

**DEADWOOD HISTORIC PRESERVATION COMMISSION**

**Wednesday, February 27, 2008 ~ 5:00 p.m.**

City Hall, 108 Sherman Street, Deadwood, South Dakota

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1. Call meeting to order – Chair Willie Steinlicht
2. Review minutes.
3. Voucher approval.
4. Old Business
5. New Matters before the Deadwood Historic District Commission
  - a. 25 Lee Street – Pineview update – Chris Lamont
  - b. 696 Main Street – Elevator project – Elks Lodge No. 508
6. New matters before the Deadwood Historic Preservation Commission
  - a. Dakota Conference Support
7. Revolving Loan Fund/Retaining Wall Grant Update.
  - a. Retaining Wall Applications
    - i. 32 Denver Avenue – Elizabeth & Phillip Hinds
  - 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

***Executive Session – Legal Matters***

**Reminder**

*Public Meeting*

*St. Ambrose Cemetery Preservation Plan*

*March 4, 2008 at 5:30 p.m.*

*Deadwood City Hall*

## CITY OF DEADWOOD

### HISTORIC PRESERVATION COMMISSION

Wednesday, February 27, 2008

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

**Absent Historic Preservation Commission:** None.

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

A quorum being present, Chairman Willie Steinlicht called the Deadwood Historic Preservation Commission meeting to order on Wednesday, February 27, 2008 at 5:00 p.m. in Deadwood City Hall located at 108 Sherman Street, Deadwood, SD.

#### **Review Minutes**

*It was moved by Mr. Mike Olsen and seconded by Ms. Feterl to adopt a resolution to approve the minutes of February 13, 2008. Aye - All. Motion carried.*

#### **Voucher Approval**

##### Operating Account:

*It was moved by Mr. Mike Olsen and seconded by Ms. Feterl to adopt a resolution to approve the HP Operating Account in the amount of \$25,655.13. Aye - All. Mr. Steve Olson voted Aye to all vouchers with the exception of an abstention for Item 1 on page 4, which was a reimbursement of \$45.00 for travel payable to him. Motion carried.*

##### Bonded Account:

*It was moved by Mr. Mike Olsen and seconded by Mr. Steve Olson to adopt a resolution to approve the HP Bonded Account in the amount of \$56,167.48. Aye - All. Motion carried.*

#### **OLD BUSINESS**

None.

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

##### **25 Lee Street – Pineview Update – Chris Lamont**

Historic Preservation Officer, Kevin Kuchenbecker, said he has been working with the new owners, explaining that ownership has changed since the original Demolition By Neglect status was placed on this building. He said the new owners are aware of this status and they have been working with Lightowler Johnson and Associates, Architects and Engineers from Fargo, North Dakota. Mr. Kuchenbecker

introduced Marty Ness from that firm explaining that he was appearing to give the Commission an update on the project.

Mr. Ness explained that he had his own firm for eight years, where his primary focus was historic preservation. He said that he has done 12 to 15 different projects throughout North Dakota, adding that he does have some historic background and experience with historic preservation. He said he finds this to be a very exciting project and believes it will be a great improvement for Deadwood. Mr. Ness showed preliminary plans of the project, explaining that they would like to renovate the stairways to the front of the building, which would allow access to the storefronts in the basement level. He added that in addition to retail business, they would like to have some casino area and conference rooms as well.

Mr. Ness went on to explain that they are proposing a 20' by 60' addition toward the highway. He said he tried to maintain approximately 11-1/2' feet of access for the property owners next door, adding that he was unsure of what the gentleman's agreement was with those property owners, but felt it was the best way to handle the situation. Mayor Toscana said he believed the City of Deadwood had a water and sewer easement, because the sewer line hangs just on the inside of the box culvert and the City would need access to that area. Mr. Ness said they would also like to keep the 18' x 18' leasehold to Black Hills Power and Light Company for the transformers.

Mr. Ness explained that it has been a struggle to get 30 hotel rooms incorporated into the project, so they put a combination of eleven king- and queen-sized rooms on the second and third floors of the existing building, for a total of 22 rooms. He said on the addition they have five rooms on the second floor and four on the third floor, for a grand total of 31 rooms. He added that the first floor would be a casino, bar and possibly a small restaurant. He said there would be a casino in the new addition on the first floor, as well as restoration of the storefronts. He said the only existing storefront is the main entrance between the brick columns. Mr. Ness said that there would also be a new elevator in the center of the building.

Mr. Ness said they cut back the front of the wall on the new addition, eliminating a room on the third floor so they could maintain the site line, as well as the fact that there was originally a two-story wood structure there.

Mr. Ness went on to explain the preliminary schedule for the project. He said the owner has not yet seen the schedule, but said they are in a hurry to get the project completed. He explained that their goals are to break the design and construction into three phases. He said the first phase would be to stabilize the existing foundation and pour the foundation for the new addition, as well as lowering the basement floor for more head room; possibly one to two feet. He said Mike Albertson, with Albertson Engineering is the structural engineer they are working with, as he is familiar with the conditions of Deadwood and also worked on the construction of the Holiday Inn Express on the opposite side of the street. He said Mr. Albertson thought it would take four to six weeks for the structural foundation design, adding that he thought it would take approximately two weeks for the bid period, two weeks for award and mobilization, and six to eight weeks to actually do all of the concrete work, bringing it out about 4-1/2 months. He said if they can get started by March 1, 2008, they should have a foundation and slab by mid-July. He explained that as the previously stated steps are being taken, they would be working on the design of the shell, which would include designing the floors, windows, roof structure and roofing design.

Mr. Ness said he believed that they could start the construction of the “shell” about midpoint of the concrete construction, guessing it would take about eight weeks to complete the work which would bring them to a completion of the shell (having it enclosed, roofed and windows in) by the middle of August. He added that during the construction period, the next phase would be to do the interior; the guest rooms, the support facilities, casino, etc. He said they would like to see the project done by late November to late December of 2008.

Mayor Toscana asked Mr. Ness what their plans were for a staging area, to which he said they had not really thought about that at this point, but knows they would need some help on that. Mr. Ness said he thought this was a very aggressive schedule, but said the owners were anxious to get this project going. Mayor Toscana said the City of Deadwood would work with the project on staging.

Mr. Kuchenbecker said the Commission has been presented with two different designs for the project and asked Mr. Ness to explain this. Mr. Ness explained that the major change from the first design to the second was the additional building went from a little over 23’ wide down to 20’ wide. He said there was originally a corridor on the second and third floors, running down the outside of the existing wall. They eliminated that, shoving all of the rooms right up against the existing wall, saving 3’ to 3-1/2’, which would make the alley more usable. He added that Kevin Kuchenbecker suggested adding a design element, such as a canopy to the front of the new addition. Mr. Ness said they are not sure if they would be placing a door on the addition yet or not, as he had not done a code research in depth yet. Basically, the major changes were to “skinny up” the building, noting on the first design there were three windows and the second design had only two.

Mr. Toscana questioned if they were cognizant of trying to get as many building designations as possible for gaming devices, explaining that it was not a Historic Preservation Commission issue, but an issue of the State Gaming Commission. Mr. Kuchenbecker said that each building is allowed thirty gaming devices, explaining that there was the building code and the Historic Preservation Commission rules and regulations, as well as the rules and regulations of the Gaming Commission. He explained that the door in the front might make a difference for the building, adding that they needed a designated building for each 30 devices. Mr. Ness said the only gaming site rule that he was aware of, was the 30-room count, to which Mayor Toscana explained that was not a gaming rule, but a liquor license requirement.

Mr. Ness then introduced Chris Lamont, one of the owners of the Pineview, who apologized for showing up late due to flight accommodations. Mr. Derosier said he thought the project looked very nice and looks forward to having it completed. The entire Historic Preservation Commission echoed their praise for the project. Ms. Feterl asked Mr. Lamont if the rooms would be similar to the rooms at the Holiday Inn Express, to which Mr. Lamont said they would, but would not be as generous due to space.

Mr. Kuchenbecker said if there was an application in place today he would say there would be no adverse affect and would recommend approval. Mr. Lamont said they would keep the Commission updated on the progress of the project. Mr. Kuchenbecker said the next step was to come forward with a Certificate of Appropriateness so they could get their building permit.

### **696 Main Street – Elevator Project – Elks Lodge No. 508**

Kevin Kuchenbecker explained that the Elks Lodge submitted an application for a Certificate of Appropriateness for an exterior elevator vestibule at 696 Main Street, a contributing structure located in

the Deadwood City Historic Overlay Zone. He said they are requesting approval to construct a 7' x 11' exterior elevator addition to serve the interior passenger elevator. He said it would provide access to various floors within the Elks Building and the adjacent Gold Dust Casino. He stated that the proposed work would not have an adverse affect on the historic character of the building or the National Historic Landmark District. Mr. Kuchenbecker explained there is presently a small building there now, but it will be removed and the new vestibule put in its place. Ms. Feterl expressed concerns of whether or not there would be room to do this in the alley, to which Mr. Kuchenbecker explained the actual elevator would be placed inside of the building. ***It was moved by Mr. Mike Olsen and seconded by Mr. Derosier to grant a Certificate of Appropriateness to the Elks Lodge No. 508 at 696 Main Street for elevator construction. 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**

### **Dakota Conference Support**

Kevin Kuchenbecker explained that he has once again received a request in the amount of \$1,000.00 for funding assistance to sponsor the Dakota Conference on April 25 & 26, 2008. He said the theme of this years conference is “Rivers and Plains”. He noted that the Commission has donated \$1,000.00 each year for the past several years and is once again asking for consideration. ***It was moved by Mr. Mike Olsen and seconded by Mr. Steve Olson to approve the \$1,000.00 contribution to the Center for Western Studies, Dakota Conference, to be paid from the Advocacy Budget. Aye – All. Motion carried.***

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

### **Retaining Wall Applications**

#### **32 Denver Avenue – Elizabeth & Phillip Hinds**

Mr. Kuchenbecker explained that an application was received through Neighborhood Housing Services for Elizabeth and Phillip Hinds at 32 Denver Avenue. He said that he looked at the wall, along with Building Inspector, Keith Umenthum. He said the wall consists of logs behind steel posts and is filled with rocks. He said the wall has shifted; however, the wall itself does not qualify as a historic resource, nor does it appear to threaten the historic resource above it. He added that Mr. Umenthum does not consider it to be life-safety. Mr. Kuchenbecker said the recommendation is to deny the application, as it does not fit the criteria. ***It was moved by Mr. Steve Olson and seconded by Mr. Mike Olsen to deny the application for the retaining wall at 32 Denver Avenue for Elizabeth and Phillip Hinds. Aye – All. Motion carried.***

#### **Revolving Loan Disbursements**

None.

#### **Retaining Wall Disbursements**

None.

Joy McCracken explained the financial report and delinquency report as presented.

**Loan Request – Gary Biggs**

Ms. McCracken explained that the purpose of the loan request was for substitution of collateral. She said that Biff Malibu's is no longer in operation and Gary Biggs has taken responsibility of this loan in the amount of \$61,731.00. She explained that it is currently secured by the Goldberg's building and he would like to transfer the collateral over to White Rocks Properties. She said there was enough collateral to get 45% of loan-to-value and that Gary Biggs has an excellent payment history. She further explained that it is subject to title search which she has already done and there were no problems, adding that they would be releasing \$61,000.00 on Goldberg's and putting a new mortgage on the five buildings, leaving enough collateral on the Goldberg's mortgage to support the other loan. *It was moved by Ms. Feterl and seconded by Mr. Mike Olsen to approve the substitution of collateral from Biff Malibu's to White Rocks Properties 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  
No report was given.

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

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

Cemetery: Commission representatives: Steve Olson (chair), Mary Ann Oberlander and Matthew Pike  
Mr. Steinlicht noted that there would be a public meeting on March 4, 2008 for St. Ambrose Cemetery.

GIS: Commission representatives: Steve Olson (chair), Mary Ann Oberlander, and Matthew Pike  
Ms. Oberlander said they met and were updated on everything that is happening with GIS. She said all things were going well, but there is still a lot of work to do. She commended Rob Mattox for a job well done, as he has organized a lot of information.

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

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

Adams Museum: Commissioner Mary Ann Oberlander.  
Ms. Oberlander said they met and things are going very well. She said that Gail updated them on a lot of information from the HARC Building. She also said visitor ship was up.

Chamber of Commerce: Commissioners Willie Steinlicht and Darin Derosier.

Mr. Steinlicht said the St. Patrick's Day parade would be on Monday, March 17, 2008. He added that on the Saturday prior, the casinos would be having pub-crawls, etc. He said they talked about horse penning at the meeting as well.

Days of '76: Commissioner Steve Olson.

Mr. Steve Olson said the walls for the interim building at the Days of '76 are up. He said they have started setting roof trusses. He said they also had a planning session for the Ft. Pierre to Deadwood wagon train and plans are moving forward.

Neighborhood Housing Services: Commissioner Willie Steinlicht.

Mr. Steinlicht said they would be having a retreat on March 12, 2008.

Planning and Zoning: Commissioner Mike Olsen.

Mr. Mike Olsen said that Planning and Zoning and the Board of Adjustments approved a variance for 1 Meverden Street, and also approved a sign for the Adams Museum and House. He said this is a small sign to hang underneath the current sign that will explain special events. He said they also approved the rewording of BP to Packhorse for that business, as well as approving new signs for Taco John's, the Deadwood Home Center and Black Hills Detailing on 420 Cliff Street.

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

No further report given.

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

Mr. Pike said he would like to plan a meeting and would like input on discussions and preferred meeting times. He said there was some topics he would like to follow up on from the last meeting, but would have a more formal concept of when and what he would like to discuss at the March 12, 2008 meeting.

Historic Preservation Staff:

Historic Preservation Officer, Kevin Kuchenbecker, reported on the following:

Mr. Kuchenbecker explained that the Advisory Council on Historic Preservation is holding a series of Section 106 training sessions across the country in 2008, with one of those sessions being held in Pierre, South Dakota (the only site in the Midwest) on June 17 and 18, 2008. He requested permission to attend the training. He said he spoke with both Joy Vogt and Jason Haug, and they both thought it would be a good idea for him to attend. ***It was moved by Ms. Feterl and seconded by Mr. Mike Olsen to recommend to the City Commission to send Historic Preservation Officer, Kevin Kuchenbecker, to the Advisory Council on Historic Preservation, and to pay for the registration in the amount of \$450.00, hotel, meals and use of a city vehicle. Aye – All. Motion carried.***

Mr. Kuchenbecker also made note of the Archive Report from Mike Runge. He said Mike is very thorough and very busy with a variety of things. He made note that the glass plates have had a lot of good publicity.

Mr. Kuchenbecker announced that there would a public meeting on March 4, 2008 in the Commission Chambers for the St. Ambrose Cemetery.

Mr. Kuchenbecker notified the Commission that the permanent, part-time Administrative Assistant is doing a great job, but she is looking for full-time employment. He said it has been a challenge keeping someone in this position and at some point it needs to be addressed, possibly making it a full-time position, as this will be his third employee in the past year. Ms. Feterl stated that this was the responsibility of the Deadwood City Commission, to which Mayor Toscana said it might be addressed during the next budget process.

**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 Steinlicht adjourned the meeting at 5:45 pm to executive session for legal matters.

ATTEST:

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