

DEADWOOD

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

OFFICE OF
PLANNING, ZONING
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DEADWOOD HISTORIC PRESERVATION COMMISSION

Wednesday, February 14, 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.
 - a. 27 Deadwood Street – Hickok's Iron Horse Inn
 5. New matters before the Deadwood Historic Preservation Commission.
 - a. 658 Main Street – Roofing modifications – Buffalo-Bodega Complex
 - b. 735 Main Street – Transom Windows – Deadwood Real Estate, LLC
 6. New Matters before the Deadwood Historic District Commission
 - a. 46 Wabash Avenue – Plan Changes – Roger & Sharon Styer
 - b. 304 Cliff Street – Decking – Ron Island / Tracy Island
 - c. 106 Charles Street – Door Replacement – Bruce Oberlander
 7. Old Business
 - a. 39 Vanburen Avenue – Addition Changes – Bernice Hild
 8. Revolving Loan Fund/Retaining Wall Grant Update.
 - a. 17 Fillmore – Jim Callahan
 - b. 75 Denver – Francis & Eileen Iverson
 - c. Revolving loan disbursements
 - d. Retaining Wall disbursements
 9. Items from Citizens not on agenda.
 10. Committee Reports
 11. Other business
 12. Adjournment
- Executive Session – Legal – No Action

CITY OF DEADWOOD
HISTORIC PRESERVATION COMMISSION

Wednesday, February 14, 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, February 14, 2007 at 5:00 p.m. in the Deadwood City Hall located at 108 Sherman Street, Deadwood, SD.

Review Minutes – January 10, 2006:

Mr. Olsen noted the following corrections to the minutes of the Historic Preservation Commission meeting conducted on Wednesday, January 10, 2007. The staff report for 346 Williams, Exterior Work, Gary Swenson, needs to be inserted on page one (1) under New Matters Before the Deadwood Historic Preservation Commission. Mr. Olsen referred to the top of page eight (8) and noted that a header is missing which would correctly identify that portion of the minutes as pertaining to the NHS Cash Disbursements Journal. It was moved by Mr. Steinlicht, seconded by Mr. Olsen and carried unanimously to adopt a resolution to approve the minutes of the regular Historic Preservation Commission meeting conducted on Wednesday, January 10, 2006, with the aforementioned corrections.

Voucher Approval:

Operating Account:

It was moved by Mr. Olsen, seconded by Ms. Oberlander and carried unanimously to adopt a resolution to approve the HP Operating Account in the amount of \$50,260.94.

Bonded Account:

None.

Additions, Deletions and Corrections to the Agenda:

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

- c. Support the Request for the "Stop the Presses: Gambling in Deadwood" Television Program

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

- d. Retaining Wall Grant Policies and Procedures

NEW MATTERS BEFORE THE DEADWOOD SIGN COMMISSION:

27 Deadwood Street – Hickok's Iron Horse Inn:

The commission referred to the staff report prepared by Building Inspector Keith Umenthum.

Historic Preservation Officer Kevin Kuchenbecker explained that Hickok's Inc. is requesting permission to install a sign that reads "Restaurant" just below the third story windows on the back of the building at Lee Street. Two variances would be

required. The sign ordinance allows one (1) wall sign per public entrance and a variance would be required to allow the proposed wall sign as there is no public entrance on the building at the proposed location. Mr. Olson referred to Section 15.32.300 Item C., 1 (b) of the sign ordinance and stated a variance would be required to allow placement of the wall sign just under the third story windows. Mr. Olson "there is a plethora of signs on the building at the present time" including five (5) window signs, two (2) wall signs, a projecting sign, a parking lot sign and two (2) unauthorized paper signs in the front windows. Building Inspector Keith Umenthum stated the window signs are "just temporary signs".

Mr. Kuchenbecker stated the sign permit application before the commission at this time is separate from the matter of enforcement of the existing signage.

Mr. Derosier is not opposed to the request considering some of the other signage in town. Mr. Olsen suggested the property owner take the time to develop a "comprehensive plan" for signage on all sides of the building rather than adding signage. Chairman Speirs requested staff review the overall signage on the property and require the property owner to comply fully with the sign ordinance prior to taking action on an additional sign.

Mr. Kuchenbecker recommended the Sign Permit Application be continued and that staff work with the property owner to bring the property into compliance with the existing sign ordinance and have discussions regarding their overall signage plan. The other option would be to deny the Sign Permit Application and require the property owner to reapply.

City Attorney John Frederickson questioned whether the existing ordinance defines a temporary sign. Mr. Umenthum said that "anything in the window is counted as signage" however if a sign is placed twelve inches behind the window glass, it is no longer considered signage. It was moved by Mr. Olsen, seconded by Mr. Olson, and carried unanimously to adopt a resolution to continue the Sign Permit Application for Hickok's Inc. dba Hickok's Iron Horse Inn, 27 Deadwood Street to the next meeting, and to authorize staff to discuss on overall signage plan with the property owner(s).

NEW MATTERS BEFORE THE DEADWOOD HISTORIC PRESERVATION COMMISSION:

658 Main Street – Roofing Modifications, Buffalo-Bodega Complex:

The commission referred to the following staff report:

Case No. 07002
Address: 664 Main Street

February 12, 2007

STAFF REPORT

The applicant requests Certificate of Appropriateness to replace and rebuild rear roof at 664 Main Street, a contributing structure located in the Deadwood City Historic Overlay Zone of the City of Deadwood.

Applicant: Kevin Johnson
Owner: Kevin Johnson
Constructed: 1880

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. The Bodega Saloon has occupied the main floor since at least 1893. The tile floor, bar fixtures and other accouterments remain from a remodeling of the saloon in 1902.

2. Architectural design of the resource and proposed alterations: Applicant proposes to reconstruct the existing roof between 664 Main Street and 662 Main Street. The roof has several layers and is not of sufficient strength to support existing dead and live loads. The roofing membrane also leaks. The applicant's architect, Spencer Ruff, proposes to remove the existing roof and construct new roof to match membrane of Lucky Lady, 4" ISO insulation, 5/8" OSB Sheathing and 2"x12" joists. Joist to be installed so that they slope 1/2" per foot toward the roof of Lucky Lady and so that they follow the Lucky Lady roof slope. Extending the roof membrane 12" up adjacent walls and fasten to wall with termination bar.

Attachments: Yes

Plans: Yes – available for review at City Hall

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.

Steve Olson, representing the Comfort Inn and Buffalo-Bodega Complex approached the commission at this time. [Secretary's note: Not commissioner Steve Olson]. Mr. Olson explained the property owner is requesting permission to replace an existing flat roof located over an entrance between the Bodega and the Bodega II in the alley at the rear of the building with a slanted, rubberized roof. The roof will be raised slightly and slant toward the roof of the Bodega II and tie into the existing drainage system on the building.

Mr. Olsen noted a discrepancy in the address of the property as listed on the agenda and the Application for a Certificate of Appropriateness versus the staff report. Mr. Kuchenbecker stated the correct address for the project is the rear of 664 Main Street. It was moved by Mr. Steinlicht, seconded by Mr. Derosier and carried unanimously to adopt a resolution to approve the Application for a Certificate of Appropriateness to replace and rebuild the rear roof at the Buffalo-Bodega Complex located at 664 Main Street, a contributing structure located in the Deadwood City Historic Overlay Zone of the City of Deadwood, as proposed by Kevin Johnson, the applicant and property owner, as presented.

735 Main Street – Transom Windows, Deadwood Real Estate, LLC:

The commission referred to the following staff report:

Case No. 07003
Address: 735 Main Street

February 13, 2007

STAFF REPORT

The applicant requests Certificate of Appropriateness to reinstall transom window of front entrance at 735 Main Street, a contributing structure located in the Deadwood City Historic Overlay Zone of the City of Deadwood.

Applicant: Deadwood Real Estate, LLC
Owner: Same
Constructed: unknown

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.

2. *Architectural design of the resource and proposed alterations:* Applicant proposes to reinstall the missing transom window with a stained glass style transom window above the front entrance of this commercial structure.

Attachments: No

Plans: Yes – available at City Hall

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.

[Ms. Feterl entered the meeting at this time, 5:15 p.m.]

Historic Preservation Officer Kevin Kuchenbecker summarized the information provided in the staff report for the project proposed at 735 Main Street.

Mr. Lee Thompson stated the original transom window located in the property is missing. The property owners would like install a decorative transom style window. Mr. Kuchenbecker asked the artist to include the date the window is installed to provide recordation of the change. It was moved by Mr. Derosier, seconded by Mr. Olson and carried unanimously to adopt a resolution to approve the Application for a Certificate of Appropriateness to reinstall the transom window at the front entrance of the Deadwood Real Estate, LLC, located at 735 Main Street, as proposed by Deadwood Real Estate, LLC, the applicant and property owner, with the stipulation that the artist include the date the transom window was installed.

Support the Request for the “*Stop the Presses: Gambling in Deadwood*” Television Program:

Historic Preservation Officer Kevin Kuchenbecker explained that the Mr. Stewart Huntington of the Black Hills Pioneer recently presented a proposal to and a request for financial support from the Deadwood Chamber of Commerce for an upcoming thirty-minute television special entitled: “*Stop the Presses: Gambling in Deadwood*”. A memorandum from Mr. Kuchenbecker dated February 13, 2007 states “the program will feature the history of Deadwood’s civic leaders efforts to legalize gaming in Deadwood 20 years ago through the Deadwood U Bet Committee, as well as Deadwood’s historic gambling dating back to the first placer miners including the legacy of Wild Bill Hickok’s “Dead Man’s Hand”. The Chamber voted to financially support the airing of this television special in the amount of \$2,500 with the request that the Deadwood Historic Preservation Commission also consider supporting the endeavor in the same amount from its Advocacy Budget. Chairman Speirs stated that advocacy line item was originally established as a means to provide funding for in-state activities that promote historic preservation.

The program is scheduled to air on KOTA TV on March 7, 2007. Responding to a question by Ms. Feterl, Mr. Kuchenbecker stated the program will air one time on KOTA TV; later in Casper Wyoming and North Platte, Nebraska. Efforts are underway to secure other affiliates, particularly in the North Dakota market. Six (6) minutes of commercial advertising will be aired as well.

Ms. Feterl questioned whether the chamber continues to provide funding to the "channel that talks about different communities in the northern Black Hills as well as visitors". Commission representatives to the chamber, Mr. Derosier and Mr. Steinlicht, could not answer that question definitively. She feels this program might provide some new materials to use in that broadcast.

It was moved by Mr. Olsen and seconded by Ms. Feterl to authorize grant funding in the amount of \$2,500 from the budgeted line item "Other" to the Black Hills Pioneer for the thirty-minute television special entitled "Stop the Presses: Gambling in Deadwood" with the stipulation that HPC be credited for partial funding. Chairman Speirs suggested with a new preservation officer on board, now might be the time to look at advocacy differently. Mayor Toscana respectfully disagreed with Chairman Speirs and stated the stipulation requiring advocacy funds to be spent on activities within the state should not be changed. He reported being very much in favor of this television program and said millions of historic preservation dollars is spent in "marketing" outside the state. Hearing no further discussion, upon vote taken thereon, the motion carried unanimously.

Responding to a question by Chairman Speirs, Mr. Kuchenbecker stated no further action is necessary. Funding approved by the Chamber is coming from within its budget.

Retaining Wall Grant Policies and Procedures – 38 Denver:

Historic Preservation Officer Kevin Kuchenbecker referred the commission to his memorandum requesting clarification on the Retaining Wall Grant program policy and procedures due to a couple of issues that recently came to light.

The first issue arose during a recent letting of bids for retaining walls. A property entered into the program during one calendar year but did not receive bids on the project until the engineering was completed the following year. During this time, the property owner's assessed valuation increased, resulting in the application of a formula different from the date in which they were entered into the program. In this particular instance, the property owner's share increased from ten percent (10%) of the total project cost to twenty percent (20%) or approximately \$5,000. Mr. Derosier stated "property values are going to increase" and questioned whether the property owner would "rather fund it 100% on her own". Mr. Olson questioned the appropriateness of a homeowner having to incur the additional debt, when the delay is due to the "inattention" of the contractor, the engineer, the staff...whatever the case may be. Responding to a question by Mr. Steinlicht, it was reported that the contractor is not to blame for the delay in this case. According to Building Inspector Keith Umenthum, in the past, staff has calculated the financial responsibility of the property owner based on the property assessment at the time the application is entered in the program. However, this action is not written policy. Mr. Kuchenbecker would like to see adoption of a formal policy that states the formula will be based upon the appraised value at the time of entering into the program. Ms. Feterl feels the fact remains that prices go up. Mr. Olsen feels "it is a little unfair for a homeowner to enter into a program expecting to pay x-number of dollars and then suddenly it's doubled because of reassessment". Ms. Feterl asked if property owners are told they will pay a specific amount when they deliver the paperwork. Although he does not verbalize specific dollars amounts, Mr. Kuchenbecker stated the guidelines explain the formula.

Neighborhood Housing Services Executive Director Joy McCracken stated this has not been a real serious problem until just recently. With assessed valuations going up so drastically in the last couple years, it is a problem. She agreed with Mr. Kuchenbecker regarding the need for a policy.

Mr. Derosier stated a written policy should be adopted utilizing the property valuation at the time the contract is signed versus the time they are entered into the program. He said, by their own will, a property owner can choose to wait a considerable length of time before the project is completed.

Mayor Toscana suggested the commission consider the property owner's share based upon the total cost of the retaining wall project rather than the assessed value of the home. Ms. Feterl agreed and has felt this way for some time.

Mr. Olsen suggested this matter be referred to the policies and procedures subcommittee for review. It was moved by Mr. Olson to refer this matter to the Policies and Procedures Subcommittee for review and recommendation. The motion died for lack of a second. It was moved by Mr. Derosier and seconded by Ms. Feterl to recommend adoption of a retaining wall program policy that states the financial responsibility of the homeowner is determined based upon the assessed value of the home at the

time bids are received and a contract is executed with the contractor. Mr. Kuchenbecker agreed that the overall structure of retaining wall grant program should be reviewed by the policies and procedures subcommittee. Ms. Feterl noted that there is nothing recorded from this particular commission regarding what has been done in the past. Mr. Olson spoke in favor of referring this matter to the subcommittee for review and recommendation. Mr. Olsen spoke against "changing the rules in the middle of the game for this particular property owner". As a previous recipient of assistance in this program, he said the application clearly states the percentage formula is based upon the assessed valuation of the property; from that time on. He knew exactly what his financial responsibility was. Ms. Oberlander feels the precedent has been set that the assessed value at the date the application is made shall be used.

City Attorney John Frederickson offered an opinion on a procedural matter. There is one application before the commission at this time and any action taken should be restricted to that one application. Responding to a question by Mr. Olson, Mr. Frederickson feels the commission would not set a precedent in doing so. He said if the commission acts on this single case and there has already been discussion within the motion stating the policy will be further reviewed, no precedent would be set. This matter can be treated as an isolated case. Mr. Steinlicht called the question. Hearing no further discussion, upon roll call poll being taken thereon, the motion failed 3-4 with the following commissioners voting AYE: Feterl, Steinlicht and Derosier; and the following commissioners voting NO: Oberlander, Speirs, Olsen, and Olson. It was moved by Mr. Olsen and seconded by Mr. Olson to adopt a resolution authorizing staff to base the percentage on the assessed valuation of the property at the time the application was entered into the program for the retaining wall project at 38 Denver Street. Upon roll call poll being taken thereon, the motion carried 4-3 with the following commissioners voting AYE: Oberlander, Speirs, Olsen and Olson; and the following commissioners voting NO: Feterl, Steinlicht and Derosier.

Retaining Wall Grant Policies and Procedures - 29 Adams Street:

Mr. Kuchenbecker explained that a property which was entered into the program prior to policy changes regarding local versus out-of-town ownership (i.e. primary residence requirements) has just received bids due to delays beyond the property owner's control, primarily due to the historic preservation office and engineering delays. Under the current policy, the owner is required to pay forty percent (40%) of the cost of the wall; however, at the time of the project entering the program, the policy required the owner to pay ten percent (10%) of the cost of the wall. Unfortunately, there is correspondence with the owner stating both formulas.

Mr. Olsen reiterated his concern "with changing the rules in the middle of the game". The property owner was accepted into the program under a certain set of guidelines. The city then assumes responsibility for receipt of bids. Building Inspector Keith Umenthum stated the city "assists the homeowner in getting bids" because often times the property owners are unfamiliar with retaining wall contractors. At this time, Mr. Olsen requested a copy of the program application. Mr. Kuchenbecker believes at one time, the property owner even pulled out of the program. They first applied for the program in August 2004 and were accepted into the program at that time. The engineer's report was conducted in April 2005. A letter from the Historic Preservation Office dated April 29, 2005, explained that there had been a policy change and that the homeowner would then be expected to pay forty percent (40%) of the project costs. On June 16 2005, a letter was received from the homeowner stating they declined the grant due to the increased costs. The property owners were re-entered into the program in August 2005. City Attorney John Frederickson offered a legal opinion in that if they re-entered the program, the new rules apply. Unfortunately, however, a letter was sent by the historic preservation office dated October 17, 2006, which states the property owners would be responsible for the ten percent (10%) of the assessed valuation. At the suggestion of Mayor Toscana, it was moved by Mr. Olson, seconded Mr. Olsen and carried unanimously to continue the matter pertaining to 29 Adams Street pending the City Attorney's review of the correspondence.

NEW MATTERS BEFORE THE DEADWOOD HISTORIC DISTRICT COMMISSION:

46 Wabash Avenue - Plan Changes, Roger and Sharon Styer

The commission referred to the following staff report:

Case No. 07004
Address: 46 Wabash Avenue

February 12, 2007

PROJECT APPROVAL STAFF REPORT

The applicant is submitting the application for Project Approval for changes completed from an original Project Approval dated July 21, 2005 at 46 Wabash, a former vacant lot located in the Cleveland Historic Overlay Zone of the City of Deadwood.

Applicant: Roger & Sharon Styer
Owner: Same
Constructed: 2006

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: *There were some structures on the property according to the 1923 and 1948 Sanborn Insurance maps. Previous city staff was to determine the archaeological potential on this site; however, the files do not show any recordation or reports regarding archaeology. The lot was vacant prior to the construction of an 18' x 28' structure.*

2. Architectural design of the resource and proposed alterations: *Mr. Keith Umenthum reviewed the project on December 6, 2006 at which time he noted the project had changed from the previously approved 12' x 24' garage to an 18' x 28' structure with double entrance doors with full windows rather than the approved roll-up door. On the south elevation there are three (3) windows rather than the approved door with window and one window on the west elevation. On the north elevation there is no windows where the approved elevation included one window. Finally, the siding is cement board instead of composite siding previously approved. The applicant seeks Project Approval and will pay the cost difference for a building permit between what was originally submitted and what was constructed should the project be approved.*

Attachments: *n/a*

Plans: *N/A*

Photos: *Yes*

Recommended Decision: The proposed change 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. On July 21, 2005, the Historic Preservation Commission granted Project Approval for construction of a twelve foot by twenty four foot (12' x 24') garage on a vacant lot located at 46 Wabash. Following a recent inspection by Building Inspector Keith Umenthum, a structure that measures eighteen foot by twenty eight foot (18' x 28') has been built which is "similar to a residence". Responding to a question by Mayor Toscana, Mr. Kuchenbecker affirmed that the property is tied into municipal sewer and water. Chairman Speirs and Ms. Feterl demanded an explanation as to how this happened.

At this time, City Planner/Public Works Director Jim Raysor requested permission to speak. He spoke in defense of Building Inspector Keith Umenthum. He and Mr. Umenthum had a discussion about reviewing the building permits and subsequently this problem was identified. Staff has contacted the property owners regarding this problem and Mr. Raysor summarized his individual conversations with Mr. & Mrs. Styer. The Styer's decided to make this change while in the construction phase. Initially, they wanted to build a garage and eventually build a small house next to it. Their financial situation indicated they could not afford construction of the home, but they still wanted to have a place to come to when visiting Deadwood. They claim to have consulted with a former employee of the City of Deadwood, explained their intention to change the scope of the project, and their willingness to revise the building permit. Mr. & Mrs. Styer claim they were told verbally, "don't worry about it... nobody will ever measure it". Mr. Raysor said Mr. & Mrs. Styer are "willing to do whatever is necessary to make it right". There necessary paperwork has been filed.

In response to a question by Mayor Toscana, Mr. Raysor said there was a house on the property at one time but it had fallen in. The only structure on the property at the present time is the garage. Mr. & Mrs. Styer planned to build a house at 5-10 years in the future. Mayor Toscana questioned anyone building a garage before the residence. Mr. Raysor described the existing structure similar to efficiency as it contains a living room, kitchen and bath with a garage. They have been billed for water and sewer.

In response to a question by Mr. Olson, Mr. Raysor explained that motorcycles rather than cars are parked in the garage. Ms. Feterl asked who is responsible to follow up once building permits are issued to ensure what was approved is what is being built. Building Inspector Keith Umenthum admitted he was probably remiss in not following up on this. He too was surprised to see the structure on the property. Mr. Olson referred to the fact that there is water to the structure and questioned whether property owners are subject to a plumbing inspection. Mr. Umenthum explained that Mr. & Mrs. Styer had installed water service to the original location they proposed to build the house. State law requires receipt of a state plumbing permit and he had given them the information to apply for that permit. Ms. Feterl questioned the fact they are on the municipal water system. Mayor Toscana stated the initial plans show the water service connection to the garage.

Mr. Steinlicht called upon City Attorney John Frederickson for direction. He said, under city ordinance, if something is constructed not in accordance with the approved project plan, there are civil penalties that could include an injunction that could require them to take it out and build it according to what has been approved. The other option is to file criminal penalties against the property owner and the Court could do certain things. Given the fact that the building does not adversely affect or damage the historical character of Deadwood, there may be some monetary compromise you could reach with them after they have been charged criminally in violation of the ordinance.

Mr. Olson would like an opportunity to consider the options and to see what was constructed versus what was approved. He would like to continue the matter. Mr. Frederickson expanded further upon the penalties just described. Criminal penalties would allow a municipality to impose a maximum fine of \$200 per day per violation although he needs to check on this due to pending changes in the legislation which will increase those fines. An injunction could be filed with the Court which would actually require them to restructure the building to take it down to what it was before.

At this time, Mr. Kuchenbecker agreed that this is a much more complex matter than what his staff report implies.

Mr. Frederickson reported having a telephone conversation with the former employee who denied having given verbal permission to Mr. & Mrs. Styer.

It was moved by Mr. Olson and seconded by Ms. Feterl to deny the Application for Project Approval for changes completed from an original Project Approval dated July 21, 2005 at 46 Wabash, a former vacant lot located in the Cleveland Historic Overlay Zone of the City of Deadwood. Mr. Derosier requested the City Attorney explain the consequence of the action. Mr. Frederickson stated this authorizes me to do whatever is necessary, criminally or civilly, in order to enforce the ordinance. Hearing no further discussion, upon vote taken thereon, the motion carried unanimously.

The commission agreed to further discuss this pending legal action during the course of the executive session with possible action to be taken thereafter.

304 Cliff Street – Decking – Ron Island / Tracy Island

The commission referred to the following staff report:

Case No. 07005

February 13, 2007

Address: 304 Cliff Street

STAFF REPORT

The applicant requests Project Approval for removal of existing window, installation of new door and air conditioner as well as sheltered deck located at 304 Cliff Street, a non-contributing resource located in the Pluma Historic Overlay District in the City of Deadwood.

Applicant: Ron Island / Tracy Island

Owner: same

Constructed: circa 1991

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 structure is a non-contributing resource in the Deadwood National Historic Landmark District. It is a modern hotel / gaming structure.

2. Architectural design of the resource and proposed alterations: The applicant for removal of existing window, installation of new steel door with combination window and air conditioner in the wall. The construction of an 8'x8' brown treated deck with sloped brown metal roof and 2"x2" railing around deck to match existing decks.

Attachments: Yes

Plans: Yes

Photo: 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.

Ms. Feterl noted the applicant is proposing to install a metal roof over the new deck. She stated there is no metal on this building and questioned the appropriateness of the material. Mr. Kuchenbecker agreed, admitted he overlooked that, and recommended asphalt to match the existing shingles.

Mr. Derosier recalled when the commission took action on an earlier project which included covering the pool and the construction of an addition on the property. He questioned whether the project was completed as presented. He said "it looks terrible". Ms. Oberlander recalled that the project was presented that way. It was moved by Mr. Derosier and seconded by Mr. Steinlicht to adopt a resolution to approve the Application for Project Approval for removal of the existing window, installation of

new door and air conditioner as well as a sheltered deck at 304 Cliff Street, a noncontributing resource located in the Pluma Historic Overlay District in the City of Deadwood, as proposed by Ron Island and Tracy Island, the applicants and property owners, with the stipulation that roof over the deck be constructed of asphalt shingles to match the existing rather than metal as proposed. Ms. Feterl requested more information regarding the construction material for the deck described as a "brown treated deck". Mr. Kuchenbecker stated will be a wooden deck. Hearing no further discussion, upon vote taken thereon, the motion carried unanimously.

106 Charles Street – Door Replacement, Bruce Oberlander

Ms. Oberlander recused herself from the commission at this time and was seated in the audience during the discussion.

The commission referred to the following staff report:

Case No. 07006

February 12, 2007

Address: 106 Charles Street

STAFF REPORT

The applicant requests Project Approval for replacement of front door and four windows on front of house located at 106 Charles Street, a contributing resource located in the Cleveland Historic Overlay District in the City of Deadwood.

Applicant: Bruce Oberlander
Owner: Bruce & Mary Ann Oberlander
Constructed: 1896

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 residence is a contributing resource in the Deadwood National Historic Landmark District. It is significant for its historic association with the founding and initial period of growth of the City of Deadwood. This house displays the architectural characteristics common to working-class housing in pre-World War I Deadwood. It is of the vernacular style.

2. Architectural design of the resource and proposed alterations: The applicant proposes to replace the front door with a similar wood and glass door. Applicant also proposes to replace four existing windows on front of house with wood double-hung sashes. Window frames would not be replaced as they are in good condition.

Attachments: Yes.

Plans: No.

Photo: 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. He reported that the proposed project has been scaled back as the property owners have eliminated the request for replacement of the front door. The project will consist of the installation of four double-hung wooden window sashes on the front of the house to match the existing. Mr. Kuchenbecker stated the window frames will not be replaced. It was moved by Mr. Steinlicht and seconded by Mr.

Olsen to adopt a resolution to approve the Application for Project Approval for replacement of four (4) windows with wooden double-hung sashes on the front of the house located at 106 Charles Street, a contributing resource located in the Cleveland Historic Overlay District in the City of Deadwood, as proposed by Bruce Oberlander, the applicant and property owner, as presented. Mr. Olson referred to the existing combination storm windows and questioned whether those will remain. Ms. Oberlander is hopeful those can be removed. Hearing no further discussion, upon vote taken thereon, the motion carried with Ms. Oberlander abstaining.

OLD BUSINESS:

39 Van Buren Avenue – Addition Changes – Bernice Hild

The commission referred to the following staff report:

MEMORANDUM

Date: February 13, 2007

To: Deadwood Historic Preservation Commission

From: Kevin Kuchenbecker, Historic Preservation Officer

Re: 39 Van Buren Street – Change in Project Approval request

The Deadwood Historic Preservation Commission approved the application for Project Approval on April 12, 2006 based on the plans Fischer Construction submitted for 39 Van Buren Street, a contributing structure in the Ingleside Historic Overlay Zone.

As you know, due to challenges with Fischer Construction regarding this project, their contractor's license was revoked. The new contractor, Mr. Michael Conover, along with Neighborhood Housing Services of the Black Hills has consulted with Mr. Keith Umenthum and I regarding correcting the deficiencies of the previous work conducted by Fischer Construction. Attached is an outlined proposal to complete the existing 8' x 14' addition on the back of house.

The major change to the project involves the roof line of the proposed addition. In further review of the original plans submitted to HPC and review of the Design Guidelines (portion attached) it is staff's recommendation to proceed with a gable style roof rather than a shed style roof on the addition.

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.

cc: Keith Umenthum, Building Inspector
File

Historic Preservation Officer Kevin Kuchenbecker reminded the commission of the history surrounding this project, the termination of Fischer Construction, the initial contractor on the site, and subsequent revocation of his contractor's license. Focus of the project at this time is correcting the deficiencies of the work previously work completed and a proposal to complete the existing addition on the back of the house. The major change to the project involves the roof line of the proposed addition.

He referred the commission to the photocopy of page sixty seven (67) of the existing Design Guidelines for Residential Buildings attached to his memorandum dated February 13, 2007 which was included in the commission packet. Although this is a rear addition it is visible from the street. Based on the plans that were approved, Mr. Kuchenbecker recommends approving the contractor's request to construct a gabled roof over the new addition for a variety of reasons including both structural and visual concerns. It was moved by Mr. Olsen and seconded by Mr. Olson to adopt a resolution to approve the proposed changes to the Application for Project Approval previously approved by the commission on April 12, 2006, for the project at 39 Van Buren Street, as proposed by Bernice Hild, the applicant and property owner, as presented. Ms. Feterl asked about the timeframe for completion of the project. Mr. Kuchenbecker reported having met with the contractor and the project will be completed very soon. Mr. Olson reported also having visited with the contractor on the site and he is eager to finish the project. Hearing no further discussion, upon vote taken thereon, the motion carried unanimously.

REVOLVING LOAN FUND/RETAINING WALL GRANT UPDATE:

Loan Request - 17 Fillmore – Jim Callahan

Joy McCracken, Executive Director of Neighborhood Housing Services (NHS) summarized the loan request for Jim Callahan, 17 Fillmore, which represents his share of the retaining wall project on the property. It was moved by Mr. Derosier, seconded by Mr. Olsen and carried unanimously to adopt a resolution to approve zero percent (0%) life safety loan financing for Jim Callahan, 17 Fillmore, in the principal amount of \$4,228 with the following stipulations: 1) all work completed must be reviewed and approved by the Historic Preservation Officer and the City Building Inspector; and 2) the property owner shall provide proof of insurance.

75 Denver – Francis and Eileen Iverson

Ms. McCracken presented a request to refinance the balloon portion of the loan issued to Francis and Eileen Iverson. It was moved by Mr. Steinlicht and seconded by Mr. Derosier to adopt a resolution to approve the loan refinancing for Francis and Eileen Iverson, 75 Denver, and loan funding in the principal amount of \$6,875 at an interest rate of five percent (5%) per annum, as presented. Mr. Olson questioned whether a property owner is ever referred to a conventional lending institution for refinancing. Ms. McCracken stated she is of the opinion that refinancing is in the best interest of historic preservation. However, if there were a concern with a potential at-risk loan, she would ask the property owner to seek conventional financing. Hearing no further discussion, upon vote taken thereon, the motion carried unanimously.

Revolving Loan Disbursements:

It was moved by Mr. Derosier, seconded by Mr. Olson and carried unanimously to adopt a resolution to approve the historic preservation revolving loan disbursements totaling \$6,477.77 to the following: Montana Dakota Utilites, \$281.47; Lyons Construction, \$2,562.30; Lawrence County Register of Deeds, \$22; Donna Karatko, \$890; Michael Conover Construction, \$2,700.00; and the Lawrence County Register of Deeds, \$22, as presented.

Monthly Financial Reports:

Ms. McCracken referred the commission to the financial reports for the month of December 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, Robert Nelson, Festivals, Inc., and Adrian Hoines. With the exception of the Gillmore, the loans reported as delinquent are not of any worry.

Retaining Wall Grant Disbursements:

None.

ITEMS FROM CITIZENS NOT ON AGENDA:

None.

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*
Mr. Olsen stated the subcommittee met today and will soon be considering a recommendation for reallocation of funds remaining from 2006.

Cemetery: *Commission representatives: Steve Olson (chair), Mary Ann Oberlander and Rose Speirs*
Mr. Olson reported that the city has recently received the final report concerning the remote sensing conducted at Mt. Moriah and St. Ambrose cemeteries. In the North Potter's field section of Mt. Moriah, the consultant identified eighty nine (89) possible and probable unmarked graves. There were similar findings at St. Ambrose cemetery. Mr. Kuchenbecker reported that commission will be receiving copies of the final report soon.

Demolition by Neglect: *Commission representatives: Mike Olsen (chair), Rose Speirs and Steve Olson*
Mr. Olsen announced that a meeting is scheduled for February 21, 2007 at 4 p.m.

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 anticipates that the recommendations for grant funding will be presented at the next commission meeting.

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. Derosier reported that the committee met and approved the loans presented tonight.

Policies and Procedures: *Commission representatives: Rose Speirs (chair), Mike Olsen and Steve Olson*
Chairman Speirs will schedule a meeting of the subcommittee.

Signage: *Commission representatives: Willie Steinlicht (chair), Darin Derosier and Rose Speirs*
Mr. Steinlicht reported that the subcommittee will meet next Wednesday, February 21, 2007 for breakfast.

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

Ms. Oberlander will schedule a meeting of this subcommittee prior to the next commission meeting.

Representative to the Adams Museum: *Commission representative: Rose Speirs*
Chairman Speirs reported the board will meet next Tuesday, February 20, 2007 at 4:30 p.m.

Representative to the Chamber: *Commission representatives: Darin Derosier (chair) and Willie Steinlicht*
Mr. Derosier reported on the topics discussed at a recent meeting of the chamber of commerce. Next year, the Mardi Gras celebration is the same weekend as the Super Bowl. The majority of the time was spent discussing the television special proposed by the Black Hills Pioneer. Three days of concerts are planned for Wild Bill Days.

Representative to the Days of '76 Board: *Commission representative: Steve Olson*
Mr. Olson reported the Days of '76 continue to work on the capital campaign. There was a feature in the newspaper recently which reported donations of approximately \$200,000 to date. The next board meeting is Friday, February 16, 2007 at 7 a.m.

Representative to NHS: *Commission representative: Willie Steinlicht*
Mr. Steinlicht was not able to attend the meeting last night. Joy McCracken, Executive Director of Neighborhood Housing Services (NHS) stated the meeting last evening was a neighborhood counsel meeting. The board met on February 6, 2007 and approved an agreement with a consultant to move forward with the _____ and market analysis studies.

Representative to Planning & Zoning: *Commission representative: Mike Olsen*
Mr. Olsen was not able to attend the last meeting.

OTHER BUSINESS:

Historic Preservation Officer Kevin Kuchenbecker referred the commission to the monthly report from City Archivist Mike Runge for January 2007.

Mr. Kuchenbecker reported that he, Jim Raysor, Mr. Steinlicht and Mr. Olsen recently attended the Colorado Preservation Conference in Denver. The conference was excellent.

Mr. Kuchenbecker referred the commission to an upcoming South Dakota State Historical Society (SDSHS) History Conference entitled "*Romancing the West, Women's Lives on the Great Plains*", scheduled for April 13-14, 2007 in Pierre, SD.

Mr. Kuchenbecker reported having sent the commission copies of an article Mayor Toscana provided him regarding some activities underway in New York.

Mr. Kuchenbecker referred to his memorandum dated February 13, 2007 regarding the SDSHS request for nominations for the Board of Directors and Awards program.

EXECUTIVE SESSION:

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

ADJOURNMENT:

Hearing no further business to come before the commission at this time and no objections from the commission or the audience, Chairman Speirs adjourned the meeting at 6:35 p.m.

FOLLOWING EXECUTIVE SESSION:

The commission adjourned from Executive Session at 7:20 p.m. and no further action was taken.

ATTEST:

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