

DEADWOOD HISTORIC PRESERVATION COMMISSION

Wednesday, October 14, 2009 ~ 5:00 p.m.

City Hall, 108 Sherman Street, Deadwood, South Dakota

1. Call meeting to order – Chair Darin Derosier
2. Approve Minutes
3. Voucher approval
4. Old or General Business
 - a. Case# 09064– 10 Centennial Avenue– Decking– David Bosch
 - b. ESRI – GIS Special Achievement Award
5. New Matters before the Deadwood Historic District Commission
6. New matters before the Deadwood Historic Preservation Commission
 - a. Case# 09071– 390 Main Street– Remodel/Addition– Wayne Morris
 - b. Case# 09070– 53 Lincoln Avenue– Storm Windows– Steven L. Olson
 - c. Revolving Loan– Special Needs/Wood Windows– Steven L. Olson
 - d. Case# 09072– 24 McKinley Street– New Garage– James Lee
 - e. Limited Architectural Services Agreement– Chamberlin Architects
 - f. United States Department of Agriculture– Land Patent No. 40-96-0011
7. Revolving Loan Fund/Retaining Wall Program Update.
 - a. Retaining Wall Applications
 - b. Revolving loan disbursements
 - c. Retaining Wall disbursements
8. Items from Citizens not on agenda.
9. Committee Actions and Reports
10. Staff Report
11. Other business
12. Adjournment

CITY OF DEADWOOD
HISTORIC PRESERVATION COMMISSION

Wednesday, October 14, 2009

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.

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, October 14, 2009 at 5:00 p.m. in Deadwood City Hall located at 108 Sherman Street, Deadwood, SD.

Review Minutes

It was moved by Mr. M. Olsen and seconded by Mr. S. Olson to approve the minutes from Wednesday, September 23, 2009. Aye – Derosier, Feterl, M. Olson, S. Olson, Pike and Steinlicht. Abstain – 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 \$97,945.67. Mr. S. Olson asked if the yearly renewal for the Rapid City Journal was for the HP Office or if other departments within the City shared it. Mr. Kuchenbecker said the HP Office subscribes and pays for the newspaper because they cut out articles that pertain to Deadwood historic preservation. Aye - All. Motion carried.

Bonded Account:

It was moved by Mr. S. Olson and seconded by Mr. M. Olsen to approve the HP Bonded Account in the amount of \$37,404.77. Aye – All. Motion carried.

OLD OR GENERAL BUSINESS

Case #09064 – 10 Centennial Avenue – Decking – David Bosch

Mr. Kuchenbecker explained that the application for Project Approval to build a deck on a noncontributing structure located at 10 Centennial Avenue in Forest Hill was continued on September 23, 2009. The reason for the continuation was because there was a question as to whether or not Mr. Bosch was in violation of the zoning code regarding transient housing. He said the City is investigating that matter, but based on City ordinances and from direction of City Attorney, Jason Campbell, and the HP Commission needs to take action on this matter as they only have the authority to approve Project

Approval and not a building permit. *It was moved by Mr. M. Olsen and seconded by Mr. Pike that based upon all the evidence presented, the finding is that 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, grants Project Approval. Aye – All. Motion carried.*

ESRI – GIS Special Achievement Award

Mr. Kuchenbecker said that at the ESRI User Conference in July 2009 in San Diego, California, the City of Deadwood was presented a special achievement award for their efforts in GIS. He said the Historic Preservation, Planning and Zoning and Public Works departments have all done a great job in using GIS on a regular basis; and therefore, were recognized at the San Diego Conference.

NEW MATTERS BEFORE THE DEADWOOD HISTORIC DISTRICT COMMISSION

None.

NEW MATTERS BEFORE THE DEADWOOD HISTORIC PRESERVATION COMMISSION

Case #09071 – 390 Main Street – Remodel/Addition – Wayne Morris

Mr. Kuchenbecker explained that the applicant is requesting a Certificate of Appropriateness for 390 Main Street, a contributing structure located in the Fountain City Planning Unit in the City of Deadwood, which was constructed in 1940. The applicant is requesting permission to add an approximately 200 square foot addition to the rear of the house, which will include 2 baths and a rear entrance (mudroom). The outside will match the existing structure, siding, roof, shingles, windows and footings. The Design Guidelines and Secretary of Interior's Standards of Rehabilitation address additions to historic resources, and generally state that an addition should be at the rear and would be an appropriate alteration as long as the same roof type and pitch is used, and the addition does not overwhelm the scale of the existing building. As proposed the addition meets the standards and guidelines set forth for this review. Mr. Wayne Morris was available for questions. *It was moved by Mr. M. Olsen and seconded by Ms. Feterl that based upon all the evidence presented, the finding is that 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, grants Project Approval. Aye – All. Motion carried.* (The staff report is attached hereto on Exhibit A and incorporated herein by this reference.)

Mr. Steve Olson recused himself from agenda items 6a and 6b and left the room while said items were being discussed.

Case #09070 – 53 Lincoln Avenue – Storm Windows – Steve L. Olson

Mr. Kuchenbecker explained that the applicant is requesting Project Approval for 53 Lincoln Avenue, a contributing structure located in the Ingleside Planning Unit of the City of Deadwood, which was constructed in 1885. The applicant is requesting permission to replace five (5) wooden storm windows and screens with wood combination units; three (3) will be on the front of the house and two (2) will be on the east, uphill side. *It was moved by Ms. Feterl and seconded by Ms. Oberlander that based upon all the evidence presented, the finding is that 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, grants Project Approval to 53 Lincoln, Case #09070. Aye – All. Motion carried.* (The staff report is attached hereto on Exhibit B and incorporated herein by this reference.) Mr. Wayne Morris added that from experience, when windows are measured for the custom

storm windows, make sure a carpenter square is used as the storm windows are square, but a lot of the windows in the old buildings are not very square. The Commission thanked Mr. Morris for sharing this useful information.

Revolving Loan – Special Needs/Wood Windows – Steven L. Olson

Mr. Kuchenbecker stated that Mr. Olson has applied for the Wood Window Program and staff recommends approval. ***It was moved by Mr. M. Olsen and seconded by Ms. Feterl to approve placement of Mr. Steven Olson into the Wood Window Program. Aye – All. Motion carried.*** Ms. Feterl thanked Mr. Derosier for changing the rules of the window program, as more people are utilizing the program. Mr. Kuchenbecker said there have been approximately seven people that have used the program so far this year. Mr. Pike said this has been a good program, but the changes have made it even better.

Mr. Steven Olson returned to the meeting.

Case #09072 – 24 McKinley Street – New Garage – James Lee

Mr. Kuchenbecker explained that the applicant is requesting Project Approval for 24 McKinley Street, a non-contributing structure located in the Large's Flat Planning Unit in the City of Deadwood, which was constructed in 1935. The applicant is requesting permission to construct a new garage that will be approximately 28' x 36', and will have asphalt shingles on the roof and metal siding that will match the color of the house. The house has sustained several alterations; and therefore, cannot contribute to the Deadwood National Historic Landmark District, or the Register District. Staff has discussed and encouraged the applicant to explore other alternatives to metal siding as a maintenance-free material; however, the applicant desires the steel siding in a color to match the existing residence. In reviewing the neighborhood where the proposed garage will be located, there are very few contributing buildings and many structures in the area currently have either metal roofs and/or metal siding, as well as City buildings in the area. The proposed garage will not be highly visible. Mr. Kuchenbecker said he did struggle with this because of potential precedence being set with metal siding.

Mr. Kuchenbecker added that he felt there are alternative materials; however, it is a non-contributing resource and it is not highly visible. Mr. M. Olsen asked what type of siding is on the house, to which Mr. Kuchenbecker said it has both steel siding and T1-11 siding. Mr. Pike said he understood Mr. Kuchenbecker's struggle with this project, but at the same time he has set up good criteria if the issue of steel siding comes up again in the future, which is the fact that it is a non-contributing structure and it is not highly visible. Mr. M. Olsen added that it would also match the house, which is a very important issue as well. ***It was moved by Mr. Pike and seconded by Mr. M. Olsen that based upon all the evidence presented, the finding is that 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, grants Project Approval to James Lee at 24 McKinley Street as presented in Case #09072. Aye – All. Motion carried.*** (The staff report is attached hereto on Exhibit C and incorporated herein by this reference.)

Limited Architectural Services Agreement – Chamberlin Architects

Mr. Kuchenbecker explained that this is a proposal from Chamberlin Architects, who were brought in under Lund and Associates to provide limited, early-on consultation for the Days of '76 Museum. He said what is being proposed is a contract directly with the City of Deadwood for the Days of '76 Museum, not to exceed \$40,000.00, which would be taken from the \$3,000,000.00 set aside from the bonding

funds. Mr. Kuchenbecker went on to say that the challenge with the current architect is that they have done numerous buildings in Deadwood, in the State and around the region, but they have never built a museum. This contract would be the City's protection to make sure that the specifications laid out in the architectural plans fit the needs of the museum. Ms. Feterl asked Mayor Toscana if there was an agreement with the Days of '76 Committee and the City regarding what the bonded money would pay for, to which Mayor Toscana said there was and this contract would be part of that agreement. Mr. M. Olsen said it appears that Lund and Associates current contract with Chamberlin is about to run out. Mr. Olsen also said that Chamberlin Architects are museum experts and museums are very special buildings, as you cannot have areas where it is too humid, too dry, too hot, too cold, etc. Therefore, all of the mechanical systems within the museum need to be very carefully designed in conjunction with the exhibit layouts. Mr. M. Olsen explained that Chamberlin Architects would be the go-between for Lund and Associates who is designing the building and Condit who is designing the exhibits, which protects the \$3,000,000.00 investment from the City of Deadwood and Historic Preservation. ***It was moved by Ms. Feterl and seconded by Mr. Pike to recommend to the City Commission to accept the agreement from Chamberlin Architects with the spelling correction of Daniel Gartner's name. Aye – All. Motion carried.*** Mr. S. Olson asked Mayor Toscana if the City would have to pay sales tax on this, to which Mayor Toscana said the City would not; however, the contractor, would.

United States Department of Agriculture – Land Patent No. 40-96-0011

Mr. Kuchenbecker referred to the letter from District Ranger, Rhonda O'Byrne, giving notice that Historic Preservation is not up-to-date on Land Patent No. 40-96-0011. He said he knows architectural recordation of this site has been completed and he will forward a copy of that to Ms. O'Byrne. He said there is currently no publication interpretation or signage of the site, or a mesh-metal fence surrounding it for protection, and since the Commission had agreed to do this in November 1995 they are now in violation. Ms. S. Olson asked if it was the City's responsibility to install the fence or if the landowner should do it, to which Mr. Kuchenbecker said he needs to consult with City Attorney, Jason Campbell. ***It was moved by Mr. Pike and seconded by Mr. M. Olsen to continue this item to the first meeting in November. Aye – All. Motion carried.***

REVOLVING LOAN FUND/RETAINING WALL PROGRAM UPDATE:

Revolving Loan Cash Disbursements

It was moved by Mr. M. Olsen and seconded by Mr. S. Olson to approve the HP Revolving Loan Fund cash disbursements in the amount of \$8,848.65. Aye – All. Motion carried.

Revolving Loan Retaining Wall Grant Disbursements

Ms. McCracken explained that there were two disbursements to be approved; however, she recommended holding the disbursement for 45-47 Forest Avenue, as there are some legal issues that need to be addressed. ***It was moved by Mr. M. Olsen and seconded by Mr. S. Olson to approve the disbursement to Corr Construction for 316 Williams Street in the amount of \$51,097.00. Aye – All. Motion carried.*** Mr. Kuchenbecker asked if the contractor for 45-47 Forest Avenue was being penalized for something the applicant is not doing, but Ms. McCracken said it was under advice from legal counsel that this item not be paid at this time.

Revolving Loan – Delinquency Report

Ms. McCracken reviewed the delinquency report. She reported on the Gilmore, stating that all assignments for lease agreements have been received. She said they have also asked the property management company, which is Pro-Rental, to present a contract to the City so they could decide whether or not their services were needed.

Ms. McCracken also reported that Blake Haverberg with Deadwood Development has reported a payment will be forthcoming next month. Mayor Toscana approached the Commission and said that Mary Jo Nelson, Darin Derosier, Josh Christensen, Kevin Kuchenbecker and himself had a meeting with Mr. Haverberg to talk about his situation. They let him know that they are very concerned because he had been given the option of being carried until September, which has come and gone and still no payments have been received. Mr. Haverberg said he had a plan with the new owners of the Iron Horse, stating that he is planning some type of partnership with them, where they would open the wall between the two buildings. In doing this, they would be able to reduce employees from a gaming standpoint. He said they are also talking about applying for a convention center liquor license, as they feel between the Iron Horse and the Martin Mason buildings they would have enough units to qualify for this license. Blake Haverberg said in getting the convention center liquor license they felt it would help on the third floor with weddings and other functions. He said he is also looking at switching the machines to ticket-in, ticket-out, which improves the bottom line on machines by 10% to 20%.

Mayor Toscana said they also talked about the properties Mr. Haverberg currently has for sale and encouraged him to be more aggressive in trying to sell those properties. Mr. Haverberg's position is that he has been told by a realtor that it does not make sense to drop the price of these properties, as commercial property is only worth what someone will pay for it and you never when that somebody will come along. Mayor Toscana also pointed out that the City is in second place on the mortgage, but the total debt on the Martin Mason building, if it goes into foreclosure, is probably enough to get their money back. He said that at the end of the meeting they reiterated to Mr. Haverberg that he must show good faith and start making payments on a regular basis, even if it is not the set amount that was agreed upon.

Mr. M. Olsen asked Ms. McCracken that once the Gilmore becomes City property, how the loan goes away. She said it will not go away until the City decides what to do with the property. Once the City disposes of the property, whatever is sitting on the table will go towards this loan and the balance will be written off.

Ms. McCracken reported that Hickok's sold the Iron Horse, which will be positive for Hickok's and help them get back on the right track, even though it may take some time to turn things around. She said Hickok's has also been told a payment must be received every single month.

Revolving Loan Request – Peggy Fierro

Ms. McCracken explained that Ms. Fierro is requesting this loan for windows. She added that Ms. Fierro will also be using the window program, but the total cost will exceed the allotted amount. The Loan Committee has reviewed this request and favorable comments were received. ***It was moved by Mr. Pike and seconded by Mr. M. Olsen to approve the loan amount of \$2,500.00 to Margaret (Peggy) Fierro at 36 Jackson Street at 5% interest and 4-year term. Aye – All. Motion carried.***

ITEMS FROM CITIZENS NOT ON AGENDA:

Carlton Spindler – Steel Siding

Mr. Carlton Spindler said that earlier in the meeting steel siding was discussed and wondered if there were new policies and guidelines regarding this type of siding. Mr. Kuchenbecker responded by saying that the guidelines currently do not address the materials on new construction of non-contributing buildings, but they do talk about the visibility of a structure. He said he attempted to get the applicant to look at other maintenance-free materials; however, the applicant wanted the metal siding. Mr. Spindler said he is relating to the experience he went through with the Historic Preservation Commission, where he was told (“and the minutes will prove it”) that steel siding has never been approved and they did not want to set a precedent. He added that because of his situation he is having a hard time getting past the approval of steel siding of any kind.

Mr. Pike said he felt it was fair to say that if they were dealing with a contributing structure, they would be against steel siding. Mr. Spindler said he was only referring to new construction. Mr. M. Olsen said the overall criteria in his decision was matching the new construction to the existing structure; therefore, the two structures need to relate to each other, adding that each situation needs to be looked at case-by-case. Mr. Spindler said he felt that if each situation is looked at case-by-case there is no way to be consistent. Mr. M. Olsen said he felt that it could, in that the new building needs to match the one that is already there.

Mr. Spindler said he hates to belabor his situation, but also noted that Black Hills Power and Light requested a steel building and were denied even though they already had a steel building on their property. He went on to say that in his neighborhood Black Hills Power and Light and the hardware store had steel siding and it did him absolutely no good when requesting steel siding, reiterating that he was told that “steel siding never has and never will approved.”

Mr. Derosier said he understood what Mr. Spindler was saying, but felt that if the criteria are set by saying steel siding is okay and the reasons are stated, his hope would be that the precedence they are showing is that they will not approve metal siding unless specific reasons are given. Mr. Spindler said he was just stating what he experienced and observed and hoped the HP Commission could finally get it right. Mr. Derosier thanked Mr. Spindler for his interest and attendance at the HP meetings.

Jim Veitl – Wall of Fame – Mathilda Hill

Jim Veitl, a resident from Spearfish, appeared before the Commission and explained that he grew up in Deadwood. He said there has been a move to promote Matty Hill, a colored woman, for the Wall of Fame. He said she lived beyond the end of Wabash, in the area where he was born and raised. He said she was a local lady who was given a great deal of respect, not only by the children, but also by the parents of those children. He said she has been written about in a couple of books and would like to advocate this woman for the Wall of Fame because he feels she deserves to be recognized historically.

Ms. Feterl told Mr. Veitl that the committee has received the information on Ms. Hill, but said the Wall of Fame inductees are honored every other year, with the next one being in 2010. She said they have four

applicants besides the one for Ms. Hill, but they can only choose two. The Commission thanked Mr. Veitl for coming to the meeting and for his interest, and assured him the application would be given consideration.

Committee Actions and Reports:

Grants, Recognition & Advocacy: Commission representatives: Ronda Feterl, Matt Pike and Mary Ann Oberlander.

Ms. Feterl reported on the following:

The Century Award this year is for the Lawrence County Courthouse. She said the suggestion was made to try to get as many people from the courthouse as possible to come for the award ceremony. She asked if the next meeting could be at 5:30, so they could present the Century Award at 5:00 on October 28, 2009.

They received Mathilda Hill's nomination for the Wall of Fame.

There has been a funding request from the Society of the Black Hills Pioneer of \$2,000.00 and the recommendation was to approve the request. *It was moved by Ms. Feterl and seconded by Mr. M. Olsen to approve the expenditure of \$2,000.00 to the Society of Black Hills Pioneers for funding their publication. Aye – All. Motion carried.*

There was discussion regarding the History Day Regional Competition with the school children.

The History Link Website continues to move forward and there will be a meeting on October 19, 2009 with the City of Deadwood, the Days of '76 and the Adams Museum and House to take a look at what Mr. Biggs has proposed.

There was discussion on the annual report. She said TDG Communications has three proposals; however, once this has been done and they have a template to follow, staff will complete this report annually.

Archaeology, Archives & Acquisitions: Commission representatives: Mike Olsen, Darin Derosier and Steve Olson.

Mike Olsen reported on the following:

Archives, Archaeology & Acquisitions met on October 7, 2009 and they have started talking about coming up with data recovery plans, which would be a way of dealing with archaeology and city-owned projects.

The remodel of the basement is proceeding.

They discussed the 20th anniversary of gaming and the research that has been ongoing.

The cleaning of the incorporation papers for the City will be rolled over into next years' budget, because they did not want to send the papers to the conservator to Omaha. They have come up with the idea of

coordinating with the Adams Museum and the Days of '76, and possibly come up with three or four items that need to be conserved and then bring the conservator to Deadwood.

October is Archives month. Mike Runge has put together a brochure, which was also available at the Book Festival. The Black Hills Pioneer has been publishing an archival photo daily.

The scanning project of the large maps is completed. The Lawrence County criminal records are being transcribed with 1,094 records being completed as of June 2009.

Mike Runge purchased, on Ebay, a 1909 PaHaSaPa Program, which was of the Elks Convention for \$125.00.

They are going to roll over funds to 2010 for the third item of the Bade Collection.

The Days of '76 Museum is at a standstill because they do not have Design and Development drawings for the mechanical systems; therefore, they cannot move forward with an estimate until they know what the systems are going to look like. He said next week they are going to the HARC building to see their mechanical systems.

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.
No report.

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.

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

Kevin Kuchenbecker reported on the following:

Reported he has also been attending the Days of '76 Museum meetings and said they are being careful not to tear the existing building down before they have enough funding to build the new museum. He said they had a couple of pledges that have backed out due to the economy.

He noted the thank you letter for the Outside of Deadwood grant for the Jones Building.

Kiwanis thanked the Commission for the contribution for the brochures for the Prospector Bowl.

He noted the schedule of events for the 20th Anniversary of Gaming.

On October 20 and 21, 2009 the CEO and President of the National Trust for Historic Preservation from Australia will be touring the community and looking at the various projects Deadwood has done.

The public hearing on the Engine House was held, but was continued to October 26, 2009.

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 6:25 pm.

ATTEST:

Darin Derosier
Chairman, Historic Preservation Commission
Ronda Morrison, Recording Secretary