

**DEADWOOD HISTORIC PRESERVATION COMMISSION**

**Tuesday, November 10, 2009 ~ 5:00 p.m.**

City Hall, 108 Sherman Street, Deadwood, South Dakota

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1. Call meeting to order– Chair Darin Derosier
2. Approve Minutes
3. Voucher approval
4. Old or General Business
  - a. United States Department of Agriculture – Land Patent Number 40-96-0011
  - b. Desktop Computer Purchase for Administrative Office
5. New Matters before the Deadwood Historic District Commission
6. New matters before the Deadwood Historic Preservation Commission
- Revolving Loan Fund/Retaining Wall Program Update.
  - a. Retaining Wall Applications
  - b. Revolving loan disbursements
  - c. Retaining Wall disbursements
7. Items from Citizens not on agenda.
8. Committee Actions and Reports
9. Staff Report
10. Other business
11. Adjournment

**CITY OF DEADWOOD**

**HISTORIC PRESERVATION COMMISSION**

**Tuesday, November 10, 2009**

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

**Absent Historic Preservation Commission:** Willie Steinlicht.

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**All motions passed unanimously unless otherwise stated.**

A quorum being present, Chairman Darin Derosier called the Deadwood Historic Preservation Commission meeting to order on Tuesday, November 10, 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. Pike to approve the minutes from Wednesday, October 28, 2009. Aye – All. Motion carried.*

**Voucher Approval**

**Operating Account:**

*It was moved by Mr. S. Olson and seconded by Mr. M. Olsen to approve the HP Operating Account in the amount of \$25,423.20. 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 \$1,030.00. Aye – All. Motion carried.*

**OLD OR GENERAL BUSINESS**

**United States Department of Agriculture – Land Patent Number 40-96-0011**

Mr. Kuchenbecker reminded the Commission that this is the site where Deadwood Dickø's cabin was located. He said he spoke with the Forest Service and they are aware he is working on this issue. He said he also had City Attorney, Jason Campbell, review it whose opinion was that Historic Preservation was responsible for implementation of signage, documentation, recordation and fencing around the historic site. Mr. Kuchenbecker said he re-read the document and noted that it said the grantor, at his or her sole expense, shall be responsible with oversight from Historic Preservation. He said he also met with George Picard, representative for Dunbar, Inc. and told Mr. Picard that Historic Preservation would assist in the interpretation and would let them know what the costs will be. Mr. Kuchenbecker said there have also been archaeological reports done for both The Lodge and The Dunbar and he will make sure to get them both to the Forest Service.

**Desktop Computer Purchase for Administrative Office**

Mr. Kuchenbecker requested for permission to purchase a desktop computer for Administrative Assistant, Virginia Peterson, with the cost not to exceed \$1,500.00, adding that this is within the budget for equipment. He said this would replace the Citrix Thin Client that she is currently using, as it is not adequate for the type of work she does. *It was moved by Mr. M. Olsen and seconded by Ms. Feterl to recommend to the City Commission to allow the purchase of a desktop computer not to exceed \$1,500.00. Aye – All. Motion carried.* Mr. S. Olson asked Mayor Toscana what happens to the old computer equipment, to which Mr. Toscana explained that if no other department can utilize it, the City will surplus it along with other items and sell it. However, he said that if it is a piece of equipment that somebody from the public would like, they could ask the City to surplus it and if it is under \$500.00 they could simply ask for a quote and sell it.

**NEW MATTERS BEFORE THE DEADWOOD HISTORIC DISTRICT COMMISSION**

None.

**NEW MATTERS BEFORE THE DEADWOOD HISTORIC PRESERVATION COMMISSION**

None.

**REVOLVING LOAN FUND/RETAINING WALL PROGRAM UPDATE:**

**Revolving Loan Cash Disbursements**

*It was moved by Mr. M. Olsen and seconded by Mr. Pike to approve the HP Revolving Loan Fund cash disbursements in the amount of \$43,811.00. Aye – All. Motion carried.*

**Retaining Wall Grant Disbursement**

*It was moved by Mr. Pike and seconded by Mr. M. Olsen to approve the expenditure of \$51,414.00 for 128 Williams Street to the Arsaga family under the Retaining Wall Grant. Aye – All. Motion carried.*

**Revolving Loan – Delinquency Report**

Ms. McCracken reviewed the delinquency report and said that the City of Deadwood now has title to the Gillmore Hotel. She said she has an appointment with the current management company, along with Finance Officer Mary Jo Nelson. She said it is currently being handled by Pro-Rental Management from Sturgis, SD and they will visit with them about a month-to-month contract to continue those services. She said Callahan is in bankruptcy, Blake Haverberg has been reminded that a payment is needed this month, and Hickokø will have a payment in this week.

**Revolving Loan – Loan Request for Reva VanDerVorst**

Ms. McCracken explained that Reva VanDerVorst passed away last January. She reminded the Commission that in June 2009 they allowed the family to defer payments on the loan for a period of six months to allow them time to sell the house; however, the house has not sold. She said they have lowered the price of the house and are asking for another six-month extension, noting that if the house does not sell they will rent it and would then be able to make monthly payments. *It was moved by Mr. M. Olsen and seconded by Mr. S. Olson to grant an extension to the family of Reva VanDerVorst for six additional months. Aye – All. Motion carried.*

**ITEMS FROM CITIZENS NOT ON AGENDA:**

**Mike Klamm – 57 Denver Avenue**

Mr. Klamm explained that approximately seven weeks ago he received approval for a roof and deck project. He said that the project is about 90% complete, but has now decided they would like a portion of the deck to be a sunroom. He is requesting permission for a change in the project to add seven windows and two doors for a 10ø x 40ø section of the patio. Mr. Kuchenbecker said this is a noncontributing structure and that Mr. Klamm has turned in the paperwork. He reviewed it and said that it does not have an adverse effect to the district. He said he will formally compile a staff report and place it in the file if the Commission decides to take action on this issue. ***It was moved by Mr. Pike and seconded by Mr. M. Olsen to amend the prior approval for the roof and deck project to include a sunroom. Aye – All. Motion carried.***

**Lyman Toewes – 788 Main Street**

Mr. Toewes appeared before the Commission and said that he has a retaining wall in his backyard that is failing and at some point will ask to have that improved. However, he wanted to know ahead of time how the process works. He said he would like to obtain a staff report of the current bids for the six sites that were recently bid, as he heard all contractors bid through one specification with the exception of one contractor who went through a different specification, and wanted to know if the specifications for retaining walls were being changed. Mr. Kuchenbecker said that on November 2, 2009 there was a bid opening for six walls that entered into the program. He said there were 15 plan holders of which six bids were received for the six projects. The apparent low bidder is a new company in town that has a new product called Lock+Load, which is another retaining wall system. Mr. Kuchenbecker said the company spoke with Albertson Engineering to determine if their retaining system would be sufficient to hold up these retaining walls, to which the engineer said they would and would be allowed as a substitute to the large block. He added that as apparent low bidders, they were in some cases, half the cost over the other quotes based on the specifications.

Mr. Kuchenbecker said that Jason Campbell is looking into this and has had conversations with the engineer. He said one of the questions is whether or not the engineer was required to notify the plan holders within a certain period of time that a substitute material was allowed. He said that has not been determined yet, but the City has 30 days from the day of the bid opening to award the bids. He also said they are working with the property owners to get their consent to move forward, and at the same time are looking at making sure they are within the letter of the law on the bids. He said if the Lock+Load is allowed, they will be able to do twice as many walls as have been budgeted.

Mr. Kuchenbecker stressed that from a preservation point of view, it will look just like any other wall, as it will be veneered with rock just like the large concrete blocks. Mr. Toewes said his only dog in this hunt is cost, adding that he is all for cutting costs and doing the engineering correctly, but knows there are other block systems that would have similar results. He also wondered if they should re-think these huge blocks that really are atrocious in size and require huge excavations. Mr. Toewes said it would be his recommendation to see if more contractors could bid this type of thing, as he would hate to have one sole supplier with a leg up on everybody else.

Mr. Toewes said he would also like to point out that after looking at the drawings from the engineering companies, he felt it was a first year engineer doing the work. He also said that the City is building retaining walls one right after another and does not feel that an engineer is needed to design every

retaining wall within the City as it is simply repetitive. He felt only one standard was needed and the contractors could adapt the design for length and height, but meet within the criteria; therefore, there would be a one-time cost for engineering work rather than paying for every wall. He added that the cost savings could go back to him and others as homeowners. Mayor Toscana said that City ordinance requires anything over four feet to be stamped by an engineer, to which Mr. Toewes said that could be changed.

Mr. Derosier pointed out that the contractor with the Lock+Load product has a franchise for this area. However, Mr. Toewes said there are other blocks out there that are available and said again, that he wanted his costs to be lowered when he comes forth for a retaining wall. Mayor Toscana said there have been retaining walls in the City designed without an engineer and have failed and there is nobody to go back on. Mr. Kuchenbecker wanted to clarify that the engineers are paid with gaming tax revenues and not by the resident. Mayor Toscana also wanted it said for public record that Mike Albertson is a very fine structural engineer with very high integrity and has done a lot of good work for the City of Deadwood.

**Committee Actions and Reports:**

Grants, Recognition & Advocacy: Commission representatives: Ronda Feterl, Matt Pike 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.  
No report.

Adams Museum: Commissioner Mary Ann Oberlander.  
No report.

Chamber of Commerce: Commissioners Darin Derosier and Willie Steinlicht.

Mr. Derosier reported that at the next meeting they will be discussing the shortfall of funds and will be making drastic cuts to the budget.

Days of 076: Commissioner Mike Olsen.

Mr. Olsen reported that there will be a meeting next Tuesday, where the Building Design Committee will present their revisions to the design of the building, and the Exhibit Design Committee will present revisions to the design of the exhibits.

Neighborhood Housing Services: Commissioner Willie Steinlicht.

No report.

Planning and Zoning: Commissioner Mike Olsen.

No report.

### **20<sup>th</sup> Anniversary of Gaming**

As a representative of the Planning Committee, Mr. Pike wanted to thank everyone for their support for the celebration of 20 years of gaming in Deadwood. He also thanked Mayor Toscana for his speech at the banquet explaining what the gaming dollars are spent on. Mr. Derosier thanked Mr. Pike and Mr. Kuchenbecker for all their hard work and felt everything was achieved that they wanted to accomplish.

### **Thanks to Carlton Spindler**

Mr. Derosier wanted to publicly thank Mr. Spindler for coming to the meetings and showing his interest. Mr. Spindler said that "watching the Commission is better than watching TV."

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

Kevin Kuchenbecker reported on the following:

Thanked everyone for their efforts for the 20<sup>th</sup> celebration. He said he also learned many things throughout the week.

Reviewed the letter from Pat Adams and Eileen Fischer regarding the Ft. Pierre to Deadwood Trail Signs.

Reported that the City has passed a resolution to obtain potential funding from U.S.D.A. Rural Development for the parking garage. He spoke with the owners and Economic Development Director, Chuck Turbiville, who said they are looking at applying for enough funding for a three-story parking garage, should a design come forward that would not have an adverse effect. He said the Parks Service and the State have already emailed him about the concerns of the third story, so he gathered the plans to date and provided that to other architects for cost estimates in helping design something that would fit.

He said he thoroughly enjoyed walking around Deadwood with former Preservation Officers, Mark Wolfe and Chris Hetzel. He said they were "blown away" with all that has happened since their tenure with the Deadwood Historic Preservation Office.

Again asked everyone to keep Zoning Administrator, Bernie Williams, in their thoughts and prayers, adding she is greatly missed in the office.

Mr. Derosier asked if there were any updates on the Pineview. Ms. McCracken explained that they need financing to move the project forward. She said what she needs is a list of what is going to be done and their cost estimates so she can come up with some loan funds. She said they also need the list of what will be done so that Building Inspector, Keith Umentum, can determine what will be Life Safety and what will be preservation. Then they can determine how many loan funds are available to help the project move forward. She said she received an email last week stating they are working on the information needed.

Mr. Kuchenbecker asked for the next meeting to be moved to Tuesday, November 24, 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 5:40 pm.

ATTEST:

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