

DEADWOOD HISTORIC PRESERVATION COMMISSION

Wednesday, May 25, 2011 ~ 5:00 p.m.

City Hall, 108 Sherman Street, Deadwood, South Dakota

1. Call meeting to Order-- Chair Darin Derosier
2. Approval of Minutes
3. Voucher Approval
4. Old or General Business
5. New Matters before the Deadwood Historic District Commission
 - a. Case# 11020 – 716 Main Street – Window Replacement – Lead-Dwd School District
 - b. Case# 11021 – 555 Main Street – Exterior Painting – Donnie Patton
6. New Matters before the Deadwood Historic Preservation Commission
 - a. Case# 11022 – 7 Spring Street – Garage Addition – Ken & Lee Steier
 - b. Digitization of Lawrence County Ledgers – Mike Runge
7. Revolving Loan Fund/Retaining Wall Program Update
 - a. Retaining Wall Applications
 - i. 16 Washington Street – Mike Sneesby
 - b. Revolving loan Program/Disbursements
 - i. Melody Lawson – 23 Emery Street
 - ii. Greg Vecchi & Monica Beers – 19 Centennial Avenue
 - iii. Deadwood Development Co. (5, 9, 12 Lee Street) & Martin Mason Restoration, LLC (44-48 Sherman Street)
 - iv. Pineview Group, LLC – 19-25 Lee Street
 - c. Retaining Wall Program/Disbursements
8. Items from Citizens not on agenda (*Items will be considered but no action will be taken at this time.*)
9. Staff Report (*Items will be considered but no action will be taken at this time.*)
10. Committee Reports (*Items will be considered but no action will be taken at this time.*)
11. Other business
12. Adjournment

CITY OF DEADWOOD
HISTORIC PRESERVATION COMMISSION

Wednesday, May 25, 2011

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

Absent Historic Preservation Commission: None.

Present Deadwood City Commission: Mayor Francis Toscana and Commissioners Georgeann Silvernail and Jim Van Den Eykel.

All motions passed unanimously unless otherwise stated.

A quorum being present, Chairman Darin Derosier called the Deadwood Historic Preservation Commission meeting to order on Wednesday, May 25, 2011 at 5:00 p.m. in Deadwood City Hall located at 108 Sherman Street, Deadwood, SD.

Review Minutes

It was moved by Mr. S. Olson and seconded by Mr. Steinlicht to approve the minutes of May 11, 2011. Aye – Steinlicht, S. Olson, Derosier, Feterl, and Pike. Abstain – M. Olsen and Oberlander. Motion carried.

Voucher Approval

Operating Account:

It was moved by Mr. M. Olsen and seconded by Ms. Feterl to approve the HP Operating Account in the amount of \$17,493.06. Aye – All. Motion carried.

Bonded Account:

It was moved by Mr. M. Olsen and seconded by Mr. Pike to approve the HP Bonded Account in the amount of \$932.76. Aye – All. Motion carried.

OLD OR GENERAL BUSINESS

None.

NEW MATTERS BEFORE THE DEADWOOD HISTORIC DISTRICT COMMISSION

Case# 11020 – 716 Main Street – Window Replacement – Lead-Deadwood School District

Mr. Kuchenbecker explained the applicant was requesting a Certificate of Appropriateness for work at 716 Main Street a contributing structure built in 1925 in the Deadwood City Planning Unit. Mr. Kuchenbecker stated the applicant is requesting permission to replace approximately 30 windows on the playground side of the building. He stated new, double hung, wood clad, white, Pella windows would be used and noted the windows

will look exactly like the building's current windows. Mr. Kuchenbecker said it is his opinion the proposed work and changes do not encroach upon, damage, or destroy a historic resource nor have an adverse effect on the character of the building or the local historic district, state and National Historic Register Districts or the Deadwood National Historic Landmark District as the original windows have already been removed from the resource. However, Mr. Kuchenbecker stated it is his opinion that the applicants would not qualify for any preservation funding, should they desire to do so, using the requested materials. He noted the State concurred with staff's opinion. Ms. Feterl asked if they were aware that they would be unable to apply for and receive funding from the wood window program. Mr. Kuchenbecker stated they were. ***It was moved by Mr. M. Olsen and seconded by Ms. Feterl based upon the guidance found in DCO 17.68.050, the finding was the exterior alteration proposed is congruous with the historical, architectural, archaeological, and cultural aspects of the district and moved to grant a Certificate of Appropriateness.*** Mr. Steinlicht asked if the Commission needed to stipulate in their motion that they would be unable to receive funding using the proposed windows. Mr. M. Olsen said he did not believe they could make this motion until the applicant came in and requested funding which they had not done at this time. Mr. Kuchenbecker said he could add the information about the wood window program's qualifications into the applicant's approval letter at the Commission's direction. Mr. M. Olsen said the Commission would appreciate that. ***Aye – All. Motion Carried.*** (The staff report is attached hereto on Exhibit A and incorporated herein by this reference.)

Case# 11021 – 555 Main Street – Exterior Painting – Donnie Patton

Mr. Kuchenbecker explained the applicant was requesting a Certificate of Appropriateness for work at 555 Main Street a contributing structure built in 1940 and located in the Deadwood City Planning Unit. Mr. Kuchenbecker stated the applicant is requesting permission to paint the exterior of the building using Sherwin – Williams paint in Coral and Peace Yellow. Mr. Kuchenbecker said it is his opinion the proposed work and changes do not encroach upon, damage, or destroy a historic resource nor have an adverse effect on the character of the building or the historic character of the local historic district, the State and National Historic Register Districts or the Deadwood National Historic Landmark District. ***It was moved by Mr. S. Olson and seconded by Mr. Steinlicht based up the guidance found in DCO 17.68.050, the finding was the exterior alterations proposed are congruous with the historical, architectural, archaeological, or cultural aspects of the districted and moved to grant a Certificate of Appropriateness for Case# 11021, 555 Main Street, Mr. Donnie Patton. Aye – All. Motion Carried.*** (The staff report is attached hereto on Exhibit B and incorporated herein by this reference.)

NEW MATTERS BEFORE THE DEADWOOD HISTORIC PRESERVATION COMMISSION

Case# 11022 – 7 Spring Street – Garage Addition – Ken & Lee Steier

Mr. Kuchenbecker stated the applicants were requesting a Project Approval for work at 7 Spring Street a non-contributing structure in the Large's Gulch Planning Unit in Deadwood, SD. Mr. Kuchenbecker explained the applicants were requesting permission to construct a 26' x 28' garage. The garage will be attached to the current house and will sit at street level. It will be covered with 12" of dirt and will be sodded. The garage will be constructed out of precast concrete and a poured concrete floor. The front of the garage will be covered with stone to match the current structure. Mr. Kuchenbecker stated the proposed work and changes do not encroach upon, damage, or destroy a historic resource nor do they have an adverse effect on the character of the building or the historic character of the State and National Register Districts or the Deadwood National Historic Landmark District. Mr. Kuchenbecker noted the applicants had supplied a set of engineered plans and Mr. Ernie Rupp, agent, was present to answer any questions. ***It was moved by Mr. Steinlicht and seconded by Mr. M. Olsen based upon all the evidence presented the finding was the 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, based upon the guidance in the U.S. Department of the Interior standards for historic preservation projects in 36 C.F.R. 67, the project is not adverse to Deadwood and moved to grant a project approval for Case# 11022, 7 Spring Street, Ken and Lee Steier. Mr. S. Olson asked Mr. Kuchenbecker if an archeological survey of the property would be needed. Mr. Kuchenbecker stated he would conduct a site visit; however, many alterations to the yard had already occurred; therefore, he did not believe it would be necessary. ***Aye – All. Motion Carried.*** (The staff report is attached hereto on Exhibit C and incorporated herein by this reference.)

Digitization of Lawrence County Ledgers – Mike Runge

Mr. Kuchenbecker stated Mr. Mike Runge was seeking a recommendation to the City Commission for the digitization of OCR portions of the 253 Lawrence County ledgers managed by the City Archives. He said to date, a total of 52 Lawrence County ledgers have been transcribed into a Microsoft Access database by Mr. Don Toms. He explained this would take the work a step further, as the South Dakota State Historical Society Microfilm Unit would microfilm and digitize twenty-five ledgers in 2011 including ten Lawrence County Inventory and Appraisal Ledgers and fifteen Probate Journals/Probate Records. Mr. Kuchenbecker said this was a budgeted item for 2011 and the cost would not exceed \$4,912.50. ***It was moved by Mr. M. Olsen and seconded by Mr. Pike to recommend to the City Commission to enter into a contract for the digitization of 25 ledgers with the South Dakota State Archives Microfilm Unit with the cost of the project not to exceed \$4,912.50 as budgeted for 2011. Aye – All. Motion carried.*** Mr. Kuchenbecker said recently a researcher had come into the City and wanted information on a relative buried in Mt. Moriah who died in 1923. He said the City Archives had been able to go into the database and print off probate information for this researcher. Mr. Kuchenbecker stated this would take the information one step farther and allow researchers even more access to information. Mr. Pike noted in addition to making this information more readily and rapidly available to the public, it also preserves these original ledgers by eliminating the continual wear and tear of the ledger bindings which result from photocopying of these delicate resources.

REVOLVING LOAN FUND/RETAINING WALL PROGRAM UPDATE:

Retaining Wall Application – 16 Washington Street – Mike Sneesby

Mr. Kuchenbecker explained it would be necessary to continue the application for 16 Washington Street until he was able to speak with the applicant and determine which wall he was trying to enter into the program. ***It was moved by Mr. M. Olsen and seconded by Mr. S. Olson to continue the application for 16 Washington Street until the June 8, 2011 Historic Preservation Commission Meeting. Aye – All. Motion carried.***

Revolving Loan Fund – Cash Disbursements

No disbursements.

Financial and Delinquency Report

Ms. McCracken reviewed the delinquency report. She noted there would be a meeting with Hickok's on Friday, May 27, 2011.

Loan Request – Melody Lawson – 23 Emery Street

Ms. McCracken explained the applicant was requesting a loan for special needs siding for \$10,000 at 0% interest with no payments required for 10 years and a \$5,000 5% interest loan. Ms. McCracken stated Ms. Lawson's husband would have to cosign on the loans. ***It was moved by Mr. S. Olson and seconded by Mr. M. Olsen to approve a loan for \$10,000, special needs siding, at 0% interest for 10 years and a \$5,000 loan at 5% interest. Aye – All. Motion carried.*** Mr. Kuchenbecker asked Ms. McCracken to include with Ms. Lawson's

loan paperwork specifications developed by Mr. Umenthum, building inspector regarding the siding program. Ms. McCracken said she would start sending this information out with all siding loans. Mr. Kuchenbecker said he would get this information to Ms. McCracken.

Loan Request – Greg Vecchi & Monica Beers – 19 Centennial Avenue

Ms. McCracken stated Mr. Greg Vecchi & Ms. Monica Beers, who had purchased 19 Centennial but were currently not living there at least 6 months out of the year, were requesting a siding loan for \$7,358, a life safety loan for chimney repairs for \$2,241 at 0% interest, and a loan for roof and gutters for \$16,577 at 5% interest. Ms. McCracken noted they have excellent credit and good ratios and the loan had been reviewed favorably by the loan Committee. *It was moved by Mr. Steinlicht and seconded by Ms. Feterl to approve a loan for \$16,577 at 5% interest, a life safety loan in the amount of \$2,241 at 0% interest, and a special needs siding loan in the amount of \$7,358.* Mr. S. Olson asked how these programs work for the applicants since the residence is not currently their primary residence. Ms. McCracken said the applicants will still get 10 years no payments for the siding program but will have to pay the loan back. For the other programs, if the residence is owner occupied after 10 years, the Commission will have the option to modify, amend, or forgive the loans. If the property is non-owner occupied, they will have to pay the loans back. She said the criteria is the owners have to live in the property at least 6 months out of the year to qualify as owner occupied. Mr. M. Olsen stated the conditions of the loan apply to the owner's present circumstances. Ms. McCracken noted these terms were applied as they had had trouble in the past with owners saying they would move into a residence and would not. Mr. Kuchenbecker noted they would have the option later on to review the loan. Ms. McCracken stated this was correct that at the end of the ten year period they would be able to amend, modify or forgive the loan. *Aye – All. Motion carried.*

Mr. S. Olson asked Ms. McCracken if they needed to revisit the loan for Ms. Melody Lawson and put a condition in the motion to reflect that there would need to be a co-signature on the loan by Ms. Lawson's husband. Ms. McCracken stated this would be necessary. *It was moved by Mr. S. Olson and seconded by Mr. M. Olsen to reconsider the loan for Ms. Melody Lawson 23 Emery Street. Aye – S. Olson, M. Olsen, Derosier, Feterl, Oberlander, and Pike. No – Steinlicht. Motion Carried.*

It was moved by Mr. S. Olson and seconded by Mr. M. Olsen to approve a loan for \$10,000, special needs siding, at 0% interest for 10 years and a \$5,000 loan at 5% interest for Ms. Melody Lawson 23 Emery Street contingent upon a co-signature on the loan from Ms. Lawson's husband. Aye – All. Motion Carried.

Loan Request – Deadwood Development Co. (5, 9, 12 Lee Street) & Martin Mason Restoration, LLC (44-48 Sherman Street)

Ms. McCracken explained the partnership between Deadwood Development Co and the Martin Mason Restoration has been successful. Ms. McCracken stated Deadwood Development Co. is seeking to renew all of their loans at 3% interest, 30 year amortization, for monthly payments of \$3,434. Ms. McCracken stated this loan would be subject to annual reviews; that Deadwood Development Co. would be taking a UCC filing on the Gallows and other specified items, which means they will have a mortgage and if disposed of all money would have to be applied to these loans; that HP would be listed on all insurance policies for the Gallows and Martin and Mason as mortgagees so if there is any damage to the property HP will be listed on the check and as a lost payee so if there is any damage to any content HP will also be listed on that check giving HP a negotiation option. She explained it was still Deadwood Development Co.'s intention to sell and they are looking for renters for the Gallows. Ms. McCracken stated the new corporation, Historic Deadwood Convention Facility, formed between Deadwood Development Co. and Martin and Mason Restoration, LLC is in control of all profits. Ms. McCracken noted this request was reviewed favorably by the Loan Committee. Ms. S. Olson

asked if there had been any consideration for Deadwood Development to pay off some of their smaller loans rather than lumping all of their loans together. Ms. McCracken stated loans are tied to mortgages so it is best legally to leave the note and mortgage tied together. Mr. Pike added the payments are what are important regardless of how it gets distributed. *It was moved by Mr. M. Olsen and seconded by Ms. Feterl to approve refinancing of all Loans for Deadwood Development Co. at 3% interest 30 year amortization with monthly payments of \$3,434 subject to annual review. Aye – All. Motion Carried.*

Loan Request – Pineview Group, LLC – 9-25 Lee Street

Ms. McCracken explained the Pineview Group, LLC was requesting a renewal on the loan that was approved in September of 2010 for \$250,000 at 0% interest for another six month construction period. Ms. McCracken stated it is a life-safety loan to secure the buildings located at 9-25 ½ Lee Street. Ms. McCracken stated HP would be in first position and the owners would be asked for personal guarantees. Ms. McCracken explained the Pineview Group is currently trying to take advantage of all tools available to rehab the building including the Real Estate Tax Moratorium, Historic Tax Credits, and Façade easement. Ms. McCracken stated since there is currently no other funding in place, the Historic Preservation Commission would be in first position on the loan. However, she explained as the restoration project continues and other funding is obtained the Historic Preservation Commission would probably be asked to subordinate. Mr. S. Olson asked Ms. McCracken if the Pineview group had applied for any of the programs she had mentioned. Mr. Kuchenbecker stated they had. He explained the State Preservation Office had gone through the building and the owners were seeking consultation from Nore Winter to help them with these programs. Mr. Kuchenbecker stated they had submitted part one of the Tax Credit application and part two will be submitted soon and part three will be submitted after all work is completed. He stated they are working with the appraiser out of Pittsburg on the façade easement. Mr. Kuchenbecker noted the owners are working closely with the State office on the property tax moratorium. Mr. Pike asked Mr. Kuchenbecker if historically the property had always had the address 9-25 ½ Lee Street. He stated his question revolved around possible subordination. Mr. Kuchenbecker stated he would need to do some research on it to be sure. Mr. Pike stated he would need to know what was on record at the Register of Deeds when the Pineview Group acquired the resources. Mr. Kuchenbecker stated it was his understanding that the property was acquired as one piece. *It was moved by Mr. Pike and seconded by Mr. Steinlicht to approve a loan in the amount of \$250,000 at 0% interest 20 year amortization with a five year balloon to Pineview Group, LLC 9-25 ½ Lee Street as an unsubordinated first lean security interest with accompanying personal guarantees. Aye – All. Motion Carried.*

ITEMS FROM CITIZENS NOT ON AGENDA:

Mr. Toscana thanked Ms. Oberlander and Mr. Derosier for six years of dedicated serve on the Historic Preservation Commission and awarded each a plaque as a token of his gratitude. He also awarded Mr. Derosier a gavel for his two years of service as Historic Preservation Commission Chair. Mr. Derosier stated it had been his honor to serve on the Commission and he believed the Commission had worked very well together. He stated he thought they had done a very nice job of showing Historic Preservation can happen with growth forward. He also thanked Mr. Kuchenbecker for his dedication. Ms. Oberlander reiterated Mr. Derosier's sentiment.

STAFF REPORT

Historic Preservation Staff: Kevin Kuchenbecker, HP Officer; Michael Runge, Archivist; Deanna Berglund, Administrative Assistant; Virginia Peterson, Administrative Assistant.

Mr. Kuchenbecker reported on the following:

HPC Meeting
Wednesday, May 25, 2011

He thanked Mr. Derosier and Ms. Oberlander for their service on the Commission and stated they would be missed.

He noted work had been progressing on the Pineview and both the bricks and mortar mix for the building had been approved.

He stated there was a light turnout for the Symposium; however, there were many positive comments from those who did attend including Paul Loether, Chief of the National Register of Historic Places & National Historic Landmark Programs, who spoke at the event.

He noted work was progressing at the Days of '76 Museum and the Museum is working on fundraising efforts for exhibits.

He stated the HARCC Grand Opening would be on June 16, 2011.

Mr. Kuchenbecker stated Mr. Runge was finishing the last two interpretive panels for Mt. Moriah Cemetery and placement of the new street signs had been completed.

Mr. Kuchenbecker stated the Chamber has a new program, QR Code, which are bar codes read by smartphones and will pull out the historic photo and history of the building.

Mr. Kuchenbecker stated the retaining wall at 350 Williams Street had collapsed. Engineers, soil testers etc. were looking at the wall.

Mr. Kuchenbecker stated on May 18, 2011 a Water Street Planning meeting had taken place. He stated the next public meeting would take place on June 1, 2011 at 6:00 p.m.

He noted Jay Vogt would be in town to speak for Preservation Thursday on May 26, 2011.

Mr. Kuchenbecker said he and Mr. S. Olson had attended the SD State Historical Society Annual Conference in Pierre.

He explained Ms. Ronda Morrison had resigned from taking minutes for the Historic Preservation Commission and Ms. Virginia Peterson would be the new recording secretary.

COMMITTEE REPORTS:

Grants, Recognition & Advocacy: Commission representatives: Ronda Feterl, Willie Steinlicht and Mary Ann Oberlander.
No report.

Archaeology, Archives & Acquisitions: Commission representatives: Mike Olsen, Willie Steinlicht and Steve Olson.
No report.

Budget: Commission representatives: Ronda Feterl, Darin Derosier Matt Pike.
No report.

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

Demolition by Neglect: Commission representatives: Mike Olsen, Steve Olson and Matt Pike.
No report.

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

Policies & Procedures: Commission representatives: Entire HPC.

Mr. Pike asked all Commissioners to bring a calendar to the next meeting so they could try to schedule a meeting before budget season in order to bring the new commissioners up to speed.

He stated while the Symposium was lightly attended, he had been very impressed and believed in them.

He stated he would miss Mr. Derosier and Ms. Oberlander very much and they had been very instrumental.

Adams Museum: Commissioner Mary Ann Oberlander.
No report.

Chamber of Commerce: Commissioners Darin Derosier and Willie Steinlicht.
No report.

Days of '76: Commissioner Mike Olsen.
No report.

Neighborhood Housing Services: Commissioner Willie Steinlicht.
No report.

Planning and Zoning: Commissioner Mike Olsen.
No report.

Ms. Feterl reiterated Mr. Derosier and Ms. Oberlander would be missed. She also stated she had been impressed with the Symposium. She asked Mr. Kuchenbecker for a copy of his PowerPoints from the event.

Mr. Steinlicht stated he too would miss Mr. Derosier and Ms. Oberlander and he was glad to see Ms. Oberlander was doing better.

Mr. S. Olson and Mr. M. Olsen thanked Mr. Derosier and Ms. Oberlander for their time on the Commission.

HPC Meeting
Wednesday, May 25, 2011

ADJOURNMENT:

Hearing no further business to come before the Commission at this time and no objections from the Commission or the audience, Chairman Derosier adjourned the meeting at 5:51 p.m.

ATTEST:

Ronda Feterl
Vice-Chairman, Historic Preservation Commission
Virginia Peterson, Recording Secretary