

DEADWOOD HISTORIC PRESERVATION COMMISSION

Wednesday, July 8, 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. Pineview Building– Update– Todd Lamont
 - b. Acquisition of Bullock Chair & Dice Cup
5. New Matters before the Deadwood Historic District Commission
 - a. Case #09042– 175 Sherman Street– Exterior Painting/Windows– Randall Havlik
6. New matters before the Deadwood Historic Preservation Commission
 - Revolving Loan Fund/Retaining Wall Program Update.
 - a. Retaining Wall Applications
 - b. Revolving loan disbursements
 - c. Retaining Wall disbursements
7. Items from Citizens not on agenda.
8. Committee Actions and Reports
9. Staff Report
10. Other business
11. Adjournment

CITY OF DEADWOOD

HISTORIC PRESERVATION COMMISSION

Wednesday, July 08, 2009

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

Absent Historic Preservation Commission: None.

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, July 08, 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. Pike to approve the minutes from Wednesday, June 24, 2009. Aye - All. Motion carried.

Voucher Approval

Operating Account:

It was moved by Mr. S. Olson and seconded by Mr. M. Olsen to approve the HP Operating Account in the amount of \$78,471.01. Aye - All. Motion carried.

Bonded Account:

It was moved by Mr. M. Olsen and seconded by Mr. S. Olson to approve the HP Bonded Account in the amount of \$278,169.39. Aye- All. Motion carried.

OLD OR GENERAL BUSINESS

Pineview Building Update–Todd Lamont

Mr. Kuchenbecker explained that Lamont Companies would not be present to provide an update on the Pineview Building project as Mr. Jeff Lamont was unable to attend the night's meeting. However, Mr. Kuchenbecker stated Mr. Lamont had called him, at a quarter to six on July 7, 2009, and had given him a verbal update on the rehab. Mr. Kuchenbecker explained that Lamont Companies were waiting for geotechnical reports, soil reports, and finalized work before they could proceed with the stabilization and reconstruction of the foundation. Mr. Kuchenbecker noted he had been given permission by Mr. Lamont to discuss the project with the architectural and engineering firms.

Mr. Kuchenbecker stated he had spoken with Mike Albertson who said that they were in fact waiting for geotechnical and soil engineering reports to determine if the basement could be lowered another 18 inches. Mr. Kuchenbecker also noted that he had spoken with Mr. Martin Ness from Lightowler Johnson Associates who said that they were 85% to 95% complete but were waiting on finalized structural plans, mechanical plans and electrical plans.

According to Mr. Ness, final electrical plans could not be completed until the owner finalizes the slot machine layout. Mr. Ness also noted that he was not sure if the geotechnical work was under contract with the owner. Mr. Kuchenbecker stated that both the architect and Mr. Lamont assured him that they could proceed with the project and obtain a building permit once the structural drawings were complete.

Ms. Feterl asked how long Lamont Companies would be given to complete the work. Mr. Kuchenbecker stated that Lamont Companies were about 7-8 months behind their original schedule. Mr. Steinlicht stated that the Commission's interest was in Lamont Companies rehabilitation of the building, which had been declared "demolition by neglect," not in the number of slot machines they could fit into the building. Mr. Steinlicht recommended that the matter go before the legal council.

Mr. Pike asked if it would be possible and/or reasonable to initiate legal action if Lamont Companies could not give and commit to a timeline. Mr. M. Olsen stated that the building had been declared "demolition by neglect" under the old ordinance, which may not give the Committee much legal power; however, he noted that the new ordinance did grant this power to the Commission. Thus, he wondered what this meant to the Commission. Mr. S. Olson asked Mr. Jason Campbell, City Attorney, if the new changes applied to buildings that were declared under the old ordinance. Mr. Campbell stated that it depends.

Mr. S. Olson noted that Lamont Companies had owned the building for roughly a year and a half, and stated that he could not understand why Lamont Companies had not even completed a soil analysis yet. He stated that the Commission should once again request that Lamont Companies come before the Historic Preservation Commission and stated that Mr. Lamont was not the only person capable of speaking before the Commission on the company's behalf.

Mr. Kuchenbecker recommended that the Commission once again contact Lamont Companies requesting their presence at the next regularly scheduled. Mr. Derosier stated that, at this point, that was all the Commission could do.

Ms. Oberlander stated that she believed the "demolition by neglect" status had been declared under a different owner and was not sure that the status automatically transferred to Lamont Companies. However, she noted that Lamont Companies had seemed more than willing to take on the responsibility of the building. Ms. Oberlander said she was not sure of the legal recourse available to the Commission and stated that this information should be looked into so the Commission would know what options they had if such action became necessary to take in the future. In the meantime, she stated that the Commission should once again ask Lamont Companies to come before the Commission.

Mr. Kuchenbecker stated that it may be necessary to declare the building under "demolition by neglect" under the new owners. Mr. Pike agreed that this may be important. Ms. Oberlander said Mr.

Kuchenbecker should visit with Lamont Companies again; however, if they do not progress she stated that the Commission should proceed legally with Mr. Campbell's direction.

Ms. Feterl asked if the "demolition by neglect" status goes with the property or the owner. Mr. Campbell said that he would have to do some background research in order to give the Commission an answer. Ms. Oberlander asked Mr. Campbell if he would do research on the matter. Mr. Campbell said that he would.

Mr. Derosier stated that at this point they should take Mr. Kuchenbecker's advice and have him ask Lamont Companies to come before the Commission in two weeks with an update. Mr. M. Olsen agreed with Mr. Derosier and asked Mr. Campbell if he could see if the Commission has any legal standing. Mr. Campbell agreed to look into the matter.

No action was taken.

Acquisition of Bullock Chair & Dice Cup

Mr. Kuchenbecker explained his memo to the Commission on the proposed acquisition of two items related to Deadwood's first Sheriff - Seth Bullock. Mr. Kuchenbecker stated that the pieces included a 19th C. rocking chair and a rams horn dice cup. Mr. Kuchenbecker stated that the items had been at the Firearms & Old West Auction- and Show, June 18- 21, 2009. Mr. Kuchenbecker explained that a reserve bid had been placed on the items on behalf of the City of Deadwood, and that the City had won the bid. Mr. M. Olsen asked if the recommendation being made to expend funds for the items would be to the City Commission. Mr. Kuchenbecker stated that it would be.

Ms. Feterl asked why the acquisition of these pieces had not been discussed with the entire Commission on June 24, 2009 during the open Historic Preservation meeting. Noting the process followed during the acquisition of pieces from the Wild Bill Collection, she questioned why there had not been a discussion and or an executive session regarding the Bullock pieces. She reiterated that a full meeting had occurred on June 24 in which there was no mention of the potential acquisition. Ms. Feterl stated that it seemed to her that past procedure had not been followed. She went on to state that the other commissioners were left with little choice on how to vote on the matter as the press had already reported that the pieces had been acquired by the City. She stated that she and the other voting members felt ignorant when they were contacted regarding the acquisition.

Mr. Kuchenbecker stated that staff had not made a recommendation on acquiring the pieces. Ms. Feterl stated that Mr. Kuchenbecker had to have been aware that the pieces were in the collection; therefore, she could not understand why an alert had not been sounded to the entire commission so they could make a group decision as they had done with the Wild Bill Collection.

Mr. Kuchenbecker stated once again that staff had not made a recommendation regarding the acquisition of the pieces. He explained that the three Commissioners listed in the memo had gone to Mayor Toscana on their own accord and had expressed the importance of bidding on the items. Mr. Kuchenbecker went on to state that he did know that the pieces were in the auction but had not been present for the auction.

Ms. Feterl again asked why the acquisition had not been brought up at the June 24 open meeting if the bid had taken place on June 18-21. Mr. Pike asked if anyone knew whether or not the City had won the bid on June 24. Mr. Kuchenbecker stated that he had learned that the City had won the bid on the Monday or

Tuesday of the week following the auction bid. Mr. Kuchenbecker went on to state that the Commission probably could have been made aware of the acquisition under a committee report; however, it could not have been added to the agenda under the new public records law.

Mr. Steinlicht asked if the City had been the only bidders. Mr. S. Olson replied that there had been other bidders.

Ms. Feterl stated that in the past, the Commission had met in an executive session regarding acquisitions. Mr. M. Olsen stated that the bidding members of the Commission had not been made aware of the pieces until Thursday, June 18. He stated that since the auction was to take place on Sunday, June 21, there was no time to plan an executive session. Ms. Feterl stated that despite this fact, the other members of the Committee should have been made aware of the acquisition at the June 24 open meeting. Mr. M. Olsen stated that the bidding members of the Commission probably should have tried to call the other members of the Commission on Friday, June 19 and let them know that they had spotted some pieces and had discussed their acquisition with Mayor Toscana. Ms. Feterl stated short of that, an executive session could have followed the June 24 open meeting. Mr. M. Olsen apologized for not doing this. Mr. Steinlicht stated that many issues had come before a phone or email vote and agreed that three members of the Commission should not act on behalf of the other four. He went on to state that he did not have a problem with the acquisition of the pieces; however, he felt he and the others should have been consulted prior to the bid. Mr. M. Olsen once again apologized to the Commission. Ms. Feterl reiterated that the process did not mimic the past.

Mr. Derosier stated that the process probably was imperfect. However, he stated that the question at hand now was how the members would have felt about the acquisition if they had been made aware of the pieces prior to the bid. Ms. Feterl stated prior to the bid she would have felt that she had a choice; however, at this time she did not feel like she did. Mr. Derosier stated that she still had a choice. Ms. Feterl stated that she and the others did not as the papers had already reported the City's acquisition of the pieces. Mr. Derosier stated that the members could still vote no if they felt it was a bad acquisition for the City.

It was moved by Mr. S. Olson and seconded by Ms. Feterl to refer the matter to the Deadwood City Commission with no recommendation from the Historic Preservation Commission. Aye- Feterl. Nay- Oberlander, Olsen, Olson, Steinlicht, Pike, Derosier. Motion failed.

Mr. Derosier said that the matter could be tabled, continued, or the Commission could act on it. Mr. Steinlicht stated that the Commission needed to act on it.

It was moved by Mr. M. Olsen and seconded by Mr. Pike to recommend to the City the expenditure of \$5,152.00 for the acquisition of Seth Bullock's rocking chair and dice cup.

Mr. Steinlicht asked where the pieces would be displayed. Mr. M. Olsen stated that staff would make arrangements for the rocking chair to be displayed at the Adams Museum for Mr. Gordy Pratt who portrays Seth Bullock.

Aye- All. Motion Carried.

NEW MATTERS BEFORE THE DEADWOOD HISTORIC DISTRICT COMMISSION

Case# 09042–175 Sherman Street– Exterior Painting/Windows– Randall Havlik

Mr. Kuchenbecker explained that the applicant was requesting a Certificate of Appropriateness for the repair and painting of exterior surfaces and trim as well as the repair of windows and deteriorated trim as submitted at 175 Sherman Street a contributing structure located in the South Deadwood Planning Unit in the City of Deadwood. The structure was built circa 1939. Mr. Kuchenbecker stated that the proposed work and changes do not encroach upon, damage, or destroy a historic resource nor do they have an adverse affect on the character of the building or the historic character of the local historic district, the State and National Historic Register Districts, or the Deadwood National Historic Landmark District. Mr. Kuchenbecker added that Mr. Randy Havlik was present to answer any questions. *It was moved by Mr. Steinlicht and seconded by Mr. Pike 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 175 Sherman Street, Case #09042. Aye – All. Motion carried.* (The staff report is attached hereto on Exhibit A and incorporated herein by this reference.)

NEW MATTERS BEFORE THE DEADWOOD HISTORIC PRESERVATION COMMISSION

REVOLVING LOAN FUND/RETAINING WALL GRANT UPDATE:

Loan Request

Revolving Loan Disbursements

It was moved by Mr. Steinlicht and seconded by Mr. S. Olson to approve the cash disbursement journal in the amount of \$22. Aye – All. Motion carried.

Ms. McCracken reviewed and explained the delinquency list.

Ms. McCracken also reviewed and explained the proposed changes to the Revolving Loan/Special Needs Window Program. She stated that the Loan Committee had already looked at the changes and agreed that the program needed to offer extra incentives to entice people to rehab their existing wood windows and doors instead of buying new.

Ms. McCracken explained that the loan is forgivable and can currently be forgiven in ten years. She stated that the Committee would like to decrease this time to three years with a maximum of \$3,000 dollars in one year at 0% interest. Ms. McCracken went on to state that if the borrower maintains their property, the City will have the right to modify, amend, and forgive the loan in a three year period.

Additionally, Ms. McCracken explained that the Loan Committee wanted to forgive \$100 per window for the purchase and installation of a new window and \$150 per window for the restoration of existing windows. Ms. McCracken stated that the Loan Committee had taken out the portion of the grant that expressed that the applicant would have to prove the cost of the window. She stated that the Committee did not care what the window cost; therefore, if an applicant can do the work themselves for \$50 and get

\$150 for doing the window, it no longer matters. Ms. McCracken also noted that there would be a forgivable loan for \$150 dollars for the purchase and installation of wood storm and screen windows.

Ms. McCracken added that the Committee would like to add wood doors to the program. She stated that the Loan Committee would like for the program to include \$200 for the purchase and installation of a new primary door or \$300 to repair an existing wood door.

Mr. S. Olson asked why the program would grant more reimbursement for the installation of a storm window/screen than for a primary window. Mr. Kuchenbecker stated that most original windows are single paneled. Mr. Kuchenbecker noted that a storm provides additional weather resistance without jeopardizing the original window and therefore not only saves the historic window but protects it. Mr. Kuchenbecker also added that it makes the window more energy efficient. Ms. McCracken added that many people argue that their historic windows are not energy efficient; therefore, by adding the storm they are able to negate this argument.

Ms. McCracken went on to state that a resident can receive up to \$300 per window and storm and can do up to ten windows in one year and get a \$3000 forgivable loan. Ms. Feterl asked if this amount was an annual amount. Ms. McCracken stated that it was. Mr. Pike asked, as a matter of clarification, if the property owner maintains their property, if the loan would be forgivable subject to the Commission's approval. Ms. McCracken stated that this was correct.

Mr. Derosier asked if the Committee had not set a \$3000 maximum. Mr. Kuchenbecker stated that they had discussed it, but had decided to make the amount annual as some houses have more than ten windows. Mr. Steinlicht stated that not many houses in Deadwood had more than ten windows.

It was moved by Mr. Steinlicht and seconded by Ms. Feterl to approve the Revolving Loan/Special Needs Window and Door program as presented.

Mr. S. Olson asked if the City Commission had adopted the Minimum Property Standard Ordinance. Mr. Kuchenbecker stated that it was his understanding that through the International Property Maintenance Code they had. Ms. McCracken stated that when the Loan Committee had written the program they knew the City had adopted the International Property Maintenance Code.

Aye-All. Motion Carried.

ITEMS FROM CITIZENS NOT ON AGENDA:

Committee Actions and Reports:

Mr. Pike stated that cards were being prepared for the 20th Anniversary of Gaming. He noted that the cards would include dates and events. Mr. Pike also thanked Ms. Feterl for keeping historic preservation funds focused on education and advocacy.

Archeology: Commission representatives: Mike Olsen (Chair), and Darin Derosier.

Mr. M. Olsen reported that the Archaeology Committee had looked at the work being done at the rec center at their last meeting. He stated that the archaeologists had found the foundation to the first hospital built in Deadwood as well as the foundations for three original wooden buildings. He noted that one of the wooden buildings had been a Chinese Laundry. Mr. M. Olsen also stated that both Chinese and American artifacts were being found.

Ms. Feterl asked how many artifacts had been found. Mr. Kuchenbecker stated that this information would be in an upcoming staff report. Mr. Kuchenbecker also noted that the budgeted amount for archeology was \$10,000 and the City was looking at \$50-60,000 for the archaeological investigation. Mr. Kuchenbecker stated that the archaeologists were trying to work with the contractor and public works in order to adhere to the project's timeline and stated that the project could be expedited if extra help was brought in.

Mr. Kuchenbecker also stated that meetings are being held every Monday that include, Lenny Schroeder, Mayor Toscana, himself, JR, the contractor, and the archaeologist. Mr. Kuchenbecker went on to state that the workers are currently clearing the Sherman Street side of the project so they can begin the foundation work. He explained that they will move along the foundation of the old hospital that appears to have been built between 1878 and 1885. Mr. Kuchenbecker noted that the archaeologists had also uncovered a hand-dug stone lined well. Mr. Kuchenbecker stated that work is being done 7 days a week by about ten people. Mr. Kuchenbecker noted that additional workers will be brought in so they can begin building the foundation and putting in rebar. Mr. Schroeder stated that the center dirt can stay until the snow flies if they can get a roof up.

Ms. Feterl asked how many weeks the archaeologists had been there. Mr. Kuchenbecker stated that they had been there about a week and a half and noted that they would probably be there for at least a couple more weeks. Mr. Kuchenbecker went on to state that Quality Services had placed a notice in the paper asking for volunteers and that shovelbum.com is a website that brings archaeologists to come and do work for a per diem. Mr. Kuchenbecker noted that these were attempts to keep down costs. Mr. Steinlicht asked if they had considered bringing in a nightshift. Mr. Schroeder stated that they were thinking about this.

Ms. Feterl asked if there was any bonded money left. Mr. Kuchenbecker stated that the City had set aside \$10,000 from bonded funds for archaeology and that they have \$75,000 set aside for operations for archaeology. He explained that they are looking at using this later fund, which is uncommitted, to help pay for the archaeology. Ms. Feterl asked if they had under budgeted the project's interest. Mr. Kuchenbecker stated yes, so there could be some reserves at the end of the year.

Archives: Commission representatives: Mike Olsen (Chair), and Steve Olson.

Mr. M. Olsen reported that Mike Runge is working with other entities in town on Archives Month. Mr. M. Olsen explained that Archives Month coincides with the SD Festival of the Book which will be held in Deadwood. He noted that Mr. Runge has great ideas for displays at the Library and a joint publication about what kind of archival materials Deadwood has on hand.

Mr. M. Olsen also noted that it is the recommendation of Archives and Archaeology that the committees merge into one committee to include acquisitions as well. This committee would consist of three members. Ms. Feterl thought this was a good idea. Mr. Derosier stated that he felt this was a good idea.

Mr. Kuchenbecker stated that no action needed to be taken, if the Commission felt it was a good idea. The Commission agreed that it was.

Budget: Commission representatives: Ronda Feterl (Chair), Darin Derosier and Matt Pike.
Ms. Feterl stated that the budget was in good shape and that the committee had decided to meet on even months only.

Cemetery: Commission representatives: Steve Olson (Chair), Mary Ann Oberlander and Mike Olsen
Mr. S. Olson reported that the Committee had discussed the St. Ambrose Cemetery and noted that the St. Ambrose Ordinance was ready for its second reading. Mr. Campbell stated that the ordinance was on the City Commission's agenda for a second reading.

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

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

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

Adams Museum: Commissioner Mary Ann Oberlander.
Ms. Oberlander stated that she had not attended the last Adams Museum Board Meeting, but knew that they had a lot of events going on. She encouraged everyone to look at the Adam's website and check out their events.

Chamber of Commerce: Commissioners Willie Steinlicht (Chair), and Darin Derosier.
Mr. Steinlicht reported that the next meeting would be the following Tuesday.

Mr. Derosier added that the Chamber would be closed on Thursday as Phyllis Reller's husband had passed away and offered his condolences.

Days of '76: Commissioner Steve Olson.
Mr. S. Olson reported that the Days of '76 Museum was working on defining the interior areas of the museum. He stated that at the next HPC meeting finalized packets containing this information would be distributed. He noted that the plan was to give a brief presentation with the packets with no action required until the following meeting. He stated that this would give the Historic Preservation Commission time to review the plans before the Days of '76 would seek approval.

Neighborhood Housing Services: Commissioner Willie Steinlicht.
No report.

Planning and Zoning: Commissioner Mike Olsen.
Mr. M. Olsen stated that the Planning and Zoning Commission had approved a text change on two of Cadillac Jacks' signs. He stated that a 6 foot variance at 3 Johns Street had also passed.

Demolition By Neglect: Commissioner Matthew Pike (chair), Steve Olson and Mike Olsen.
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 reported that he had received Suzanne Julin's report on the 20th anniversary of gaming and that the next step would be to determine its publication.

Mr. Kuchenbecker stated that on June 25th, he had received an architectural survey report from SCI Engineering; however, he noted that he had not received a database at this point. Mr. Kuchenbecker stated that he had left a message with SCI and explained that once the City obtained access to the database, he could start making comparisons to determine contributing and non-contributing statuses.

He noted that PLT and Archaeology camp were very successful.

Mr. Kuchenbecker stated that he has been adamant about four things with the rec center archaeology. The first thing is that there must be quality archaeological work being done and that the City must lead by example. The second thing is that the project must not be slowed down by the archaeology. The third thing is to watch the expense and the fourth is for the workers to have a good work ethic as they are on display.

Mr. Kuchenbecker also noted that the flat screen TV's had been installed at Mt. Moriah and the Visitor's Center.

Mr. Pike stated that he was glad to have attended PLT and asked Mr. Kuchenbecker when the project reports from PLT would be available. Mr. Kuchenbecker stated that the National Trust indicated that he should have them by the end of the week and would then distribute them.

OTHER BUSINESS:

ADJOURNMENT:

Hearing no further business to come before the Commission at this time and no objections from the Commission or the audience, Chairman Derosier adjourned the meeting at 5:50 pm.

ATTEST:

Darin Derosier
Chairman, Historic Preservation Commission
Virginia Peterson, Acting Recording Secretary