

DEADWOOD HISTORIC PRESERVATION COMMISSION

Wednesday, May 27, 2015 ~ 5:00 p.m.

City Hall, 108 Sherman Street, Deadwood, South Dakota

1. Call meeting to Order
2. Approval of Minutes from May 13, 2015
3. Voucher Approval
4. Old or General Business
 - a. Second Century Dev/Deadwood Trail Sign - 6 Month Extension Request - G.R.A.P.E. Committee
 - b. Window & Door Program Revision – Loan Committee
 - c. Retaining Wall Program review and adoption – Loan Committee
 - d. Siding Program review and adoption – Loan Committee
 - e. Grant Agreement review and adoption – Loan Committee
5. New Matters before the Deadwood Historic District Commission
 - a. CoA - Case#**H15025** - 175 Sherman – Tim Buckstead/Bone Daddy - Windows/Paint Exterior/Sign
6. New Matters before the Deadwood Historic Preservation Commission
 - a. PA – Case#**H15023** – 21 Lincoln – Dustin & Laura Floyd – Attic Window
 - b. PA – Case#**H15024** – 33 Jackson – Jeff & Lauren Trouton – Windows/Retaining Wall
7. Revolving Loan Fund/Retaining Wall Program Update
 - a. Retaining Wall Applications
 - b. Revolving loan Program/Disbursements
 - c. Retaining Wall Program / Disbursements
8. Items from Citizens not on agenda (*Items considered but no action will be taken at this time.*)
9. Staff Report (*Items considered but no action will be taken at this time.*)
10. Committee Reports (*Items will be considered but no action will be taken at this time.*)
11. Other Business
12. Adjournment

All Applications **MUST arrive at the City of Deadwood Historic Preservation Office by 5:00 p.m. MST on the 1st or 3rd Wednesday of every month in order to be considered at the next Historic Preservation Commission Meeting.*

CITY OF DEADWOOD
HISTORIC PRESERVATION COMMISSION
Wednesday, May 27, 2015

Present Historic Preservation Commission: Lyman Toews, Lynn Namminga, Thomas Blair and Chuck Williams were present.

Absent: Chair Laura Floyd, Vice-Chair Michael Johnson, Dale Berg and Ms. Terri Williams, City Attorney, were absent. Mr. Kevin Kuchenbecker, Historic Preservation Officer; Ms. Joy McCracken, Executive Director of NeighborWorks-Dakota Home Services were all present.

Present City Commission members: Dave Ruth Jr. was present.

All motions passed unanimously unless otherwise stated.

With Chair Floyd absent and a quorum present, Acting Chair Toews called the Deadwood Historic Preservation Commission meeting to order Wednesday, May 27, 2015 at 5:00 PM in Commission Room located in the Historic Preservation Office at 108 Sherman Street in Deadwood, SD.

Approval of May 13, 2015 HPC Minutes:

It was moved by Mr. Blair and seconded by Mr. Namminga to approve the minutes of Wednesday, May 13, 2015 as presented. Aye – All. Motion carried.

Voucher Approval:

Operating Account

It was moved by Mr. Blair and seconded by Mr. Williams to approve the HP Operating Account in the amount of \$43,484.43. Aye – All. Motion carried.

Old or General Business:

Second Century Development/Deadwood Trail Sign – 6 month extension request – G.R.A.P.E. Committee

Mr. Kuchenbecker informed the Commission the G.R.A.P.E. Committee met on May 12, 2015 to review an extension request from Second Century for their 2014 Outside of Deadwood Grant. Second Century requested a 6 month extension for the Deadwood Trail Signs restoration project being completed by Mr. Lynn Briggs. Due to the number of signs, weather and extensive process of obtaining permission from property owners to remove, restore and replace the restored signs, the G.R.A.P.E. Committee recommends to the Commission to approve extension as requested. *(Request attached as Exhibit A)* *It was moved by Mr. Blair and seconded by Mr. Namminga to approve granting Second Century a 6 month extension for the Deadwood Trail Sign project. Aye – All. Motion carried.*

Windows & Door Program Revision – Loan Committee

Mr. Kuchenbecker reminded the Commission the Windows and Door program revisions were adopted at the last meeting. He informed the Commission the Loan Committee has discussed the possibility of implementing a Façade Program to assist commercial properties with the renovation of their exterior façade including composite of siding and windows. He stated it was recommended by the Loan Committee to remove commercial eligibility from the Windows and Doors program. *(Memo, application, policy guidelines and administrative procedures attached as Exhibit B).* *It was moved by Mr. Namminga and seconded by Mr. Blair to remove commercial eligibility for the HP Windows and Door Program as recommended by the Loan Committee. Aye – All. Motion carried.*

Retaining Wall Program Revision – Loan Committee

Mr. Kuchenbecker informed the Commission of the proposed revisions to the Historic Preservation Retaining Wall Program application, policy guidelines and administrative procedures as recommended by the Loan Committee. He noted the formula change will have the property owner pay the sum of 10% of the appraised property value and 10% of the of project cost excluding engineering costs. *(Memo, application, policy guidelines and administrative procedures attached as Exhibit C)* *It was moved by Mr. Blair and seconded by Mr. Namminga to adopt revisions of guidelines, administrative procedures and application for the HP Retaining Wall Program as recommended by the Loan Committee.*

Mr. Williams asked Mr. Kuchenbecker if he thinks the revision of the retaining wall program is a good thing.

Mr. Kuchenbecker informed the Commission three applications were currently on hold due to the owners cost calculated with the old formula. He stated the change to the formula would help bring the owners share to a more reasonable

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amount. He noted Historic Preservation's mission is to preserve, promote and to protect historic resources. That being said, Mr. Kuchenbecker stated without the gaming revenue generated to support historic preservation, he strongly believes Deadwood would have lost houses without this program. His opinion is that without a working program, Deadwood stands the chance of losing resources in the future.

Mr. Blair stated the City needs to look at how to make things more cost effective. Because of the "Deadwood Factor" affecting the engineering expenses and contractor bids incurred in fixing a retaining wall, Mr. Blair suggested the City look into creating a retaining wall budget with a city engineer and crew to work solely on the retaining wall infrastructure throughout Deadwood. Mr. Blair stated if the City takes more control, he believes the project cost would be substantially less.

Mr. Kuchenbecker stated Deadwood is built by cuts and fills making retaining walls critical for the long term preservation of most of Deadwood's resources. He noted the reputable engineering company used with their engineering efforts and expertise are beneficial to insuring long term stability to a retaining wall. Although there may be more cost and some may say it doesn't make economic sense, he reminded the Commission the goal is to preserve and protect a historic resource. He noted some retaining walls support streets and depending on whether or not there are houses in front of the Retaining wall will determine their constraints and complexity which increases project cost.

Mr. Williams asked if the concept of design built retaining walls has been discussed.

Mr. Kuchenbecker stated they have not.

Mr. Williams questioned if shopping around for engineers would be cost effective.

Mr. Kuchenbecker stated the engineering company used is competitive in their services. He added to find out if they are cost effective in their design and construction cost, it may be a good idea to request proposals on engineering services at the end of the year for budget purposes.

Mr. Williams asked where the priorities of retaining walls are in the Historic Preservation funding.

Mr. Blair commented it may be hard to prioritize the retaining walls because one doesn't know if a wall may fall down like 10 Harrison did recently. He added the City may have to separate the routine walls out from the life safety ones.

Mr. Williams asked if the City has an inventory of every wall in Deadwood.

Mr. Kuchenbecker stated there is none. He added the City averages 2-5 walls built in a year with costs starting from \$20,000 and up to some walls in the six digits. He informed the Commission \$275,000 was budgeted in 2015.

Mr. Williams asked if residents come to the City for the program or are they solicited.

Mr. Kuchenbecker stated, if a new owner comes into town, they are informed of the retaining wall program. However, he noted the City does not go out and actively solicit participation into the retaining wall program. He added residents usually come to the City for help with their retaining wall.

Mr. Williams stated if there was an inventory of all the walls, the City could then project how many could be done in a year and where funds was going.

Mr. Kuchenbecker agreed it would help to have a list. However, he used retaining wall at 350 Williams as an example of the City having done an assessment after designing the wall and concluded it looked good, only to have a portion of the wall fail before it was even put out to bid. He stated the difficulty of it all is the uncertainty of which will fail and which won't.

Mr. Williams asked if Mr. Kuchenbecker felt it worth putting together an inventory and to hire an engineering company to do assessment.

Mr. Kuchenbecker stated it has been discussed and agreed it may be worth discussion at budget time.

Mr. Williams reiterated the mission of preserving historic houses and feels doing so should be the City's number one priority.

Mr. Kuchenbecker agreed; however, he pointed out during the budget review, the Commission will need to decide where funding cuts will be made to meet the priorities set.

Acting Chair Toews commented on the healthy discussion taking place; however, asked the Commission to focus back onto the program approval. He added because of the three retaining wall applicants on hold, a vote on the motion must be made to determine whether or not the revisions of program would be approved. Hearing no further discussion, Acting Chair Toews called for a vote.

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Aye – All. Motion carried.

Mr. Kuchenbecker stated this healthy discussion should be continued at the upcoming budget meetings.

Acting Chair Toews agreed.

Siding Program Revision – Loan Committee

Mr. Kuchenbecker informed the Commission of the proposed revisions to the Historic Preservation Siding Program application, policy guidelines and administrative procedures as recommended by the Loan Committee. *(Memo, application, policy guidelines and administrative procedures attached as Exhibit D)* ***It was moved by Mr. Namminga and seconded by Mr. Blair to adopt revisions of the guidelines, administrative procedures and application for the HP Siding Program as recommended by the Loan Committee. Discussion Followed.***

Acting Chair Toews stated since the meeting packet had been sent out, a property owner raised the question which he felt needed Commission discussion.

Mr. Kuchenbecker informed the Commission a property owner, who is in the Siding program for 17 Fillmore, originally thought they would need to replace the existing siding. After further assessment, the existing siding was found to be in good shape with only a few pieces to replace. Mr. Kuchenbecker informed the Commission the property owner raised the question as to whether or not the preparation of restoring original siding for painting, instead of replacing with new siding, was included in the Siding Program. As it sits right now, Mr. Kuchenbecker stated the program did not. He added the property owner is also in the Paint program.

It was moved by Mr. Blair and seconded by Mr. Namminga to amend the existing HP Siding program to include examples of acceptable expenses such as house wrap under siding, scraping existing painted surfaces, disposal of inappropriate siding, etc. Aye – All. Motion carried.

Hearing no further discussion, Acting Chair Toews called for a vote on the original motion.

Aye – All. Motion carried.

Grant Agreement Proposed – Loan Committee

Mr. Kuchenbecker informed the Commission of the proposed Grant Agreement to be used for the Historic Preservation Programs as recommended by the Loan Committee. *(Grant Agreement attached as Exhibit E)* ***It was moved by Mr. Blair and seconded by Mr. Namminga to adopt the proposed Grant Agreement for the HP Program as recommended by the Loan Committee. Discussion Followed.***

Mr. Williams asked for clarification of which programs would be covered under the Grant Agreement.

Mr. Kuchenbecker clarified the Grant Agreement would be used for the programs the Commission approves as grants awarded to owner occupied properties. He noted the purpose is for the owner of property to agree in writing to maintain the resource for which the grant funds were awarded.

Aye – All. Motion carried.

New Matters before the Deadwood Historic District Commission

Case#H15025 - 175 Sherman – Tim Buckstead/Bone Daddy - Windows/Paint Exterior/Sign

Mr. Kuchenbecker informed the Commission the applicant requests permission to replace the large window in center of building due to bad wood frame and change color to more suit business; the proposed colors are Base: gray, Trim: black, and Accent: orange as submitted in Certificate of Appropriateness dated May 20,2015. Mr. Kuchenbecker noted the applicant met with this office to discuss paint colors and the approval process; the applicant requested permission to paint one (1) garage door orange to show the color as a preview. He added the applicant has painted the entire building but has also acknowledged without approval he could be requested to repaint the property.

Mr. Kuchenbecker stated he understands the applicant's desire to represent their motorcycle related business with the color scheme chosen; however, it is staff's opinion the orange trim or accent does not appear to be congruous with the architectural aspects of the district. He added the color is a fairly reversible alteration to a building and does not damage or destroy the individual physical historic property; however, the color scheme should blend with the historic district. Mr. Kuchenbecker suggested using less orange would not be as much of a dramatic alteration and would prefer the canopy and horizontal band not be of the orange color.

Mr. Kuchenbecker informed the Commission the Historic Preservation office has received several comments and concerns on the color scheme. *(Staff report and application attached as Exhibit F)*

Mr. Williams asked if the applicant was only supposed to paint one door.

Mr. Kuchenbecker stated that was correct.

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Mr. Williams asked as to how many times the paint on the building has been changed.

Mr. Kuchenbecker stated he assumes it has been repainted numerous times.

Mr. Williams asked whether or not these colors would have been allowed. He stressed consistency.

Mr. Kuchenbecker stated the only time colors are reviewed and approved by the Commission are if it is within the Local Historic District. He added the only other time colors would be reviewed is if someone comes in for a paint grant; colors would then be approved by the staff.

Mr. Namminga stated several businesses have tried to make a go of it at that location. He added he would rather see a business in the building than see it empty and added paint can be changed.

Mr. Kuchenbecker stated he doesn't necessarily like to make decisions on colors. He added there is a historic palette to adhere by.

Mr. Williams reiterated consistency and noted whatever decision made may haunt the Commission.

It was moved by Mr. Blair and seconded by Mr. Namminga to continue discussion of the proposed changes by Tim Buckstead/Bone Daddy at 175 Sherman until the next meeting on June 10, 2015. Aye – All. Motion carried.

New Matters before the Deadwood Historic District Commission

Case #H15023 – 21 Lincoln – Dustin & Laura Floyd – Attic Window

Mr. Kuchenbecker informed the Commission the applicant requests permission to repair damaged trim on rear elevation; repair and replace sunburst; replace three damaged attic windows with new wood windows; replace side elevation windows; as well as replace and increase in size the back elevation window to meet egress requirements as submitted in Project Approval dated May 20, 2015. *(Staff report and applications attached as Exhibit J)* ***Based upon all evidence presented, it was moved by Mr. Namminga and seconded by Mr. Blair this project does not encroach upon, damage or destroy any historic property included in the national register of historic places or the state register of historic places, and therefore grant project approval for 21 Lincoln. Aye- All. Motion carried.***

Case #H15024 – 33 Jackson – Jeff & Lauren Trouton – Windows/Retaining Wall

Mr. Kuchenbecker informed the Commission the applicant requests permission to repair existing windows and hardware including screens, storm windows and broken panes; repair wood sills and sashes as needed; re-glaze and weather strip/caulk windows as needed; repair wood door and renew weather stripping; as well as repair retaining wall, steps and sandstone as submitted in Project Approval dated May 20, 2015. *(Staff report and applications attached as Exhibit K)* ***Based upon all evidence presented, it was moved by Mr. Blair and seconded by Mr. Namminga this project does not encroach upon, damage or destroy any historic property included in the national register of historic places or the state register of historic places, and therefore grant project approval for 33 Jackson. Aye- All. Motion carried.***

It was moved by Mr. Blair and seconded by Mr. Namminga to approve Jeff and Lauren Trouton be entered into the Wood Windows and Door program. Aye – All. Motion carried.

Revolving Loan Fund/Retaining Wall Program Update:

Retaining Wall Applications

No applications were addressed at this meeting.

Revolving Loan Program/Disbursements

It was moved by Mr. Blair and seconded by Mr. Namminga to approve HP Revolving Loan Fund disbursement in amount of \$11,380.00, based on information as presented by Ms. Joy McCracken, Executive Director of NeighborWorks-Dakota Home Services. Aye - All. Motion carried. Delinquency Report was reviewed and updates on projects were given. Overview of the Revolving Loan Fund was presented.

Retaining Wall Program/Disbursements:

No applications were addressed at this meeting.

Items from Citizens not on Agenda

- Ms. Kerry Ruth informed the Commission she was on Pearl Street where they were invited into the old Springer House located at 3 Pearl. She commented on how it looked amazing. Ms. Ruth added the owners told her they had used the Historic Preservation Programs had nothing but wonderful things to say about Deadwood's Historic Preservation Office. She added the owners told her, "Without Historic Preservation, this house would not look like this." She encouraged the Commission to go up to 3 Pearl Street and view its amazing transformation.

Staff Report: *(items will be considered but no action will be taken at this time.)*

Mr. Kuchenbecker reported on the following items:

- Review of the programs has been a busy task. At upcoming meetings the new Façade program, Special Needs Elderly and Vacant Homes will be discussed and followed up with some public education;
- Staff will be attending the History Conference this Thursday through Saturday in Pierre; Baseball panels will be displayed along with advocacy items from the Chamber;
- Quotes were solicited for Mt Moriah's drainage issue. Since only one was received which was above projected amount, so it was rejected and now the City will have to put project out to bid;
- Two Quotes for a City retaining wall at 376 Main Street were received and will be in front of City Commission next week;
- Currently in process of getting quotes on interpretive panels;
- Wayfinding is out to bid and bids will be opened on June 9, 2015;
- RFP for the Lower Main Visitor Center's exhibit space will be put together soon;
- The kitchen equipment for the Rodeo Grounds goes before City Commission on June 1, 2015; it is a Public Buildings budget item in the amount of approximately \$25,000;
- Retaining wall at 2 Dudley is shaping up even though a wet spring has caused delays;
- Due to wet March, work has been held up at St. Ambrose;
- Rodeo Grounds project is coming along with floors poured and underground work complete. Project is scheduled to be complete by July 13, 2015;
- Library Windows interior is just about done with only exterior paint to complete;
- Gateway monuments landscaping pull-outs is still in the design phase. A meeting is scheduled with the DOT, Bob Nelson Jr and Ron Green for this Friday, May 29, 2015;
- Fairmont Hotel sidewalk was closed due to a window falling out on Sunday, May 24, 2015; due to eminent danger, twelve additional windows were removed to allow the sidewalk to be reopened. Mr. Kuchenbecker has been working with the property owner to remedy the situation as they have had a difficulty obtaining quotes for window repairs from a qualified contractor. Due to life safety the circumstances has become a high priority and Mr. Kuchenbecker stated he has been in contact with Ms. McCracken of NeighborWorks to review situation for a Revolving Loan Fund;

Committee Reports

- Mr. Blair reported Deadwood Alive started up their season and, despite the rain, has been going very well. He added he visited with Mr. Kuchenbecker regarding revenues earned in hopes there will be a report to present to the Commission by the end of summer.
- Mr. Kuchenbecker added residents of Lead, Deadwood and Central City get in free to the "Trial of Jack McCall" starting at 8pm Monday to Saturday from June 1-13, 2015;
- Mr. Blair stated he hoped the media was in attendance at Commission meetings most of the time, instead of during controversial topics. He reminded the Commission of the Special Election coming up in the next week and added Historic Preservation Commission has been around for the better time of 25 years. With that being said, he noted at the last City Commission meeting, the Mayor moved to reappoint Mr. Namminga and Mr. Williams which was validated and voted on by the City Commission. Mr. Blair continued in the past 25 years of this Commission, approximately 30 nominations have been made for a seat on the Historic Preservation Commission and he cannot remember once where the City Commission declined a nomination to seat or reaffirm an incumbent Commissioner. He expressed his disgust with the situation surrounding the Special Election and asked how one, who has supported the seating of the Commission, can refer duties the Commission upholds just because they don't have the final word. He reiterated those who served on the City Commission had the final word from the start by appointing Historic Preservation Commissioners. He commented if one is truly interested in what this Commission does and how they do it, one should support the efforts of the Commission.

Adjournment:

There being no other business, the Historic Preservation Commission Meeting adjourned at 6:10 p.m.

ATTEST:

Laura Floyd

Chairman, Historic Preservation Commission

Kate Storhaug, Historic Preservation Office/Recording Secretary