

DEADWOOD HISTORIC PRESERVATION COMMISSION

Wednesday, March 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
5. New Matters before the Deadwood Historic District Commission
 - a. 105 Sherman Street – Final Plan Approval – JR Raysor
6. New matters before the Deadwood Historic Preservation Commission
 - a. 51 Lincoln Avenue – Rear Alteration – Michael Chad Larsen
 - b. 128 Williams Street – Addition – Bryan and Robin Arsaga
 - c. 2008 ESRI GIS Software Maintenance Schedule – Rob Mattox
 - d. 2008 Archaeology Camp – Kevin Kuchenbecker
 - e. NHS Request for consideration of opportunity at 17 Fillmore Street
 - f. NHS Policy updates – Siding Program, etc.
7. Revolving Loan Fund/Retaining Wall Grant 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

Executive Session – Legal Matters

CITY OF DEADWOOD

HISTORIC PRESERVATION COMMISSION

Wednesday, March 12, 2008

Present Historic Preservation Commission: Darin Derosier, Ronda Feterl, Mary Ann Oberlander, Mike Olsen, Steve Olson and Willie Steinlicht. Late: Matt Pike. 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 Willie Steinlicht called the Deadwood Historic Preservation Commission meeting to order on Wednesday, March 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. M. Olsen and seconded by Mr. S. Olson to adopt a resolution to approve the minutes of February 27, 2008. Aye - All. Motion carried.

Voucher Approval

Operating Account:

It was moved by Mr. M. Olsen and seconded by Mr. Derosier to adopt a resolution to approve the HP Operating Account in the amount of \$78,042.55. Aye - All. Motion carried.

Bonded Account:

None.

OLD BUSINESS

None.

NEW MATTERS BEFORE THE DEADWOOD HISTORIC DISTRICT COMMISSION

105 Sherman Street – Final Plan Approval – JR Raysor

Jim Raysor presented the final plan for the addition to the Rec Center. He explained they would hopefully be requesting bids by the middle of next week with an anticipated bid opening on April 14, 2008. He said the Committee was pleased to have Willie Steinlicht sit in on the meeting where they went over final changes to the plan.

Mr. Raysor pointed out changes to the final plan, noting the placement of the mechanical units, the set down behind the parapet and the addition to the parapet behind the old part of the Rec Center. He went on to explain the retaining wall, which will be placed on the hillside at the back of the Rec Center, as well as plans for the many different lines for B.H. Power and Light Co., Prairie Wave, Midcontinent Communications and Montana-Dakota Utilities Co.

Ms Feterl asked Mr. Raysor what would happen to the existing parking behind the Rec Center, to which he replied that the area would become a cul-de-sac for a pick-up and drop-off point, and would actually become the front entrance to the Rec Center. He explained this would be a safety feature, as they are currently doing so on Sherman Street, which is an extremely busy street. Mr. Raysor stated they will lose 8 to 9 parking spaces, but they are currently negotiating for 8 to 9 parking spaces adjacent to the Baptist Church. He added that there would still be parking in the Miller Street Lot, as well as behind Gordon Park.

Mr. Mike Olsen said he was pleased that the building is now separated from the hillside, as many people walk behind the Rec Center to get to the Presidential area.

Mr. Pike asked Mr. Raysor if the new retaining wall would require cutting into the hillside, to which Mr. Raysor said it would. He said he has contacted the landowner explaining that they would be putting anchors into their property. He explained that he told the property owner's it would have no effect on their home, and added that if anything it would stabilize the home on the hillside.

It was moved by Mr. Mike Olsen and seconded by Ms. Oberlander to grant final plan approval to the Rec Center at 105 Sherman Street as presented. Aye – All. Motion carried.

NEW MATTERS BEFORE THE DEADWOOD HISTORIC PRESERVATION COMMISSION

51 Lincoln Avenue – Rear Alteration – Michael Chad Larsen

Historic Preservation Officer, Kevin Kuchenbecker, explained that the applicant has requested Project Approval for the removal of fence and gate at the rear of 51 Lincoln Avenue, a contributing resource, located in the Ingleside Historic Overlay District. He said the resource was built in 1905 and the applicant is asking to remove the fence in the backyard, the fence and gate from the house and garage and a section from the garage back to the other side of the house with the patio and overhang to remain in place. Mr. Kuchenbecker explained the proposed changes would not have an adverse effect on the historic character of the building nor the historic character of the district. ***It was moved by Mr. Mike Olsen and seconded by Mr. Pike to grant Project Approval for the removal of fence and gate to Michael Chad Larsen at 51 Lincoln Avenue. Aye – Derosier, Feterl, Oberlander, M. Olsen, Pike and Steinlicht. Abstain – Mr. Steve Olson due to having an adjoining fence. Motion carried.*** (The staff report is attached hereto on Exhibit A and incorporated herein by this reference.)

NOTE: Chairman, Willie Steinlicht, noted that City Commissioner, Georgeann Silvernail, was sitting in as Acting Mayor in the absence of Mayor Francis Toscana, and at his request she was invited to the Executive Session at the conclusion of the meeting.

128 Williams Street – Addition – Bryan and Robin Arsaga

Mr. Kuchenbecker explained that the applicants are requesting Project Approval for construction of an addition to the existing resource located at 128 Williams Street, a contributing resource located in the Highland Park Historic Overlay District. He added that the resource was constructed in 1939 and said the applicants have detailed the plans and are proposing an addition of a 24' x 30' two-stall garage on the side of the house. He said the garage would have 8' x 9' garage doors and the exposed portion would be lap siding to match the existing house with partial stone on the lower level. He added that the area over the new garage would be 18' x 24', which would tie into the existing home. He said that an 11' x 24' addition with two floors is proposed for the front of the house with vinyl double hung windows and a 36' exterior door. He said the exterior finish on the additions would match the existing house.

Mr. Kuchenbecker explained that when Mr. Bryan Arsaga first came to him, they discussed this project and said Mr. Arsaga provided him with correspondence from Mr. Jim Wilson, the former Preservation Officer, regarding determination as to whether or not the structure was contributing or noncontributing. Mr. Kuchenbecker said he reviewed this project as a contributing resource and believes that the addition could be done without having an adverse effect; however, as proposed, the front addition would drastically change the view of the resource. Mr. Kuchenbecker said that as proposed it would have an adverse effect on the historic character of the building and the historic character of the Deadwood National Landmark Historic District. He stated that the applicants were aware of his opinion.

Mr. Derosier questioned the South Dakota Historic Sites Inventory that was in the packets. Mr. Kuchenbecker explained that it was from the 1993 Survey and it is currently being updated. Ms. Feterl asked when that survey would be completed, to which Mr. Kuchenbecker stated the contract runs through May 1, 2008. He said at that point they would receive a listing of contributing and noncontributing houses, and that it may be determined in this survey that the alterations that have been done to this resource may have changed it enough that it could be considered noncontributing.

Mr. Derosier said he drove by the property and said the windows are obviously vinyl and that in 2003, right or wrong, it was considered a noncontributing house. He said it would be hard for him to say it is now a contributing home after five years. He added that he had no problem with the proposed project based on Jim Wilson's letter, saying that the house was noncontributing.

Mr. Pike asked for clarification from Kevin Kuchenbecker and City Attorney, Jason Campbell, not if Mr. Wilson was right or wrong in his determination, but whether or not he had the authority to make such a determination. Mr. Kuchenbecker replied that that

was why he asked for clarification from the State Historic Preservation Office, as he was under the understanding that as Historic Preservation Officer, he cannot make that decision, and if it was made it would have to go through the State Historic Preservation Office and the National Parks Service, which was never done.

It was moved by Mr. Pike and seconded by Mr. Mike Olsen to table this for at least six weeks impending the outcome of the survey to see what the current determination is regarding this resource.

Mr. Bryan Arsaga told the Commission that he came before the board in 2003 and was granted permission by the Historic Preservation Commission to change the windows on the property. He stated he did not feel his project should be held up for six weeks waiting for a determination, when it was the Historic Preservation Commission that said to proceed with his noncontributing building in 2003. Mr. Steinlicht said he felt that if the previous Commission granted permission to go ahead and change the windows as a noncontributing building he felt it should be tabled only until the next meeting so that the minutes from 2003 could be reviewed. Mr. Pike said he respectfully disagreed with that strategy because it is two-fold. The first being whether or not the Historic Preservation Commission, at that time, was operating under both good information and good authority to make the determination on whether this building was contributing or noncontributing. Secondly, the advantage to his request for waiting to see what the property's status is now, is that there would be updated information available to determine what the status of the building is, which might in fact, result in a serious advantage to the Arsagas.

Ms. Feterl asked if this property could have already been looked at and a determination made, adding that she didn't feel like they needed to wait until the entire survey was completed, as this would hold up the project for the Arsagas.

Mr. Pike amended his motion to table the item until such time as to having specific information regarding this house based on the updated review, and have it returned to the agenda when the information was available, rather than a 6 to 8 week time frame that might delay the Arsagas unnecessarily. Seconded by Mr. Mike Olsen. Mr. Derosier said that based on the fact that it has already been determined a noncontributing house, he did not feel the need to wait for that information. Ms. Robyn Arsaga asked what would happen if it was placed on a contributing list, since changes to the windows have already been made. Mr. M. Olsen explained that if the new survey comes back and says that the building is indeed noncontributing, it makes it much easier to approve the plans as presented. He added that if the survey comes back and says that the building is contributing, even with the alterations up to this point in time, and then they could look at the plans and work to make them conform more to the Secretary of Interior Standards for Historic Preservation. Mr. M. Olsen added that they needed to wait and see if the building contributes to the status as a National Historic Landmark.

Mr. Arsaga stated that the problem he is having, is wondering how you can pull somebody from being authorized as a noncontributing building when they have already been determined as such. Mr. M. Olsen stated that the Commission has to protect the

status as a National Landmark and the more contributing buildings that become noncontributing threatens that status, adding that the last thing the community wants is to lose the National Historic Landmark status, which could happen. He said they needed to make sure that what is being done within the community supports the landmark status, adding that Deadwood has been a landmark since 1961 and feels that status needs to stay intact for future generations.

Ms. Arsaga asked if it was the job of the current Commission to question what the past Commission has already approved. City Attorney, Jason Campbell, interjected and explained that there was a reliance interest for any changes that were made pursuant to Mr. Wilson's previous letter that would stop the current Commission from making the Arsaga's to change those things back; however, if Mr. Wilson had no authority to do what he did, the house was never changed from contributing to noncontributing. Mr. Campbell said that would not be the fault of the Arsagas, but he did not mean that there is a reliance interest now to move forward and make any changes they so chose.

Mr. Steinlicht directed Mr. Kuchenbecker to get an answer from the firm hired to do the architectural survey for this specific property and to put it back on the March 26th 2008 agenda. ***In favor of the motion on the floor – Feterl, Oberlander, M. Olsen, S. Olson, Pike and Steinlicht. No – Derosier. Motion carried.*** (The staff report is attached hereto on Exhibit B and incorporated herein by this reference.)

2008 ESRI GIS Software Maintenance Schedule – Rob Mattox

Kevin Kuchenbecker explained that every year they budget an annual fee for the ESRI GIS Software, which provides upgrades, maintenance and technical support. He added that they budgeted \$8,500.00, but Historic Preservation's portion is \$8,136.30. ***It was moved by Mr. M. Olsen and seconded by Ms. Feterl to approve the expenditure of \$8,136.30 for the maintenance to the ESRI GIS software. Aye – All. Motion carried.***

2008 Archaeology Camp – Kevin Kuchenbecker

Mr. Kuchenbecker explained that this is a project his office has been working on in conjunction with the Adams Museum. He said they would like to conduct an Archaeological Field School Day Camp the week of June 23, 2008 for twenty (20) local Lead-Deadwood area children ages 9-12. He added that it would be a daily educational program, as well as actual archaeological investigation field trips. He said the Archaeology Committee has reviewed the program and recommends approval. He went on to explain that most of the materials would be a one-time cost and would be marked "Property of the Deadwood Historic Preservation Office or City of Deadwood" and would be stored from year-to-year. ***It was moved by Mr. M. Olsen and seconded by Ms. Feterl to approve the expenditure of \$3,000.00 to fund the Public Education line item for the purchase of supplies for the Archaeological Field School Day Camp. Aye – All. Motion carried.***

NHS Request for Consideration of Opportunity at 17 Fillmore Street

It was moved by Mr. M. Olsen and seconded by Mr. S. Olson to continue discussion of 17 Fillmore until the next meeting on March 26, 2008. Aye – All. Motion carried.

NHS Policy Updates – Siding Program, etc.

Joy McCracken explained that at the last Loan Committee meeting Mr. Kuchenbecker said he had been contacted by Frank Pavich who was wondering if he would be eligible for the siding program for his business at the Upper Main location. Ms. McCracken explained that the siding program is currently reserved for residential only, and after a lengthy discussion by the Policy Committee it was their recommendation to include commercial property. She went on to explain that if commercial property was included it would be a loan at 0% interest for 10 years, no payment, but due and payable at the end of the loan. Ms. McCracken added that there are buildings that are noncontributing with one of the reasons being improper siding. She further explained that if someone were trying to move their home or business back to a contributing status, they could also be eligible for the siding program. Mr. Kuchenbecker explained it as reversing the adverse effect that lost its architectural significance.

Mr. S. Olson asked how this change would affect what has been budgeted for in the siding program, to which Mr. Kuchenbecker said those funds come from the Revolving Loan Fund. Ms. Feterl asked what the amount would be, to which Ms. McCracken said it would be a maximum amount of \$10,000.00. Mr. Derosier asked for clarification on forgivable loans, to which Ms. McCracken said commercial loans would not be forgivable and they could make payments or pay it all back at the end of 10 years, but residential loans are forgivable after 10 years if the Commission so chooses. Mr. Kuchenbecker said he expected it to spur on improvements to some of the commercial buildings that truly need siding. *It was moved by Mr. M. Olsen and seconded by Mr. Derosier to approve the amended language to the Revolving Loan Fund, Special Needs Siding Program. Aye – All. Motion carried.*

Ms. McCracken explained that the siding program led the Committee into Lyman Toews project once again; how if someone has a noncontributing home and are working hard to bring it to the contributing status, there should be a program to help them. She said what they came up with for noncontributing was for exterior improvements only and the improvements must follow the Secretary of Interior Standards to direct inappropriate alterations that caused the noncontributing status. She added that it must be owner-occupied and could be a loan up to \$25,000.00 at 5% interest for 7 years and security would be required. *It was moved by Ms. Feterl and seconded by Mr. M. Olsen to approve the verbiage changes to the Noncontributing House Rehab Program under Revolving Loan. Aye – All. Motion carried.*

REVOLVING LOAN FUND/RETAINING WALL GRANT UPDATE

Retaining Wall Applications

None. Mr. Kuchenbecker informed the Commission that at the Monday night City Commission meeting there were 30 bids received for 10 walls. He stated they would be letting bids in two weeks and one contractor was low bid on 9 out of 10 walls. He said they would have to prioritize the walls because of the construction season. He said with the projected supplement from the 2007 to 2008 budget, there is \$556,000.00 that would

be available in 2008 for the retaining wall program. He said the engineer's estimate for the 10 walls was \$526,000.00 and all of the walls came in under the engineer's estimate, as well as the homeowner's having some of the responsibility. He added that there should be enough in 2008 to catch up on all of the applications on walls that have entered into the program. He added that there would probably not be any funds available to rollover to the 2009 budget that has not been committed.

Revolving Loan Disbursements

It was moved by Mr. S. Olson and seconded by Mr. Derosier to approve the Historic Preservation Revolving Loan Fund in the amount of \$19,605.02. Aye – All. Motion carried.

Delinquency Report

Ms. McCracken explained the Delinquency Report.

Retaining Wall Disbursements

None.

Loan Request – Hills Limited Partnership

Ms. McCracken explained that this money was borrowed when they constructed the Hills Apartments on Williams Street and the money was used to restore the house on site. She said Hills Apartments is going to be celebrating the payoff of their TIF next month, so they will be able to increase the payments and retire the debit in seven years in the amount of \$172.00 a month and a second mortgage of property. *It was moved by Mr. M. Olsen and seconded by Mr. S. Olson to approve the refinance of the loan to Hills Limited Partnership at 158 Williams Street in the amount of \$11,849.08 at 6% interest.*

Refinance and Substitution of Collateral – Gary Biggs

Ms. McCracken explained that she was bringing this back to make sure everybody understood what was happening to this loan. She explained that the last time it was submitted she said there was going to be a substitution of collateral and Gary Biggs was going to take full responsibility, but when she starting doing the paperwork she realized that it meant Larry and Marci Shama would have to be released from the loan. She said that this is what Gary Biggs wants and this would mean there would be a partial satisfaction on the Goldberg Property in the amount of \$61,000.00. She said that there is also a mortgage currently on the property in the amount of \$266,000.00, which would be lowered to about \$200,000.00, and the other outstanding loan would be \$125,000.00. She added that the mortgage is in first position on the building, so it is well secured for the \$125,000.00 loan. *It was moved by Mr. Derosier and seconded by Mr. M. Olsen to approve the refinancing of the loan to Gary Biggs at 6% interest, loan amount of \$61,731.00 and releasing Larry and Marci Shama from the loan. Aye – All. Motion carried.*

ITEMS FROM CITIZENS NOT ON AGENDA:

None.

COMMITTEE ACTIONS AND REPORTS:

Historic Preservation Officer, Kevin Kuchenbecker reported on the following:

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
The Archive Committee met and Mike Runge distributed a five-year plan that they will review.

Budget: Commission representatives: Ronda Feterl (chair), Mike Olsen and Willie Steinlicht.
The Committee met prior to the meeting and will hopefully have a supplement to present within the next couple of meetings.

Cemetery: Commission representatives: Steve Olson (chair), Mary Ann Oberlander and Matthew Pike
An Open House was held on March 4th, 2008 and another one is planned for sometime in May 2008.

GIS: Commission representatives: Steve Olson (chair), Mary Ann Oberlander, and Matthew Pike
Rob Mattox will be attending training next week and is moving to a quarterly training.

Grants, Recognition, Advocacy & Public Education: Commission representatives: Ronda Feterl (chair), Willie Steinlicht and Mary Ann Oberlander.

The Committee met and reviewed the first round of applications for the 2008 Outside of Deadwood Grants. The following recommendations were made:

A grant to the Old Fort Meade Museum for the restoration of an Escort Wagon in the amount of \$12,500.00

A grant to the Lead-Deadwood High School – Auditorium Seating in the amount of \$20,000.00

A grant to the Black Hills Fort Pierre Roundhouse – Restoration Project in the amount of \$25,000.00

A **loan** to the privately owned Morris Grand Theatre – Roofing System Project in the amount of \$19,000.00

A grant to the City of Lead – South Lead Cemetery Restoration in the amount of \$25,000.00

It was moved by Mr. S. Olson and seconded by Mr. M. Olsen to approve the 2008 Outside of Deadwood Grants to the City Commission as presented. Aye – All. Motion carried.

The Committee also recommended denial of the following due to them not falling under the guidelines:

Lead-Deadwood High School – Asbestos Removal
Lead-Deadwood High School – Computer Lab Window Replacement
Mendota Museum – Wild Bill Statue (Mendota, Illinois)
Hansen Wheel & Wagon Shop – Ft. Pierre to Deadwood Trail Ride

It was moved by Mr. Derosier and seconded by Ms. Feterl to deny the previously stated requests. Aye – All. Motion carried.

The Committee also reviewed the Not-for-Profit Grant application for the House of Roses – Plumbing, Insulation and Dry Wall Project and recommended denial. ***It was moved by Mr. S. Olson and seconded by Mr. M. Olsen to deny the application for the House of Roses Plumbing, Insulation and Dry Wall Project. Aye – All. Motion carried.***

Mr. Kuchenbecker explained the Committee has continued decision on the following grants until additional information can be obtained for proper review:

Outside-of-Deadwood Grants

Verendrye Museum, Inc. – Ft. Pierre Deadwood Trail 2008

Deadwood Not-for-Profit Grants

Masonic Temple – Cornerstone Repair & Tuck pointing
Grace Lutheran Church – Retaining Wall Replacement & Repair

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

Adams Museum: Commissioner Mary Ann Oberlander.
No report was given.

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

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

Neighborhood Housing Services: Commissioner Willie Steinlicht.
No report was given.

Planning and Zoning: Commissioner Mike Olsen.
No report was given.

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

No report was given.

Policies and Procedures: Commission representatives: Matthew Pike (chair) plus entire HPC
No report was given.

Historic Preservation Staff:

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

Seven (7) scholarship applications have been received and sent to the Committee for review.

There is some potential recognition of residential units.

There has been some discussion on Advocacy efforts to have positive press on projects such as the Slime Plant and especially the Pineview.

Mr. Kuchenbecker was asked to attend a meeting in Pierre with the State Historic Preservation Office and the architect and owners of the Slime Plant. He said they are working through the tax credit project and design solutions to minimize any potential adverse effect. He said the meeting was very positive and they have asked him to attend a meeting in Washington, DC with the National Park Service. He said he would be asking permission from the City Commission to travel at no cost to the City or Historic Preservation.

OTHER BUSINESS:

City Attorney, Jason Campbell, requested an executive session regarding litigation issues with no action to be taken.

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 5:55 pm to executive session for legal matters.

ATTEST:

Willie Steinlicht
Chairman, Historic Preservation Commission

Ronda Morrison, Recording Secretary

