

CITY OF DEADWOOD
HISTORIC PRESERVATION COMMISSION

Wednesday, October 25, 2006

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

Absent Historic Preservation Commission: Rose Speirs

A quorum being present, Vice Chairman Willie Steinlicht called the Deadwood Historic Preservation Commission meeting to order on Wednesday, October 25, 2006 at 5:00 p.m. in the Deadwood City Hall located at 108 Sherman Street, Deadwood, SD.

Review Minutes – October 10, 2006

It was moved by Ms. Feterl, seconded by Mr. Olsen and carried unanimously to adopt a resolution to approve the minutes of the regular Historic Preservation Commission meeting conducted on Tuesday, October 10, 2006 as presented.

Voucher Approval:

Operating Account:

It was moved by Mr. Olsen, seconded by Mr. Olson, and carried unanimously to adopt a resolution approving the HP Operating Account in the amount of \$20,629.08.

Bonded Account:

It was moved by Mr. Derosier, seconded by Mr. Olson, and carried unanimously to adopt a resolution approving the HP Bonded Account in the amount of \$7,716.75.

NEW MATTERS BEFORE THE DEADWOOD SIGN COMMISSION:

Deadwood Water Tank Painting & Signage

Historic Preservation Officer Kevin Kuchenbecker referred the commission to the Sign Permit Application submitted by the Public Works/Water Department for the proposed painting project on the McGovern Hill water tank. The tank will be painted green with signage to include the word "Deadwood" and the date "1876". The signage is approximately thirty-three feet (33') long and will be gold in color.

Ms. Feterl commented on having difficulty determining which classification within "our guidelines" would apply to this type of sign. Public Works Director Jim Raysor explained that he considers this a landmark sign, saying it is common to see the name of each community painted on municipal water tanks as you travel across the state. However, upon Ms. Feterl's review of the existing definition of the landmark sign classification, the project does not qualify, as the water tank is not twenty-five (25) years old. The commission discussed several other classifications that might apply but opted to continue the matter to offer staff adequate time to determine what section of the sign ordinance is most appropriate to this type of sign. Mr. Raysor reported that this project would not be completed until next spring, although he would like to contract the work soon.

As a matter of procedure, Ms. Feterl requested that staff change the reporting procedure for Sign Permit Applications presented before the sign commission. Mr. Kuchenbecker agreed to ask Building Inspector Keith Umenthum to provide a staff report to accompany each Sign Permit Application, which identifies the appropriate classification for each proposed sign and reference to the applicable guidelines.

It was moved by Ms. Feterl, seconded by Mr. Olsen and carried unanimously to continue the Sign Permit Application for the City of Deadwood Public Works - Water Department for the Deadwood Water Tank Painting and Signage project to the next meeting.

Cedarwood Inn – 103 Charles, Sign Alterations

The applicant was not present to speak to this matter.

Mr. Kuchenbecker explained the applicant is proposing to enclose an existing eight inch (8") metal column for the free-standing sign at 103 Charles Street with a wooden pedestal which measures forty-eight inches by seventy-three inches (48" x 73"). The sign will have removable letters for messages such as room rates. He noticed that the new signage is already in place.

In response to a question by Mr. Olson, Ms. Feterl stated the Cedarwood Inn is located outside of the core district. Ms. Oberlander questioned the maximum square footage allowed for signage. The sign ordinance restricts signs to a maximum area of forty-five (45) square feet. Mr. Kuchenbecker referred to the drawing provided by the applicant, Gordon Mack, and questioned "what part of this sign do you consider structure and what part do you consider signage?". It was moved by Mr. Olson and seconded by Mr. Olsen to continue the Sign Permit Application for alterations to the existing sign at the Cedarwood Inn, 103 Charles, pending clarification of the size of the sign and receipt of a photograph or rendering of the sign itself. Mr. Derosier noted that the sign is already in place and questioned what the commission would accomplish by continuing the matter. Hearing no further discussion, upon vote taken thereon, the motion carried with Mr. Derosier voting NO.

NEW MATTERS BEFORE THE DEADWOOD HISTORIC PRESERVATION COMMISSION:

Purchase of GIS Maintenance Software

GIS Coordinator Rob Mattox informed the commission that nine (9) of eleven (11) existing licenses for various products from ESRI for the GIS Maintenance Software have expired. The expenditure of \$4,288.11 at this time will bring all software up to date and will provide for free updates and maintenance until April 2007. The expense associated with the software maintenance is a budgeted line item in the 2006 GIS budget. The cost is slightly higher because of the lapse in the maintenance schedule; however, the total cost does not exceed the amount budgeted for 2006.

A memorandum from Mr. Mattox identified four (4) city departments in addition to the Historic Preservation Department to which licenses are currently assigned and a breakdown of the yearly maintenance costs each individual department will have to include in their budget in 2007. Responding to a question by Ms. Feterl, Mr. Mattox explained that, at the present time, software maintenance costs are not allocated as a separate impact fee to individual departments which utilize the system. However, he believes it would be appropriate for each department to pay its portion of the maintenance costs in 2007. Ms. Feterl agreed that it should not be fully funded by Historic Preservation. Mayor Toscana indicated there would be no problem with that procedural change. It was moved by Mr. Derosier, seconded by Ms. Feterl and carried unanimously to adopt a resolution to authorize the expenditure of \$4,288.11, a budgeted expense, for the GIS Maintenance Software and upgrades as requested.

Mr. Mattox informed the commission that he would begin submitting a monthly report for the GIS department in November.

He also reported having several issues to discuss at the GIS committee meeting tomorrow.

399 Cliff Street – Exterior Changes – Kurt Hall

Mr. Derosier recused himself from the commission during discussion of this item due to a conflict of interest.

The commission referred to the following staff report:

STAFF REPORT

*Case No. 06108
Address: 399 Cliff Street*

Date: October 20, 2006

The applicant requests Project Approval for a phased exterior rehabilitation at 399 Cliff Street, a non-contributing structure located in the Pluma Historic Overlay Zone of the City of Deadwood.

*Applicant: Kurt Hall
Owner: Kurt Hall
Constructed: 1935/1989*

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 is an historic automobile dealership building that was heavily remodeled and enlarged in the late 1980's; it currently houses Twin City Hardware. Because of the near-total loss of design integrity caused by the building's previous remodeling, it cannot contribute to the Deadwood Historic Landmark District.*

2. Architectural design of the resource and proposed alterations: *The applicant proposes to conduct a phased rehabilitation of this structure as follows:*

Phase I: (to be completed October through December 2006)

- *Relocate main entrance*
- *Construct double door entry with interior vestibule*
- *Remerchandising and increasing of inventory*
- *Relocate check out area in the interior of the store*

Phase II: (to be completed summer 2007)

- *Paint existing metal exterior of building (body – light gray; trim – Deadwood green)*
- *Replace some exterior metal siding*
- *Define Entrance with posts*
- *Install posts and trim per rendering*

Attachments: Yes

Plans: Yes

Photos: Yes

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

John Gary presented a request to complete a phased exterior rehabilitation of the building located at 399 Cliff Street, which currently houses Twin City Hardware. The main entrance will be relocated more toward that center of the building. Phase II includes improvements to the exterior of the building.

Referring to the rendering of the building upon completion, Mr. Olson stated the commission would need to consider Sign Permit Applications for any signage placed on the building in the future. Mr. Gray indicated he has received application forms from the Building Inspector and will submit those in the spring. It was moved by Mr. Olson, seconded by Mr. Olsen and carried with Mr. Derosier abstaining to adopt a resolution to approve the Application for Project Approval for a phased exterior rehabilitation at 399 Cliff Street, a non-contributing structure located in the Pluma Historic Overlay Zone of the City of Deadwood, as proposed by Kurt Hall, the applicant and property owner, as presented.

424 Main Street – Exterior Changes – GR Deadwood, LLC

The commission referred to the following staff report:

STAFF REPORT

Case No.06104
Address: 424 Main Street

Date: October 20, 2006

The applicant requests Project Approval (Certificate of Appropriateness) for exterior changes at 424 Main Street in the Deadwood Historic Overlay Zone in the City of Deadwood.

Applicant: GR Deadwood, LLC.
Owner: GR Deadwood, LLC
Constructed: circa. 1890

CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS

The Historic District Commission shall use the following criteria in granting or denying Project Approval:

General Factors:

1. Historic significance of the resource: This building is a contributing resource in the Deadwood National Historic Landmark District.

2. Architectural design of the resource and proposed alterations: The applicant proposes to disguise two two-foot thick buttresses in the proposed side entrance to assist with stabilization of the side wall of this structure. The applicant also proposes to clean, repair, and seal the brick and stonework as well as replacement of second floor windows. Applicant further proposes to change the paint work as shown in the enclosed renderings.

Attachments: YES

Plans: NO

Photos: YES

Recommended Decision: The proposed work and changes will have an adverse effect on the historic character of the building and the historic character of the Deadwood National Landmark Historic District. There would appear to be alternatives to stabilization of this building which may not have an adverse effect of the resource. After further onsite review of this historic resource with the City Building Inspector, it is staff's recommendation to request a complete structural analysis of the building to determine the most effective and least intrusive means to stabilize this building. The structural analysis and engineering should be completed by an individual or firm who specializes in historic structures. Furthermore, the windows should be repaired rather than replaced whenever possible.

Vice Chairman Steinlicht reported that he, Mr. Derosier and Mr. Kuchenbecker have looked at the building. He referred to the commission to the staff report indicating the proposed work and changes will have an adverse effect on the historic character of the building and the historic character of the Deadwood National Landmark Historic District. Mr. Kuchenbecker recommends requesting a complete structural analysis of the building to determine the most effective and least intrusive means to stabilize the building. Mr. Kuchenbecker stated there is "quite a sway to the building both vertically and horizontally on both sides". Previously, there was a building adjacent to this building which is gone today. He recommends the structural analysis and engineering be completed by an individual or firm who specializes in historic structures. It was moved by Mr. Derosier, seconded by Ms. Feterl and carried unanimously to table the Application for Project Approval (Certificate of Appropriateness) for exterior changes at 424 Main Street in the Deadwood Historic Overlay Zone in the City of Deadwood, as proposed by GR Deadwood LLC, the applicant and property owner, pending receipt of a complete structural analysis and engineering of the building completed by an individual or firm who specializes in historic structures to determine the most effective and least intrusive means to stabilize this building.

8 Shine – Tuck Pointing – Ron Wheeler

The commission referred to the following staff report:

STAFF REPORT

Case No. 06105
Address: 8 Shine Street

Date: October 20, 2006

The applicant requests Project Approval for masonry repair and tuck-pointing at 8 Shine, a contributing structure located in the Forest Hill Historic Overlay Zone of the City of Deadwood.

Applicant: Ron Wheeler
Owner: Ron Wheeler
Constructed: 1903

CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS

The Historic District Commission shall use the following criteria in granting or denying Project Approval:

General Factors:

1. Historic significance of the resource: This building is a contributing resource in the Deadwood National Historic Landmark District. It is significant for its historic association with the founding and initial period of growth of the City of Deadwood. Deadwood's economic prominence during the late 1800's and early 1900's was reflected by the construction of a number of large residences such as this one. This brick dwelling was constructed behind the United Methodist Church as a parsonage in 1903 for the minister. It is of the foursquare style.

2. Architectural design of the resource and proposed alterations: The applicant proposes to clean, tuckpoint and repair/replace bricks and mortar on the exterior of the structure.

Attachments: No

Plans: No

Photos: Yes

Recommended Decision: Proper masonry repair is critical. Staff has discussed with the owner the importance of having a qualified contractor work on this historic structure and utilizes proper techniques with mortar and cleaning of brick. 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 Historic District.

Ron Wheeler presented a request to hire a contractor to complete masonry repair and tuck-pointing on the building at 8 Shine Street. He is retaining the services of a contractor from Dell Rapids recommended by city staff with experience working on historic properties. It was moved by Ms. Feterl, seconded by Ms. Oberlander and carried unanimously to adopt a resolution to approve the Application for Project Approval for masonry repair and tuck pointing at 8 Shine, a contributing structure located in the Forest Hill Historic Overlay Zone of the City of Deadwood, as proposed by Ron Wheeler, the applicant and property owner.

8 Shine – Deck – Ron Wheeler

The commission referred to the following staff report:

STAFF REPORT

Case No. 06105
Address: 8 Shine Street

Date: October 20, 2006

The applicant requests Project Approval for the construction of a deck at the rear of 8 Shine, a contributing structure located in the Forest Hill Historic Overlay Zone of the City of Deadwood.

*Applicant: Ron Wheeler
Owner: Ron Wheeler
Constructed: 1903*

CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS

The Historic District Commission shall use the following criteria in granting or denying Project Approval:

General Factors:

1. Historic significance of the resource: *This building is a contributing resource in the Deadwood National Historic Landmark District. It is significant for its historic association with the founding and initial period of growth of the City of Deadwood. Deadwood's economic prominence during the late 1800's and early 1900's was reflected by the construction of a number of large residences such as this one. This brick dwelling was constructed behind the United Methodist Church as a parsonage in 1903 for the minister. It is of the foursquare style.*

2. Architectural design of the resource and proposed alterations: *The applicant proposes to construct a wooden deck 13' x 18' with treated or cedar materials with a railing consistent in height with existing fence recently installed. The deck will be at the rear of the structure actually on the adjoining property on Broadway.*

Attachments: *No*

Plans: *No*

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.*

Ron Wheeler proposes to construct a wooden deck on the rear of the property at 8 Shine Street, above the area previously approved for a parking ramp. Excavation work for the ramp begins on Monday. Mr. Derosier questioned whether he plans to use cedar or redwood building materials. Mr. Wheeler had not decided at this time but agreed to use appropriate material. He does not, however, plan to use more of the existing metal fencing to enclose the deck but rather will use something to provide more privacy. It was moved by Mr. Derosier, seconded by Mr. Olson and carried unanimously to adopt a resolution to approve the Application for Project Approval for construction of a deck at the rear of 8 Shine, a contributing structure located in the Forest Hill Historic Overlay Zone of the City of Deadwood, as proposed by Ron Wheeler, the applicant and property owner.

1 Spring Street – Demolition – Tim Davis

The commission referred to the following staff report:

STAFF REPORT

*Case No. 06107
Address: 1 Spring Street*

Date: October 20, 2006

The applicant requests Project Approval for the demolition of an A-frame building on Spring Creek Road, a non-contributing structure located in the Forest Hill Historic Overlay Zone of the City of Deadwood.

*Applicant: Tim Davis
Owner: Tim Davis
Constructed: unknown*

CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS

The Historic District Commission shall use the following criteria in granting or denying Project Approval:

General Factors:

1. Historic significance of the resource: *This building is a non-contributing resource in the Deadwood National Historic Landmark District due to its age. The structure appears to be built in the late 1970's.*

2. Architectural design of the resource and proposed alterations: *The applicant proposes to demolish the structure to clear the site for a new residential building in the future.*

Attachments: *No*

Plans: *No*

Photos: *Yes*

Recommended Decision: *The proposed work and changes will not have an adverse effect on the historic character of the Deadwood National Historic District. This structure is not visible from the district and does not contribute.*

Tim Davis presented a request to demolish an existing A-frame building on Spring Creek Road. He plans to build a new house on the property next spring. It was moved by Ms. Feterl and seconded by Mr. Olsen to adopt a resolution to approve the Application for Project Approval for the demolition of an A-frame building on Spring Creek Road, a non-contributing structure located in the Forest Hill Historic Overlay Zone of the City of Deadwood, as proposed by Tim Davis, the applicant and property owner. Mr. Olson questioned whether plans are available for the house he plans to build in place of the existing A-frame. In the past, the commission has been reluctant to approve a demolition request, pending review of the plans for the replacement structure. Mr. Kuchenbecker commended the commission for being cautious, but also recommended demolition requests be considered on a case-by-case basis. For example, this is a 1970's or 80's A-frame located approximately one half mile outside of the core district and not visible from any part of the historic district. He does not have a problem with the demolition. There was brief discussion regarding the exact location of the A-frame. Hearing no further discussion, upon vote taken thereon, the motion carried unanimously.

36 Water – Foundation – Donna L. Karotko

The commission referred to the following staff report:

STAFF REPORT

*Case No. 06109
Address: 36 Water Street*

Date: October 20, 2006

The applicant requests Project Approval for foundation repair at 36 Water Street, a contributing structure located in the McGovern Hill Historic Overlay Zone of the City of Deadwood.

*Applicant: Donna L. Karotko
Owner: Donna L. Karotko
Constructed: 1902*

CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS

The Historic District Commission shall use the following criteria in granting or denying Project Approval:

General Factors:

1. Historic significance of the resource: This building is a contributing resource in the Deadwood National Historic Landmark District. It is significant for its historic association with the 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 repair the foundation which has settled on the south side 3 ½" to the middle and 6" to 7" on the northwest side. Plumbing and heating are concentrated on the northwest side. The house needs to be elevated and the rotten wood and stone foundation need to be repaired and replaced with a new footing. This is a priority because of the safety issue and the overall structural integrity of the house.

Attachments: Yes

Plans: No

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 Historic District.

The property owner was not present to speak to this matter.

Mr. Kuchenbecker explained that, at some point, a concrete barrier was added around the bottom of this residence. Moisture has seeped down behind that concrete and the property owner is proposing to remove the concrete and repair the original foundation. It was moved by Mr. Olson, seconded by Ms. Oberlander and carried unanimously to adopt a resolution to approve the Application for Project Approval for foundation repair at 36 Water, a contributing structure location in the McGovern Hill Historic Overlay Zone of the City of Deadwood, as proposed by Donna L. Karotko, the applicant and property owner, as presented.

2 Sampson – Porch and Deck – Harlan Gustafson

Mr. Derosier recused himself from the commission during discussion of this item due to a conflict of interest.

The commission referred to the following staff report:

STAFF REPORT

Case No. 06092
Address: 2 Sampson

October 23, 2006

The applicant requests Project Approval to enclose the new deck at 2 Sampson, a non-contributing structure located in the Spruce Gulch Historic Overlay Zone of the City of Deadwood.

Applicant: Harlan & Arlene Gustafson
Owner: Harlan & Arlene Gustafson
Constructed: ca. 1930

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 is a building constructed about 1930, and has sustained numerous modern alterations, including siding, casement windows and enclosed front porch. Because of these changes, it has lost integrity and cannot contribute to the Deadwood National Historic Landmark District.

2. Architectural design of the resource and proposed alterations: The applicant proposes to enclose the new deck with storage below.

Attachments: No

Plans: No

Photos: Yes

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

The property owner was not present to speak to this matter.

Mr. Kuchenbecker explained that the commission has approved several improvement projects at 2 Sampson in recent months. The property owner is now requesting permission to enclose the new deck, making it a three-season room. Staff has been discussing appropriate building materials with Mr. Gustafson. He was originally proposing metal siding material to match an existing outbuilding on the property. At the present time, he is proposing four foot by eight foot (4' x 8') textured panels on the lower portion which is a storage area, and four foot by eight foot (4' x 8') plywood on the upper portion with siding to match the existing siding on the house. It was moved by Ms. Feterl, seconded by Mr. Olsen and carried with Mr. Derosier abstaining to adopt a resolution to approve the Application for Project Approval to enclose the new deck using the appropriate materials at 2 Sampson, a noncontributing structure located in the Spruce Gulch Historic Overlay Zone of the City of Deadwood, as proposed by Harlan and Arlene Gustafson, the applicants and property owners.

12 Ryan Road – Garage – Tom and Nyla Griffith

Mr. Derosier recused himself from the commission during discussion of this item due to a conflict of interest.

The commission referred to the following staff report:

STAFF REPORT

Case No. 06111
Address: 12 Ryan Road

October 23, 2006

The applicant requests Project Approval to for the construction of a garage at 12 Ryan Road, a non-contributing structure located in the Pecks Garden Historic Overlay Zone of the City of Deadwood.

Applicant: Nyla & Tom Griffith
Owner: Nyla & Tom Griffith
Constructed: ca. 1990's

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 is a non-contributing structure in the Deadwood National Historic Landmark District due to its age.*

2. Architectural design of the resource and proposed alterations: *The applicant proposes to build a new garage per attached plans.*

Attachments: *Yes*

Plans: *Yes*

Photos: *Yes*

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

Mark Straub responded to questions by the commission. He explained that the property owners, Nyla and Tom Griffith, are proposing to build a two story 2-car garage in front of a propane tank located to the left of their existing home. The commission referred to photographs that accompanied the application and to a photocopy of plans for a "2-car garage apartment" structure. The proposed garage measures twenty-eight feet (28') wide and twenty-six feet (26') deep with a building height of approximately twenty-five (25') feet to the peak of the roof. The pitch of the roofline is "about the same" as the house. Ms. Feterl questioned the elevation of the proposed structure in comparison with the Griffith's home and another home situated on adjacent property.

In response to a question by Mayor Toscana, Mr. Straub stated that a variance would be required for setbacks on the side and front of the property. Ms. Oberlander feels the proposed structure does not look like a garage; it looks like a second house is being proposed on the property. On behalf of the property owners, Mr. Straub explained the intent was to design a structure with a studio-type space for an office.

Vice Chairman Steinlicht called upon Mr. Kuchenbecker for direction. He noted that members of the commission have concerns regarding the elevation of the proposed structure and Mr. Straub agreed to submit additional renderings of the property and proposed structure. It was moved by Mr. Olson and seconded by Ms. Oberlander to table the Application for Project Approval for the construction of a garage at 12 Ryan Road to the commission meeting on Wednesday, November 8, 2006, pending receipt of elevations depicting existing house with proposed structure. Mr. Straub will initiate the variance request through the Planning & Zoning Department. Hearing no further discussion, upon vote taken thereon, the motion carried with Mr. Derosier abstaining.

NEW MATTERS BEFORE THE DEADWOOD HISTORIC DISTRICT COMMISSION:

None.

OLD BUSINESS:

2 Dunlap – Privacy Fence – Rex and Sue Asselin

The commission referred to the following staff report:

AMENDED STAFF REPORT

*Case No. 06098
Address: 2 Dunlap*

October 20, 2006

The applicant requests Project Approval to build a privacy fence at 2 Dunlap, a non-contributing structure located in the Large's Flat Historic Overlay Zone of the City of Deadwood.

Applicant: Rex & Sue Asselin
Owner: Rex & Sue Asselin
Constructed: unknown (1990's)

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 was a structure on this site which was contributing to the Deadwood National Historic Landmark District; however, it has been demolished within the past decade. It was significant for its historic association with early twentieth-century economic activity in the City of Deadwood. It has been replaced with a modern townhouse complex.*

2. Architectural design of the resource and proposed alterations: *The applicant proposes to build a wood privacy fence six-foot in height around grassy area on side of building by street and driveway.*

Attachments: No

Plans: No

Photos: Yes

Recommended Decision: *Historic Preservation staff has had an opportunity to discuss the proposed application for a fence with the Director of Public Works and the Zoning Administrator. There is a concern regarding the height of the fence as it may block views which could impact safety. Furthermore, the fence as proposed would be on public right-of-way.*

It is staff's recommendation to deny the fence as proposed.

The property owner was not present to speak to this matter.

Mr. Kuchenbecker explained he and the Public Works Director and Planning & Zoning Administrator have further reviewed this request since the last commission meeting. He stated a large part of the fence would require an easement for location within the public right of way. There were also concerns regarding the impact the privacy fence would have on vehicular and pedestrian traffic safety in the area. It was moved by Mr. Derosier, seconded by Ms. Feterl and carried unanimously to adopt a resolution to deny the Application for Project Approval to build a privacy fence at 2 Dunlap, a non-contributing structure located in the Large's Flat Historic Overlay Zone of the City of Deadwood, as proposed by Rex and Sue Asselin, the applicants and property owners.

250 Main Street – Parking Garage – Mike Gustafson

The commission referred to the following staff report:

STAFF REPORT

Case No. 06099
Address: 250 Main Street

October 6, 2006

The applicant requests Project Approval to build at parking structure at 250 Main Street in the Fountain City Historic Overlay Zone in the City of Deadwood.

Applicant: First Gold
Owner: Mike Gustafson
Constructed: n/a

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 property is listed as a contributing resource in the Deadwood National Historic Landmark District; however, there have been numerous changes since the 1993 survey.*

2. Architectural design of the resource and proposed alterations: *The applicant proposes to construct a parking garage at the rear of the property up the gulch.*

Attachments: *Yes.*

Plans: *Yes.*

Photo: *Yes.*

Recommended Decision: *The proposed work and changes may have an adverse effect on the historic character of the building and the historic character of the Deadwood National Historic District.*

Should HPC authorize the issuance of this Project Approval a preliminary archeological survey of this property may be warranted. Perhaps in the form of a trench to determine any activity but would yield to the recommendation of a professional archeologist.

A memorandum from Historic Preservation Officer Kevin Kuchenbecker dated October 23, 2006 was included in the commission packet.

Brad Hemmah was present to respond to questions regarding the proposed construction of a parking garage at 250 Main Street. Wayne Lund and Ken Lund were also present to answer questions or concerns regarding the proposed design of the structure.

Mr. Hemmah referred the commission to the revised rendering of the proposed parking garage. Wayne Lund explained the property owner, Mike Gustafson, is currently in Mexico and there were some communications issues that resulted in Mr. Kuchenbecker receiving the revised rendering via e-mail just this morning.

When the hotel expansion project was originally proposed, plans included construction of a ready-rock retaining wall. The idea was "to level the hillside as it went up into that valley behind there" to provide space for parking. Since that time, the old Deadwood façade has been relocated to the First Gold property. Mr. Gustafson would like to leave the façade in its present location.

At the last meeting, Mr. Kuchenbecker had asked what would be visible if the old Deadwood façade were not there. If the façade were to come down, the retaining wall proposed in the original construction plans will be built, as it is not there now. Behind the retaining wall, there would be a concrete fence "which pretty much surrounds all of that electrical".

Vice Chairman Steinlicht questioned the life expectancy of the old Deadwood façade and whether the city would have authority to ask that it be removed or demolished if it deteriorates. Mr. Kuchenbecker assumes it would fall under minimum maintenance or demolition by neglect procedures. City Attorney John Frederickson suggested the ongoing maintenance and repair of the façade be a condition of the project approval. Mr. Hemmah stated the property owners have applied an epoxy coat on the façade "to seal it as best we could".

Having driven by the property several times, Mr. Derosier is of the opinion the façade "looks fairly good in there and the parking ramp is a parking ramp". It was moved by Mr. Derosier and seconded by Mr. Olsen to adopt a resolution to approve the Application for Project Approval to build a parking structure at 250 Main Street, located in the Fountain City Historic Overlay Zone in the City of Deadwood, as proposed by First Gold and Mike Gustafson, the applicant and property owner, with the following stipulation: 1) the property owner properly maintain the façade. Mr. Kuchenbecker reiterated his concern

regarding the life of the old Deadwood façade. He urged the commission to require the property owners to come forth with a plan for the retaining wall, should the façade be removed. He said, "the parking structure will be there a century from now; the old Deadwood façade probably will not be. If it deteriorates or is taken down, we need to ensure that the visual appearance of that property is enhanced". The motion was amended by Mr. Derosier with the concurrence of Mr. Olsen to further stipulate that 2) should the façade deteriorate to the point that it is no longer maintainable, the property owner shall come forth with the plans for installation of the ready rock retaining wall as indicated in the photograph which shall be part of the official record hereto. Wayne Lund pointed out that the property owner would have to obtain a demolition permit anyway, should the façade deteriorate to the point it has to be removed. That process would necessitate the receipt of plans for construction of the retaining wall at that time.

Mr. Olson noted that the project will obviously require excavation work and questioned whether the site has been looked at from an archeological standpoint. Wayne Lund stated archeological monitoring did indeed take place during the construction phase for the hotel and for the dirtwork involved with utilities. There is some new excavation that will be necessary in one small area where the foundation will be. Mr. Kuchenbecker recommended some type of archeological monitoring be required consistent with the guidelines for new construction. The motion was amended by Mr. Derosier with the concurrence of Mr. Olsen to further stipulate that 3) an archeologist be onsite to monitor the excavation.

Ms. Oberlander questioned whether the archeological report from the initial excavation work was ever received. Mayor Toscana reported that the archeologist retained by First Gold during the excavation phase of the construction project did not submit a written report. At the direction of Mayor Toscana and City Attorney John Frederickson, the motion was amended by Mr. Derosier with the concurrence of Mr. Olsen to further stipulate that 4) the Historic Preservation Department shall receive a copy of the written report completed during the onsite archeological monitoring for the prior excavation work during the construction. Hearing no further discussion, upon vote taken thereon, the motion carried with Ms. Oberlander noting NO.

Mr. Hemmah agreed to resolve the matter of the lack of a written archeological report.

Williams – Cabin – Robert Williams

The commission referred to the following staff report:

STAFF REPORT

Case No. 06101

October 6, 2006

Address: Williams Street

The applicant requests Project Approval to build a new residence near Williams Street located in the Fountain City Historic Overlay Zone of the City of Deadwood.

Applicant: Robert Williams

Owner: David Brenner

Constructed: n/a

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 appears to have been some structures in the locale of the proposed structure, however, it is unknown rather there are any archeological features at this time.*

2. Architectural design of the resource and proposed alterations: *The applicant proposes to build a cabin style residential home with 2x6 frame construction over a concrete basement and single car garage. Exterior finish is proposed with lap siding and shingle roof. Exterior colors and material*

used will be based on HPC requirements. The applicant has a complete set of construction blueprints and materials list.

Attachments: Yes

Plans: limited

Photos: No

Recommended Decision: *Staff has not had an opportunity to view a complete set of plans including the site plan to determine the location on the lot. This may have an impact on any archeological features which may be on the site; however, staff has not had the opportunity to walk the site at this time. Furthermore, access to this property is unclear and is being reviewed with Planning & Zoning Director.*

Staff would like to review a complete set of plans prior to making a determination rather the proposed structure will have an adverse effect on the historic character of the Deadwood National Landmark Historic District.

The property owner was not present to speak to this matter.

Mr. Kuchenbecker offered a follow-up report based on his discussions with the applicant following the last meeting.

The applicant is currently proposing the installation of eight-inch (8") lap siding. The applicant is willing to modify the architectural plans to include the installation of double hung wooden windows as opposed to casement windows. Asphalt architectural-styled shingles will be included in the specifications. Mr. Kuchenbecker reported that the property owner will have to request an easement from adjacent property owners in order to complete the project as proposed.

Mayor Toscana questioned the precise location of the property. He would expect that a soil engineering and engineering geology analysis be required before the construction is allowed to proceed. Mayor Toscana also questioned whether the plan is for construction of one house or two houses.

Mr. Olsen stated the issue before the commission is approval of the design of the house; the property owner will have to work with the planning and zoning department regarding the easement. It was moved by Mr. Olsen, seconded by Ms. Feterl and carried unanimously to adopt a resolution to approve the Application for Project Approval for construction of a new residence near Williams Street, located in the Fountain City Historic Overlay Zone of the City of Deadwood, as proposed by Robert Williams and David Brenner, the applicant and property owner respectively, contingent upon Planning and Zoning approval for setbacks and easements, with the following stipulations: 1) the property owner shall retain the professional services necessary to complete soil engineering and engineering geology analysis and 2) completion of a phase I archeological study due to the proximity to the old Deadwood wagon trail.

39 Van Buren – Addition, Reroof and Siding – Fischer Construction

The commission referred to the following staff report:

STAFF REPORT

*Case No. 06110
Address: 39 Van Buren*

Date: October 20, 2006

The applicant requests changes to the previous Project Approval for addition, re-roofing and siding at 39 Van Buren located in the Ingleside Historic Overlay Zone in the City of Deadwood.

*Applicant: Fischer Construction
Owner: Bernice Hild
Constructed: 1880*

CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS

The Historic District Commission shall use the following criteria in granting or denying Project Approval:

General Factors:

1. Historic significance of the resource: This building is a contributing resource in the Deadwood National Historic Landmark District. It is significant for its historic association with the founding and initial period of growth of the City of Deadwood. It is of the vernacular style.

2. Architectural design of the resource and proposed alterations: The applicant proposes alteration for the addition previously approved by the Deadwood Historic Preservation Commission. The major change is the window location, style, and dimensions. The applicant proposes to reuse the existing windows rather than the double hung windows in the original application.

Attachments: Yes

Plans: yes

Photos: yes

Recommended Decision: The proposed work and changes may have an adverse effect on the historic character of the building and the historic character of the Deadwood National Historic Landmark District. It is more appropriate to utilize a double-hung window as originally approved. Furthermore, the contractor on this project was issued a stop work order by the City Building Inspector for his construction methods and changes to the original plans. The City of Deadwood also cleaned up the site due to the condition of the construction site.

The property owner was not present to speak to this matter.

Mr. Kuchenbecker stated the commission previously approved plans for an addition on the back of this residence which is a contributing structure. Building Inspector Keith Umentum and Mr. Kuchenbecker conducted a site visit and report that "what is being built is not what was approved". Additionally, the construction methods being used by the contractor are in violation of the building code. A stop work order was issued. There have been concerns with the contractor's ability to perform. The homeowner's application for loan financing has been delayed unnecessarily due to the contractor. The work underway represents a significant change from the approved project.. Mr. Kuchenbecker stated the proposed changes may have an adverse affect on the property.

Vice Chairman Steinlicht reported that the trailer belonging to the contractor is no longer on the property. The homeowner is a ninety-six year old woman. Joy McCracken, Executive Director of Neighborhood Housing Services (NHS) has been in contact with the homeowner's daughter and offered assistance with finding another contractor. She reported that, at this point, they are not willing to get fire the contractor. It was moved by Mr. Derosier and seconded by Ms. Feterl to adopt a resolution to deny the changes to the previous Project Approval for construction of an addition, reroofing, and siding at 39 Van Buren, located in the Ingleside Historic Overlay Zone of the City of Deadwood, as proposed by Fischer Construction and Bernice Hild, the applicant and property owner. Ms. Feterl expressed concern with the potential for the contractor to "go ahead and put those windows in". Mr. Kuchenbecker reiterated that a stop work order has been issued. Ms. Feterl questioned whether his contractor's license could be revoked at this time. Mr. Olson stated "it is not our decision to decide whether the contractor stays on the project". Mr. Olsen stated that if the contractor wishes to complete the project as originally approved, he may do so. Hearing no further discussion, upon vote taken thereon, the motion carried unanimously.

REVOLVING LOAN FUND/RETAINING WALL GRANT UPDATE:

Joy McCracken, Executive Director of Neighborhood Housing Services (NHS) provided the following reports to the commission.

Revolving Loan Fund Cash Disbursements Journal:

It was moved by Ms. Feterl, seconded by Ms. Oberlander, and carried unanimously to adopt a resolution to approve the historic preservation revolving loan fund cash disbursements journal totaling \$24,921.46 to the following: Lehmen Construction, \$2,983.50; Terry Gregory, \$212.96; and NHS of the Black Hills, \$21,725.00, as presented.

NHS Monthly Financial Reports

Ms. McCracken referred the commission to the following financial reports for the months ending September 30, 2006: the HP Revolving Loan Fund Balance Sheet, Statement of Revenues and Expenditures, Deadwood HP Total Loans and Pool Trial Balance.

The loan delinquency report consists of The Gillmore, Greg Bricher and Mark Kenefick.

36 Water – Foundation – Donna L. Karothko

It was moved by Mr. Olson, seconded by Mr. Olsen and carried unanimously to adopt a resolution to approve zero percent (0%) life safety loan financing in the amount of \$5,000 for Donna L. Karothko, 36 Water Street 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 homeowner must provide proof of insurance.

ITEMS FROM CITIZENS NOT ON THE 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.

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

Mr. Kuchenbecker reported that the issue of dog traffic within the cemetery was recently brought to his attention. Mayor Toscana suggested he bring the matter before the city commission.

Ms. Feterl left the meeting at this time [6:30 p.m.]

GIS: *Commission representatives: Mary Ann Oberlander and Steve Olson (chair).*
The subcommittee is scheduled to meet tomorrow morning at 8 a.m.

Grants: *Commission representatives: Ronda Feterl, Mary Ann Oberlander (chair) and Willie Steinlicht.*
Ms. Oberlander stated the subcommittee meeting will be scheduled at a later date because the grant applications are not due for a while.

Homestake Archives: *Commission representatives: Ronda Feterl (chair) and Mike Olsen.*
No report was given.

Loans: *Commission representatives: Darin Derosier, Ronda Feterl and Willie Steinlicht (chair).*
No report was given.

Policies & Procedures: *Commission representatives: Mike Olsen, Steve Olson, Rose Speirs (chair).*
No report was given.

Signage: *Commission representatives: Darin Derosier, Rose Speirs and Willie Steinlicht (chair).*
No report was given.

Recognition: *Commission representatives: Ronda Feterl and Mary Ann Oberlander (chair).*
Ms. Oberlander reported having met with Mr. Kuchenbecker last night. The subcommittee is currently working on bringing the Century Awards up to date. The subcommittee plans to meet again next Monday.

Representative to Adams Museum: *Commission representative: Rose Speirs.*
Mr. Kuchenbecker reported that the museum board met last week and many events are planned at the museum.

Representative to Chamber: *Commission representatives: Darin Derosier (chair) and Willie Steinlicht.*
Mr. Derosier reported on a recent meeting of the chamber of commerce. A televised poker tournament might be coming to Deadwood. He reported on the matching funds grant program awarded through the state for tourism marketing.

Mr. Kuchenbecker stated he has been asked to sit on the committee to discuss marketing and planning.

Representative to Days of '76 Board: *Commission representative: Steve Olson.*
Mr. Olson reported that the Days of '76 board met last week. They continue to work on the capital campaign.

Representative to NHS: *Commission representative: Willie Steinlicht.*
Vice Chairman Steinlicht provided a report regarding the staff retreat held on October 13th.

NHS Executive Director Joy McCracken reported that affordable housing is "the hot issue right now".

Representative to Planning & Zoning: *Commission representative: Mike Olsen.*
Mr. Olsen reported that the Planning and Zoning Commission recently denied two plats behind Cadillac Jacks and First Gold until the property owners can negotiate easements. The commission took no action on the Findings of Fact for the rezoning of the engine house.

OTHER BUSINESS:

Vice Chairman Steinlicht referred to the monthly report for September 2006 from City Archivist, Mike Runge.

Mr. Kuchenbecker reported it was brought to his attention last summer that, in the current city code, there is no definition of the powers and duties of the Historic Preservation Officer. In researching the matter through the State Historic Preservation Office, he stated those duties could be assigned under South Dakota Codified Law 9.14.27 which allows government bodies to assign additional duties. Mr. Kuchenbecker and City Attorney John Frederickson have drafted verbiage delineating the powers and duties of the historic preservation officer. Mr. Frederickson asked that the commission review the information provided. Mr. Olsen noted that the Historic Preservation Commission was omitted in paragraph A where it addresses reporting requirements.

Mr. Kuchenbecker referred the commission to a photocopy of an article on the Adams Museum and House featured in the Heritage Preservation publication for Fall 2006.

Mr. Kuchenbecker informed the commission that Chris' Cuts is moving from 134 Sherman to 138 Sherman and wants to move the sign for her business. Mr. Olson stated that the issue actually involves relocation of two signs – Chris' Cuts and the sign for Verizon. Mayor Toscana stated that both businesses need to come forward to request permission to move the signs.

Mr. Kuchenbecker referred the commission to photocopies of the proposed revisions to title 17 of the existing city code which were recommended by Mark Wolfe.

Mr. Kuchenbecker reported that he sent correspondence via e-mail to Edith Wong and the Wong family in response to a recent letter.

Mr. Kuchenbecker reported he has spoken with Mr. Johner regarding the salvaging the bricks from the demolished Wing Tsue. Mr. Johner is willing to donate the bricks that remain on the site; a portion of the bricks had already been hauled to the rubble site. The Mayor of Spearfish has granted permission to retrieve more bricks from the rubble site if need be, for reconstruction of the Chinese burner at the cemetery.

EXECUTIVE SESSION:

Vice Chairman Steinlicht announced there would be an executive session to discuss legal matters with no 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, Vice Chairman Steinlicht adjourned the meeting at 6:40 p.m.

ATTEST:

Willie Steinlicht
Vice Chairman
Historic Preservation Commission
Mary Burket, Recording Secretary