

DEADWOOD HISTORIC PRESERVATION COMMISSION

Wednesday, June 24, 2009 ~ 5:00 p.m.

City Hall, 108 Sherman Street, Deadwood, South Dakota

1. Call meeting to order – Chair Darin Derosier
2. Approve Minutes
3. Voucher approval.
4. Old or General Business
 - a. PLT Update – Kevin Kuchenbecker
 - b. National Register Amendment Process – Jason Haug
 - c. Recommend adoption of 2010 Budget to City Commission
5. New Matters before the Deadwood Historic District Commission
 - a. Case# 09037– 614 Main Street– Awnings and Lighting– Christine McClain
 - b. Case# 09038– 616 Main Street– Awnings and Lighting– Christine McClain
 - c. Case# 09039– 606 Main Street– Exterior Painting– Christine McClain
 - d. Case# 09040– 22 Lee Street– Light Fixtures– Lamont Companies
6. New matters before the Deadwood Historic Preservation Commission
 - a. Case# 09036– 291 Williams Street– Deck – Lyndon Wentz
 - b. Case# 09041– 36 Jackson Street– Windows– Peggy Fierro
 - c. Revolving Loan Fund– Special Needs/Wood Windows– Peggy Fierro
7. Revolving Loan Fund/Retaining Wall Program Update.
 - a. Retaining Wall Applications
 - i. 36 Jackson Street– Peggy Fierro
 - b. Revolving loan disbursements
 - c. Retaining Wall disbursements
8. Items from Citizens not on agenda.
9. Committee Actions and Reports
10. Staff Report
11. Other business
12. Adjournment

CITY OF DEADWOOD
HISTORIC PRESERVATION COMMISSION

Wednesday, June 24, 2009

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

Absent Historic Preservation Commission: Matt Pike.

All motions passed unanimously unless otherwise stated.

A quorum being present, Chairman Darin Derosier called the Deadwood Historic Preservation Commission meeting to order on Wednesday, June 24, 2009 at 5:00 p.m. in Deadwood City Hall located at 108 Sherman Street, Deadwood, SD.

Review Minutes

It was moved by Mr. M. Olsen and seconded by Mr. S. Olson to approve the minutes from Wednesday, June 10, 2009. Aye - All. Motion carried.

Voucher Approval

Operating Account:

It was moved by Mr. Steinlicht and seconded by Mr. M. Olsen to approve the HP Operating Account in the amount of \$116,801.53. Aye - All. Motion carried.

Bonded Account:

None.

OLD OR GENERAL BUSINESS

PLT Update – Kevin Kuchenbecker

Mr. Kevin Kuchenbecker stated that Preservation Leadership Training (PLT) had begun on Saturday June 20, 2009. Mr. Kuchenbecker introduced Ms. Jenny Buddenborg, Program Officer of the Mountain Plains Office of the National Trust for Historic Preservation, who gave an update on the training. Ms. Buddenborg thanked the City of Deadwood and the Historic Preservation Commission for their participation and planning of the Preservation Leadership Training. Ms. Buddenborg stated that since 1990, over 800 state and local leaders have participated in 26 PLTs around the United States. Ms. Buddenborg explained that the program is a week-long intensive training, “Preservation Boot Camp” with 40 participants. The participants attend training sessions and work on team projects throughout the week. Ms. Buddenborg explained that there are 3 team projects focusing on the CB&Q Engine House, the upper stories of the Fairmont Hotel/Oyster Bay and the upper stories of the Lucky Nugget Gaming Hall. The

team's assignment was to make recommendations for adaptive reuse of the sites for the Deadwood community. Ms. Buddenborg invited the Commission to the team's presentations on Friday June 26, 2009 at 5:30 p.m at the Masonic Temple. Ms. Buddenborg thanked the City staff and Mr. Jason Haug, from the South Dakota State Historical Society, for help with the planning of the event, as well as Ms. Georgeann Silvernail for being an interviewee for the team's presentations. Ms. Buddenborg provided a handout on the impact of PLT around the country. The Commission thanked Ms. Buddenborg for the update. Mr. Kuchenbecker noted that Mr. Donovan Rompkma would be presenting at 1:30 p.m. on Thursday June 25, 2009 on the "Economics of Historic Preservation".

National Register Amendment Process – Jason Haug

Mr. Jason Haug, from the South Dakota State Historical Society, explained the process of amending a National Register Nomination. Mr. Haug reviewed the handout he provided the Commission. Mr. Haug explained the reasons an amendment could be made and stated that the Architectural Survey would meet that criteria. He noted that a new nomination form could be completed or that changes could be made to an existing nomination.

Mr. Haug stated that anyone can request or submit a National Register Nomination to the South Dakota State Historical Society (SHPO) for consideration or certification of an amendment. Mr. Haug stated proper notification by the SHPO office to property owners is required for all revisions to the National Register. The time frame for notification is 30 days but not more than 75 days before the State Review Board by direct mail, public meetings and newspaper publication. Mr. Haug stated if property owners object, they must submit a notarized statement, certifying that they are the owner, and a letter of objection to the amendment. The SHPO office will submit statements with the proposed amendment to the Keeper of the National Register. Mr. Haug stated that the SHPO would work closely with the City in developing the amendment to the Nomination.

Ms. Feterl questioned if the amendment would encompass just the contributing or noncontributing properties or the period of significance. Mr. Kuchenbecker stated that in talks with Mr. Steve Dasovich from SCI Engineering, the State had received the survey database and reported that he would be mailing the survey to the City. Mr. Kuchenbecker explained that once received, it could be determined how many structures were contributing or noncontributing and how much the survey differed from the 1993 survey. After the determination, an amendment to the register could be submitted. Mr. Kuchenbecker stated that a change to the period of significance would take some study. Mr. Haug explained that the National Register recommends the logical date of significance be considered and supported when submitting a Nomination or amendment.

Mr. Kuchenbecker stated that the amendment could be done in two phases: contributing or noncontributing structures and then a possible change in the period of significance. Ms. Feterl questioned if clarifying the contributing or noncontributing structures was a minor revision. Mr. Haug stated it was a minor amendment and would not require review from the State Review Board; however, it must be submitted to the National Park Service for final approval.

Ms. Feterl questioned how long the process would take. Mr. Haug stated many things would factor into the time frame, such as how long it takes to review the survey. He stated that he may recommend hiring a consultant to help expedite the process. Mr. Haug stated the City of Deadwood would be a large project and in the best case scenario, could possibly be done in a year and half.

Mr. Steinlicht questioned if an individual property could be considered if a property owner was in agreement. Mr. Haug stated that an amendment for a single property could be submitted for an owner. This has been utilized by people wanting tax credits; the owner waives the 30 day notification and the process can be done in three to six months. Mr. Derosier explained that a Deadwood home owner was very interested in having his home become a contributing structure.

Mr. Lyman Toewes, who resides at 788 Main Street in Deadwood, appeared before the Commission. He questioned how much time the process would take and when the survey would be received by the office. Mr. Kuchenbecker stated that it would be mailed to him shortly. Mr. Toewes questioned how long the analysis of the survey would take. Mr. Haug and Mr. Kuchenbecker explained that the analysis could take a long time with the possibility of a consultant being hired. Mr. Toewes stated that he needed a time frame. Mr. Kuchenbecker stated that a preliminary analysis could possibly take 30-45 days without a consultant. Mr. Haug stated a consultant may not have to be hired; only in the case of a change in the period of significance.

Mr. Toewes wondered if the analysis was received this week, if it would be done by the beginning of August. Mr. Kuchenbecker stated possibly. Mr. Toewes stated as a project manager, he lives by deadlines and that work must be planned so that it will get done. Mr. Derosier stated once the survey is received staff will do their best to review the survey in a timely manner and felt uncomfortable setting a time limit. Mr. Toewes stated he needed a time frame and restated that review would be completed in August.

Mr. Haug explained to Mr. Toewes that his property could be analyzed and an amendment submitted for his property separately. Mr. Derosier restated that he is not comfortable setting a time frame for staff because the summer months are very busy. He stated that he has confidence that staff will review it in a timely manner and anticipated completion could be this fall. Mr. Toewes was agreeable with the review of his property separately.

Mr. M. Olsen questioned if amending the contributing or noncontributing structures to the nomination would need public notice. Mr. Haug stated clarification of what exists in contributing or noncontributing does not need notice; however, any changes of contributing or noncontributing structures would need notice. Mr. Kuchenbecker stated that, to insure a good working relationship with the owners, public notice would be given for any changes. Mr. Haug restated that changes must have owners notice.

Recommend adoption of 2010 Budget to City Commission

Mr. Kuchenbecker reviewed the 2010 budget and thanked the Commission and Finance Office for their participation in the process. He also noted that the budget process was completed in one meeting. Mr. Kuchenbecker stated that after City Commission approved the 2010 budget of \$6,984,550.00, the budget would be sent to the South Dakota State Historical Society for review. A letter of funding would be sent immediately. *It was moved by Mr. Steinlicht and seconded by Ms. Feterl to recommend to the City Commission approval of the 2010 budget, as presented.* Mr. Derosier and Ms. Feterl thanked City Staff for the putting together the 2010 budget. *Aye – All. Motion carried.*

NEW MATTERS BEFORE THE DEADWOOD HISTORIC DISTRICT COMMISSION

Case# 09037– 614 Main Street – Awnings and Lighting – Christine McLain

Mr. Kuchenbecker explained that the applicant is requesting a Certificate of Appropriateness for the reinstallation of awnings and lights at 614 Main Street, a noncontributing structure located in the Deadwood Planning Unit of the City of Deadwood. The structure was built circa 1996. The proposed work and changes does not encroach upon, damage or destroy a historic resource, nor does it have an adverse effect on the character of the building or the character of the local historic district, the State and National Register Districts or the Deadwood National Historic Landmark District. *It was moved by Ms. Feterl and seconded by Mr. M. Olsen that based upon the evidence presented the finding is that this project does not encroach upon, damage or destroy any historic property included in the National Register of Historic Places or the State Register of Historic Places; and therefore, grants a Certificate of Appropriateness to Christine McLain at 614 Main Street, Case #09037. Aye – All. Motion carried.* (The staff report is attached hereto on Exhibit A and incorporated herein by this reference.)

Case# 09038 – 616 Main Street – Awnings and Lighting – Christine McLain

Mr. Kuchenbecker explained that the applicant is requesting a Certificate of Appropriateness for the reinstallation of awnings and lights at 616 Main Street, a contributing structure located in the Deadwood Planning Unit of the City of Deadwood. The structure was built circa 1894. He said they are replacing the awnings and lighting that were removed last fall. The proposed work and changes does not encroach upon, damage or destroy a historic resource, nor does it have an adverse effect on the character of the building or the character of the local historic district, the State and National Register Districts or the Deadwood National Historic Landmark District. *It was moved by Mr. M. Olsen and seconded by Mr. S. Olson that based upon the evidence presented the finding is that this project does not encroach upon, damage or destroy any historic property included in the National Register of Historic Places or the State Register of Historic Places; and therefore, grants a Certificate of Appropriateness to Christine McLain at 616 Main Street, Case #09038. Aye – All. Motion carried.* (The staff report is attached hereto on Exhibit B and incorporated herein by this reference.)

Case# 09039 – 606 Main Street – Exterior Painting – Christine McLain

Mr. Kuchenbecker explained that the applicant is requesting a Certificate of Appropriateness for the exterior painting and re-shingling at 606 Main Street, a contributing structure located in the Deadwood Planning Unit of the City of Deadwood. The structure was built circa 1894. He stated that the applicant requests to change the exterior paint color from white to green on the storefront and a rust color on the painted masonry to match the adjoining building. They also propose to re-shingle the awning. The proposed work and changes does not encroach upon, damage or destroy a historic resource, nor does it have an adverse effect on the character of the building or the character of the local historic district, the State and National Register Districts or the Deadwood National Historic Landmark District. Mr. S. Olson questioned if the shingles would be wood. Mr. Kuchenbecker stated they would be wood shingles. *It was moved by Mr. S. Olson and seconded by Mr. M. Olsen that based upon the evidence presented the finding is that this project does not encroach upon, damage or destroy any historic property included in the National Register of Historic Places or the State Register of Historic Places; and therefore, grants a Certificate of Appropriateness to Christine McLain at 606 Main Street, Case #09039. Aye – All. Motion carried.* (The staff report is attached hereto on Exhibit C and incorporated herein by this reference.)

Case# 09040 – 22 Lee Street – Light Fixtures – Lamont Companies

Mr. Kuchenbecker explained that the applicant is requesting a Certificate of Appropriateness for the installation of lights at 22 Lee Street, a non-contributing structure located in the Deadwood Planning Unit of the City of Deadwood. The structure was built circa 1999. Mr. Kuchenbecker added that a representative of Lamont Companies was present to answer any questions. He explained that to be in compliance with International Hotel Group's standards the applicant is requesting permission to install two 150 watt up lights, centered 6" above the roof lines as well as two 70 watt lights, mounted at 8' high, at the hotel entrance on Lee Street. The proposed work and changes does not encroach upon, damage or destroy a historic resource, but it may have an adverse effect on the character of the building or the character of the local historic district, the State and National Register Districts or the Deadwood National Historic Landmark District. Mr. Kuchenbecker stated that the Planning & Zoning Commission will need to review the application. As presented, the application does not meet the criteria set by Zoning Ordinance 17.60.060 – Illumination; therefore he suggested tabling the application until the Planning & Zoning Commission could review the application. ***It was moved by Mr. S. Olson and seconded by Mr. M. Olsen to table Case #09040. Aye – All. Motion carried.*** (The staff report is attached hereto on Exhibit D and incorporated herein by this reference.)

NEW MATTERS BEFORE THE DEADWOOD HISTORIC PRESERVATION COMMISSION

Case# 09036 – 291 Williams Street – Deck – Lyndon Wentz

Mr. Kuchenbecker said the applicant submitted a Project Approval for an addition of a deck at 291 Williams Street, a non-contributing structure located in the Forest Hill Planning Unit in the City of Deadwood. The structure was built circa 1895. Mr. Kuchenbecker added that a Mr. Lyndon Wentz was present to answer any questions. Mr. Kuchenbecker stated the house has sustained several alterations and that the house has lost integrity and can not contribute to the National Landmark District. Mr. Kuchenbecker explained the project was approved in 2003 but not finished and work was suspended for over 12 months; therefore a new Project Approval and building permit is required. A third story deck was denied in 2003 and is not being requested in the current Project Approval. The proposed work and changes does not encroach upon, damage or destroy a historic resource, nor does it have an adverse effect on the character of the building or the character of the local historic district, the State and National Register Districts or the Deadwood National Historic Landmark District. ***It was moved by Mr. Steinlicht and seconded by Ms. Feterl that based upon the evidence presented the finding is that this project does not encroach upon, damage or destroy any historic property included in the National Register of Historic Places or the State Register of Historic Places; and therefore, grants a Project Approval, as proposed in Case #09036. Aye – All. Motion carried.*** (The staff report is attached hereto on Exhibit E and incorporated herein by this reference.)

Case# 09041 – 36 Jackson Street – Windows – Peggy Fierro

Mr. Kuchenbecker said that the applicant applied for vinyl windows and was denied on May 13, 2009. Mr. Kuchenbecker explained that the applicant is requesting Project Approval for the repair and/or replacement of basement windows with wood windows to match at 36 Jackson Street, a contributing structure located in the Ingleside Planning Unit in the City of Deadwood. The structure was built circa 1903. The proposed work and changes does not encroach upon, damage or destroy a historic resource, nor does it have an adverse effect on the character of the building or the character of the local historic district, the State and National Register Districts or the Deadwood National Historic Landmark District. ***It was moved by Mr. M. Olsen and Mr. S. Olson seconded by that based upon all the evidence presented the***

finding is that this project does not encroach upon, damage or destroy any historic property included in the National Register of Historic Places or the State Register of Historic Places; and therefore, grants a Project Approval for as proposed in Case #09041. Aye – All. Motion carried. (The staff report is attached hereto on Exhibit F and incorporated herein by this reference.)

Revolving Loan Fund – Special Needs/ Wood Window – Peggy Fierro

It was moved by Mr. M. Olsen and seconded by Mr. Steinlicht to enter Ms. Peggy Fierro at 36 Jackson Street into the Special Need/Wood Window Program. Ms. McCracken explained that in discussions with the Revolving Loan Committee revisions may be made to the program. Ms. McCracken stated that she would like the motion to be amended so that Ms. Fierro would be eligible for any additions that may be made to the program. *It was moved by Mr. M. Olsen and seconded by Mr. Steinlicht to amend the motion to allow Ms. Fierro to be eligible for any additions to the program.*

Mr. Toscana directed Ms. McCracken to speak with Mr. Jason Campbell regarding the issue, before any motions were made on the application. Mr. Toscana suggested tabling the application. *Nay – All. Motion denied.*

It was moved by Mr. M. Olsen and seconded by Mr. Steinlicht to continue the application for Ms. Fierro for the Special Needs/Wood Window program. Aye – All. Motion carried.

REVOLVING LOAN FUND/RETAINING WALL GRANT UPDATE:

Retaining Wall Applications

Mr. Kuchenbecker stated that he recommends entering 36 Jackson Street, Ms. Peggy Fierro into the Retaining Wall Program. Mr. Kuchenbecker explained that the walls are deteriorated and are failing and are potentially threatening the structure. Staff recommends acceptance into the Retaining Wall Program. *It was moved by Mr. S. Olson and seconded by Mr. M. Olsen to enter 36 Jackson Street into the Retaining Wall Program. Aye – All. Motion carried.*

Revolving Loan Disbursements

None.

Loan Request

Ms. McCracken explained the loan request for Reva VanDerVorst at 52 Pleasant Street. She stated that Ms. VanDerVorst had received a Special Needs Elderly and 0% Life Safety Loan in 2007 for the foundation of the house. She has passed away and the family has requested a payoff amount for the Special Needs Elderly Loan. The loan committee reviewed the request for a payoff from the family and has recommended the loan to be paid in full. The family requested a six month deferment of payments to allow them to sell the house and favorable comments were received by the Loan Committee. Ms. Feterl questioned if the deferment would be a recommendation to the City Commission. Mr. Toscana stated that it would be a recommendation to the City Commission. *It was moved by Ms. Feterl and seconded by Mr. M. Olsen for the Special Needs Elderly Loan for Reva VanDerVorst at 52 Pleasant, to be paid in the full amount of \$7,748.79. Aye – All. Motion carried.*

Ms. McCracken explained that the second loan was a 0% loan with payments of \$83.33 a month and that the family is requesting a six month deferment of payments to allow them to sell the house. *It was moved*

by Mr. M. Olsen and seconded by Ms. Feterl to defer the payments of the 0% loan at 52 Pleasant Street until January 1, 2010. Aye – All. Motion carried.

Ms. McCracken reviewed and explained the delinquency list. Mr. S. Olson expressed his frustration with the delinquency list and felt action should be taken on the property owners. Ms. McCracken stated that these issues would be addressed with the Loan Committee.

Ms. McCracken reviewed and explained the financial sheets.

ITEMS FROM CITIZENS NOT ON AGENDA:

Mr. Toscana congratulated Mr. Kuchenbecker's team for winning the overall Fast Draw at the Wild Bill Days Fast Draw.

Ms. Feterl thanked Mr. Derosier for nominating her as Vice-Chair of the Historic Preservation Commission.

Committee Actions and Reports:

Archeology: Commission representatives: Mike Olsen, Darin Derosier.
No report.

Archives: Commission representatives: Mike Olsen, Steve Olson.
No report.

Budget: Commission representatives: Ronda Feterl, Darin Derosier, and Matthew Pike.
No report.

Cemetery: Commission representatives: Mike Olsen, Mary Ann Oberlander and Steve Olson.
No report.

GIS: Commission representatives: Steve Olson, Mary Ann Oberlander, and Mike Olsen.
No report.

Grants, Recognition, Advocacy & Public Education: Commission representatives: Ronda Feterl, Mary Ann Oberlander, and Matthew Pike.
No report.

Loans: Commission representatives: Ronda Feterl, Willie Steinlicht, and Darin Derosier.
No report.

Adams Museum: Commissioner Mary Ann Oberlander.
No report.

Chamber of Commerce: Commissioners Willie Steinlicht and Darin Derosier.
No report.

Days of '76: Commissioner Steve Olson.

Mr. S. Olson reported that the Old West Fire Arms and Old West Auction was a success and some of the proceeding would benefit the Days of '76 Museum. The Colt manufactured pistol that was donated to the Days of '76 was sold for \$9,000 to a gentleman from Eagle Butte, South Dakota.

Neighborhood Housing Services: Commissioner Willie Steinlicht.

No report.

Planning and Zoning: Commissioner Mike Olsen.

Mr. M. Olsen reported that at the Planning & Zoning Meeting they approved a replacement sign with a 18" variance for height for Chubby Chipmunk at 420 Cliff Street.

Demolition By Neglect: Commissioner Matthew Pike (Chair), Mike Olsen, and Steve Olson.

No report.

Policies and Procedures: Commission representatives: Matthew Pike (chair) plus entire HPC

No report.

Historic Preservation Staff:

Kevin Kuchenbecker reported on the following:

Mr. Kuchenbecker thanked the Commission for their help with the Budget and stated letters and packets would be sent out to the South Dakota State Historical Society.

He stated that Mr. Jay Vogt and Mr. Jason Haug from the South Dakota State Historical Society had shadowed him this week. They were attending the PLT Conference.

Mr. Kuchenbecker reported that the Archeology Camp had been going well and reminded the Commission of the picnic on Friday June 26, 2009. He thanked the Trolley Department for all of their help with transporting the Archeology campers and PLT Conference attendees. The Commission reported that they had heard favorable comments regarding the camp and thanked Mr. Kuchenbecker, staff and the Adams Museum and House Staff.

He noted Mike Runge's Archives report and stated that Mr. Runge was on vacation.

He noted the new Hunter Collection exhibit at the History and Visitor Center. The new flat screen TVs would be installed on July 6, 2009 by the Geek Squad.

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 6:00 pm.

ATTEST:

Darin Derosier
Chairman, Historic Preservation Commission
Deanna Berglund, Acting Recording Secretary