

**DEADWOOD HISTORIC PRESERVATION COMMISSION**

**Wednesday, November 10, 2010 ~ 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. Approval of Minutes
3. Voucher Approval
4. Old or General Business
  - a. Historic Deadwood-Lead Arts Council – Treasure Hunt update
5. New Matters before the Deadwood Historic District Commission
  - a. Case# 10064 – 87 Sherman Street – Windows/Awning – Kathleen McShane
6. New Matters before the Deadwood Historic Preservation Commission
  - a. Case# 10062 – 270 Main Street – Wind Breaks – Mike Gustafson
  - b. Case# 10063 – 10 Water Street – Door Replacement – Jim VanDenEykel
  - c. 1902 Soda Fountain – Kevin Kuchenbecker
  - d. Stained Glass Windows – Kevin Kuchenbecker
  - e. SHPO Request of Economic Impact Study – Kevin Kuchenbecker
7. Revolving Loan Fund/Retaining Wall Program Update
  - a. Retaining Wall Applications
    - i. 5 Jackson – Larry & Marcella Shama
  - b. Revolving loan Program/Disbursements
  - 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. Committee Reports (*Items will be considered but no action will be taken at this time.*)
10. Staff Report (*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, November 10, 2010**

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

**Absent Historic Preservation Commission:** Matt Pike.

**Present Deadwood City Commission:** Mayor Francis Toscana, Commissioner Georgeann Silvernail and Commissioner Lenny Schroeder.

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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 Wednesday, November 10, 2010 at 5:00 p.m. in Deadwood City Hall located at 108 Sherman Street, Deadwood, SD.

**Approval of Minutes**

*It was moved by Mr. M. Olsen and seconded by Mr. Steinlicht to approve the minutes of October 27, 2010 as presented. 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 \$11,279.29. Aye - All. Motion carried.*

Bonded Account:

*It was moved by Mr. M. Olsen and seconded by Mr. Steinlicht to approve the HP Bonded Account in the amount of \$186,156.00. Aye – Derosier, Feterl, Oberlander, M. Olsen and Steinlicht. Abstain – S. Olson. Motion carried.*

**OLD OR GENERAL BUSINESS**

**Historic Deadwood-Lead Arts Council – Treasure Hunt Update**

Karen Everett, Executive Director of the Historic Deadwood-Lead Arts Council, was present to update the Commission on the Treasure Hunt. Ms. Everett explained that this was the 6<sup>th</sup> Treasure Hunt they have done, noting they only intended to do it one time, but because of its popularity it has been continued. She said that this year City Archivist, Mike Runge, had contacted her saying they would like to partnership the project in celebration of National Archive Month, which is how Deadwood Historic Preservation came about donating the art piece. She then introduced the Treasure Hunt winner, Marlene Barrett, who found

the medallion on one of the headstones at St. Ambrose Cemetery. Ms. Barrett was then presented the photo. She said it was a group effort of the Lawrence County Auditor's Office, which is where the print will be displayed. Mr. Kuchenbecker said that the prize for the Treasure Hunt is a framed print that came from the City Archives, Bade Collection.

Ms. Everett also told the Commission that The Arts Council and the Opera House put on the musical, Calamity Jane, last spring. She said they had been in contact with Doris Day who portrayed Calamity Jane in the original movie and who sent them a couple of signed prints of herself to be auctioned off. She said one of the prints raised \$3,700 and is now displayed at the Old Style Saloon #10. She then presented the Commission with a signed print from Doris Day as Calamity Jane.

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

### **Case #10064 – 87 Sherman Street – Windows/Awning – Kathleen McShane**

Mr. Kuchenbecker explained that the applicants submitted an application for a Certificate of Appropriateness for exterior alterations at 87 Sherman Street, a non-contributing structure located in the South Deadwood Planning Unit in the City of Deadwood, which was constructed in 1964. He said the applicant requests permission to install wood siding under the front lower windows using rough sawn lumber from the Days of '76 Museum. Additionally, they are requesting permission to add a vinyl banner with white vinyl letters to the front of the awning. He explained the guidelines and criteria that should be followed under Deadwood Codified Ordinances when granting or denying Certificates of Appropriateness. He said that after he looked at the building and met with the owner, it was determined that they wanted to cover up the lower portion of the 8'x8' calico stone with rough sawn lumber. He explained that he believes it alters the original materials and architecture. He said he understands that the applicants are attempting to bring more attention to the front of the building, but said this building was built in 1964 and has not been altered, adding that the concrete masonry units are still in good condition. He also said that in regards to the banner, it was his opinion that that request should go before the Sign Commission. The applicants, Mike and Kathleen McShane, were present for questions.

Mike McShane told the Commission that since they turned in the application, they have done further research and found that the original structure that was in this location before 1964 is what they would like to go back to. He stated that as funds become available they would like to change the front of the building to wood as it was in the pictures from 1897. He said he felt this would be more historic looking, noting that the current building which was built in 1964 is not historic to the property. He said his research has shown that the original building was an office and a candy store and was owned by a former Mayor, Ray Ewing, which was wood with glass front windows. He said he also noticed from the pictures that the original entryway was recessed. Mr. McShane again wanted to point out that his request is only the beginning of the changes he wants to make, and said the sign request would only be temporary until it could be taken back to its original state.

Mr. Steinlicht asked Mr. McShane how long it would be before he had a better picture, to which Mr. McShane said he thought he would have it within one week. Mr. Steinlicht suggested that the Commission make no decision until a better picture is brought back before them, to which Mr. McShane was agreeable to this. Ms. Feterl asked how this request works, since the applicants do not want to restore the building, but want to change the front of the existing building to mimic the building that was originally in this location in 1897, to which Mr. Kuchenbecker said he would have to see how it would

compare to the Secretary of Interior Standards for reconstruction. Mr. McShane wanted to clarify that the existing building is made of cinder block with a stone façade and his goal would be to remove the stone façade and replace it with a wood façade to look like the original building in this location. However, they wanted to clarify that they would like to bring the wood front back, as well as longer windows but not the full glass fronts as it would not be economically feasible. After much discussion, Mr. Kuchenbecker suggested that the awning be referred to the Sign Committee and for the Commission to deny the existing application until more information is received. Mr. Derosier wanted to make it clear that they would not be denying the project, but suggesting they take a different approach. ***It was moved by Ms. Oberlander and seconded by Mr. S. Olson that based on the guidance found in DCO 17.68.050, the finding is that the exterior alteration proposed is congruous with the historical, architectural, archaeological or cultural aspects of the district and denies the Certificate of Appropriateness as presented in Case #10064 at 87 Sherman Street. Aye – All. Motion carried.*** (The staff report is attached hereto on Exhibit A and incorporated herein by this reference.)

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

### **Case #10062 – 270 Main Street – Wind Breaks – Mike Gustafson**

Mr. Kuchenbecker explained that the applicant is requesting Project Approval for work at 270 Main Street, a non-contributing structure located in the Fountain City Planning Unit in the City of Deadwood, which was constructed in 1990. The applicant requests permission to install wind breaks for the entry into the casino, which are actually vestibules at the doorways. He said there will be three across the front of the building and they will be attached. They will lose some of their parking spaces and this will be reviewed by the Planning and Zoning Commission. ***It was moved by Ms. Feterl 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 Case #10062, 270 Main Street. – Aye – All. Motion carried.*** (The staff report is attached hereto on Exhibit B and incorporated herein by this reference.)

### **Case #10063 – 10 Water Street – Door Replacement – Jim VanDenEykel**

Mr. Kuchenbecker explained that the applicant is requesting Project Approval for work at 10 Water Street, a non-contributing structure located in the McGovern Hill Planning Unit in the City of Deadwood, which was constructed in 1900. The applicant would like permission to replace the front sliding glass door with a traditional single door. However, the work has already been completed, as it was destroyed during an incident over the Halloween weekend and in an effort to secure the tenants he had no choice but to install a new door. He contacted the Historic Preservation Office first thing on Monday morning and acquired a building permit. He said the new door is more traditional and actually looks better than the sliding glass door that was there previously. ***It was moved by Mr. M. Olsen and seconded by Mr. S. Olson 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 as presented in Case #10063, 10 Water Street. Aye – All. Motion carried.*** (The staff report is attached hereto on Exhibit C and incorporated herein by this reference.)

**1902 Soda Fountain – Kevin Kuchenbecker**

Mr. Kuchenbecker stated that on December 27, 2001, the City of Deadwood, on behalf of the Deadwood Historic Preservation Commission, purchased the 1902 Soda Fountain. After the purchase, an agreement was entered into with Larry and Marcella Shama who agreed to store it for \$50.00 per month. Recently, they notified the HP Office that they would be raising the rent to \$60.00 per month. Legal counsel said that this unilateral change would not be accepted as it is not a part of the original contract. Mr. Kuchenbecker said that in 2008 they looked at leasing the soda fountain, but the plan fell through. He said that to date, the City has paid rent expenses in the amount of \$4,950.00 and asked the Commission for direction on what to do with the fountain. He said one of his thoughts would be to make businesses in Deadwood aware that this could possibly be sold or leased and see if there would be any interest. However, he said there would be a large expense to whoever acquired it because of the renovation and setup. Mr. M. Olsen asked if the new owners of Goldberg's had been contacted to see if they were interested, to which Mr. Kuchenbecker said they had not, but also heard the owners of The Pineview might be interested as well.

Mr. S. Olson asked if this were leased or sold, if any caveat could be put on the purchase that it must stay in Deadwood, to which Mayor Toscana said if it were leased it would make sense, but not if it was sold. Mayor Toscana also stressed that he would be in favor of selling it so there was no longer a need to worry about storing it after a lease was up. After much discussion, Mr. M. Olsen suggested that this item be turned over to the AAA Committee since it is a part of the City Archives. He said they could discuss it and give a recommendation to the Commission. Ms. Feterl asked if it was the desire of the City Commission to sell it, to which Mayor Toscana said they have not discussed it, but it is his desire to sell it.

**Stained Glass Windows – Kevin Kuchenbecker**

Mr. Kuchenbecker explained that there are nine (9) of these windows that were acquired during the demolition of the Methodist Church. He said they were in cold storage at the Engine House and were then moved to the HARC Building where they were going to be installed at a cost of approximately \$22,000. After they started looking at doing this, the total cost without rehabilitation of the stained glass would be \$35,000. He said they have again been moved, now to cold storage on Timm Lane, and every time they are moved the condition becomes jeopardized. He said one of the possibilities would be to have them displayed at the Days of '76 Museum, but needed direction from the Commission for the future of these artifacts. This item was also referred to the AAA Committee for a recommendation.

**SHPO Request of Economic Impact Study – Kevin Kuchenbecker**

Mr. Kuchenbecker said that the South Dakota State Historic Preservation Office has identified the need for a historic preservation economic impact study for South Dakota and Deadwood. He said they are requesting the Deadwood Historic Preservation Commission cover 40% of the project cost, which is estimated at \$50,000. He suggested that this go to the G.R.A.P.E. Committee for recommendation. Mr. Derosier said he felt this is probably a good study, but said if studies are done and not utilized they are no good for anyone. Mayor Toscana asked if Deadwood could benefit from 40% of the study, to which Mr. Kuchenbecker said he did not know, but said if you looked at the historic preservation investments in the State of South Dakota, dollar for dollar Deadwood has probably spent the most. Mayor Toscana reiterated that studies are a good thing, but only if they are utilized. Ms. Feterl said if this would educate the State and the Legislature it might be beneficial. Ms. Oberlander asked if the 40% could be negotiable,

to which Mr. Kuchenbecker said he felt that it could be. Mr. Derosier recommended that this be referred to the G.R.A.P.E. Committee for further review.

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

#### **Retaining Wall Application – 5 Jackson – Larry Shama**

Mr. Kuchenbecker spoke on behalf of Joy McCracken who was unable to attend the meeting. He said this wall is located at 5 Jackson Street and the Commission accepted the wall into the program on June 14, 2000 and August 13, 2008. He said the applicant has once again filed a new retaining wall application. Since the approval, no activity has taken place and on May 20, 2008 the City of Deadwood had to take emergency measures to remove the loose stone at the top of the wall and erected temporary safeguards to barricade the sidewalk for safety reasons. He said it does meet the eligibility for location and would be considered a priority wall. He said the one thing yet to be determined is if it is owner occupied or not. Mayor Toscana asked if Mr. Shama understood that there would be no waiver of the recapture clause, to which Mr. Kuchenbecker said he told him there would not be and it would also be included in the acceptance letter. *It was moved by Mr. S. Olson and seconded by Mr. M. Olsen to enter Larry Shama at 5 Jackson Street into the Retaining Wall Program with all walls remaining in their current locations. Aye – All. Motion carried.*

#### **Revolving Loan – Mary Dunne-Larson – 51, 53 & 55 Sherman Street**

Mr. Kuchenbecker said this loan was approved in January 2010 in the amount of \$25,000 to assist with the replacement of the boiler. The total cost is estimated at \$50,000 and insurance will cover everything except \$16,800. The commitment for the loan request approved has expired; therefore, the expiration date needs to be extended. The new loan amount will be \$16,800 at 0%. The Loan Committee reviewed this request and favorable comments were received. *It was moved by Mr. M. Olsen and seconded by Ms. Oberlander to extend the loan request for Mary Dunne-Larson at 51, 53 & 55 Sherman Street in the amount of \$16,800 at 0%. Aye – All. Motion carried.*

#### **Revolving Loan – Dustin and Laura Floyd – 21 Lincoln Avenue**

Mr. Kuchenbecker explained that this is a request for subordination. At the time the original loans in the amount of \$79,832 were approved, it was known that Deadwood was in second position behind First Interstate Bank in the amount of \$131,000. The Floyd's have a short-term loan that will balloon in May 2011 at the rate of 7.25%. They have the opportunity to refinance into a 15-year mortgage at a rate of 3.75%. They are not taking out any additional money; therefore, the position for Deadwood HP will not change. The loan was reviewed by the Loan Committee and favorable comments were received. *It was moved by Mr. S. Olson and seconded by Mr. M. Olsen to approve the subordination of loan to Dustin and Laura Floyd in the amount of \$79,832.00. Aye – All. Motion carried.*

#### **Revolving Loan – Larry and Marcy Shama – 672 Main Street**

Mr. Kuchenbecker explained that the Shama's are requesting permission to sell the property on a contract for deed. Their loan amount is \$107,798 at 5% and matures on May 1, 2012. Deadwood HP is in first position on the mortgage. The city attorney has reviewed the request and prepared a document for signature. The Loan Committee reviewed and favorable comments were received. *It was moved by Mr. M. Olsen and seconded by Mr. S. Olson to approve the "Consent to Proceed with Sale" for Larry and Marcy Shama for 672 Main Street. Aye – All. Motion carried.*

**Revolving Loan Program/Disbursements**

*It was moved by Mr. M. Olsen and seconded by Mr. Steinlicht to approve the Revolving Loan Fund cash disbursements in the amount of \$10,294.94. Aye – All. Motion carried.*

**Revolving Loan Retaining Wall Grant Disbursement**

*It was moved by Mr. M. Olsen and seconded by Mr. S. Olson to approve the Retaining Wall Grant Disbursements in the amount of \$59,036.35; Forgey Construction \$6,150.00, Sabo Construction, \$8,425.00 and Ainsworth-Benning Construction \$44,461.35. Aye – All. Motion carried.*

**Financial and Delinquency Report**

Mr. Kuchenbecker reviewed the delinquency report.

**ITEMS FROM CITIZENS NOT ON AGENDA** *(Items will be considered, but no action will be taken at this time.)*

None.

**Committee Actions and 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.

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.

Mike Olsen reported that the Days of '76 Committee had a construction meeting on Monday. They are pouring footings and hope to have all the exterior cement walls poured by the second week of December so they can start putting up structural steel and start to enclose the building. He said they met with Jerry Croft who has agreed to be an advisor for the rodeo area of the museum. They are scheduled to receive a 65% Design and Development package from Condit on December 13, 2010.

Neighborhood Housing Services: Commissioner Willie Steinlicht.

No report.

Planning and Zoning: Commissioner Mike Olsen.

Mr. M. Olsen reported that Planning and Zoning and the Board of Adjustments approved the following:

Approved the final plat for 37-47 Denver Street to clean up the lot lines.

Approved an extension on a variance for 1 Meverden Street.

Approved the Findings of Fact on the front yard setback at 752 Stage Run.

There were proposed amendments to Chapter 5.28, City Ordinance, which deals with temporary structures and it was continued.

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

Mr. Kuchenbecker reported on the following:

The HARC building is proceeding and hopes to have construction completed by the first part of 2011 and then begin on the furnishings.

They are looking at renovations at the Mt. Moriah Visitor Center.

The Deadwood City Commission approved underground utility work behind City Hall, which will be paid from the Capital Assets budget under historic preservation.

There are upcoming programs for the Adams Museum and the City of Deadwood for Preservation Thursday and other joint projects.

On November 19, 2010 the HARC will be hosting a fundraiser called Jeopardy and it will be held at the Elks.

On December 10, 2010 the Days of '76 will hosting a fundraiser called Cowboy Christmas and it will be held at the Deadwood Pavilion.

There has been a Study Committee that has looked at preservation law and has come up with some recommendations. He said he would like to have a meeting with Mayor Toscana, Darin Derosier, Ronda

Feterl and the local legislators. During the Tourism Conference in Pierre he would also like to tentatively reserve the President and Speaker's Lobby at the State House and do something regarding a resolution in front of the legislators celebrating the 50<sup>th</sup> anniversary of Deadwood becoming a National Historic Landmark.

**OTHER BUSINESS**

None.

**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 6:05 pm.

ATTEST:

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