct replacement for existing signs in type and approximate size with the exception of sign #3. It is a projecting sign replacing an existing wall sign.

Also note that sign #6, although replacing an existing roof sign, is prohibited under the sign ordinance (see following excerpt) and would require a variance.

*15.32.130 Disallowed signs.*

*18. Roof signs shall not be allowed.*

### **Variances**

The sign application in review as proposed requires a variance from the sign ordinance. Signage variances may be obtained if the sign review commission is able to find "special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures, distance or other matters on adjacent lots or within the adjacent public right-of-way that would substantially restrict the effectiveness of the sign in question and such special circumstances or conditions are peculiar to the business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises in the area." However, it is the responsibility of the applicant to provide adequate evidence of such special circumstances or conditions.

### **Sign Review Commission Action**

Motion to approve signs one through five, as proposed.

OR

Motion to deny.

Motion to approve sign six, granting a variance to the ordinance.

OR

Motion to deny.



#1's 1 & 2

A) 2x8 WALL SIGN / CANOPY SIGN (2)

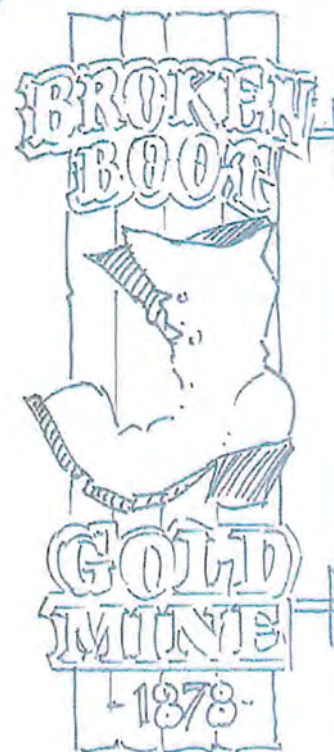


B) 2x8 (MAIN PHOTO SIGN) #4



#3

C) 5'x2' PROJECTING



Tim Peterson  
ARTIST

3123 E. FAIRGROUNDS LOOP STE. C  
SPEARFISH, SD 57783

(605) 642-5794

Designed exclusively for:

BROKEN BOOT GOLD MINE

Address:

Date:

4/2/15

Phone:

920-1195 (KERRY)

The prices, specifications, and conditions as described are satisfactory and are hereby accepted. You are authorized to do the work as specified.

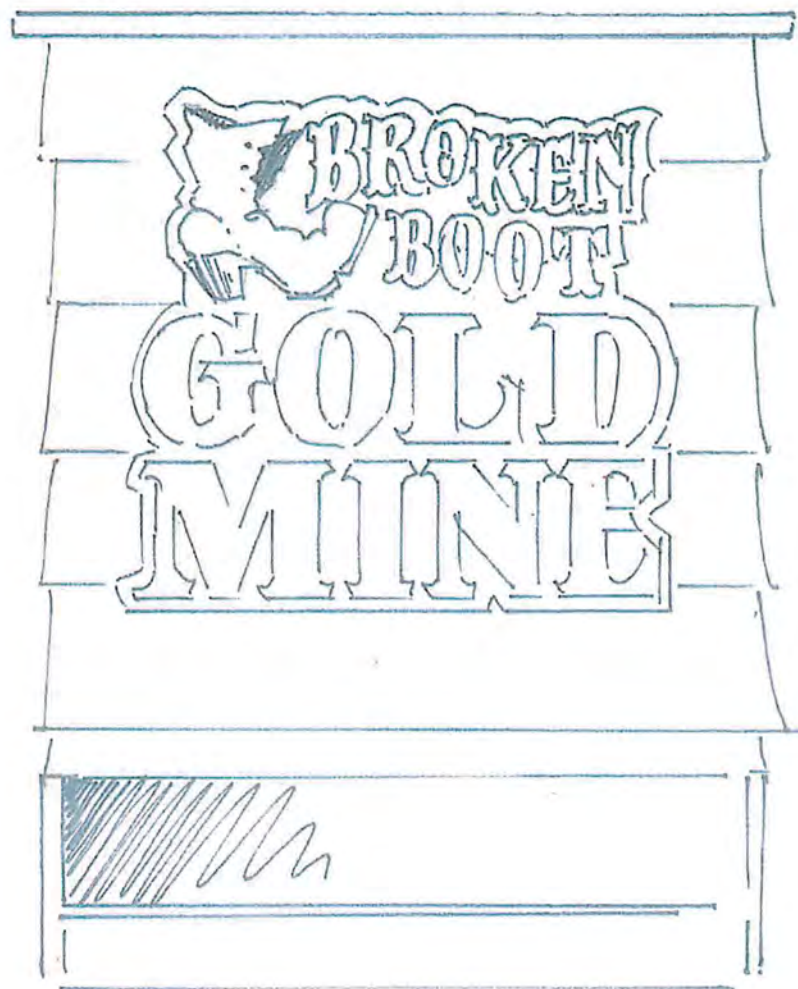
50% DEPOSIT REQUIRED ON ALL WORK. BALANCE DUE ON COMPLETION.

This design is the property of the designer, and may not be reproduced in any manner without written permission.

Signature

Date





#5  
D) 4x4 (END OF SWICE BOX)



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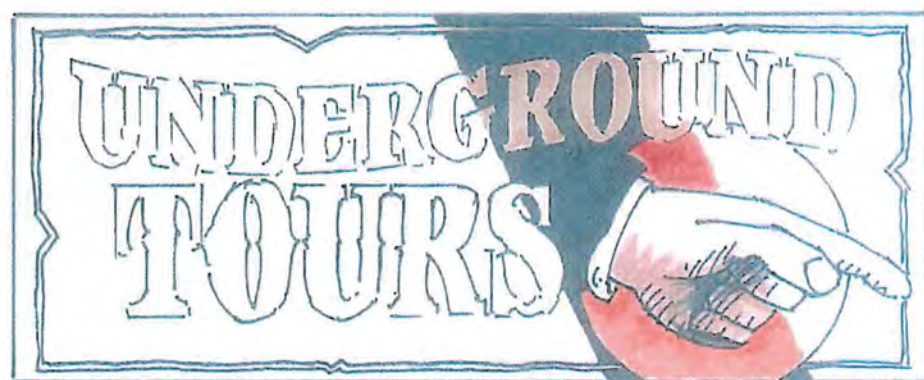
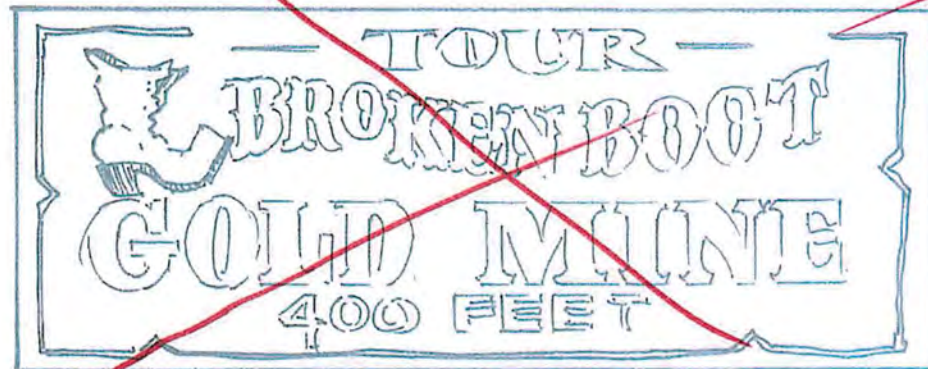
Date





E) (2) 8x8

F) 4x10



G) 4x10 ROOF SIGN #6



**Tim Peterson**  
ARTIST

3123 E. FAIRGROUNDS LOOP STE. C  
SPEARFISH, SD 57783

(605) 642-5794

Designed exclusively for:

*BROKEN BOOT GOLD MINE*

Address:

*DEADWOOD, SD*

Date:

*4/2/15*

Phone:

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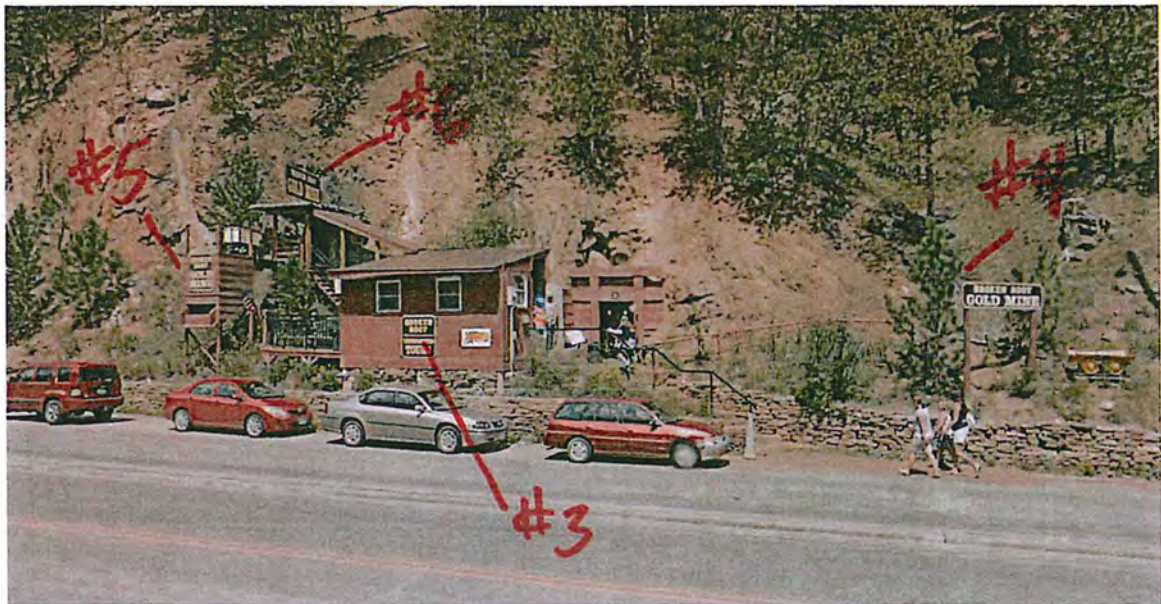
50% DEPOSIT REQUIRED ON ALL WORK. BALANCE DUE ON COMPLETION.

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Signature

Date







October 2015

Dear Sign Commission,

I am writing this letter on behalf of the Broken Boot Gold Mine to request a variance for 15.32.130 Disallowed signs, item 18. Roof signs shall not be allowed.

We are requesting to replace an existing sign on the overhang at the entrance to the mine. The "roof" covers the platform that leads into the mine. This is a very unusual entrance. I believe that it is the only entrance into a hillside in the city of Deadwood. As you know, the mine is not a building nor is the entrance, so I hesitate to call this overhang a roof.

The Broken Boot Gold Mine has been open to tourists since the 1950's. I have included a variety of photographs of the mine, the signs, and the entrance through the years. There has been a sign on the overhang for well over 30 years. Because of our unique location, we have many visitors stop as they are driving by on the highway. Our signs are essential to our business. The tourists see the signs that say, "underground tours" and "goldpanning" and those signs are the reason many of them stop.

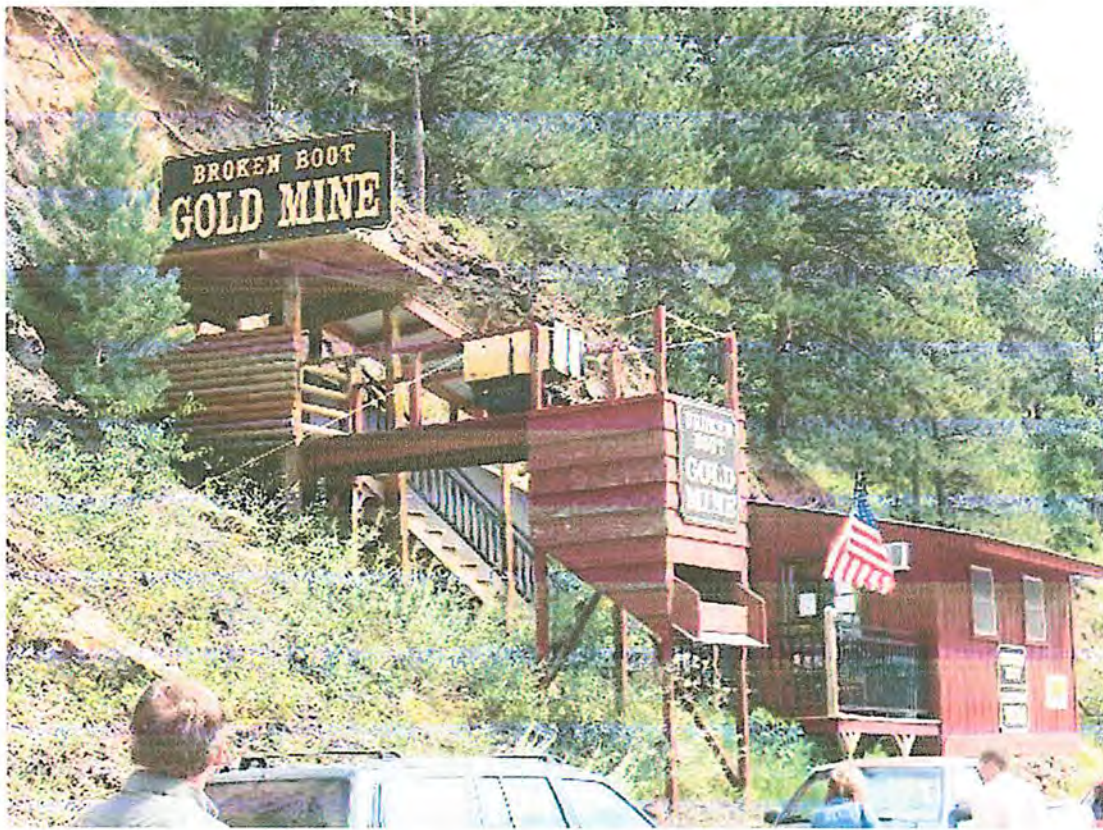
The exterior of the mine has been in need of updating for a couple of years. We do a minimal amount of advertising. The majority of our visitors learn about us from local residents, internet reviews, and simply driving by. The exterior appearance of our property is vital to our success. The condition of the current signs is so bad that it does not allow for repair. The current signs are about 20 years old. I am hopeful that new signs will last another 20 years.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kerry Ruth", followed by a long horizontal flourish.

Kerry Ruth, Broken Boot Gold Mine Manager







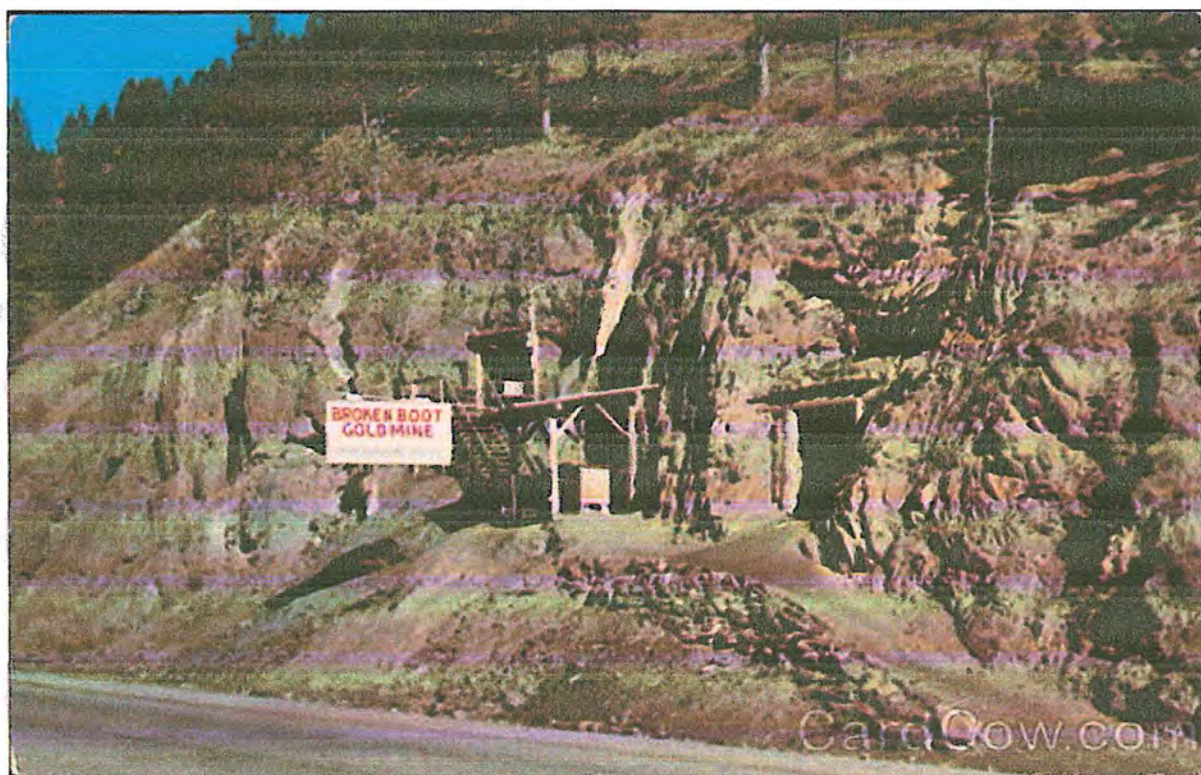


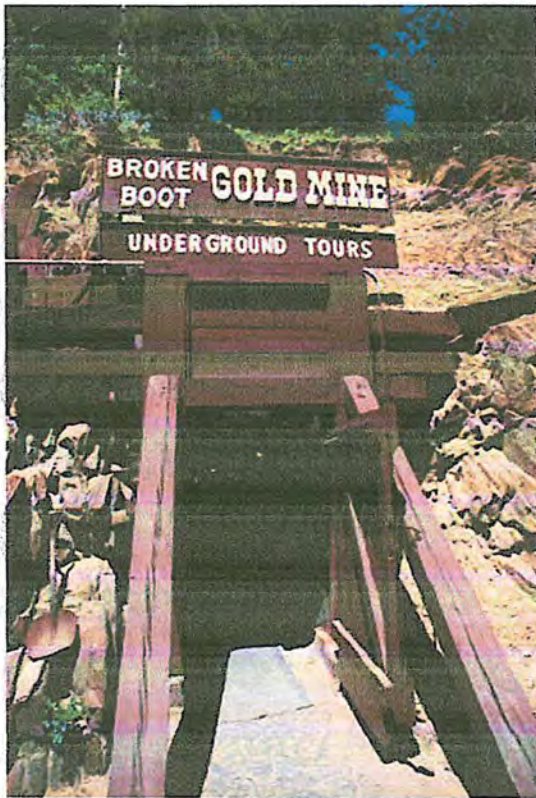


BROKEN GOLD MINE  
BOOT  
UNDERGROUND TOURS

BROKEN GOLD MINE  
BOOT  
UNDERGROUND TOURS









## PETITION FOR ANNEXATION

The undersigned owners of real property described below, do hereby PETITION for annexation into the municipal boundaries of the City of Deadwood pursuant to SDCL § 9-4-1, et. alia, and represent as follows:

1. That they are the owners (or owner's representative) of real property in the territory lying contiguous to the present limits of the City of Deadwood, Lawrence County, South Dakota.

2. That they constitute not less than three-fourths of the registered voters and the owners of not less than three-fourths of the value of the territory to be annexed and they desire to have such property annexed into the City of Deadwood and become a part thereof.

3. That attached hereto is a certified copy of an accurate plat or map of such territory to be so annexed, in relation to presently existing boundaries of the City of Deadwood showing that such territory to be annexed does lie contiguous to the existing boundaries of the City of Deadwood.

4. That the territory to be annexed is shown on the annexation map attached hereto and is more particularly described below:

### Real Property owned by Ruth Family Trust:

Lot 2, being a portion of Mineral Survey 733, located in the NE1/4 NE1/4 of Section 28, T5N, R3E, BHM, Lawrence County, South Dakota, all as shown on that certain plat recorded in the office of the Lawrence County Register of Deeds as Plat Document Number 2003-7006 and comprising .21 acres, more or less.

Lot A of MS 601, located in Section 28, T5N, R3E, BHM, Lawrence County, South Dakota.

Lot A of Placer Mining Claim designated by the Surveyor General as Lot No. 108, as shown by "Plat of subdivision of Placer No. 108, near Gayville, South Dakota:" made by Lyle G. Warren, Registered Land Surveyor, under the date of

February 2, 1955, which plat is now on file in the office of the Register of Deeds of said Lawrence County. Said Lot A of Placer No. 108, contains 1.14 Acres, more or less.

Real Property owned by Ole and Lena Group, LLC, a South Dakota Limited Liability Company:

Mineral Survey #601, Less lot A of MS 601, located in Section 28, T5N, R3E, BHM, Lawrence County, South Dakota as set out in Plat Book 5, Page 71, in the office of the Lawrence County Register of Deeds, Lawrence County, South Dakota;

-and-

Lot 1A of Lot A of M.S. 108, as set out in Plat Book 5, Page 71, in the office of the Lawrence County Register of Deeds Lawrence County, South Dakota.

Real Property owned by Broken Boot Mine Inc.:

The Gottland and Gottland Fraction, Mineral Survey 1562, located in Sections 22 and 27, Township 5 North, Range 3 East, Black Hills Meridian, Lawrence County, South Dakota, comprising 15.62 acres, more or less, less any and all encumbrances and easements of record; and

The Bergen and Bergen Fraction, Mineral Survey 1940, Located in Section 22 and 27, Township 5 North, Range 3 East, Black Hills Meridian, Lawrence County, South Dakota, Comprising 19.02 acres, more or less, less all easements and encumbrances of record.



Robert J. Ruth Sr.

Owner/Petitioner/Representative  
Ruth Family Trust

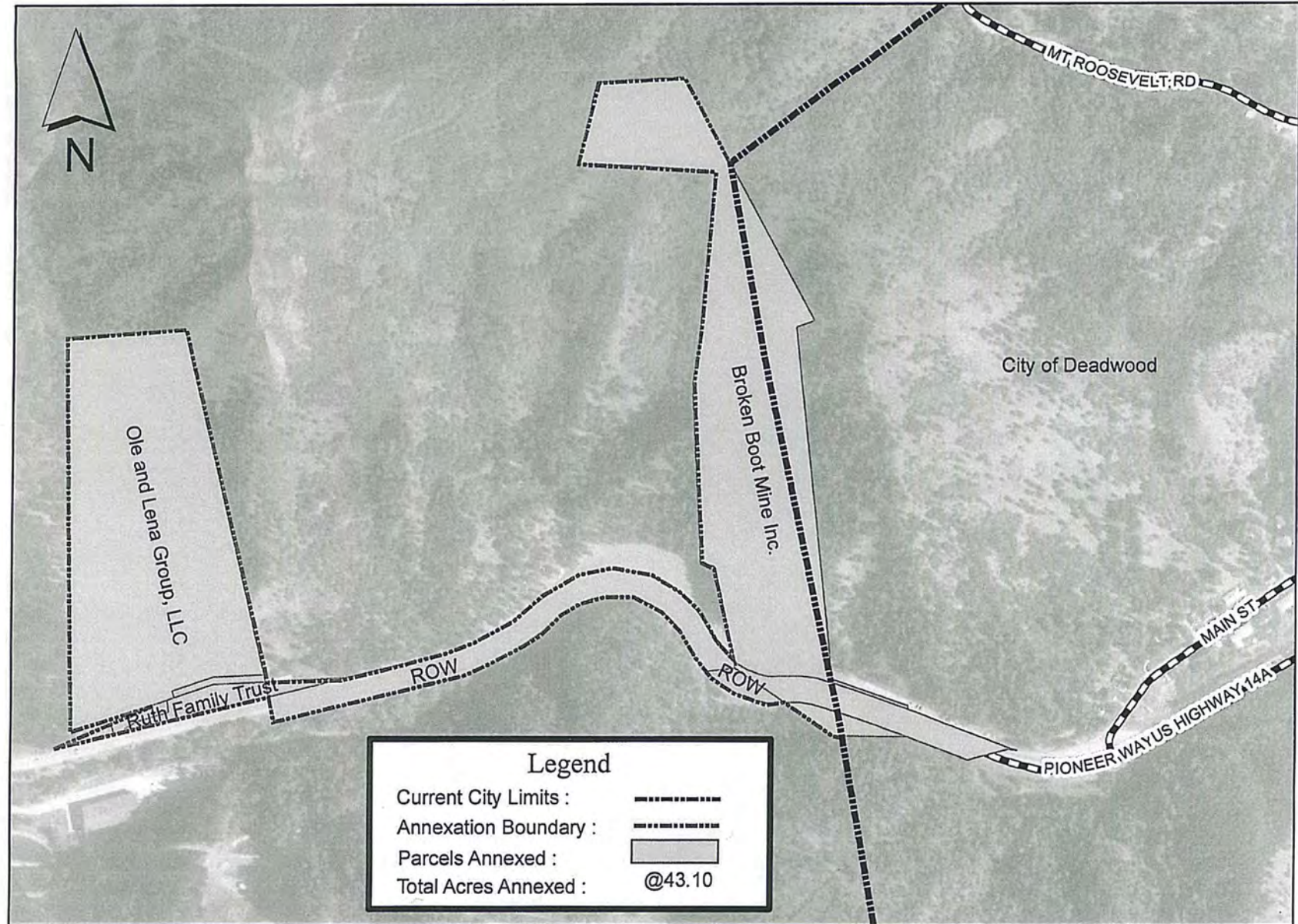
Arnold E. Olson

Owner/Petitioner/Representative  
Ole and Lena Group, LLC, a South Dakota  
Limited Liability Company

Michael W. Gahr

Owner/Petitioner/Representative  
Broken Boot Mine, Inc., a South Dakota Non-  
profit Corporation

# Proposed Annexation 2015 Map Exhibit





## ANNEXATION AND DEVELOPMENT AGREEMENT

This Agreement made effective the \_\_\_\_ day of October, 2015, by and between the City of Deadwood, a South Dakota municipality of 102 Sherman Street, County of Lawrence, State of South Dakota, hereinafter referred to as "CITY", Ruth Family Trust, Ole and Lena Group, LLC, and Broken Boot Inc., hereinafter referred to collectively as PETITIONERS.

### RECITALS

PETITIONERS have petitioned and requested that CITY annex their properties into the CITY limits pursuant to SDCL 9-4-1 et. al.; and

CITY is authorized to enter into an ANNEXATION and DEVELOPMENT agreement with PETITIONERS pursuant to SDCL 9-4.1.1, which agreement specifies the conditions under which PETITIONERS property is annexed; and

PETITIONERS property is to be zoned Highway Commercial following annexation; and

CITY will provide certain services as set forth in this Agreement.

WHEREFORE IT IS AGREED AS FOLLOWS:

- 1) CITY shall take all necessary steps to timely annex PETITIONERS properties into the CITY limits.
- 2) The property annexed shall be zoned as follows: Commercial Highway District pursuant to Chapter 17.40 of the Code of Ordinances of the City of Deadwood, South Dakota, 2003, and as later amended.
- 3) CITY is not obligated to provide services to PETITIONERS properties except police and fire protection, garbage collection and a Trolley Stop at KOA (May 1 to October 1) and any other services mutually agreed between the parties.

4) This Agreement is governed by, construed and enforced according to the laws of South Dakota.

5) This Agreement shall constitute the entire Agreement between and among the parties and any prior understandings or representations of any kind preceding this Agreement shall not be binding upon any party except to the extent incorporated herein.

6) Any modification of this Agreement shall be binding only if evidenced in writing signed to by each party or representative of a party.

IN WITNESS WHEREOF, each party to this agreement has executed the same.

City of Deadwood:

\_\_\_\_\_  
By: Charles Turbiville, Mayor

ATTEST:

\_\_\_\_\_  
Finance Officer

Petitioners:

\_\_\_\_\_  
Owner/Petitioner/Representative  
Ruth Family Trust

\_\_\_\_\_  
Owner/Petitioner/Representative  
Ole and Lena Group, LLC, a South Dakota  
Limited Liability Company

\_\_\_\_\_  
Owner/Petitioner/Representative  
Broken Boot Mine, Inc., a South Dakota Non-  
profit Corporation



RESOLUTION 2015-  
TO ANNEX REAL PROPERTY

**WHEREAS**, a petition has been filed with the City of Deadwood, Lawrence County, South Dakota in the form and manner required by law, requesting the voluntary annexation of certain real property pursuant to SDCL 9-4-1 and legally described as follows:

Real Property owned by Ruth Family Trust:

Lot 2, being a portion of Mineral Survey 733, located in the NE1/4 NE1/4 of Section 28, T5N, R3E, BHM, Lawrence County, South Dakota, all as shown on that certain plat recorded in the office of the Lawrence County Register of Deeds as Plat Document Number 2003-7006 and comprising .21 acres, more or less.

Lot A of MS 601, located in Section 28, T5N, R3E, BHM, Lawrence County, South Dakota.

Lot A of Placer Mining Claim designated by the Surveyor General as Lot No. 108, as shown by "Plat of subdivision of Placer No. 108, near Gayville, South Dakota:" made by Lyle G. Warren, Registered Land Surveyor, under the date of February 2, 1955, which plat is now on file in the office of the Register of Deeds of said Lawrence County. Said Lot A of Placer No. 108, contains 1.14 Acres, more or less.

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The Bergen and Bergen Fraction, Mineral Survey 1940, located in Sections 22 and 27, Township 5 North, Range 3 East, Black Hills Meridian, Lawrence County, South Dakota, comprising 19.02 acres, more or less, less any and all encumbrances and easements of record.

All located in Lawrence County, South Dakota as shown on Exhibit A attached hereto and by such reference incorporated herein.

**WHEREAS**, it has been determined it would be in the public interest for the City of Deadwood to annex the above-described real property consisting of approximately 56.19 acres for use in the future as residential and commercial development of the City of Deadwood;

**WHEREAS**, it appears that the Petitioners of the property, which is contiguous to the City of Deadwood, South Dakota 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.

**BE IT FURTHER AND FINALLY RESOLVED** that the Annexation and Development Agreement of this same date entered into by and between Petitioners and the City of City of Deadwood is incorporated herein and by this express reference made a part hereof as though it was set out in its entirety.

Dated this \_\_\_\_ day of October, 2015.

CITY OF DEADWOOD

\_\_\_\_\_  
Charles Turbiville, Mayor

ATTEST:

\_\_\_\_\_  
Finance Officer



October 2015

Dear Sign Commission,

I am writing this letter on behalf of the Broken Boot Gold Mine to request a variance for 15.32.130 Disallowed signs, item 18. Roof signs shall not be allowed.

We are requesting to replace an existing sign on the overhang at the entrance to the mine. The "roof" covers the platform that leads into the mine. This is a very unusual entrance. I believe that it is the only entrance into a hillside in the city of Deadwood. As you know, the mine is not a building nor is the entrance, so I hesitate to call this overhang a roof.

The Broken Boot Gold Mine has been open to tourists since the 1950's. I have included a variety of photographs of the mine, the signs, and the entrance through the years. There has been a sign on the overhang for well over 30 years. Because of our unique location, we have many visitors stop as they are driving by on the highway. Our signs are essential to our business. The tourists see the signs that say, "underground tours" and "goldpanning" and those signs are the reason many of them stop.

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Thank you for your consideration.

Sincerely,

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Kerry Ruth, Broken Boot Gold Mine Manager

