

DEADWOOD HISTORIC PRESERVATION COMMISSION

Wednesday, November 12, 2008 ~ 5:00 p.m.

City Hall, 108 Sherman Street, Deadwood, South Dakota

1. Call meeting to order – Chair Willie Steinlicht
2. Review minutes.
3. Voucher approval.
4. Old Business
 - a. 360 Main Street - New Construction - B.Y. Development, Inc.
5. New Matters before the Deadwood Historic District Commission
6. New matters before the Deadwood Historic Preservation Commission
 - a. Alltel Communications, Inc. – Cell Tower Construction - Ralph Wyngarden
 - b. 1 Meverden Street - New Construction - Russell & Donna Smith
 - c. 6 Sampson Street - Windows & Porch - Bill & Jerilyn Rich
 - d. 304 Cliff Street - Addition - Lund Associates, LTD - Cam Lund
7. Revolving Loan Fund/Retaining Wall Program Update.
 - a. Retaining Wall Applications
 - i. 81 Stewart Street - Travis Floyd
 - b. Revolving loan disbursements
 - c. Retaining Wall disbursements
8. Items from Citizens not on agenda.
9. Committee Actions and Reports
10. Staff Report
 - a. Design Guidelines meeting with Winter & Company – Kevin Kuchenbecker
11. Other business
12. Adjournment

**City of Deadwood
Historic Preservation Commission
Wednesday, November 12, 2008**

Present Historic Preservation Commission: Darin Derosier, Ronda Feterl, Mary Ann Oberlander, Mike Olsen (Mr. Olsen did not join the meeting until after Item 4a, B.Y. Development was discussed), Steve Olson and Matt Pike. Historic Preservation Officer Kevin Kuchenbecker was also present.

Absent Historic Preservation Commission: Willie Steinlicht.

All motions passed unanimously unless otherwise stated.

A quorum being present, Vice-Chairman Darin Derosier called the Deadwood Historic Preservation Commission meeting to order on Wednesday, November 12, 2008 at 5:00 p.m. in Deadwood City Hall located at 108 Sherman Street, Deadwood, SD.

Review Minutes

It was moved by Mr. Pike and seconded by Ms. Oberlander to approve the minutes from Wednesday, October 29, 2008. *Aye –Derosier, Feterl, Oberlander, S. Olson, and Pike. Motion carried.*

Voucher Approval

Operating Account:

It was moved by Mr. S. Olson and seconded by Ms. Feterl to approve the HP Operating Account in the amount of \$8,115.87. Aye – Derosier, Feterl, Oberlander, S. Olson and Pike. Motion carried.

Bonded Account:

It was moved by Mr. S. Olson and seconded by Ms. Feterl to approve the HP Bonded Account in the amount of \$144,486.41. Aye – Derosier, Feterl, Oberlander, S. Olson and Pike. Motion carried.

OLD BUSINESS

360 Main Street – New Construction – B.Y. Development, Inc.

Mr. Derosier stated that the Commission received all the information that Mr. Tellinghuisen asked them to look at and asked for discussion. Mr. Pike thanked Mr. Tellinghuisen and Ms. Mutchler for getting all the material to the Commission and the staff in such a short amount of time. Mr. Tellinghuisen said he wanted it noted in the record that he delivered the original transcript prepared by Ms. Mutchler, as well as Exhibits 20 through 25 that were marked and put into the record at the last meeting to City Attorney, Jason Campbell. *It was moved by Mr. S. Olson and seconded by Ms. Oberlander that based on all the evidence presented, the finding is that this project does encroach upon, damage and destroy historic property included in the National Register of Historic Places and the State Register of Historic Places. Aye – Feterl, Oberlander, S. Olson and Pike. Nay – Derosier. Motion carried.*

It was moved by Mr. S. Olson and seconded by Ms. Oberlander that based on the evidence in the U.S. Department of Interior Standards for Historic Preservation Projects in 36 C.F.R. 67, the finding is that the project is adverse to Deadwood and denies the project as presented. Aye – Feterl, Oberlander, S. Olson and Pike. Nay – Derosier. Motion carried.

It was moved by Mr. Pike and seconded by Ms. Oberlander to take a brief recess so Mr. M. Olsen could be notified to join the meeting. Aye – All.

Vice-Chairman, Darin Derosier, reconvened the meeting with Mr. M. Olsen present. City Attorney, Jason Campbell, asked that the Commission return to Item 4a, B.Y. Development, Inc. and made the following recommendation: He asked that the second motion regarding Item 4a be rescinded and have the Commission direct him to draft the specific findings on the first motion, which would be approved by the Commission and then be passed at the next regularly scheduled meeting. Based on this, he asked that the second motion be made at the next meeting, so that the record can more specifically reflect what the Commission's feeling is on the matter. Mr. Campbell asked that Mr. Olsen recuse himself from any votes on this matter. *It was moved by Mr. Pike and seconded by Ms. Oberlander to rescind said motion and direct Mr. Campbell to come up with a report stating why the project is being denied.*

Mr. Tellinghuisen said he appreciated having the second motion rescinded, stating the reason for his request is that he will appeal the decision and on the basis of the record made thus far, he is absolutely certain that Judge Macy would send it back again directing them to make a specific finding as to the specific historic property or properties that they believe this project will encroach upon, damage and destroy. He said that Mr. Campbell could prepare a report that goes through and delineates how the project was examined in light of the standards they are required to use, which are in 36 C.F.R. 67. He went on to say that without that report, Judge Macy has no ability to determine whether it was done right or wrong and this would save time and money for all parties concerned.

Ms. Feterl said it was her understanding the properties in question are in the staff report provided by Historic Preservation Officer, Kevin Kuchenbecker, in Section 2 where it discusses in length those said properties. Mr. Campbell stated that what Mr. Tellinghuisen is requesting is not unreasonable, explaining that it cleans up the record by specifically stating what the findings are. *Aye – Derosier, Feterl, Oberlander, S. Olson and Pike. Mr. M. Olsen recused himself from the motion. Motion carried.*

NEW MATTERS BEFORE THE DEADWOOD HISTORIC DISTRICT COMMISSION

None.

NEW MATTERS BEFORE THE DEADWOOD HISTORIC PRESERVATION COMMISSION

Alltel Communications, Inc. – Cell Tower Construction – Ralph Wyngarden

Case No. 08093. Mr. Kuchenbecker explained that Mr. Ralph Wyngarden was unable to attend the meeting; however, Dave Newton appeared on his behalf. Mr. Kuchenbecker explained that Alltel Communications, Inc. is requesting Project Approval to construct a wireless communications facility on Government Lots POR.11, 14 and POR 15, which is on Deadwood Hill. The historic significance of the resource is that in the vicinity of the proposed tower there are known historical and archaeological resources; however, there has not been an archaeological report done on this site. He added that should this move forward, there would have to be a report done, which he has communicated to Ralph

Wynyarden from Alltel Communications, Inc. He explained that the applicant is proposing to construct a 120' monopole with a lightning rod extending to a height of 129' and the placement of an 11'5" x 28' equipment shelter within a 50' x 50' fenced compound behind the existing water tank across Highway 85 from the Tatanka Complex. He said according to their report it will be visible from areas of the Landmark District, as well as the National and State Historic Register Districts looking west and northwest. Currently, there are dense vegetative areas near the proposed project; however, the City is undertaking a Firewise Program and it is unknown how visible it would be. He said as he went through the additional material and noted that Environmental Resources Management, who is doing their 106 Review with the State, has photographs, which show from the Hampton Inn that it would have 30% visibility, which would give it about 40' above the tree line. Mr. Kuchenbecker went on to say that there are questions he has that have not been answered. He said he does know that it is visible from the east and southeast edges of the district, but it is not known if it would be visible from the core area.

Mr. Newton said in the report, it is written that there is very little visual impact from the tower in the historic district. He also said the pictures don't match up to what the report says. He said the tower is going in an area where there are already things that are not historic and will go in behind the water tank. He said they also brought their pole down from 190' to 120', so that it would look like the tip of the existing pole that is already there. He said they would enclose the antennas and will make it as unobtrusive as possible. He added that the Planning & Zoning Commission approved it from a planning point. He said they are asking permission to build the tower, as it will provide seamless coverage through the area, both from Deadwood to Sturgis and also from Deadwood to the Interstate. Mr. Newton said they would like approval so that they can get started.

Mr. S. Olson said there was some concern from the State Historic Preservation Office and wondered if they would consider painting the tower with something that would blend into the environs surrounding it. Mr. Newton said he did not feel that would be a problem. ***It was moved by Mr. M. Olsen and seconded by Mr. Pike to continue this matter until the next meeting on November 25, 2008 to allow more time to review the report. Aye – All. Motion carried.*** (The staff report is attached hereto on Exhibit A and incorporated herein by this reference.)

1 Meverden Street – New Construction – Russell and Donna Smith

Case No. 08095. Kevin Kuchenbecker explained that the applicant is requesting Project Approval to build a new residence with modifications to earlier plans approved by the Commission at 1 Meverden Street located in Large's Flat Planning Unit. He said they have completed archaeological resources and the findings were that no historic properties were affected. He said as submitted it does not encroach upon, damage or destroy any historic properties, nor have an adverse effect to the Deadwood Historic Landmark District or the National State Register. ***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 grants Project Approval as presented in Case #08095. Aye – All. Motion carried.*** (The staff report is attached hereto on Exhibit B and incorporated herein by this reference.)

6 Sampson Street – Windows & Porch – Bill & Jerilyn Rich

Case No. 08096. Mr. Kuchenbecker explained that the applicant is requesting Project Approval to add and/or replace window wells, add a basement window and replace concrete steps/porch with a deck type entry at 6 Sampson Street located in the Spruce Gulch Planning Unit. The house was constructed circa 1950 and at the time of the 1993 Survey it was less than 50 years of age; therefore, does not currently contribute to the Deadwood National Landmark District or the National Register District. The proposed project does not encroach upon, damage or destroy any historic property nor have an adverse effect on the Landmark or the National or State Historic Register Districts. *It was moved by Mr. M. Olsen and seconded by Ms. Feterl that based upon all the evidence presented, the finding is that the project does not encroach upon, damage or destroy any historic properties included in the National Register of Historic Places or the State Register of Historic Places and therefore, grants Project Approval as presented in Case No. 08096. Aye – All. Motion carried.* (The staff report is attached hereto on Exhibit C and incorporated herein by this reference.)

304 Cliff Street – Addition – Lund Associates, LTD – Cam Lund

Case No. 08097. Mr. Kuchenbecker explained that the applicant is requesting Project Approval to add a 1,200 sq. ft. addition to the rear of the structure located at 304 Cliff Street in the Pluma Planning Unit. The resource was constructed in 1991 and is a noncontributing resource. The materials will match the existing facility. The proposed project does not encroach upon, damage or destroy any historic properties, nor does it have an adverse effect on the districts. Mr. Cam Lund was available for questions. *It was moved by Ms. Feterl and seconded by Mr. M. Olsen that based upon the evidence presented, the finding is that 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, grants Project Approval to Case No. 08097 as presented. Aye – All. Motion carried.* (The staff report is attached hereto on Exhibit D and incorporated herein by this reference.)

Revolving Loan

Retaining Wall Application – 81 Stewart Street – Travis Floyd

Mr. Kuchenbecker explained the retaining wall application for 81 Stewart Street for Travis Floyd. He said it meets the criteria for location. *It was moved by Mr. S. Olson and seconded by Mr. M. Olsen to accept 81 Stewart Street into the Retaining Wall Program. Aye – All. Motion carried.*

Revolving Loan Fund Cash Disbursements

It was moved by Mr. M. Olsen and seconded by Ms. Feterl to approve the cash disbursements for Revolving Loan in the amount of \$7,701.18. Aye – All. Motion carried.

Revolving Loan Report

Ms. Joy McCracken explained the financial report and the delinquency report for Revolving Loan.

Revolving Loan Fund/Loan Approval

Ms. McCracken explained the loan request for Adrian and Annette Hoines at 65 Forest Avenue. She said this is for the retaining wall, but there was a change order; therefore, his portion of the retaining wall increased, so he asked to increase his loan amount as well. She said they would increase the loan amount by \$2,430.00 or increase the loan to \$4,480.00. *It was moved by Mr. Olsen and seconded by Mr. S.*

Olson to increase the loan to Adrian and Annette Hoines at 65 Forest Avenue to \$4,480.00, 0%, Life Safety as presented. Aye – All. Motion carried.

Items from Citizens Not on Agenda:

None.

Committee Actions and Reports:

Archeology: Commission representatives: Mike Olsen (chair), Darin Derosier and Willie Steinlicht
Mr. M. Olsen said they met last week and a certified letter was received regarding the skeletal remains.

Archives: Commission representatives: Mike Olsen (chair), Steve Olson, and Matthew Pike
No report.

Budget: Commission representatives: Ronda Feterl (chair), Mike Olsen and Willie Steinlicht.
No report.

Cemetery: Commission representatives: Steve Olson (chair), Mary Ann Oberlander and Matthew Pike
No report.

GIS: Commission representatives: Steve Olson (chair), Mary Ann Oberlander, and Matthew Pike
No report.

Grants, Recognition, Advocacy & Public Education: Commission representatives: Ronda Feterl (chair), Willie Steinlicht and Mary Ann Oberlander.
No report.

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

Adams Museum: Commissioner Mary Ann Oberlander.
No report.

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

Days of '76: Commissioner Steve Olson.
No report.

Neighborhood Housing Services: Commissioner Willie Steinlicht.
No report.

Planning and Zoning: Commissioner Mike Olsen.
Mr. M. Olsen reported on the following:

Approved the relocation of the Gulches of Fun sign to get it out of the State highway right-of-way.

Approved changing the eight (8) signs at the Super 8, as there is going to be a logo change, as well as changing the sign material to a high dense urethane that is allowed by ordinance.

Approved a conditional use permit for the construction of the tower that was continued this evening.

Approved the division of a plat at 308 McGovern Hill Road, as it is going to be split into two portions with a new house built on one part of the lot.

Demolition By Neglect: Commissioner Matthew Pike (chair) and Steve Olson.

No report.

Policies and Procedures: Commission representatives: Matthew Pike (chair) plus entire HPC

No report.

Historic Preservation Staff:

Mr. Kuchenbecker reported on the following:

There will be a joint meeting with Planning and Zoning, Historic Preservation and the City Commission the first week of December regarding the Design Guidelines.

Note was made of the press release regarding Outside of Deadwood Grants with a January 2, 2009 deadline.

Mr. Kuchenbecker requested to change two of the regularly scheduled meetings, one in November and one in December. ***It was moved by Mr. M. Olsen and seconded by Ms. Feterl to change the meeting on November 26, 2008 to November 25, 2008 and the meeting on December 24, 2008 to December 23, 2008. Aye – All. Motion carried.***

Other Business:

Mr. Kuchenbecker told the Commission that the Chinatown report is due at the end of the month and it looks like everything is coming together.

Adjournment:

Hearing no further business to come before the Commission at this time and no objections from the Commission or the audience, Vice-Chairman Derosier adjourned the meeting at 5:50 pm.

ATTEST:

Willie Steinlicht
Chairman, Historic Preservation Commission
Ronda Morrison, Recording Secretary