# CITY OF DEADWOOD

## HISTORIC PRESERVATION COMMISSION

### Wednesday, November 8, 2006

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

**Absent Historic Preservation Commission:** None.

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A quorum being present, Chairman Rose Speirs called the Deadwood Historic Preservation Commission meeting to order on Wednesday, November 8, 2006 at 5:00 p.m. in the Deadwood City Hall located at 108 Sherman Street, Deadwood, SD.

**Review Minutes - October 25, 2006:**
Mr. Olson referred to a typographical error on page three (3) where the name John Gray is misspelled. It was moved by Mr. Olson, seconded by Mr. Olsen and carried unanimously to adopt a resolution to approve the minutes of the regular Historic Preservation Commission meeting conducted on Wednesday, October 25, 2006 with the aforementioned correction.

**Additions, Deletions, Corrections to the Agenda:**
It was moved by Mr. Olson, seconded by Mr. Olsen and carried unanimously to remove from the table the Application for Project Approval for the construction of a garage at 12 Ryan Road, Tom and Nyla Griffith, and to place it on the agenda under Old Business, item 6 (d).

**Voucher Approval:**

Operating Account:
It was moved by Mr. Steinlicht, seconded by Mr. Olson, and carried unanimously to adopt a resolution approving the HP Operating Account in the amount of $27,227.76.

Bonded Account:
It was moved by Mr. Olson, seconded by Mr. Olsen, and carried unanimously to adopt a resolution approving the HP Bonded Account in the amount of $8,302.50.

**NEW MATTERS BEFORE THE DEADWOOD SIGN COMMISSION:**

**138 Sherman Street - Kurly Sue's Salon - Susan Fischer**

In the absence of Building Inspector Keith Umenthum, Historic Preservation Officer Kevin Kuchenbecker summarized the information provided in the staff report. It was moved by Mr. Olsen, seconded by Ms. Oberlander and carried unanimously to adopt a resolution to approve the Sign Permit Application for a projecting sign on the front of the building at 138 Sherman Street for Kurly Sue's Salon, as proposed by the applicant, Susan Fischer.

**138 Sherman Street - Chris Cuts It - Chris Burleson**

In the absence of Building Inspector Keith Umenthum, Historic Preservation Officer Kevin Kuchenbecker summarized the information provided in the staff report. It was moved by Ms. Oberlander, seconded by Ms. Feterl and carried unanimously to adopt a resolution to approve the Sign Permit Application for relocation of the wall sign previously located at 134 Sherman Street to the front of the building at 138 Sherman Street for Chris Cuts It, as proposed by the applicant, Chris Burleson.

**27 Deadwood Street - Hickok's Iron Horse Inn**

Neither the applicant nor the property owner was present to speak to this matter.

Mr. Kuchenbecker explained that a total of four signs are being proposed at this time. The staff recommendation is to approve signs #2 and #3.

Sign #1:

Mr. Kuchenbecker stated that the applicant is requesting an additional wall sign measuring twelve (12) square feet under an existing wall sign. This sign would require a variance as city ordinance currently allows one (1) wall sign per entrance. Ms. Feterl spoke against allowing more than one sign at an entrance. It was moved by Ms. Feterl, seconded by Mr. Olsen and carried unanimously to adopt a resolution to deny the Sign Permit Application for a new wall sign beneath an existing wall sign at 27 Deadwood Street, Hickok's Inc., because a wall sign already exists at the entrance.

Sign #2:

The applicant is requesting installation of a vertical wall sign measuring fourteen (14) square feet near the front corner of the building. This sign would require two variances as city ordinance restricts wall signs to a maximum height of two feet (2') and the proposed sign is not located near an entrance. There was some discussion as to whether this is to be considered a wall sign or an entrance sign. Mr. Kuchenbecker's interpretation of the ordinance would classify this as a wall sign, as it is not near the entrance. The proposed location of the new sign is on the side of the building and the entrance is located on the front of the building. Mr. Olson questioned whether there is sufficient space on the front of the building to accommodate this sign. It was moved by Mr. Olson and seconded by Ms. Feterl to continue the Sign Permit Application for a new vertical wall sign at 27 Deadwood Street, Hickok's Inc., to the next meeting, and to authorize staff to determine whether the sign could be relocated to the front of the building as opposed to the side. In response to a question by Ms. Feterl, Mr. Olson stated he would prefer to address the issue of the height of the sign at the next meeting. Hearing no further discussion, upon vote taken thereon, the motion carried unanimously.

Sign #3:

The applicant is requesting installation of a railing sign measuring 7.8 square feet. This sign would require a variance because of the location on the railing. City ordinance currently allows wall signs above the windows of the first story. Mr. Olson suggested the commission defer action on sign #3 until the matters relating to sign #2 are resolved. It was moved by Mr. Olson, seconded by Mr. Olsen and carried unanimously to continue the Sign Permit Application for a new railing sign at 27 Deadwood Street, Hickok's Inc., to the next meeting.

Sign #4:

The applicant is requesting installation of a railing sign measuring three (3) square feet. This sign would require three variances: 1) for location; 2) height; and, 3) a variance to allow more than one wall sign per entrance. Mr. Olson, Ms. Feterl and Chairman Speirs spoke against a sign on the railing. It was moved by Mr. Olson, seconded by Ms. Feterl and carried unanimously to adopt a resolution to deny the Sign Permit Application for a new railing sign at 27 Deadwood Street, Hickok's Inc.

**Deadwood Water Tank Painting & Signage**

Mr. Kuchenbecker referred to the staff report by Building Inspector Keith Umenthum which states:

*"The sign ordinance does not specifically address a painted name sign on a water tank or like structure. However, this sign would seem to be an allowed sign not requiring a permit under section 15.32.140 #2 of the sign ordinance which reads: "Signs required or specifically authorized for a public purpose by any law, statute or ordinance are allowed without a permit; ---". Similar signs are not addressed in the ordinance are the gateway signs."*

*Many cities state their names on their water tanks. The staff recommends approval.*

It was moved by Mr. Steinlicht and seconded by Mr. Derosier to adopt a resolution to approve the Sign Permit Application for the City of Deadwood Public Works - Water Department for the Deadwood Water Tank Painting and Signage project as presented. Mr. Olson stated the City of Deadwood has already spent a tremendous amount of money on the placement of six gateway signs at the entrances to the city. He feels this form of signage is redundant. He also mentioned the expense associated with costs for ongoing maintenance of the sign. Chairman Speirs stated the maintenance expense is not funded by historic preservation. Mr. Derosier spoke in support of the proposed signage saying it would enhance visibility for aircraft in the event of an emergency in the city. Chairman Speirs also spoke in support of the using the Deadwood logo, which has been seen as the marketing trademark since the inception of gaming. Mr. Kuchenbecker stated that the signage would include the word "Deadwood" and the date "1876", which Chairman Speirs was not previously aware of. Hearing no further discussion, upon vote taken thereon, the motion carried with Mr. Olson voting NO.

**Cedar Wood Inn - 103 Charles, Sign Alterations**

Mr. Kuchenbecker summarized the information provided in the staff report from Building Inspector Keith Umenthum. Following the last meeting, the applicant, Gordon Mack immediately removed the lettering he had previously installed at staff's request, however, the wooden part of the structure was welded on and left in place pending resolution of the matter by the commission.

Chairman Speirs requested that Mr. Mack explain why he proceeded with modifications to the sign prior to formal approval by the commission. Mr. Mack stated he didn't fully understand the ordinance and regrettably did not ask enough questions. His original intent was to enclose the metal pole to make it more attractive. He also has planned to install neon signage behind a plate glass window in front of the main complex. However, when the enclosure was completed, he decided it could accommodate the message he wanted to convey. He requested the commission consider approving a variance to allow the sign as it is now. Because he feels it is important to make known the amenities available, he will proceed with the additional neon signage if necessary.

Mr. Derosier noted the Deadwood Gulches of Fun sign, the Super 8 sign and the signs for the Hickok House which are all located in close proximity to this sign. He questioned the square footage of those signs.

Ms. Feterl questioned whether this sign is considered one sign. Mr. Kuchenbecker stated that Mr. Umenthum noted that the total area of the structure is computed as the total sign area when it exceeds five percent (5%) of the sign face area. Mr. Kuchenbecker offered the opinion that the present appearance of the sign is an improvement over the eight-inch metal pole visible prior and it does not distract from the historic district however there may be too much information posted. Mr. Olson feels the sign poses a problem for vehicular traffic coming off Stewart Street. Chairman Speirs suggested the wording be further reviewed; she also suggested using gold colored letters similar to the business name at the top of the sign. Mr. Mack stated gold lettering is not visible at night but agreed to reconsider the wording.

Mr. Kuchenbecker will meet with Mr. Mack to rework the signage. Mr. Mack stated continuing the matter to the next meeting would not pose a problem, however, he would like to advertise the room rate in the interim. The commission was willing to accommodate that request and to allow the wooden base to remain in place until the matter is resolved. It was moved by Mr. Olson and seconded by Mr. Olsen to continue the Sign Permit Application for modifications to the

existing sign at the Cedar Wood Inn located at 103 Charles Street to the next meeting, and to allow the wooden base to remain in place at the present time, with the following stipulation: 1) the price structure line can be maintained on the existing structure until the meeting on November 21st. Mr. Kuchenbecker requested further clarification. He questioned whether the property owner would be required to try to reattach the old sign and whether the existing type of lettering is acceptable for the interim. Mr. Olson amended the motion with the concurrence of Mr. Olson Olsen to adopt a resolution to continue the Sign Permit Application for modifications to the existing sign at the Cedar Wood Inn located at 103 Charles Street to the next meeting, and to allow the advertising listed on the third line of the existing sign as shown in the attached photograph to remain on the existing backboard with the stipulation that the property owner meet with the Historic Preservation Officer to consider an alternative to be presented at the meeting on November 21, 2006.

## NEW MATTERS BEFORE THE DEADWOOD HISTORIC PRESERVATION COMMISSION:

### 34 Van Buren - Replace Siding- Mark & Rose Speirs

Chairman Speirs recused herself from the commission during discussion of this item and relinquished the chair to Vice Chairman Willie Steinlicht.

The commission referred to the following staff report:

DEADWOOD

"The Historic City of the Black Hills"

**STAFF REPORT**
**Project Approval**

11/2/2006

**Case #** 06113
**Site #** LA-DW -DW-IN-00109

**Project Address:** 34 Vanburen Avenue
Deadwood, SD 57732

**Proposed Alterations:** The applicant proposes to replace existing siding on the enclosed porch with textured finish to match the existing siding in style and texture as presented in attached photos.

**Owner's Name:** SPEIRS, MARK S & ROSE
34 VAN BUREN
DEADWOOD SD 57732

**Applicant Name:** Mark & Rose Speirs
34 Vanburen Avenue
Deadwood SD 57732

**Historic Neighborhood:** Ingleside
**Historic Contribution:** Yes

**Construction Date:** circa 1885
**Architecture Style:** vernacular
**Historic Name:**

**Historic Significance:**
This building is a contributing resource in the Deadwood National Historic Landmark District. This is an early Deadwood house which was remodeled during the pre-World War II years; consequently, is has historic associations with both Deadwood's nineteenth-century mining boom and the region's mining revival of the late 1920s and 1930s. This house displays architectural elements which were popular during the latter period. In Deadwood--as elsewhere in the United States--residential remodels commonly borrowed from the then popular Craftsman Style. Other remodels copy traditional forms seen in the 'Picturesque Revival' styles.

**Miscellaneous History:** Research indicates that this house was built by at least 1891. The original owner remains unknown but by the late 1890s, it was home to Mrs. McKinnis.

**Historic Notes:**

**Staff Recommendation:** 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.

**Staff Notes:**

1

Mr. Olson questioned whether the replacement siding would be lap siding or horizontal panel-type siding. Mr. Kuchenbecker stated the property owner is proposing four by eight foot (4' x 8') vertical panels with a finish to match the existing siding in style and texture.

It was moved by Mr. Olsen and seconded by Mr. Derosier to adopt a resolution to approve the Application for Project Approval to replace the siding around the enclosed porch at 34 Van Buren Avenue, a contributing resource located in the Ingleside Historic Overlay Zone of the City of Deadwood, as proposed by Mark and Rose Speirs, the applicants and property owners, as presented. Mr. Olson feels lap siding would better match the appearance of the existing siding. Mr. Kuchenbecker stated the proposed panel-type siding will differentiate the latter addition from the historic structure. He also stated that existing city ordinance would allow Mr. & Mrs. Speirs to replace "like with like" without project approval by the commission. However, given their positions on the city commission and historic preservation commission, the Speirs' opted to come forth with the request for project approval. Hearing no further discussion, upon vote taken thereon, the motion carried with Ms. Speirs abstaining.

Rose Speirs resumed the duties of Chairman of the meeting at this time.

**Butte-Lawrence County Fairgrounds Grant Extension Request**

The commission referred to the following memorandum:

***MEMORANDUM***

| | |
|---|---|
| ***Date:*** | *October 31, 2006* |
| ***To:*** | *Deadwood Historic Preservation Commission* |
| ***From:*** | *Kevin Kuchenbecker, Historic Preservation Officer* |
| ***Re:*** | *Butte-Lawrence County Fair Grounds Grant Extension Request* |

*The Grants Committee of the Deadwood Historic Preservation Commission reviewed a request from the Town of Nisland for an extension for the Butte-Lawrence County Fair Grounds Grant. It is the Grants Committee recommendation to grant the extension request.*

*The request is due to unfavorable weather conditions at times and contractors schedules. With the cooler fall weather priming and painting has been questionable to complete the pavilion rehabilitation project. The project will resume in mid-April with an anticipated completion by July 31, 2007.*

***Recommended Action:***

*Approve grant extension request for the Butte-Lawrence County Fair Grounds Grant until July 31, 2007.*

*cc: File*

It was moved by Ms. Oberlander, seconded by Mr. Steinlicht and carried unanimously to approve the grant extension request for the Butte-Lawrence County Fair Grounds Grant to the pavilion rehabilitation project until July 31, 2007.

**36 Water - Window Replacement - Donna Karotko and Robert Stroup**

The commission referred to the following staff report:

DEADWOOD

"The Historic City of the Black Hills"

**STAFF REPORT**
**Project Approval**

11/2/2006

**Case #** 06114
**Site #** LA-DW -DW-MH-00013

**Project Address:** 36 Water Street
Deadwood, SD 57732

**Proposed Alterations:** Applicant proposes to remove rotten modern windows and replace with new wood double hung windows (48" x 58"). Existing windows are 66" x 53" and 26" x 66". Applicant also proposes to repair/replace siding where foundation repair is being accomplished.

**Owner's Name:** YUKON PROPERTIES LLC
174 OAK GROVE CT
STURGIS SD 57785-0000

**Applicant Name:** Robert Stroup
36 Water Street
Deadwood SD 57732

**Historic Neighborhood:** McGovern Hill
**Historic Contribution:** Yes

**Construction Date:** 1902 (Assessor)
**Architecture Style:** vernacular
**Historic Name:**

**Historic Significance:**
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 town of Deadwood. Spurred by the tremendous mining boom of 1876, Deadwood grew quickly and became the first major urban center of western South Dakota. This house displays the architectural characteristics common to working-class housing in pre-World War I Deadwood. These small, vernacular cottages, typically of foursquare or T-gable plan, occasionally featured limited Queen Anne detailing. A number of these houses survive today, scattered throughout Deadwood's neighborhoods.

**Miscellaneous History:** County Assessor records state that this house was constructed in 1902, and the 1903 Sanborn map shows a small, single-story building which may be the core of the present house. 1909 and later maps show a house more closely resembling the current building. City directories do not list this address prior to 1909.

**Historic Notes:**

**Staff Recommendation:** 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.

**Staff Notes:**

1

Historic Preservation Officer Kevin Kuchenbecker summarized the information presented in the staff report. The property owner plans to replace two existing casement windows on the lower level of the home with new double hung wooden windows.

It was moved by Ms. Feterl and seconded by Ms. Oberlander to adopt a resolution to approve the Application for Project Approval for removal of the rotten modern windows at 36 Water Street, a contributing structure located in the McGovern Hill Historic Overlay Zone of the City of Deadwood, to be replaced with new wood double hung windows measuring forty-eight by fifty-eight inches (48" x 58"), and repair/replacement of the siding where the foundation repair is being accomplished, as proposed by Robert Stroup and Yukon Properties LLC, the applicant and property owner respectively. Mr. Olson requested that staff inform the property owner of the window grant program. Hearing no further discussion, upon vote taken thereon, the motion carried unanimously. Mr. Kuchenbecker stated the property owner has been given information regarding the windows grant program. Disseminating information regarding the various assistance programs is standard operating procedure.

**Four Aces Parking Lot - FYI**
The following information was presented for information only.

***M E M O R A N D U M***

***Date:*** *November 2, 2006*
***To:*** *Deadwood Historic Preservation Commission*
***From:*** *Kevin Kuchenbecker, Historic Preservation Officer*
***Re:*** *Four Aces parking lot - FYI*

*Please be informed of the following project in which staff has determined the project or undertaking does not encroach upon, damage or destroy any historic property.*

*Mr. Mike Rodman contacted staff regarding the removal of the weathered boards attached to a timber framed retaining wall located across the street from the Four Aces – Hampton Inn on lots 13, 15 & NLY 70' of Lot 19 Block 13 in the Downtown Deadwood Historic Overlay Zone of the City of Deadwood. (See below photograph)*

*The Four Aces maintenance staff plans to remove the board "fencing" and repair and paint the existing retaining wall structure under the "fence" style covering a natural color (brownish) to blend into the hillside in order to enhance the visual qualities of the area.*

*The project is scheduled to begin next week, if any Historic Preservation Commissioner desires to review this project at the upcoming meeting, please notify staff immediately.*

*Thank you in advance for your prompt review of this informational memorandum.*

**50 Van Buren - Door - Trisha Roe**
The commission referred to the following staff report:

**STAFF REPORT**

*Case No. 06117* *November 3, 2006*
*Address: 50 Van Buren*

*The applicant requests Project Approval to replace front door and add lights and hardware at 50 Van Buren, a contributing structure located in the Ingleside Historic Overlay Zone of the City of Deadwood.*

*Applicant:* *Dan and Trisha Roe*
*Owner:* *Dan and Trisha Roe*
*Constructed:* *1879*

***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 residential property, built in 1879 for A.W. Hastie, 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 is of the Folk Victorian style.*

***2. Architectural design of the resource and proposed alterations:*** *Applicant proposes to replace existing metal door with wooden entrance door with windows (see attached) and put new outdoor light-fixtures in place of the old ones. Also requested is approval for house numbers and door handles.*

***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 Landmark Historic District.*

Trisha Roe presented a request to replace the existing front entry door with a new wooden door. It was moved by Mr. Derosier, seconded by Mr. Olson and carried unanimously to adopt a resolution to approve the Application for Project Approval to replace the front door at 50 Van Buren, a contributing structure located in the Ingleside Historic Overlay Zone of the City of Deadwood, as proposed by Dan and Trisha Roe, the applicants and property owners.

**NEW MATTERS BEFORE THE DEADWOOD HISTORIC DISTRICT COMMISSION:**
None.

**OLD BUSINESS:**

**50 Van Buren - Balcony - Trisha Roe**
It was moved by Ms. Oberlander, seconded by Ms. Feterl and carried unanimously to lift this matter from the table.

The commission referred to the following staff report:

**AMENDED STAFF REPORT**

*Case No. 06100* *October 6, 2006*
*Address: 50 Van Buren*

*The applicant requests Project Approval to build a small balcony at 50 Van Buren, a contributing structure located in the Ingleside Historic Overlay Zone of the City of Deadwood.*

*Applicant: Dan and Trisha Roe*
*Owner: Dan and Trisha Roe*
*Constructed: 1879*

***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 residential property, built in 1879 for A.W. Hastie, 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 is of the Folk Victorian style.*

***2. Architectural design of the resource and proposed alterations:*** *The applicant proposes to build a small balcony off of master bedroom (second floor). This would be only emergency escape from top level of the home. The balcony will be square in design and of all wood construction to meet code. The applicant has provided historic photographs which appear to show evidence of a balcony on the original structure.*

***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 Landmark Historic District.*

*With additional historic evidence and discussion with the applicant, staff believes this project is appropriate.*

Trisha Roe would like to install a balcony off the master bedroom window on the second floor of the home. This would provide emergency egress from the second floor. Research conducted by Ms. Roe and city archivist Mike Runge indicates there appears to have been a square balcony in place at one time. It was moved by Mr. Derosier, seconded by Mr. Olsen and carried unanimously to adopt a resolution to approve the Application for Project Approval to build a small balcony at 50 Van Buren, a contributing structure located in the Ingleside Historic Overlay Zone of the City of Deadwood, as proposed by Dan and Trisha Roe, the applicants and property owners.

**Festival of the Books Funding**

A memorandum from Historic Preservation Office Kevin Kuchenbecker dated November 3, 2006 regarding the 2007 South Dakota Festival of the Books was distributed in the commission packet. It was moved by Ms. Feterl, seconded by Ms. Oberlander and carried unanimously to adopt a resolution to approve the allocation of $10,000 from the 2006 Advocacy line item toward Deadwood's commitment to host the South Dakota Festival of the Books in 2007 with the recommendation that a preservation related track be funded during the event.

**Glass Plate Negative Funding**

A memorandum from Archivist Mike Runge dated November 3, 2006 was distributed in the commission packet, regarding the final payment for the conservation and reproduction of the thirteen (13) positive photographic plates donated to the City of Deadwood by David Larson. In March 2006, the City entered into an agreement with the Chicago Albumen Works to complete the project. Although $50,000 was allocated to the project during the 2006 budget hearings, a project cost estimate was not known at the time. Upon receiving the final report in December 2005, the total conservation and reproduction of two sets of surrogates was quoted at $78,000.00. Staff is recommending the additional unbudgeted funds totaling $28,000 be appropriated from anticipated end of the year surplus in the Publishing line item. It was moved by Ms. Feterl, seconded by Mr. Steinlicht and carried unanimously to adopt a resolution to approve the expenditure of $28,000 from the Publishing line item, for final payment to Chicago Albumen Works for the conservation and reproduction of thirteen (13) positive photographic plates, as per the contract dated March 21, 2006.

**12 Ryan Road, Garage, Tom and Nyla Griffith**

Historic Preservation Officer Kevin Kuchenbecker referred the commission to a drawing which depicted estimated elevations of the proposed garage compared to the existing residence at 12 Ryan Road. He also provided a photograph of the property with the proposed garage structure "scaled in". He stated the project will also have to be considered by the Planning and Zoning Commission for approval of setbacks in addition to any soils engineering analysis that might be required by the Building Inspector for compliance with the building code.

Responding to a question by Mr. Olson, Mark Straub stated the structure will be located approximately thirteen feet (13') from the curb line.

Ms. Oberlander referred to the proposed design of the upper level of the structure and reiterated her previous concern that it appears that "you're trying to get a second house on the existing lot". Nyla Griffith stated the existing home is a small 3-bedroom house with a garage and one small bedroom on the lower level. The little basement room is "not really conducive to creative space". Although the property owners selected design plans which would include space for an office, they "have no intention of building another house" on the property. Ms. Griffith explained that the first floor of the proposed new garage "is all garage". They will be requesting a variance coming off the street for a shorter driveway to avoid additional cuts into the hillside. Ms. Oberlander stated the initial plans presented appear similar to a studio apartment with living space and a bathroom. Ms. Griffith stated the bathroom and sink area were matters of convenience, should they retire and spend several hours per day working from home in the office space which would be available in the new garage.

Mr. Olson expressed concern with planning and zoning requirements for the driveway and the distance needed from the street to the hillside to accommodate the structure. He does not want to see removal of any of the few green trees that remain on the property.

It was moved by Mr. Steinlicht and seconded by Mr. Olsen to approve the construction of a garage at 12 Ryan Road with the stipulation that the project be presented to the Planning and Zoning Commission for compliance with property setback requirements. Citing the fact that the cutting into the hillside will be necessary, Ms. Feterl requested further stipulating completion of a soils engineering analysis. The motion was amended by Mr. Steinlicht with the concurrence of Mr. Olsen to adopt a resolution to approve the construction of a garage at 12 Ryan Road with the following stipulations: 1) that the project be presented to the Planning and Zoning Commission for compliance with property setback requirements; and 2) that a soils engineering analysis be completed. Mr. Kuchenbecker believes the Building Inspector should make the determination regarding the need for a soils engineering analysis based on the regulations of the International Building Code. Ms. Feterl insisted that a soils engineering analysis be completed regardless. Hearing no further discussion, upon roll call vote being taken thereon, the motion carried 4-2 with Mr. Derosier abstaining and the following commissioners voting AYE: Ms. Oberlander, Mr. Steinlicht, Chairman Speirs, Mr. Olsen; the following commissioners voted NO: Ms. Feterl and Mr. Olson.

**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 Mr. Olson, and carried unanimously to adopt a resolution to approve the historic preservation revolving loan fund cash disbursements journal totaling $33,937.18 to the following: NHS of the Black Hills, $10 and $40; Lawrence County Register of Deeds, $22, $22 and $22; Tommy Wentz, $375.69; McNeill Construction, $22,000; 2 Eager Beaver Construction & NHS, $3,187.23; Ingelside Construction, $890 and 720; Dee Mark Construction, $3,932.10; Terry Gregory, $2,091.66; Lawrence Title, $624.50, as presented.

**Loan Delinquency Report**
The loan delinquency report consists of The Gillmore, Greg Bricher and Leslie Christiansen.

**51, 53, 55 Sherman - Mary Dunne**
It was moved by Mr. Steinlicht, seconded by Ms. Feterl and carried unanimously to adopt a resolution to approve a loan refinancing for the workout loan issued to Mary Dunne, 51, 53, 55 Sherman and to increase the interest rate from four percent (4%) to five percent (5%) on the principle balance of $342,299 and to increase the monthly payment to four hundred dollars ($400) on the principle balance of $47,965, as presented.

**69 Forest - Pat and Jean Wyss**

It was moved by Mr. Derosier, seconded by Mr. Olson and carried unanimously to adopt a resolution to approve the life safety loan refinance and consolidation of two (2) existing loans with a principle balance outstanding of $4,759, at an interest rate of five percent (5%), for Pat and Jean Wyss, 69 Forest, as presented.

**ITEMS FROM CITIZENS NOT ON THE AGENDA:**

Georgette Ohayon approached the commission at this time regarding the recent proposed sale of the Historic Engine House to First Western Bank. Ms. Ohayon had presented the following concerns to the City Commission at its meeting on Monday evening. She reported having spoken with many residents of Deadwood who feel the manner in which the potential sale of the property was handled "was inappropriate, herself included". She stated fourteen (14) years ago, the citizens of Deadwood and the entire state of South Dakota spent $650,000 to restore the building and recently, the purchase price negotiated with First Western Bank was reported at $70,000.

She has been told Mayor Toscana, members of the City Commission, and Deadwood Economic Development Director Chuck Turbiville were involved in meetings with bank officials regarding the possible transfer of ownership. She questioned why the Historic Preservation Commission was not represented at the negotiations. Chairman Speirs explained that the commission first heard about the pending sale of the property when Mike Olsen, who is the commission representative to Planning & Zoning, presented his committee report during a recent Historic Preservation Commission meeting.

Ms. Ohayon stated that twenty-five years ago, when the "Deadwood, You Bet!" committee collected signatures and went to Pierre, they decided that the entire state of South Dakota was to vote on limited gaming in Deadwood. The reason gaming in Deadwood was approved by a vote of the people, "was that we were going to take care of our old buildings...redoing them... not tearing them down...not selling them at ridiculous prices". She described the Engine House as being located "at the very head of the Mickelson Trail, one of the most beautiful trails in the country". The railroad is part of Deadwood history. She wants to know why "we would sell our history for office space".

City Attorney John Frederickson reminded Ms. Ohayon of comments made by Mayor Toscana Monday night. He agreed that the building is an historic building, however, an engineering study determined "it is in very bad shape" structurally. He said, the deliberations by the commission accomplished a number of goals: 1) the sale of the property would put it back on the tax rolls; 2) and the deed would stipulate that the new property owner would be expected to restore and maintain it as an historic property. Mr. Frederickson reported that by the end of the city commission meeting Monday night, "it was agreed that you, the Mayor and most of the commissioners would disagree but to sit here and say that the city was not preserving or protecting that historic building is not true".

Ms. Ohayon said the exterior of the building would be restored to historic preservation standards but if the interior is remodeled, "there will be nothing left of that historic building except for a good paint job". City Attorney John Frederickson said "you may lose the inside of the building based on the engineering study that was done; it is a building in desperate need of repair and maintenance".

Ms. Ohayon referred to the city budget, specifically the funding allocated to the chamber of commerce annually for marketing and the visitor information center.

Ms. Feterl stated "this historic preservation commission and the preservation staff were not involved with any negotiations, assessments or decision-making regarding the transfer of the property to Deadwood Economic Development or First Western Bank". Mr. Derosier agreed and said he is "tired of reading the paper with historic preservation mentioned several times and we had nothing to do with it". Mr. Olson stated "the first indication that this board received of the pending sale of that building was in Mike's statement during an open session of a meeting about

six weeks ago". He distinctly remembers Mike's report and "we were absolutely blindsided and had no previous information on it at all".

Mr. Olsen said "the commission didn't know about it...the deal has fallen apart....the city is retaining ownership of the building...the ball is in the city commission's court. Until they decide what to do with the building, we are not involved. Once the city commission lets us know what they want to do with the building, then we can become involved again, both financially and with regard to what happens to the exterior of that building. In terms of its use, it is city owned property and therefore it is the city commission that makes those decisions".

Ms. Ohayon demonstrated her willingness to "put her money where her mouth is" and handed over a personal check for $100 to go toward stabilization of the building until its fate is decided. She will work to encourage contributions from other citizens concerned about the future of the Engine House.

Ms. Ohayon is sending a copy of her letter to the state historical society. She is also planning to direct these same questions to the Deadwood Economic Development board of directors.

**COMMITTEE REPORTS:**
Chairman Speirs referred to Mr. Kuchenbecker's written subcommittee reports for the Grants Committee and Recognition Committee.

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.

GIS: Commission representatives: Mary Ann Oberlander and Steve Olson (chair).
No report was given.

Grants: Commission representatives: Ronda Feterl, Mary Ann Oberlander (chair) and Willie Steinlicht.
A written update from Mr. Kuchenbecker concerning recent meetings was distributed in the commission packet.

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).

Mr. Kuchenbecker reported that this subcommittee in the process of finalizing information they feel should be included in an ordinance specific to banners. A draft copy of the text was distributed in the commission packet, however, the commission asked for additional time to review the material prior to asking legal counsel to draft an ordinance.

Recognition: Commission representatives: Ronda Feterl and Mary Ann Oberlander (chair).
A written update from Mr. Kuchenbecker concerning recent meetings was distributed in the commission packet.

Representative to Adams Museum: Commission representative: Rose Speirs.
Chairman Speirs announced that the next meeting is scheduled for Tuesday, November 14th at 4:30 p.m.

Representative to Chamber: Commission representatives: Darin Derosier (chair) and Willie Steinlicht.
Mr. Derosier announced that the chamber is looking for someone interested in to help with the marketing. Chairman Speirs declined the nomination since her term on the commission will end soon. Ms. Feterl and Mr. Steinlicht volunteered to represent the commission in addition to Mr. Kuchenbecker, who has been previously appointed to serve.

Representative to Days of '76 Board: Commission representative: Steve Olson.
No report was given.

Representative to NHS: Commission representative: Willie Steinlicht.
Mr. Steinlicht reported that the board met yesterday. Discussions are currently underway with local developers (Bradsky's) which might result in additional rental units for low-income persons in an existing apartment complex.

Representative to Planning & Zoning: Commission representative: Mike Olsen.
Mr. Kuchenbecker provided the following report based on recent proceedings before the planning and zoning commission. Two plats were approved for the Les Auer properties (above Cadillac Jacks and behind First Gold). This matter had been previously been continued pending resolution of easements.

**OTHER BUSINESS:**

Chairman Speirs directed a question to NHS Executive Director Joy McCracken. It has come to her attention that the development proposed by Bruce Oseby is "definitely not affordable housing". She questioned what is being done to provide housing for people who want to live in Deadwood, are not considered low income, but yet cannot find affordable housing. Ms. McCracken stated that an affordable housing task force has recently "been formed to try to develop housing that is affordable forever". A woman from Jackson Hole, Wyoming recently presented a report to the task force, and explained the efforts made there in the area of affordable housing. Mr. Derosier referred to the community of Aspen, Colorado and reported that certain restrictions have been implemented on the resale of property to address affordable housing. He suggested she seek information from the community as well.

Chairman Speirs announced there will be a grant funds check presentation at the Frawley-Anderson Ranch on Friday afternoon at 1 p.m.

Chairman Speirs announced that Mayor Toscana is seeking a representative from the commission to participate in the interviews for a full-time city attorney. Ms. Feterl volunteered.

Chairman Speirs announced that the next meeting of the Historic Preservation Commission will be on Tuesday, November 21, 2006. The deadline for applications will not change. The commission agreed to meet at 4:15 p.m. and attend the Days of '76 annual banquet thereafter.

City Commissioner Georgeanne Silvernail reported having recently attended the rodeo at the Seven Downs Arena near Spearfish and the city of Deadwood was well represented during the parade of sponsorship flags in the arena.

**EXECUTIVE SESSION:**
None.

**ADJOURNMENT:**
Hearing no further business to come before the commission at this time and no objections from the commission or the audience, Chairman Speirs adjourned the meeting at 6:45 p.m.

ATTEST:

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Rose Speirs
Chairman
Historic Preservation Commission
Mary Burket, Recording Secretary