

## DEADWOOD HISTORIC PRESERVATION COMMISSION

Wednesday, September 12, 2007 ~ 5:00 p.m.

City Hall, 108 Sherman Street, Deadwood, South Dakota

1. Call meeting to order –Chair Willie Steinlicht
2. Review minutes.
3. Voucher approval.
4. New matters before the Deadwood Sign Commission
  - a. Banner application – Deadwood High School Reunion
  - b. Banner application – Deadwood Volunteer Fire Department
5. New Matters before the Deadwood Historic District Commission
  - a. Beatrice & Edith Wong
  - b. 57 & 59 Sherman Street – Windows – Dexter & Terrie Koehne
  - c. 675 Main Street – Stone Wall Repair – Sandee McCallum
  - d. 558 Main Street – Repair – DWD, Inc.
  - e. 652 Main Street – Repair Windows and Paint – Stockade
  - f. 658 Main Street – Repair and Paint – Buffalo Saloon/Steakhouse
  - g. 660 Main Street – Paint – Lady Luck
  - h. 662 Main Street – Repair and Paint – Bodega II
  - i. 662 Main Street – Repair and Paint – Bodega
6. New matters before the Deadwood Historic Preservation Commission
  - a. Archive Project Proposal
  - b. 18 Guy Street – Windows – Guy Edwards
  - c. 80 Williams Street – Garage – David Thompson
  - d. 61 Charles Street – Shed – Lead-Deadwood Regional Hospital
  - e. 26 Adams Street – Retaining Wall – Andy Esclotet
  - f. 788 Main Street – Siding – Lyman Toews
  - g. 8 Shine Street – Windows – Ron Wheeler
  - h. 11 Calamity Lane – Door – Robert & Evelyn Lehman
  - i. 13 Calamity Lane – Door – John & Ada Henninger
  - j. 10 Van Buren – Siding & Repair - Dennis Bammer
  - k. 15 Dunlop – Windows & Doors – Gerald Porter
7. Old Business
  - a. Cadillac Jacks Proposal
8. Revolving Loan Fund/Retaining Wall Grant Update.
  - a. Retaining Wall Applications
  - b. Revolving loan disbursements
  - c. Retaining Wall disbursements
9. Items from Citizens not on agenda.
10. Committee Actions and Reports (*Committee Assignments on Back*)
11. Other business
12. Adjournment

CITY OF DEADWOOD  
HISTORIC PRESERVATION COMMISSION

Wednesday, September 12, 2007

Present Historic Preservation Commission: Darin Derosier, Ronda Feterl, Mary Ann Oberlander, Mike Olsen, Steve Olson and Willie Steinlicht. Historic Preservation Officer Kevin Kuchenbecker was also present.

Absent Historic Preservation Commission: Matt Pike.

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A quorum being present, Chairman Willie Steinlicht called the Deadwood Historic Preservation Commission meeting to order on Wednesday, September 12, 2007 at 5:00 p.m. in the Deadwood City Hall located at 108 Sherman Street, Deadwood, SD.

Review Minutes – August 22, 2007

*It was moved by Mr. Olson, seconded by Mr. Derosier and carried unanimously, with the following commissioner abstaining: Mike Olsen, to adopt a resolution to approve the minutes of the regular Historic Preservation Commission meeting conducted on Wednesday, August 12, 2007 contingent upon the following change to item 54 Sherman Street - Banners - Adams Museum: "banners to be placed on the south & east sides..."*

Voucher Approval

Operating Account:

*It was moved by Mr. Olsen, seconded by Mr. Derosier and carried unanimously to adopt a resolution to approve the HP Operating Account in the amount of \$100,734.20.*

Bonded Account:

*It was moved by Mr. Olsen, seconded by Mr. Olson and carried unanimously to adopt a resolution to approve the HP Bonded Account in the amount of \$8,792.70.*

NEW MATTERS BEFORE THE DEADWOOD SIGN COMMISSION:

Banner Application - Deadwood High School Reunion

*It was moved by Mr. Olsen, seconded by Ms. Feterl and carried unanimously to adopt a resolution to waive the Sign Permit Application fee for the Deadwood High School Reunion Committee, a non-profit organization, as presented.*

Banner Application - Deadwood Volunteer Fire Department

*It was moved by Mr. Olson, seconded by Ms. Feterl and carried unanimously to approve the Sign Permit Application for two (2) "Fire Prevention Week" banners to be placed on the guardrails at each end of the fire house from September 23 to October 13, as well as waive the application fee for the Deadwood Volunteer Fire Department, a non-profit organization, as presented.*

NEW MATTERS BEFORE THE DEADWOOD HISTORIC DISTRICT COMMISSION:

Beatrice & Edith Wong

Chairman Steinlicht welcomed Beatrice and Edith Wong, stating that they were generous contributors to local scholarship funds, as well as advocates of historic preservation. At this time Edith Wong came before the commission and read a letter expressing their gratitude towards the office of Historic Preservation and the Historic Preservation Commission for their efforts in relation to the demolition of the Wing Tsue building and the hearings that followed, as well as the steps that have since been taken to prevent a similar incident from occurring. She went on to explain that her great-grandfather, Fee Lee Wong, built the Wing Tsue building in 1896 as a home and place of business. Ms. Wong then expressed her families concern with the future of Chinatown and stated their wishes for the future development of the Wing Tsue property.

**57 & 59 Sherman Street - Windows - Dexter & Terrie Koehne**

The commission referred to staff report #07109, attached and made part of this record as Exhibit A.

Mr. Kuchenbecker summarized the information provided in the staff report. He stated that the applicant is requesting permission to replace the existing windows with wooden Anderson windows. *It was moved by Mr. Olsen, seconded by Ms. Feterl and carried unanimously to adopt a resolution to approve the Certificate of Appropriateness to replace the existing windows with wooden Anderson windows, at 57 & 59 Sherman Street, a non-contributing structure located in the South Deadwood Historic Overlay Zone, as proposed by Dexter & Terrie Koehne, applicant and property owner, as presented.*

**675 Main Street - Stone Wall Repair - Sandee McCallum**

The commission referred to staff report #07108, attached and made part of this record as Exhibit B.

Mr. Kuchenbecker summarized the information provided in the staff report. He stated that the proposed alterations were both appropriate and necessary. *It was moved by Ms. Feterl, seconded by Mr. Olsen and carried unanimously to adopt a resolution to approve the Certificate of Appropriateness to remove the electrical service and repair the stone wall and foundation which has deteriorated, at 675 Main Street, a contributing structure located in the Deadwood Historic Overlay Zone, as proposed by Sandee McCallum, applicant and property owner, as presented.*

**558 Main Street - Repair - DWD, Inc.**

The commission referred to staff report #07109, attached and made part of this record as Exhibit C.

Mr. Kuchenbecker summarized the information provided in the staff report. He stated that a solution was needed to prevent further erosion of the hillside, but feels that a shotcrete retaining wall, as proposed, is not the best answer due to the adverse effect it will have on the historic district. *It was moved by Mr. Derosier, seconded by Mr. Olsen and carried unanimously to adopt a resolution to continue until the applicant has a chance meet with an engineer and explore alternative solutions.*

**652 Main Street - Repair Windows & Paint - Stockade**

The commission referred to staff report #07109, attached and made part of this record as Exhibit D.

Mr. Kuchenbecker summarized the information provided in the staff report. Commissioner Olson stated, for the record, that Steve Olson, the applicant, was not the same person as Steve Olson, the commissioner. *It was moved by Mr. Olsen, seconded by Ms. Feterl and carried unanimously to adopt a resolution to approve the Certificate of Appropriateness to repair the wood and repaint the facade of the Stockade, at 652 Main Street, located in the Deadwood City Historic Overlay District, as proposed by Steve Olson, applicant and property owner, as presented.*

**658 Main Street - Repair and Paint - Buffalo Saloon**

The commission referred to staff report #07110, attached and made part of this record as Exhibit E.

Mr. Kuchenbecker summarized the information provided in the staff report. *It was moved by Mr. Derosier, seconded by Mr. Olsen and carried unanimously to adopt a resolution to approve the Certificate of Appropriateness to replace the*

*shingles and fascia board on the existing wood awning above the entrance to the Buffalo with the same color shingles and repaint with the same color, at 658 Main Street, located in the Deadwood City Historic Overlay District, as proposed by Steve Olson, applicant and property owner, as presented.*

**660 Main Street - Paint - Lady Luck**

The commission referred to staff report #07111, attached and made part of this record as Exhibit F.

Mr. Kuchenbecker summarized the information provided in the staff report. *It was moved by Mr. Olsen, seconded by Mr. Olson and carried unanimously to adopt a resolution to approve the Certificate of Appropriateness to repaint the facade of Lady Luck, at 660 Main Street, located in the Deadwood City Historic Overlay District, as proposed by Steve Olson, applicant and property owner, as presented.*

**662 Main Street - Repair and Paint - Bodega II**

The commission referred to staff report #07112, attached and made part of this record as Exhibit G.

Mr. Kuchenbecker summarized the information provided in the staff report. *It was moved by Mr. Olsen, seconded by Mr. Olson and carried unanimously to adopt a resolution to approve the Certificate of Appropriateness to repair and repaint the facade of the structure at 662 Main Street, the Bodega II, located in the Deadwood City Historic Overlay District, as proposed by Steve Olson, applicant and property owner, as presented.*

**664 Main Street - Repair and Paint - Bodega**

The commission referred to staff report #07112, attached and made part of this record as Exhibit H.

Mr. Kuchenbecker summarized the information provided in the staff report. *It was moved by Mr. Derosier, seconded by Mr. Olsen and carried unanimously to adopt a resolution to approve the Certificate of Appropriateness to repair and repaint the facade of the structure at 664 Main Street, the Bodega, located in the Deadwood City Historic Overlay District, as proposed by Steve Olson, applicant and property owner, as presented.*

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

**Archive Project Proposal**

Mr. Kuchenbecker stated that Archives would like to make the Century Awards accessible to the public through an interactive map and is requesting permission to hire a private contractor to assist in the development of a Google Map at a cost not to exceed \$250.00. *It was moved by Mr. Olsen, seconded by Ms. Oberlander and carried unanimously to hire an independent contractor to develop a Google Map at a cost not to exceed \$250.00, paid from the Public Education fund.*

**18 Guy Street - Windows - Guy Edwards**

The commission referred to staff report #07107, attached and made part of this record as Exhibit I.

Mr. Kuchenbecker summarized the information provided in the staff report. *It was moved by Mr. Olsen, seconded by Mr. Olson and carried unanimously to adopt a resolution to deny the Application for Project Approval to replace the windows at 18 Guy Street, a non-contributing structure located in the Forest Hill Historic Overlay Zone, due to the fact that the proposed changes will have an adverse affect on the character of the building, as proposed by Guy Edwards, applicant and property owner, as presented.* City Attorney Jason Campbell asked the commission to clarify if they intended to pursue any other action against Mr. Edwards. *It was moved by Mr. Derosier, seconded by Mr. Olsen and carried unanimously that no further action would be taken against Mr. Edwards.*

**80 Williams Street - Garage - David Thompson**

Mr. Kuchenbecker stated that the applicant had not yet provided him with a site plan. *It was moved by Mr. Derosier, seconded by Mr. Olson and carried unanimously to continue discussion of 80 Williams until all the information needed has been provided by the applicant.*

**61 Charles Street - Shed - Lead-Deadwood Regional Hospital**

The commission referred to staff report #07100, attached and made part of this record as Exhibit J.

Mr. Kuchenbecker summarized the information provided in the staff report. *It was moved by Mr. Olsen, seconded by Ms. Feterl and carried unanimously to adopt a resolution to grant a demolition permit to retire two (2) non-contributing sheds located at 61 Charles Street. It was moved by Mr. Olsen, seconded by Ms. Feterl and carried unanimously to adopt a resolution to approve the Application for Project Approval to construct a shed in the rear of the parking lot behind the hospital at 61 Charles Street, a non-contributing structure located in the Cleveland Historic Overlay Zone, as proposed by Lead-Deadwood Regional Hospital, applicant and property owner, as presented.*

**26 Adams Street - Retaining Wall - Andy Escolet**

The commission referred to staff report #07103, attached and made part of this record as Exhibit K.

Mr. Kuchenbecker summarized the information provided in the staff report. *It was moved by Ms. Feterl, seconded by Ms. Oberlander and carried unanimously to adopt a resolution to approve the Application for Project Approval to install brick pavers for parking and three (3) versa-lock retaining walls tiered to the east side of the residence at 26 Adams Street, a contributing structure located in the Ingleside Historic Overlay Zone, as proposed by Andy Escolet, applicant and property owner, as presented.*

**788 Main Street - Siding - Lyman Toews**

The commission referred to staff report #07104, attached and made part of this record as Exhibit L.

Mr. Kuchenbecker summarized the information provided in the staff report. *It was moved by Mr. Olsen, seconded by Mr. Derosier and carried unanimously to adopt a resolution to approve the Application for Project Approval to replace the siding at 788 Main Street, a non-contributing structure located in the Deadwood City Historic Overlay Zone, as proposed by Lyman Toews, applicant and property owner, as presented.*

**8 Shine Street - Windows - Ron Wheeler**

The commission referred to staff report #07105, attached and made part of this record as Exhibit M.

Mr. Kuchenbecker summarized the information provided in the staff report. *It was moved by Ms. Feterl, seconded by Mr. Olsen and carried unanimously to adopt a resolution to approve the Application for Project Approval to replace the existing aluminum storm windows with wooden storm windows painted to match the existing trim at 8 Shine Street, a contributing structure located in the Forest Hill Historic Overlay Zone, as proposed by Ron Wheeler, applicant and property owner, as presented.*

**11 Calamity Lane - Door - Robert & Evelyn Lehman**

The commission referred to staff report #07101, attached and made part of this record as Exhibit N.

Mr. Kuchenbecker summarized the information provided in the staff report. *It was moved by Ms. Feterl, seconded by Mr. Olsen and carried unanimously to adopt a resolution to approve the Application for Project Approval to install a new vinyl storm door with side lights at 11 Calamity Lane, a non-contributing structure located in the Peck's Garden Historic Overlay Zone, as proposed by Robert and Evelyn Lehman, applicant and property owner, as presented.*

**13 Calamity Lane - Door - John & Ada Henninger**

The commission referred to staff report #07102, attached and made part of this record as Exhibit O.

Mr. Kuchenbecker summarized the information provided in the staff report. *It was moved by Mr. Olsen, seconded by Mr. Olson and carried unanimously to adopt a resolution to approve the Application for Project Approval to install a new vinyl storm door with side lights at 13 Calamity Lane, a non-contributing structure located in the Peck's Garden Historic Overlay Zone, as proposed by John and Ada Henninger, applicant and property owner, as presented.*

**10 Van Buren Avenue - Siding & Repair - Dennis Bammer**

The commission referred to staff report #07106, attached and made part of this record as Exhibit P.

Mr. Kuchenbecker summarized the information provided in the staff report. He also recommended that the applicant be accepted into the paint and siding programs. *It was moved by Mr. Derosier, seconded by Mr. Olsen and carried unanimously to adopt a resolution to approve the Application for Project Approval to replace the existing siding, trim, and roof shingles at 10 Van Buren Avenue, a contributing structure located in the Ingleside Historic Overlay Zone, as proposed by Dennis Bammer, applicant and property owner, as presented.*

*It was moved by Mr. Olsen, seconded by Ms. Feterl and carried unanimously to adopt a resolution to grant Dennis Bammer, 10 Van Buren Avenue, into the siding and paint programs.*

**15 Dunlop - Windows & Doors - Gerald Porter**

The commission referred to staff report #07112, attached and made part of this record as Exhibit Q.

Mr. Kuchenbecker summarized the information provided in the staff report. *It was moved by Mr. Olson, seconded by Mr. Olsen and carried unanimously to adopt a resolution to approve the Application for Project Approval to replace the doors and windows at 15 Dunlop, a non-contributing structure located in the Large's Flat Historic Overlay Zone, as proposed by Gerald Porter, applicant and owner, as presented.*

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

**Retaining Wall Applications**

None.

**Revolving Loan Disbursements**

*It was moved by Mr. Olsen, seconded by Ms. Feterl and carried unanimously to adopt a resolution to approve the Historic Preservation Revolving Loan Fund Cash Disbursements Journal totaling \$46.00 to the following: Lawrence County Register of Deeds, \$46.00, as presented.*

**Retaining Wall Disbursements:**

*It was moved by Mr. Derosier, seconded by Mr. Olson and carried unanimously to adopt a resolution to approve the Historic Preservation Retaining Wall Grant Disbursement totaling \$62,259.00 to RCS Construction, 308 Williams, as presented.*

**Francis Lauer and Shirley Black Lauer - 11 Lincoln Avenue**

*It was moved by Mr. Derosier, seconded by Mr. Olsen and carried unanimously to adopt a resolution to approve financing for Francis Lauer and Shirley Black Lauer, 11 Lincoln Avenue as follows: loan funding in the principal amount of \$10,136.00 with a zero percent (0%) life safety interest rate.*

**Sandra McCallum - Gold Nugget - 675 Main Street**

*It was moved by Mr. Olson, seconded by Mr. Olsen and carried unanimously to adopt a resolution to approve financing for Sandra McCallum, 675 Main Street as follows: loan funding in the principal amount of \$41,000.00 with a zero percent (0%) life safety interest rate.*

## OLD BUSINESS:

### Cadillac Jack's Proposal

The commission referred to the revised staff report #07050, attached and made part of this record as Exhibit R.

Roger Tellinghuisen, representing Cadillac Jack's, came before the commission at this time. He presented them with several items to review and asked that each item be made a part of the official record. These items are available at City Hall Historic Preservation Office and are as follows: Exhibit S - a binder including, but not limited to, additional comments in regards to the formal staff report, previous decisions made by the Historic Preservation Commission, and documentation of the supreme court case decision in 2000 in regards to the original Cadillac Jack's project.; Exhibit T - copies of the historic preservation minutes dated: January 25, 2006; February 8, 2006; February 22, 2006; and March 8, 2006; Exhibit U - document highlighting Cadillac Jack's comments in regards to the addendum to the formal staff report; Exhibit V - document highlighting the "mitigating effects that have been undertaken since the beginning of this project"; and Exhibit W - DVD of the proposed new construction.

Mr. Tellinghuisen began by stating that he, along with his clients, have met several times with Mr. Kuchenbecker to try and "arrive at changes to the proposed project that we believe would make a difference in his recommendations and report to you. I am sad to say that we have not been successful in accomplishing that goal". Mr. Tellinghuisen asked that the commission recognize the fact that the area around Cadillac Jack's is zoned commercial and to also keep in mind the previous decisions they have made as a commission when considering the outcome of the Cadillac Jack's project.

At this time Cadillac Jack's presented a slideshow of their revised proposal, addressing previous noted concerns of the commission and Mr. Kuchenbecker. Mr. Derosier commented that he appreciated the changes made, stating that they were "aesthetically pleasing".

Mr. Tellinghuisen, in response to previous concerns and comments made in regards to the sizing and massing of the proposed expansion, stated that from a viability standpoint there comes a time when it is not economically feasible to downsize. He went on to say that, although the commission and Mr. Kuchenbecker have voiced their concerns about the overall size of the expansion, they have never provided the applicants with any guidelines as to what would be appropriate, concluding that he feels that his clients are on an "unfair playing field".

Mr. Olsen inquired if Mr. Tellinghuisen's clients have sought outside comments from other preservationists such as the National Parks Service and the National Trust for Historic Preservation. Mr. Tellinghuisen, responded that they have not and stated "I have been around this process for quite awhile and I don't know of any applicants who has done that". He went on to say that it is his feeling that this would be an unnecessary step. Mr. Derosier concurred and went on to say that, in this case, the opinion of the National Park Service is "irrelevant". Mayor Toscana spoke up and stated that he did not feel that it was fair to ask Cadillac Jack's to seek the opinion of the National Park Service when that is not an expectation place upon other applicants.

Mr. Olson stated that he is less concerned with the size and mass of the structure than he is with the impact it will have on the Ferris residence. He went on to say that by placing a commercial structure that close to a residential structure "you have basically rendered that residence unlivable". City Commissioner Silvernail responded to Mr. Olson's concerns, stating that she has spoken with the Ferris' and they have told her that "they have thought about this and do not have a problem...it will not really effect us". Mr. Derosier stated that he appreciated Ms. Silvernail's comments because as a commission they want to "protect the citizens" of Deadwood.

Ms. Oberlander expressed her concern with the size of the proposed structure, stating that she feels that the original structure is "too big for the area" and that by adding on to it is "too much". Mr. Olsen agreed, saying that it is "massive" and it is his opinion that the applicants have not explored alternative options. Mike McClain, representative for Cadillac Jacks, responded to Mr.

Olsen, pointing out the changes that have been done since the original proposal to accommodate the concerns of the commissioners and Mr. Kuchenbecker.

Mr. Olson inquired if there was a possibility of getting a 3-D rendering of the plans to provide the commissioners with another perspective of the size structure and the effect that it will have on the surrounding area. Mr. Kuchenbecker stated that the Historic Preservation Office has those capabilities and would be willing to work with the applicants to create a different rendering for the commission. *It was moved by Mr. Derosier, seconded by Ms. Feterl and carried unanimously to continue the discussion until the commission had more time to examine the new information, as well as allow the applicants time to work with Mr. Kuchenbecker and the Historic Preservation staff in creating a 3-D rendering.*

**ITEMS FROM CITIZENS NOT ON AGENDA:**

None.

**COMMITTEE ACTIONS AND REPORTS:**

Advocacy: Commission representatives: Ronda Feterl (chair), Mike Olsen and Willie Steinlicht  
No report was given.

Archeology: Commission representatives: Mike Olsen (chair), Darin Derosier and Willie Steinlicht  
No report was given.

Archives: Commission representatives: Mike Olsen (chair), Steve Olson, and Matthew Pike  
Mr. Kuchenbecker stated that Archives has received the preliminary Conservation Assessment Program report.

Budget: Commission representatives: Ronda Feterl (chair) and Mike Olsen  
No report was given.

Cemetery: Commission representatives: Steve Olson (chair), Mary Ann Oberlander and Matthew Pike  
*Mr. Olson stated that the committee has reviewed the RFPs for St. Ambrose. It was move by Mr. Olson, seconded by Mr. Olsen and carried unanimously, with the following commissioners abstaining: Ms. Oberlander to recommend the proposal from Dream Design International, Inc. for the St. Ambrose renovation in the amount of \$70,340.00 and present the proposal to the City Commission for their review and approval.*

Demolition by Neglect: Commission representatives: Mike Olsen (chair) and Steve Olson  
No report was given.

GIS: Commission representatives: Steve Olson (chair), Mary Ann Oberlander, and Matthew Pike  
No report was given.

Grants: Commission representatives: Mary Ann Oberlander (chair), Ronda Feterl and Willie Steinlicht  
No report was given.

Homestake Archives: Commission representatives: Ronda Feterl (chair) and Mike Olsen  
No report was given.

Loans: Commission representatives: Ronda Feterl (chair), Darin Derosier and Willie Steinlicht  
No report was given.

Policies and Procedures: Commission representatives: Matthew Pike (chair) plus entire HPC  
No report was given.

Signage: Commission representatives: Willie Steinlicht (chair) and Darin Derosier  
No report was given.

Recognition: Commission representatives: Mary Ann Oberlander (chair) and Ronda Feterl  
Ms. Oberlander stated that they will be recognizing the Century Award Winners on October 24, 2007 at 7:00 pm following the Historic Preservation meeting.

Representative to the Adams Museum: Commission representative: Mary Ann Oberlander  
No report was given.

Representative to the Chamber: Commission representatives: Darin Derosier (chair) and Willie Steinlicht  
No report was given.

Representative to the Days of '76 Board: Commission representative: Steve Olson  
No report was given.

Representative to NHS: Commission representative: Willie Steinlicht  
No report was given.

Representative to Planning & Zoning: Commission representative: Mike Olsen  
No report was given.

Historic Preservation Staff:

Mr. Kuchenbecker presented the final draft of the RFP for the design guidelines for the City of Deadwood and requested that it be sent out for bid. *It was moved by Ms. Feterl, seconded by Ms. Oberlander and carried unanimously to adopt a resolution to allow the request for proposal for the design guidelines for the City of Deadwood to be sent out for bid.*

OTHER BUSINESS:

None.

ADJOURNMENT:

Hearing no further business to come before the commission at this time and no objections from the commission or the audience, Chairman Steinlicht adjourned the meeting at 7:45 p.m.

ATTEST:

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Willie Steinlicht  
Chairman, Historic Preservation Commission  
Heather Pleinis, Recording Secretary

