

DEADWOOD

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

OFFICE OF
PLANNING, ZONING
AND HISTORIC PRESERVATION
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DEADWOOD HISTORIC PRESERVATION COMMISSION

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

Wednesday, January 10, 2007 ~ 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 Sign Commission.
5. New matters before the Deadwood Historic Preservation Commission.
 - a. 346 Williams Street – Exterior Work – Gary Swenson
 - b. 715 Main Street – Masonic Temple Grant
 - c. 1200 Pioneer Way – Broken Boot Mine Grant
 - d. Sample Grant Agreement Letter
 - e. Grant Extension: Frawley Ranch
 - f. Grant Extension: Tomahawk Lake Country Club
 - g. Grant Extension: Newell Museum
 - h. Grant Extension: Rapid City Chamber of Commerce
 - i. Grant Extension: Mitchell Prehistoric Indian Village Site
 - j. Grant Extension: Homestake Opera House
 - k. Grant Extension: Shepherd of the Hills Lutheran Church
6. New Matters before the Deadwood Historic District Commission
 - a. 745 Main Street – Windows – Twin City Cleaners Barb Finders
7. Old Business
 - a. 8-12 Lee Street – Alterations – Deadwood Development Co.
8. Revolving Loan Fund/Retaining Wall Grant Update.
 - a. Revolving loan disbursements
 - b. Retaining Wall disbursements
 - c. Loan Request – Robert & Donald Nelson – 638 Main Street
 - d. Scott Oschsner – 47 Centennial
9. Items from Citizens not on agenda.
10. Committee Reports
11. Other business
12. Adjournment

CITY OF DEADWOOD
HISTORIC PRESERVATION COMMISSION

Wednesday, January 10, 2007

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

Absent Historic Preservation Commission: None.

A quorum being present, Chairman Rose Speirs called the Deadwood Historic Preservation Commission meeting to order on Wednesday, January 10, 2007 at 5:00 p.m. in the Deadwood City Hall located at 108 Sherman Street, Deadwood, SD.

Review Minutes – December 27, 2006:

It was moved by Mr. Olsen, seconded by Ms. Feterl and carried unanimously to adopt a resolution to approve the minutes of the regular Historic Preservation Commission meeting conducted on Wednesday, December 27, 2006 as presented.

Additions, Deletions and Corrections to the Agenda:

It was moved by Mr. Olsen, seconded by Mr. Steinlicht and carried unanimously to approve the following additions to the agenda under New Matters before the Deadwood Historic Preservation Commission:

- i. Approval for Retaining Wall Grant Amounts
- m. Website Training
- n. The Centers for Western Studies

Voucher Approval:

Operating Account:

It was moved by Mr. Steinlicht, seconded by Mr. Olsen and carried unanimously to adopt a resolution to approve the HP Operating Account in the amount of \$112,209.83.

Bonded Account:

None.

NEW MATTERS BEFORE THE DEADWOOD SIGN COMMISSION:

None.

NEW MATTERS BEFORE THE DEADWOOD HISTORIC PRESERVATION COMMISSION:

346 Williams – Exterior Work – Gary Swenson:

The commission referred to the following staff report:

*Case No. 07002
Address: 346 Williams Street*

January 5, 2007

STAFF REPORT

The applicant requests Project Approval to paint trim, replace rear deck, repair porch roof, replace front deck, reinstall garage door, and replace inappropriate windows at 346 Williams Street, a contributing structure located in the Forest Hill Historic Overlay Zone of the City of Deadwood.

Applicant: Gary Swenson
Owner: Gary Swenson
Constructed: 1935

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 building is a contributing resource in the Deadwood National Historic Landmark District. It is significant for its historic association with the growth and economic activity which took place in Deadwood and the northern Black Hills from the late 1920s until World War II. Spurred by resurgence in local mining activity, Deadwood experienced a period of expansion and new construction during these decades that it had not seen since the nineteenth century. This house is vernacular in style.

2. *Architectural design of the resource and proposed alterations:* Applicant proposes to engage in several rehabilitation activities on this historic resource. The activities are as follows:

- a. Paint trim on front and left side of house
- b. Repair/replace existing deck at rear of house
- c. Repair porch roof at rear of house
- d. Replace existing deck at front of house with re-orientation of stairs
- e. Remove and re-pour concrete slab
- f. Re-install wooden garage door
- g. Replace two windows with wooden double-double hung windows

Attachments: Yes

Plans: Yes

Photos: Yes

Recommended Decision: The proposed work and changes will not have an adverse effect on the historic character of the building and the historic character of the Deadwood National Landmark Historic District.

Historic Preservation Officer Kevin Kuchenbecker summarized the information provided in the staff report for the project proposed at 346 Williams. Gary Williams was in the audience to respond to any questions. It was moved by Mr. Olsen, seconded by Ms. Oberlander and carried unanimously to adopt a resolution to approve the Application for Project Approval for the rehabilitation activities at 346 Williams Street, a contributing structure located in the Forest Hill Historic Overlay Zone of the City of Deadwood, as proposed by Gary Swenson, the applicant and property owner as follows:

- a. Paint trim on front and left side of house;
- b. Repair/replace existing deck at rear of house;
- c. Repair porch roof at rear of house;
- d. Replace existing deck at front of house with re-orientation of stairs;

- e. Remove and re-pour concrete slab;
- f. Re-install wooden garage door;
- g. Replace two windows with wooden double-double hung windows.

715 Main Street – Masonic Temple Grant:

The commission referred to a memorandum from Historic Preservation Officer Kevin Kuchenbecker dated January 4, 2007 regarding the not-for-profit grant request submitted by the Masonic Temple in the spring of 2006, for electrical and heating, ventilation and air conditioning (HVAC) upgrades to the building located at 715 Main Street. The Grant Committee reviewed this project along with two additional submittals from local not-for-profits. No action was taken at the time due to the lack of funds available in this line item for 2006 until both the Deadwood Historic Preservation Commission and the Deadwood City Commission approved a supplement of \$58,000 to this line item.

Mr. Kuchenbecker reported that the Grants Committee of the Deadwood Historic Preservation Commission has recently officially reviewed the application and recommends formal approval of a grant in the amount of \$58,646.18. It was moved by Ms. Oberlander and seconded by Mr. Olson to adopt a resolution to approve a Deadwood Not-for-Profit Grant in the amount of \$58,646.18 for electrical and heating, ventilation and air-conditioning (HVAC) upgrades to the Masonic Temple located at 715 Main Street. Ms. Feterl offered a friendly amendment to the motion to include authorizing staff to develop a formal grant agreement for execution. Mr. Kuchenbecker requested that a formal grant agreement be executed with all recipients of grant funding from this point on. Mr. Olson noted that recommended level of funding recommended to the Masonic Temple for this project exceeds the approved amount of the budget supplement reported at \$58,000. Mr. Kuchenbecker explained that some unspent funds remained available following an accounting of the non-profit grants outstanding for 2006. Hearing no further discussion, upon vote taken thereon, the motion carried with Mr. Steinlicht abstaining.

1200 Pioneer Way - Broken Boot Mine Grant:

The commission referred to a memorandum from Historic Preservation Officer Kevin Kuchenbecker dated January 4, 2007 regarding the not-for-profit grant request submitted by the Broken Boot Mine in the spring of 2006, for the re-timbering and structural supports necessary for the safety and stabilization of this historic resource. The Grant Committee reviewed this project along with two additional submittals from local not-for-profits; however, no action was taken at the time due to the lack of funds available in this line item for 2006. The Grants Committee continued this item until 2007.

Mr. Kuchenbecker reported that the Grants Committee of the Deadwood Historic Preservation Commission has recently officially reviewed the application and recommends formal approval of a grant in the amount of \$19,000.00 for the project. It was moved by Mr. Steinlicht, seconded by Ms. Oberlander and carried unanimously to adopt a resolution to approve a Deadwood Not-for-Profit Grant in the amount of \$19,000.00 for re-timbering and structural supports at the Broken Boot Mine located at 1200 Pioneer Way, Deadwood, SD and to direct staff to develop a formal grant agreement for execution.

Sample Grant Agreement Letter:

The commission referred to a memorandum from Historic Preservation Officer Kevin Kuchenbecker dated January 4, 2007 to which a draft grant agreement letter was attached. Mr. Kuchenbecker stated the Grants Committee has reviewed the sample agreement letter which will be executed with recipients of program funding through the Outside of Deadwood Grant Program and the City of Deadwood Not-for-Profit Grant Program.

City Attorney John Frederickson suggested that signature blocks be added for the recipient of the grant funds and the appropriate authority for the City of Deadwood. Ms. Feterl questioned whether this would include the Historic Preservation Commission and the City Commission. Mayor Toscana and Mr. Frederickson concurred that it would be appropriate to include signature blocks for both commissions. It was moved by Ms. Oberlander, seconded by Mr. Olsen and carried unanimously to adopt a resolution to approve the Sample Grant Agreement Letter, adding signature blocks for the recipient of the grant funds, for the Historic Preservation Commission and the City Commission.

Grant Extension: Frawley Ranch:

Historic Preservation Officer Kevin Kuchenbecker stated that the Grants Committee has been involved in the extension requests presented to the commission at this time.

Due to inclement weather, finish work on the windows, specifically installation of mortar around the windows and doors, is not complete. The Frawley Ranch is requesting a grant extension until June 30, 2007 in order to complete the project. It was moved by Ms. Feterl, seconded by Ms. Oberlander and carried unanimously to adopt a resolution to approve the request for an extension to the Frawley Ranches, Inc., recipient of 2006 Outside of Deadwood Grant Program funding, with the stipulation that the project be completed by June 30, 2007.

Grant Extension: Tomahawk Lake Country Club:

Historic Preservation Officer Kevin Kuchenbecker explained that restoration of the fairways and greens has not been completed at the Tomahawk Lake Country Club due to inclement weather. The Country Club is requesting a grant extension until June 30, 2007 in order to complete the project. It was moved by Mr. Olson, seconded by Mr. Olsen and carried unanimously to adopt a resolution to approve the request for an extension to the Tomahawk Lake Country Club, recipient of 2006 Outside of Deadwood Grant Program funding, with the stipulation that the project be completed by June 30, 2007.

Grant Extension: Newell Museum – Congregational Church:

Historic Preservation Officer Kevin Kuchenbecker explained that, due to a two-month delay on the part of the contractor in replacing the foundation, the restoration work at the Newell Museum – Congregational Church is not complete. The recipient is requesting a grant extension until March 31, 2007 in order to complete the project. It was moved by Mr. Steinlicht and seconded by Ms. Oberlander to adopt a resolution to approve the request for an extension to the Newell Museum – Congregational Church, recipient of 2006 Outside of Deadwood Grant Program funding, with the stipulation that the project be completed by March 31, 2007. Mr. Olson questioned whether a deadline of March 31st would be sufficient to allow them to pour a concrete foundation. Mr. Kuchenbecker and Ms. Oberlander stated that is the date requested by the recipient. Hearing no further discussion, upon vote taken thereon, the motion carried unanimously.

Grant Extension: Rapid City Area Chamber of Commerce – Main Street Training:

Historic Preservation Officer Kevin Kuchenbecker explained that contract delays and scheduling with the National Trust has impeded the completion of this project for the Rapid City Area Chamber of Commerce. The recipient is requesting a grant extension until April 30, 2007. It was moved by Mr. Olsen, seconded by Mr. Olson and carried unanimously to adopt a resolution to approve the request for an extension to the Rapid City Area Chamber of Commerce, recipient of 2006 Outside of Deadwood Grant Program funding, with the stipulation that the project be completed by April 30, 2007.

Grant Extension: Mitchell Prehistoric Indian Village Site:

Historic Preservation Officer Kevin Kuchenbecker explained that the completion of the exhibits at the Mitchell Prehistoric Indian Village Site has been postponed due to requirements and delays with the South Dakota Department of Transportation. The recipient is requesting a grant extension until June 30, 2007 in order to complete the project. It was moved by Mr. Steinlicht, seconded by Mr. Olsen and carried unanimously to adopt a resolution to approve the request for an extension to the Mitchell Prehistoric Indian Village Site, recipient of 2006 Outside of Deadwood Grant Program funding, with the stipulation that the project be completed by June 30, 2007.

Grant Extension: Historic Homestake Opera House Society:

Historic Preservation Officer Kevin Kuchenbecker stated that the Historic Homestake Opera House Society has three outstanding grants from 2004, 2005 and 2006. The 2004 and 2005 grants were for restoration of historic lighting which the Society anticipates being complete around the first of the year. Additional grant funds were allocated in 2006 for the restoration of the women's lounge and restroom. The Society is requesting the extension of all three grants until June 30, 2007. Ms. Feterl requested the dollar amount of the grant funds for each year; Mr. Kuchenbecker recalled that grant funds totaled \$25,000 each year. It was moved by Ms. Feterl and seconded by Ms. Oberlander to adopt a resolution to approve the request for an extension to the Historic Homestake Opera House Society, recipient of 2006 Outside of Deadwood Grant Program funding, with the stipulation that the project be completed by June 30, 2007. Chairman Speirs stated that the deadline for one of the projects is actually April. Ms. Oberlander reported that the Society anticipates receipt of "the contractor's stuff in April". Ms. Feterl

referred to the new procedure which requires completion of grant-assisted projects within one year. She said the current situation with the Society covers "a lot of years". Hearing no further discussion, upon vote taken thereon, the motion carried unanimously.

Grant Extension: Shepherd of the Hills Lutheran Church:

Historic Preservation Officer Kevin Kuchenbecker reported that the project is underway, however, there have been unexpected issues regarding the contractor's availability. The Shepherd of the Hills Lutheran Church is requesting a grant extension until June 30, 2007. It was moved by Mr. Olsen, seconded by Mr. Olson and carried unanimously to adopt a resolution to approve the request for an extension to the Shepherd of the Hills Lutheran Church, recipient of 2006 Outside of Deadwood Grant Program funding, with the stipulation that the project be completed by June 30, 2007.

Approval for Retaining Wall Grant Amounts:

City Attorney John Frederickson offered the opinion that separate action should be taken by the commission on each of the Retaining Wall Grant projects presented.

At this time, Chairman Speirs requested the Grant Amount Worksheets be distributed to the commission prior to taking action on the requests. Ms. Feterl questioned the assessed value of the properties and the formula for which each grant was calculated. Mr. Kuchenbecker stated the worksheets are complete, however, he did not expect the commission would want copies. Joy McCracken, Executive Director of Neighborhood Housing Services (NHS) was in the audience and offered to make photocopies of the worksheets now. Mr. Kuchenbecker said the commission could continue the matter as well. Mr. Olsen expressed concern with delaying the work if the commission were to continue the matter. Building Inspector Keith Umentum responded by saying some of the contractors have submitted bids for the projects and "are a little bit anxious to know" the bid tally. It was moved by Mr. Olson, seconded by Mr. Olsen and carried unanimously to continue the discussion on the Retaining Wall Grant Amounts to later during the course of this meeting.

City Website Training:

Referring to a memorandum from the Website Steering Committee dated January 10, 2007, Historic Preservation Officer Kevin presented a request for funding to cover the expense associated with additional training that could be provided by the City's website host, GovOffice.com, a Minneapolis-based software company. Staff turnover has occurred since the initial training received when the City implemented the use of this software in 2003. The expense associated with bringing a representative from Minneapolis to the City will not exceed \$1,500 and will be divided among seven (7) city departments. Ms. Feterl questioned why the matter is before the Historic Preservation Commission rather than the city commission. Mr. Kuchenbecker stated a portion of the expense, estimated at \$215, would be funded through the historic preservation office operating line item. It was moved by Ms. Feterl, seconded by Mr. Olsen and carried unanimously to adopt a resolution to approve funding not to exceed \$215 from the Historic Preservation Office operating account line item for training from the city's website host, GovOffice.com.

Center for Western Studies:

Historic Preservation Officer Kevin reported having received correspondence from Mr. Harry Thompson, Director of Research Collections and Publications for the Center of Western Studies at Augustana College requesting \$1,000 for the 39th Annual Dakota Conference on Northern Plains History, Literature, Art and Archaeology, scheduled for April 20-21, 2007. This year's theme is "*Railroading the Plains*". Chairman Speirs questioned how the City would be acknowledged for the funding. Mr. Kuchenbecker stated acknowledgement of financial support would be provided inside the front cover and at the autograph party and reception as well. Mr. Kuchenbecker will include specifics regarding that acknowledgement in his letter responding to the request. In response to Mr. Olson's inquiry, Mr. Kuchenbecker stated this is not a budgeted request but adequate funding is available in the Advocacy line item. Mayor Toscana stated the City has been sponsoring the event for a number of years. Ms. Feterl suggested staff list ongoing request for financial support among the anticipated expenditures taken into consideration during the annual budget review process. It was moved by Mr. Olsen, seconded by Ms. Feterl and carried unanimously to adopt a resolution to approve funding in the amount of \$1,000 from the 2007 advocacy line item for financial support of the 39th Annual Dakota Conference on Northern Plains History, Literature, Art and Archaeology, scheduled for April 20-21, 2007, sponsored by the Center of Western Studies at Augustana College.

NEW MATTERS BEFORE THE DEADWOOD HISTORIC DISTRICT COMMISSION:

795 Main Street – Windows – Twin City Cleaners, Barb Findrs:

The commission referred to the following staff report:

Case No. 07001
Address: 795 Main Street

January 5, 2007

STAFF REPORT

The applicant requests Certificate of Appropriateness to replace existing single pane glass windows with double pane glass windows at 795 Main Street, a contributing structure located in the Deadwood City Historic Overlay Zone of the City of Deadwood.

Applicant: Barb Findrs
Owner: Barb Findrs
Constructed: 1935

CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS

The Historic District Commission shall use the following criteria in granting or denying Certificate of Appropriateness:

General Factors:

1. Historic significance of the resource: This building is a contributing resource in the Deadwood National Historic Landmark District. It is significant for its historic association with the growth and economic activity which took place in Deadwood and the northern Black Hills from the late 1920s until World War II. Spurred by resurgence in local mining activity, Deadwood experienced a period of expansion and new construction during these decades that it had not seen since the nineteenth century. This service station has a mission style influence.

2. Architectural design of the resource and proposed alterations: Applicant proposes to replace existing single pane glass windows with double pane glass windows.

Attachments: Yes

Plans: No

Photos: No

Recommended Decision: The proposed work and changes will not have an adverse effect on the historic character of the building and the historic character of the Deadwood National Landmark Historic District.

Historic Preservation Officer Kevin Kuchenbecker stated that the correct address for the property is 795 Main Street.

He summarized the information provided in the staff report and concluded by stating staff recommends approval. It was moved by Mr. Olson and seconded by Mr. Olsen to adopt a resolution to approve the Application for a Certificate of Appropriateness to replace the glazing and the existing single pane glass windows with double pane glass windows at 795 Main Street, a contributing structure located in the Deadwood City Historic Overlay Zone of the City of Deadwood, as proposed by Barb Findrs, the applicant and property owner, as presented. Mr. Steinlicht questioned whether the applicant would be using the existing window frames. Mr. Kuchenbecker explained that the existing wooden window frames would be used; the applicant is replacing the glazing. Hearing no further discussion, upon vote taken thereon, the motion carried unanimously.

OLD BUSINESS:

8-12 Lee Street – Alterations – Deadwood Development Company:

The commission referred to a memorandum by Historic Preservation Officer Kevin Kuchenbecker dated January 5, 2007, regarding amendments to the Application for a Certificate of Appropriateness which would include the addition of the deck and railing. A copy of the staff report date December 8, 2006 regarding the project was also provided.

Staff has met with Blake Haverberg and, through the work of Mr. Spencer Ruff, Haverberg's architect, developed a design solution which has addressed the concerns which were raised in the original design. Staff has determined the proposed work and changes will not have an adverse effect on the historic character of the building and the historic character of the Deadwood National Landmark Historic District.

Mr. Olson recalled the issue associated with the railing and placement of a sign. He asked if the sign will be placed in the parapet area. Mr. Kuchenbecker stated the sign has already been approved with a variance; relocation of that sign is now the issue. Mr. Olsen stated the sign has not been installed at this time. He recommended that Mr. Haverberg be required to submit a Sign Permit Application to relocate the sign previously approved. It was moved by Mr. Olsen, seconded by Ms. Feterl and carried unanimously to adopt a resolution to approve the revised Application for a Certificate of Appropriateness for alterations to the building located at 8-12 Lee Street, as proposed by Blake Haverberg and Deadwood Development Company, the applicant and property owner respectively, as submitted today.

Chairman Speirs thanked Mr. Kuchenbecker for working with Mr. Haverberg to resolve the many issues associated with this project.

City Attorney John Frederickson offered a legal opinion on the motion and suggested that staff clarify the matter with Mr. Haverberg that the action by the commission today does not constitute approval for relocation of the sign previously approved.

REVOLVING LOAN FUND/RETAINING WALL GRANT UPDATE:

Revolving Loan Disbursements:

Joy McCracken, Executive Director of Neighborhood Housing Services (NHS) referred the commission to narrative in the commission packet relative to the project for Bernice Hild, 39 Van Buren Street, and an invoice from Fischer Construction dated October 21, 2006, in the amount of \$3,050.48.

NHS is currently working with a new contractor to complete the project. In the proposal received from the contractor hired to replace Fischer Construction, there are expenses totaling \$1,500 which will be expended to correct the workmanship of Fischer Construction. Ms. McCracken presented a recommendation to reduce payment to Fischer Construction by the amount of \$1,500. Additionally, included in the invoice from Fischer Construction was a receipt from Drew's Bobcat Rental in the amount of \$400. Based on a telephone conversation with Drew's Bobcat Rental Company, NHS has determined that the invoice was outdated and Fischer did not rent anything recently. Ms. McCracken presented a recommendation to reduce payment to Fischer Construction further, in the amount of \$400. The loan committee is recommending final payment to Fischer Construction in the amount of \$1,150.48 for the project at 39 Van Buren Street.

City Attorney John Frederickson provided a legal update including his correspondence with Ms. Lynn Moran, an attorney from Custer, SD, who represents Fischer Construction. The commission received a photocopy of a letter Mr. Frederrickson sent via facsimile to Ms. Moran dated January 8, 2007, which offers payment in the amount of \$1,150.48 to resolve the matter. [A typographical error was noted in the second paragraph of Mr. Frederickson's letter wherein the payment amount is incorrectly listed as \$1,050.48.] In ongoing discussions with Ms. Moran as recently as this morning, Mr. Frederickson reported they are currently willing to settle for \$1,550.48. This amount includes the \$400 fee for the Bobcat rental. Ms. Moran provided him with "what they call a receipt" for the Bobcat rental. Mr. Frederickson does not consider the documentation they provided as "an acceptable business receipt".

Mr. Steinlicht offered the following comments. Since the time the loan committee met to consider the matter, city crews have visited the site to clean up some of the debris that Ms. Hild "was concerned about". He also wants to make sure that local merchants are paid for any materials that Fischer Construction may have obtained from them.

Mr. Frederickson stated he was not aware of the work completed by city crews at the time his negotiations were underway with Ms. Moran. He recommends that no check be issued to Fischer Construction until lien waivers and mechanical liens are in possession.

Mr. Kuchenbecker called upon Public Works Director Jim Raysor regarding the personnel expense associated with the cleanup of the property. Mr. Raysor reported that two parks department employees were working on-site for roughly two hours. He estimated an expense of \$60 for labor. Mr. Kuchenbecker suggested the payment to Fischer Construction be reduced further by the amount of \$60 and no payment be released until the proper lien waivers are in hand.

Mr. Olson would prefer to continue the matter of the Revolving Loan Fund Cash Disbursements Journal until staff negotiates a firm number for Fischer Construction. Ms. McCracken referred again to the fact that a new contractor has been hired to complete the project; she doesn't want the unresolved matter with Fischer Construction to delay the project. Responding to a question by Mr. Frederickson, Ms. McCracken stated the property owner has not signed a contract with the new contractor at the present time.

Mr. Frederickson said he is not certain what Mr. Fischer's reaction will be if the commission continues the matter. He requested the commission give him "a range in which to settle". Ms. Feterl suggested the offer be \$1,050.48; Mr. Olsen suggested that amount be further reduced by \$60. Mr. Frederickson advised the commission they'd "be spending a lot for time for saving sixty bucks". Ms. Oberlander referred to the on-site clean up as a kindness extended an elderly resident. Mr. Derosier insisted upon the need for a legitimate receipt for the commercial rental of the Bobcat. Building Inspector Keith Umenthum verified that there was a Bobcat on the site and it was used; it is just a matter of resolving the matter of the receipt.

The commission directed City Attorney John Frederickson to request a more formal, legitimate receipt for the Bobcat rental. If Mr. Fischer is able to provide that receipt, the settlement amount shall be \$1,550.48. If Mr. Fischer is not able to provide the receipt, the settlement amount shall be \$1,150.48. Mr. Olsen asked if Mr. Fischer should be required to sign a formal agreement of some sort. Mr. Frederickson stated that the legal correspondence between the attorneys in addition to the lien waivers and the receipt, should suffice. However, he agreed to prepare a formal release should the commission deem it is necessary. It was moved by Ms. Feterl, seconded by Mr. Steinlicht, and carried unanimously to adopt a resolution to authorize the City Attorney to settle the dispute with Fischer Construction by issuing payment in the amount of \$1,550.48 upon receipt of a legitimate receipt for the Bobcat rental along with the appropriate lien waivers; should Fischer Construction fail to provide a legitimate receipt for the Bobcat rental, payment in the amount of \$1,150.48 shall be issued upon receipt of the appropriate lien waivers.

NHS Cash Disbursements Journal

It was moved by Mr. Olsen, seconded by Mr. Olson and carried unanimously to adopt a resolution to approve the historic preservation revolving loan fund cash disbursements journal totaling \$13,394.75 to the following: Gerving Construction, \$13,394.75, as presented.

Retaining Wall Grant Disbursements:

It was moved by Mr. Olson, seconded by Ms. Oberlander and carried unanimously to adopt a resolution to approve the historic preservation retaining wall grant disbursement totaling \$3,575.00 to the following: Lehman Construction, \$3,575.00, as presented.

Monthly Financial Reports:

Ms. McCracken referred the commission to the financial reports for the month of November 2006 including the Deadwood HP Total Loans; the HP Revolving Loan Fund Balance Sheet; the HP Revolving Loan Fund Statement of Revenue and Expenditures; the Delinquency Report; and, the Pool Trial Balance.

The loan delinquency report consists of The Gillmore, Valerie Wayne and Robert Nelson. Ms. McCracken has been working with City Attorney John Frederickson on the matter of The Gillmore. Today, Metro Plains granted permission to order an appraisal of the property so negotiations can begin. Valerie Wayne is an out-of-state landowner and is on the delinquency list from time to time. NHS staff is in the process of contacting her regarding the past due status. The loan for Robert Nelson has matured and action will be taken later during the course of this meeting.

Loan Request – Robert and Donald Nelson – 638 Main Street:

It was moved by Mr. Olsen, seconded by Mr. Steinlicht and carried unanimously to adopt a resolution to approve the loan refinancing for Robert and Donald Nelson DBA Deals Publications, 638 Main Street, in the principal amount of \$60,268.75 at an interest rate of six percent (6%) per annum.

Scott Oschsner – 47 Centennial:

Ms. McCracken explained that, due to structural problems, the property owner has experienced additional cost over-runs and has requested additional loan financing in the amount of \$8,000.00 to complete the project. It was moved by Mr. Olson, seconded by Mr. Olsen and carried unanimously to adopt a resolution to approve the additional preservation loan financing in the amount of \$8,000.00 for Scott Oschsner, 47 Centennial at an interest rate of five percent (5%) per annum.

Approval for Retaining Wall Grant Amounts:

Historic Preservation Officer Kevin Kuchenbecker distributed the Retaining Wall Program Grant Amount Worksheets for five (5) proposed retaining wall projects. At least three (3) bids were received for all the proposed retaining wall projects.

John Hopkins, 308 Williams, \$84,527.70

Mr. Kuchenbecker summarized the information reported on the grant worksheet. It was moved by Mr. Olsen, seconded by Ms. Oberlander and carried unanimously to adopt a resolution to approve the retaining wall grant for John Hopkins, 308 Williams, in the amount of \$84,527.70.

John and Sharon Martinisko, 29 Adams Street, \$47, 558.70

Mr. Kuchenbecker summarized the information reported on the grant worksheet. It was moved by Ms. Oberlander, seconded by Mr. Olsen and carried unanimously to adopt a resolution to approve the retaining wall grant for John and Sharon Martinisko, 29 Adams Street, in the amount of \$47, 558.70.

Jim Callahan, 17 Fillmore, \$43,955.51

Mr. Kuchenbecker summarized the information reported on the grant worksheet. It was moved by Mr. Olson, seconded by Mr. Olsen and carried unanimously to adopt a resolution to approve the retaining wall grant for Jim Callahan, 17 Fillmore, in the amount of \$43,955.51.

Edina Robinson, 38 Denver, \$23,349.20

Mr. Kuchenbecker summarized the information reported on the grant worksheet. It was moved by Mr. Steinlicht, seconded by Mr. Olsen and carried unanimously to adopt a resolution to approve the retaining wall grant for Edina Robinson, 38 Denver, in the amount of \$23,349.20.

Lee Thompson, 47 Forest, \$96,557.90

Mr. Kuchenbecker summarized the information reported on the grant worksheet. There are several walls located on the property. He stated the retaining walls on the rear are threatening the historic resource and rocks have begun to fall out of the walls along the street.

Ms. Feterl questioned whether all the homes on the five (5) properties are owner-occupied, as a different formula applies. Mr. Kuchenbecker stated he would have to check on the property owned by John and Sharon Martinisko, as they reside in Alaska part of the time.

Mayor Toscana directed a procedural question to Mr. Kuchenbecker, specifically the length of time the property owner is required to maintain ownership following completion of the retaining wall project. Mr. Kuchenbecker stated the current policy states five (5) years. Chairman Speirs recommended the loan committee consider a policy change to increase that to a period of ten (10) years, which would be consistent with the other program guidelines. It was moved by Mr. Olsen, seconded by Mr. Olson and carried unanimously to adopt a resolution to approve the retaining wall grant for Lee Thompson, 47 Forest, in the amount of \$96,557.90.

Mr. Kuchenbecker stated he has been working with Building Inspector Keith Umentum to move forward with some of the retaining wall projects. At the present time, six (6) additional retaining walls are being analyzed and designed by professional engineers. In response to a question by Ms. Feterl, Mr. Kuchenbecker stated he believes the policy states retaining wall projects must be started within a period of one year. Ms. Oberlander does not call recall that ever being an issue.

ITEMS FROM CITIZENS NOT ON AGENDA:

At this time, Historic Preservation Officer Kevin Kuchenbecker invited the new manager of Deadwood Alive to the forward. Speaking from the podium, Mr. David Salma introduced himself as the new executive general manager for Deadwood Alive, Inc. Mr. Salma has years of experience working on the streets as one of the gunslingers and in the Trial of Jack McCall. He thanked the members of the commission for their support to Deadwood Alive and to making living history part of the experience for visitors to Deadwood.

COMMITTEE REPORTS:

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

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

Archives: *Commission representatives: Mike Olsen (chair) and Steve Olson*
No report was given

Budget: *Commission representatives: Ronda Feterl (chair) and Mike Olsen*
Ms. Feterl reported that the budget committee met today and reviewed 2006 expenditures as of December 31st. Next month, City Finance Officer Mary Jo Nelson will provide updated financials reporting year-end unexpended funds. According to Ms. Feterl, the budget committee will present a recommendation to the commission next month.

This committee will meet the first business day of each month at 4:15 p.m. .

Cemetery: *Commission representatives: Steve Olson (chair), Mary Ann Oberlander and Rose Speirs*
No report was given.

Demolition by Neglect: *Commission representatives: Mike Olsen (chair), Rose Speirs and Steve Olson*

Mr. Olsen referred the commission to a letter from Mr. Kuchenbecker to the owners of the Pineview regarding the state of demolition by neglect. At a meeting this morning, the committee "created a preliminary flowchart to revise the ordinance". Mr. Olsen concluded by stating the next meeting will be Tuesday, January 16th at 4 p.m. if the committee is agreeable.

GIS: *Commission representatives: Steve Olson (chair) and Mary Ann Oberlander*

No report was given.

Grants: *Commission representatives: Mary Ann Oberlander (chair), Ronda Feterl and Willie Steinlicht*

Ms. Oberlander reported that the Grants Committee met on January 3rd and reviewed all the extension requests. The committee also is beginning to review the requests for funds received to date for this year. A meeting is scheduled for Friday, January 12th at 4:00 p.m. to further review the requests. She reminded the commission that, last year, it was decided to establish two separate dates for granting money. She thanked Mr. Kuchenbecker for all his work in determining the status of outstanding grants.

Homestake Archives: *Commission representatives: Ronda Feterl (chair) and Mike Olsen*

No report was given.

Loans: *Commission representatives: Willie Steinlicht (chair), Darin Derosier and Rose Speirs*

Mr. Steinlicht reported that the loan committee met recently to consider the loans approved during the course of this commission meeting.

Policies and Procedures: *Commission representatives: Rose Speirs (chair), Mike Olsen and Steve Olson*

Depending on the city commission's timeframe for hiring the new city attorney, Mr. Kuchenbecker suggested further review of Mark Wolfe's recommendations.

Signage: *Commission representatives: Willie Steinlicht (chair), Darin Derosier and Rose Speirs*

Mr. Steinlicht reported that this committee will meet when the new city attorney is hired.

Recognition: *Commission representatives: Mary Ann Oberlander (chair) and Ronda Feterl*

Ms. Oberlander reported that the committee is currently working on an application form for the scholarship. Preliminary work is underway for the Wall of Fame and Century Awards.

Representative to the Adams Museum: *Commission representative: Rose Speirs*

No report was given.

Representative to the Chamber: *Commission representatives: Darin Derosier (chair) and Willie Steinlicht*

Mr. Steinlicht reported on matters discussed at a recent meeting of the chamber of commerce including the upcoming governor's conference and an issue regarding some bleachers that were donated to the city some time ago. He also reported that the Chamber is currently utilizing the marketing firm of Lawrence and Schiller in Sioux Falls which "goes hand in hand with what the state is doing".

Representative to the Days of '76 Board: *Commission representative: Steve Olson*

Mr. Olson reported it is not the intention of the Days of '76 Board to utilize any of the \$3 million allocated to complete phase I of the project.

Representative to NHS: *Commission representative: Willie Steinlicht*

Mr. Steinlicht reported that NHS continues to discuss affordable housing issues. At the meeting yesterday, NHS Executive Director Joy McCracken announced that NHS was the recipient of a \$25,000 donation from City Group. The neighborhood

counsel met last night. Mr. Olsen inquired if Planning and Zoning Administrator Bernadette Williams attends the meetings regarding affordable housing. Ms. McCracken reported that Ms. Williams currently serves on the affordable housing task force

Representative to Planning & Zoning: *Commission representative: Mike Olsen*

Mr. Olsen stated there was no meeting due to lack of business.

OTHER BUSINESS:

Mr. Kuchenbecker referred the commission to an informational memorandum regarding the city's trolley ridership statistics for 2006. The information was provided by Bob Nelson, Sr., Director of the City of Deadwood Trolley Department.

Mr. Kuchenbecker referred the commission to the Archives Monthly Report for December 2006 from City Archivist Mike Runge. The City is participating in the Legends of the Wild West Exhibit in Paris, France.

Mr. Kuchenbecker referred the commission to a memorandum dated January 8, 2007 regarding the Engine House. A photocopy of a letter from Mr. Rapid Justen, President of Black Hills Transportation, Inc. dated December 15, 2006 was attached. Mr. Justen provided many ideas for the future use of the Engine House. Mr. Kuchenbecker has also been talking with Public Works Director Jim Raysor regarding the ongoing maintenance and repair of the facility and budgeting for those expenses.

Ms. Feterl requested that staff provide financial information associated with collections that are acquired either by a donation or direct payment. Ms. Feterl said having a feel for those ongoing costs will assist with ongoing budget review. Cost estimates associated with cataloging and processing a newly acquired collection would be appreciated.

EXECUTIVE SESSION:

None.

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 6:10 p.m.

ATTEST:

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