

**DEADWOOD HISTORIC PRESERVATION COMMISSION**

**Wednesday, January 14, 2015 ~ 4:30 p.m.**

City Hall, 108 Sherman Street, Deadwood, South Dakota

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Executive Session at 4:30 p.m. for Legal Matters pursuant to SDCL1-25-2 (3)

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**DEADWOOD HISTORIC PRESERVATION COMMISSION**

**Wednesday, January 14, 2015 ~ 5:00 p.m.**

City Hall, 108 Sherman Street, Deadwood, South Dakota

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1. Call meeting to Order
2. Approval of Minutes from December 30, 2014
3. Voucher Approval
4. Old or General Business
  - a. CoA – Case#14069 370 Main Street – Optima, LLC – Fountain House Relocation
  - b. Proposal for Engineering Services for the HP Retaining Wall Program – HP Office
  - c. Rodeo Grounds Grandstand Concessions and Restroom Upgrades – HP Office
  - d. 2015 ESRI GIS Software Maintenance – HP Office
  - e. Keene Field (Baseball complex) sound system – HP Office
  - f. SD State Historical Society Press – 2013 Publication fund report - Informational
5. New Matters before the Deadwood Historic District Commission
  - a. CoA – Case #15001 – 435 Williams Street – Windows – Deadwood Carnegie Public Library
  - b. CoA – Case #15002 – 152 Sherman Street – Addition – First Interstate Bank
6. New Matters before the Deadwood Historic Preservation Commission
7. Revolving Loan Fund/Retaining Wall Program Update
  - a. Retaining Wall Applications
  - b. Revolving loan Program/Disbursements
  - c. Retaining Wall Program / Disbursements
8. Items from Citizens not on agenda (*Items considered but no action will be taken at this time.*)
9. Staff Report (*Items considered but no action will be taken at this time.*)
10. Committee Reports (*Items will be considered but no action will be taken at this time.*)
11. Other Business
12. Adjournment

**CITY OF DEADWOOD  
HISTORIC PRESERVATION COMMISSION**

**Wednesday, January 14, 2015**

**Present Historic Preservation Commission:** Chair Laura Floyd, Michael Johnson, Lynn Namminga, Lyman Toews, Dale Berg, Chuck Williams and Thomas Blair were present.

**Absent:** None

Mr. Kevin Kuchenbecker, Historic Preservation Officer; Ms. Joy McCracken, Executive Director of NeighborWorks-Dakota Home Services; and Ms. Terri Williams, City Attorney, were all present.

**Present City Commission members:** Georgeann Silvernail, Gary Todd, Dave Ruth Jr. and Mayor Chuck Turbiville were all present.

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**All motions passed unanimously unless otherwise stated.**

A quorum present, Chair Floyd called the Deadwood Historic Preservation Commission meeting to order Wednesday, January 14, 2015 at 5:03 PM in Deadwood City Hall located at 102 Sherman Street in Deadwood, SD.

**Approval of December 30, 2014 HPC Minutes:**

*It was moved by Mr. Johnson and seconded by Mr. Blair to approve the minutes of Tuesday, December 30, 2014 as presented. Aye – All. Motion carried.*

**Voucher Approval:**

Operating Account

*It was moved by Mr. Johnson and seconded by Mr. Williams to approve the HP Operating Account in the amount of \$175,621.85. Aye – All. Motion carried.*

**Old or General Business:**

Case#14069 – 370 Main Street – Optima, LLC – Fountain House Relocation

Mr. Kuchenbecker informed the Commission the applicant requests permission to allow the Fountain House, a contributing resource in the Deadwood National Historic Landmark District, to be moved to an available lot located on Charles Street in the South Deadwood Planning Unit as submitted.

Mr. Kuchenbecker noted the Fountain House was the resource in which on March 12, 2014 the Historic Preservation Commission, though they found it adverse to Deadwood, approved its moving/relocation as all reasonable and prudent alternatives had been explored by the applicant.

Mr. Kuchenbecker stated, based on the understanding the project is for the new location only, the relocating of the Fountain House to the proposed new location is not an adverse effect to this portion of the historic districts in which it is proposed, provided the applicant follows the proposed project plan as submitted with proper landscaping and maintenance of the resource. He continued to note staff's opinion is the project is congruous with the historical, architectural, archaeological and cultural aspects of the district.

Mr. Kuchenbecker added the project approval of the new location should be contingent upon receipt of a detailed archaeological report filed with the historic preservation office by a qualified archaeologist for the new location and no building permit should be issued for the move or readiness of the move of the resource until such time the report is completed and accepted by the Deadwood Historic District Commission; execution of a written agreement for proper interpretation which clearly identifies the history of the Fountain House along with an appropriate timeframe for implementation; agreement and/or commitment for landscaping and green space in the front of the resource; and with a completion deadline of October 1, 2015.

Mr. Toews asked what happens if the archeologist finds something that is interesting and wants to keep digging.

Mr. Kuchenbecker stated his office would sit down with the applicant to look at the scope of what is found and address it at that time. He stated phase I of the archeology test research determines what would be monitored during the footing and foundation work. He noted following the archeology work, any findings would be addressed at that time. Mr. Kuchenbecker informed the Commission, depending on the scope of what is found, the archeology work costs may be covered by either the applicant, the Historic Preservation, or as a joint effort.

Ms Floyd questioned if the initial responsibility for the archeology work is with the applicant.

Mr. Kuchenbecker stated yes.

Roger Tellinghuisen, representing the applicant Optima LLC, stated he is not going to labor this as he was at the last meeting. He stated Mr. Kuchenbecker gave his staff report and appreciates his recommendation Optima be given a little extra time to get this house moved. He noted Optima has no reservations or objections to conditions Mr. Kuchenbecker outlined. Mr. Tellinghuisen informed the commission they have been in touch with an archeologist who is on standby allowing them to move forward with that part of the project as quickly as possible in the event this move is approved. He pointed out this request has come a long way and noted to the Commission not all of them have been here for the whole journey. Mr. Tellinghuisen noted the hearings on January 29; in February; the final hearing on March 12, 2014; and the Circuit Court ruling in their favor. He stressed the decision the Commission makes tonight is for a suitable location. Mr. Tellinghuisen noted Optima intends to use this area where the Fountain House is currently located, if moved, for parking, because it is a huge issue and the reason we paid so much for these properties. Mr. Tellinghuisen candidly stated with respect for other moves in that area, Optima would be asking the Commission for permission to move or demolish the real estate building. He noted, in terms of buying other properties, Optima owns the real estate center, but has no plans or agreements with respect of the Farris House or the Morris Houses. Mr. Tellinghuisen reassured the Commission, should Optima decide to build a structure onto the end of Cadillac Jacks where the Shay House and Fountain House were, they would come before the Commission for review and approval.

Chair Floyd invited comments from the public and asked that they please keep comments to two minutes.

Mr. Blair asked if we needed a motion to open the discussion.

Chair Floyd stated no.

Attorney Williams informed the chairperson to instruct the public about what they are allowed to address.

Chair Floyd stated the discussion would be refined to relocating the Fountain House to the proposed location on Charles Street as submitted by the applicant.

Mathew Pike, representing the Deadwood Historic Trust and former Historic Preservation Commission Chair, committed that based on Chair Floyd's comments, he would limit his comments. He stated he had prepared a letter on behalf of the Deadwood Trust in earnest to assist the Commission by offering alternative opinions where there may be issues of concern by citizens. He thanked the Commission for reviewing the letter in executive session and asked it be put on record with the original packet. (The letter is attached hereto on Exhibit A and incorporated herein by this reference.)

Mr. Pike continued by informing the Commission the Trust wanted to thank them for taking this issue very seriously. He noted the Trust believes the only appropriate location for the Fountain House is within the Fountain City Planning Unit; he stressed the best location for any contributing structure listed on the National Register of Historic Places or the State Register of Historic Places is exactly where it is. Mr. Pike noted the Trust asks in earnest for the commission to seek alternatives to keep it exactly where it is. Mr. Pike pointed out one of the issues of concern is that it remains inside the Fountain City Planning Unit. He noted the reason for the concern is due to this particular applicant has asked and sought approval eleven different times since preservation was implemented in Deadwood to remove or demolish various structures; this would make it an even dozen. Mr. Pike added the problem with that is this is the Fountain House in which the City Planning Unit is named. The Trust strongly appeals to you to seek alternatives and deny this application as being inappropriate. Mr. Pike stated that if the Commission decides to approve this location the Trust recommends the contingencies be firmly imbedded in the motion and are conditioned to the issuance of any building permit including a written conservation easement and that the Commission obtain all of these items in writing with agreed upon penalties for failure to comply. Everyone you see here tonight in the Deadwood Trust T-shirts thanks you for your time and consideration.

Tim Conrad, property owner next to proposed location, believes the plan looks great and would like to see a house up in this neighborhood because we need housing in Deadwood. "Looks like a great plan to me."

Ron Russo, neighbor to proposed location, approves of the new location of the Fountain House and feels this would stimulate new growth in that area.

Chair Floyd asked if the applicant knew what the intended use of the property will be in its new location.

Mr. Tellinghuisen stated the intention is, if the move is approved, to donate the house to NeighborWorks. The owner of the land in which the house would be located is Mr. Percevich. Mr Tellinghuisen informed the Commission that the house will be moved at no cost to the owner and Mr. Percevich is not buying this house. Mr. Tellinghuisen stated that Optima can't say exactly how this house is going to be used because Optima will not own it; it will be owned by Mr. Percevich. One of the uses Mr. Percevich is contemplating is a vacation rental property.

Chair Floyd asked what NeighborWorks' roll is in this.

Mr. Tellinghuisen stated Optima donates it to NeighborWorks; in turn they will donate it to Mr. Percevich.

Mr. Blair asked if the Fountain House will be placed on the site and move completed before the donation will take place.

Mr. Tellinghuisen stated yes. That will be an expense that Optima will bear.

Chair Floyd asked if Optima has explored potential locations for this house within the Fountain City Planning Unit.

Mr. Tellinghuisen said they have and there aren't any.

Chair Floyd asked Mr. Tellinghuisen to refresh her memory as to details as to why there are no locations available.

Mr. Tellinghuisen stated that there are none available that Optima could buy or afford and there are none that Optima is aware of where the house could be moved.

Chair Floyd asked Mr. Kuchenbecker if he agreed with Mr. Tellinghuisen's statement.

Mr. Kuchenbecker stated that he met with Optima back in March of 2012 and several lots were looked at and they were either very expensive or the house had to be dismantled to get it around corners and up the street. There was the exploration of the lot at the bottom of Burnham and it was declared not economically feasible by Optima.

Mr. Tellinghuisen commented that the prices we are talking about are in the \$400,000 and up for the range of the lots. That is not an option to Optima.

Sharon Martinisko, resident of Deadwood, pointed out the request to have a conservation easement on the resource. Whoever becomes the owner would contract to preserve this house for the future. Ms. Martinisko stated this is an important piece to look at. Ms. Martinisko understands the need for a parking lot, however, it should not come at the detriment of our historic fabric. Ms. Martinisko urges the Commission to add the conservation easement to protect the Fountain House for the future. Ms. Martinisko likes the proposed location but not the parking and has discussed this with the applicant and feels that landscaping in the proposed area needs to be addressed.

Marlene Todd, resident of Deadwood, asked that the Fountain House be moved next to the existing Morris House. It wouldn't be in the middle of Optima's parking lot and it would keep the Fountain House in the district.

Mr. Tellinghuisen commented that Optima wants to move the Fountain House to make room for parking.

Mr. Tellinghuisen, being a past State's Attorney, stated he is familiar with conservation easements and how stringent they are. To put a conservation easement on a piece of property locks it for eternity. As things change and you don't know how they are going to change you are locked in. I believe that the concerns that have been expressed about maintaining the Fountain House and its historical nature adequately addressed with strong preservation enforcement by the preservation officer and ordinances adopted by this city. At least this would allow for some change over the course of eons and not be locked into something that you didn't intend to. ***Based upon the guidance found in DCO 17.68.050, It was moved by Mr. Blair and seconded by Mr. Williams that the proposed project is congruous with the historical, architectural, archaeological or cultural aspects of the district and MOVE to grant Certification of Appropriateness contingent upon additional recommendations made by the History Preservation office including the requirement for the detailed archioloical report, the written agreement for proper interpretation, the agreement and commitment for landscaping and an extended project date of the 1<sup>st</sup> of October 2015. Aye – All. Motion carried. (Staff report attached as Exhibit B)***

Mr. Kuchenbecker stated that over the past several years this office has contracted with Albertson Engineering of Rapid City for structural engineering of the public-private program of repairing and reconstructing historic retaining walls. It has worked well for us and staff is recommending City Commission approval to continue the retaining wall program for 2015. **Mr. Toews moved and Mr. Johnson seconded to approve up to \$45,000 for Albertson Engineering as a recommendation to the City Commission. Aye – All. Motion carried.** (Staff report attached as Exhibit C)

#### Rodeo Grounds Grandstand Concessions and Restroom Upgrades

Mr. Kuchenbecker informed the Commission that Dave Stafford Architecture is providing architectural and engineer design services for upgrading/rehabilitation of the concessions and public restroom facilities incorporated under the grandstands at the Rodeo Grounds. The Architect has presented a time line and scope of the project with a substantial completion date prior to the rodeo. Mr. Kuchenbecker stated the probable cost of this project will exceed the budgeted amount and at some point supplemental funds will be requested if the project goes forward. **Mr. Johnson moved and Mr. Toews seconded to recommend to the City Commission to approve advertising for the Restroom and Concession Project at the Days of 76 Rodeo Grounds and set the bid opening for 2:00 p.m. on February 17, 2015. Aye – All. Motion carried.** (Staff report attached as Exhibit D)

#### 2015 ESRI GIS Software Maintenance

Mr. Kuchenbecker stated we use GIS on a regular basis, it is used not only by Historic Preservation but also Public Works and Planning and Zoning. This is the annual maintenance fee for the software. It is a budgeted line item and its \$12,000 of which \$9,500 comes out of the Historic Preservation GIS budget. **Mr. Toews moved and Mr. Berg seconded to approve the GIS Maintenance package for 2015 at a cost of \$9,500 for Historic Preservation portion of lines items. Aye – All. Motion carried.** (Staff report attached as Exhibit E)

#### Keene Field (Baseball complex) sound system

Mr. Kuchenbecker stated that in the 2015 budget meetings under public buildings we did budget for a new sound system. What is proposed is a public announcing system to be used at both fields at a cost of \$3,116. It will provide speakers for both fields, 2 amps, cordless microphone, mixers, etc. and this system is one of the number one systems in the United States for baseball and softball fields. **Mr. Blair moved and Mr. Toews second to approve \$3,116.00 for the Sound System. Aye – All. Motion carried.** (Staff report attached as Exhibit F)

#### SD State Historical Society Press – 2013 Publication fund report

Mr. Kuchenbecker presented the 2013 Deadwood Publications Fund report. In 2000 Historic Preservation gave the South Dakota State Historical Society Press \$250,000 for developing a revolving program for the publication of books associated with Deadwood and Western South Dakota and the Black Hills. No action required. (Staff report attached as Exhibit G)

#### New Matters before the Deadwood Historic District Commission

##### Case #15001 – 435 Williams Street – Windows – Deadwood Carnegie Public Library

Mr. Kuchenbecker stated this is an application for the Deadwood City Planning Unit. The applicant is the City of Deadwood and the applicant proposes to remove paint on exterior windows and doors, repair and/or replace decayed wood window components, prime and paint windows and doors and varnish top coat interior windows, doors and trim. The proposed project does not encroach upon, damage or destroy any historic resource nor have an adverse effect on the character of the building or the historic character of the districts. **Based upon the guidance found in DCO 17.68.050 Mr. Toews moved and Mr. Johnson seconded to find that the exteriors alteration proposed is congruous with the historical, architectural, archaeological or cultural aspects of the district and move to grant certification of appropriateness. Aye – All. Motion carried.** (Staff report attached as Exhibit H)

##### Case #15002 – 152 Sherman Street – Addition – First Interstate Bank

Mr. Kuchenbecker stated this is a contributing structure located in the South Deadwood Planning Unit, circa 1891. This was a freight depot moved from its original location but it is still considered a contributing resource because of its association with Deadwood and the railroad. The applicant is requesting permission to add 25' onto the north end of the building. The siding, windows, and doors will match the existing structure. The recommended opinion of staff; research of the historic structure unveiled a photograph of the freight depot which appears to have a longer one story portion of the building. The proposed addition appears to bring back proportions of the building closer to the photograph. We have worked with bank officials to ensure the materials will complement and match the existing structure. A vertical trim board will remain between the existing building and the proposed new addition to differentiate the addition from the

existing building. The proposed work and changes do not encroach upon, damage or destroy a historic resource or have an adverse effect on the character of the building or the historic character of the State and National Register Historic Districts or the Deadwood National Historic Landmark District. The proposed work continues to remedy some of the issues which have made the building non-contributing. ***Based upon the guidance found in DCO 17.68.050 Mr. Blair moved and Mr. Toews seconded to find that the exteriors alteration proposed is congruous with the historical, architectural, archaeological or cultural aspects of the district and move to grant certification of appropriateness. Aye – All. Motion carried. (Staff report attached as Exhibit I)***

#### Revolving Loan Fund/Retaining Wall Program Update

***Mr. Toews moved and Mr. Blair seconded to approve the HP Revolving Loan Fund disbursement in the amount of \$899.50, based on information as presented by Ms. McCracken, Executive Director of NeighborWorks-Dakota Home Services. Aye – All. Motion carried.*** The Delinquency Report was reviewed by HP Commission.

#### Staff Report (Items considered but no action will be taken at this time.)

Mr. Kuchenbecker reported on the following:

- The South Dakota Governor's Tourism Conference is next week. We will be there Wednesday, Thursday and returning on Friday. Dale, Tom and Mike are all attending. We have our legislative luncheon and speakers in the presidents lobby. In the past few years we have also partnered with Deadwood Alive, our reenactors, and that has been a real hit with the legislators. Historic Preservation pays for their motel rooms and meals and Deadwood Alive pays the labor costs. This amounts to about \$1,800.
- The Library contract is out for signature and we will be giving notice to proceed as soon as we get the contract back.
- A meeting was held yesterday on the recreation center windows. We believe that we have come up with a good alternative to the screens on the inside of the auditorium and we had to actually cut into the interior walls to figure out how the building was made. What they had done in the past is mount the screens right on to the window and every time they would get hit it would push the windows outward. The new screens will be mounted onto the walls.
- Revitalization is still moving forward. We have gotten through the action plan and Roger Brooks is making the final adjustments to the comprehensive branding/marketing plan and we will get that out to the public and this body as well. We are still negotiating with Century Link. Their engineering staff has been meeting every two weeks so they can come up with costs and what other alternatives they have. Revitalization did receive \$100,000 support from Bid 7 which goes through the Chamber and the City Commission which will allow them to implement some of the branding for 2015. I have been working with Lee and the Chamber on advocacy for banners.
- I have been working with the South Dakota State Historical Preservation office on developing a real estate workshop this spring. We are contacting the South Dakota Real Estate Commission to see what it takes to get the workshop certified for continuing education.
- We talked at the last Loan Committee regarding sending out surveys to loan recipients from the last few years. We are working with NeighborWorks in developing that and if you have any questions that you would like to pose in that survey we would appreciate your input.
- Concrete on the retaining wall at 2 Dudley is done and they are starting on the carpentry.
- Our new building inspector Trent Mohr started this week.
- Mike Runge submitted his report. It includes images of the Chinese coins that have come back from Maryland. We will have them for viewing at our next meeting.
- The 1894 Winchester 30-30 that was sawed off by Homestake Mining Company is at the Days Museum getting ready for display.
- We have taken over 3,800 photos of Deadwood and all the projects going on in 2014. Each of those has a catalog number and address so you can pull up the address and view construction details, what it used to look like and those types of things.

#### Committee Reports

- Mr. Toews stated that the Demolition by Neglect Committee has meet with City Commissioners except one regarding minimum maintenance and will be meeting with that person tomorrow.

HPC Meeting

Wednesday, January 14, 2015

- Mr. Blair met with Deadwood Alive today and talked about some of the branding direction. RFPs are going out for a tin star that will be given out to kids on the street and at some of their performances. They feel they are not getting themselves in front of enough large groups of people.
- Chair Floyd stated that there has been nice conversations with NeighborWorks regarding their programs and how they run and what goes into them. That is going to be extremely useful as we move forward in looking at grants and possibilities for new programs.

**Adjournment:**

There being no other business, the Historic Preservation Commission Meeting adjourned at 6:08 p.m.

ATTEST:

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Laura Floyd  
Chairman, Historic Preservation Commission  
*Bonny Fitch, Historic Preservation Office/Recording Secretary*