

DEADWOOD HISTORIC PRESERVATION COMMISSION

Wednesday, March 24, 2010 ~ 5:00 p.m.

City Hall, 108 Sherman Street, Deadwood, South Dakota

1. Call meeting to order– Chair Darin Derosier
2. Approve Minutes
3. Voucher approval
4. Old or General Business
 - a. 80 Williams Street –Siding/Retaining Wall Program – Dave Thompson
5. New Matters before the Deadwood Historic District Commission
 - a. Case# 10008 – Water Street – Parking Garage – Tentexkota
6. New matters before the Deadwood Historic Preservation Commission
 - a. Case# 10007 – 29 Adams Street – Windows/Doors – John & Sharon Martinisko
 - b. Case# 10009 – 158 Charles Street – Sliding Glass Door – Vicky Zupet Anderson
 - c. Case# 10010 – 8/9 Sampson Street – Demolition/New Construction – Robert & Barb Schallenkamp
 - d. Historic Deadwood-Lead Arts Council – Display – Financial Assistance Request
 - e. Purchase of Office Furniture – Kevin Kuchenbecker
7. Revolving Loan Fund/Retaining Wall Program Update.
 - a. Retaining Wall Applications
 - b. Revolving loan Program/Disbursements
 - c. Retaining Wall Program/Disbursements
8. Items from Citizens not on agenda.
9. Committee Actions and Reports
10. Staff Report
11. Other business
12. Adjournment

CITY OF DEADWOOD
HISTORIC PRESERVATION COMMISSION

Wednesday, March 24, 2010

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

Absent Historic Preservation Commission: Mike Olsen.

Present Deadwood City Commission: Mayor Francis Toscana and Commissioner Georgeann Silvernail.

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, March 24, 2010 at 5:00 p.m. in Deadwood City Hall located at 108 Sherman Street, Deadwood, SD.

Review Minutes

It was moved by Mr. Steinlicht and seconded by Ms. Feterl to approve the minutes from Wednesday, March 10, 2010. Aye – Derosier, Feterl, S. Olson, Pike and Steinlicht. Abstain - Oberlander. Motion carried.

Voucher Approval

Operating Account:

It was moved by Mr. S. Olson and seconded by Mr. Steinlicht to approve the HP Operating Account in the amount of \$98,453.33. Aye - All. Motion carried.

Bonded Account:

It was moved by Mr. Steinlicht and seconded by Mr. S. Olson to approve the HP Bonded Account in the amount of \$360.25. Aye – All. Motion carried.

OLD OR GENERAL BUSINESS

80 Williams Street – Siding/Retaining Wall Program – Dave Thompson

Mr. Dave Thompson had appeared before the Commission on February 24, 2010 wondering why Mr. Jim Lee at 24 McKinley Street was allowed to construct a garage with steel siding, as he was denied when he made the same request in 2007. He also brought up his concerns as to why the retaining wall by his property, on Williams Street, did not qualify for the retaining wall program. After listening to Mr. Thompson's concerns he was asked by the Commission to return to the meeting on March 24, 2010 so

they could look into both matters and hopefully give him some answers. Mr. Thompson was present for the meeting.

Mr. Kuchenbecker first addressed the retaining wall. He noted the information from 2007 and explained that Mr. Thompson had made a request for the retaining wall and it was brought before the HP Commission on March 8, 2007 for consideration and recommendation. He said the determination was that the wall met the general eligibility for location; however, did not meet criteria for physical condition, as it must threaten the historic integrity of a historic or contributing building. It was also determined by the city building inspector that the wall was not considered life safety. Mr. Kuchenbecker said the wall had also lost its architectural integrity and is not a contributing feature in the Deadwood National Historic Landmark District. A letter was sent to Mr. Thompson on December 14, 2007 notifying him that the wall did not meet the set criteria.

Mr. Thompson said he was not satisfied with the decision that was made in 2007 and added that the flood of 1972 took most of the wall out. Mr. Kuchenbecker said he understood that it is a very old wall, but there is not enough of the wall remaining after the flood for it to be eligible. Mr. Thompson said at least one half of the wall is still there.

Mr. Pike asked if the wall in question was at some point historic, but lost its historic integrity during the flood of 1972. Mr. Thompson said that was correct. Mr. Pike said that is why criteria "a" could not be met. Mr. Pike then asked if criteria "b" could not be met, because if the wall failed it would not threaten a historic resource, to which Mr. Kuchenbecker said that was the case. Mr. Pike then wanted to know why it did not meet the third criteria of life/safety, to which Mr. Kuchenbecker explained the determination for life/safety is made by the building inspector or, if necessary, a qualified engineer. He said they only have an engineer look at the wall if the building inspector is uncomfortable with the determination. He said it was his understanding that the building inspector's determination was made because the wall had already failed and would not risk life or safety of an individual. Mr. Pike said his suggestion to Mr. Thompson would be to resubmit an application, but said it may be the same result.

Mr. Thompson explained the only two houses on top of the wall are his house which was constructed in 2004, and his father's house which has been there since the 1900s. He said his whole point is that if the wall falls, his house would go with his father's to follow, stressing that while his house is not historic his father's house is; and therefore, feels a historic resource is threatened. After much discussion, Mr. Thompson was told to resubmit an application for the wall. Ms. Feterl suggested that the city have an engineer look at the wall since the building inspector has already looked at it. Mr. Kuchenbecker said he would contact an engineer.

Mr. Kuchenbecker then addressed Mr. Thompson's questions regarding the garage. He said Mr. Thompson had submitted an application for Project Approval to construct a new garage with steel siding and roof at 80 Williams Street. He explained that Mr. Thompson was notified on September 28, 2007 that his request was continued until he could meet with staff to discuss material alternatives. He went on to say that he met with the contractor on ways to minimize the adverse effect and after consultation with staff Mr. Thompson went with a different type of siding. Mr. Kuchenbecker said the suggestion of different siding was made because of the visibility on the hillside from the main thoroughfare through Deadwood.

Mr. Kuchenbecker explained that Jim Lee's house was also a noncontributing structure, but it was allowed because of the low visibility of the location. Mr. Thompson said the only two options he was given for alternative siding was the cement siding or the R11 siding and he went with the R11. However, he said he now faces the problem of snow coming off the roof and setting up against the wood, which is causing a maintenance problem. Mr. Thompson reiterated how unfair he felt the process was. The Commission agreed that they could understand Mr. Thompson's frustration, but stressed they try very hard to be fair and said the determination was made because of the visibility, as well as the surrounding structures that are contributing. The Commission thanked Mr. Thompson for bringing his concerns forth.

NEW MATTERS BEFORE THE DEADWOOD HISTORIC DISTRICT COMMISSION

Case #10008 – Water Street – Parking Garage – Tentekota

Mr. Kuchenbecker explained that the applicant is requesting a Certificate of Appropriateness for the addition of a new parking garage located in the South Deadwood Planning Unit in the City of Deadwood. The structure will be adjacent to the V.F.W. building and across from the Slime Plant. The applicant had prepared and presented a significant amount of drawings, documents, renderings and alternative designs that have been explored. Mr. Kuchenbecker explained the proposed project in detail and felt they had come up with a plan that will have the least impact on the district. He added that the height of the proposed parking garage does not exceed the 10% average height of the buildings in the adjacent area. He also said the roof will appear massive due to the size of the facility from higher parts on the gulch, but told the Commission to keep in mind that it is the same footprint of the parking that is currently there.

Mr. Kuchenbecker pointed out that under city ordinance, archaeological resources need to be set. He said the HP Office will be working at putting together an archaeological data recovery plan. He also thanked the owners and the design team in working with the HP Office, the State, and the National Parks Service, as the project was determined to have an adverse effect and they have all been working together to lessen that effect.

Mr. Kuchenbecker informed the Commission that this is being considered for a possible city project through a U.S.D.A. Rural Development Loan Package. The city has not taken official action, but it is being explored. He added that it is staff's opinion that the project does have an adverse effect, but it is minimal to direct and indirect changes to the setting and current association of the historic district. He added that a greater adverse effect to the historic district would be the loss of the Slime Plant, to which the project is attached, and as a result the overall project could improve the economic vitality of the area. He said he finds that the project DOES encroach upon, damage or destroy historic property, but feels the effect has been greatly decreased.

Ms. Feterl asked if all the questions that City Attorney Jason Campbell had were addressed, to which Mr. Kuchenbecker said they had. Ms. Oberlander said she was concerned about the area being one of the most congested areas in Deadwood especially during a special event. Mike Albertson said there will be several improvements made to the traffic flow and said they are still working with the Department of Transportation, as well as Police Chief Kelly Fuller. Mr. Derosier asked if the parking garage would be free parking or paid parking. Mayor Toscana said it would be paid parking, and added that during the day a significant amount of parking on the first level would be free parking for the county employees. He also added that if the city gets involved with building the parking lot, the developer of the Slime Plant would

lease approximately 25% of the spaces, but there are several issues to be considered before the city would get involved.

After much discussion, it was moved by Mr. Pike and seconded by Ms. Feterl that based upon all the evidence presented, the finding is that this project DOES encroach upon, damage or destroy a historic property included in the National Register of Historic Places or the State Register of Historic Places. Aye – All. Motion carried.

It was further moved Mr. Steinlicht and seconded by Mr. S. Olson that based upon the guidance in the U.S. Department of the Interior Standards for historic preservation projects in 36 C.F.R. 67, the finding is that the project is ADVERSE to Deadwood, but the applicant has explored ALL REASONABLE AND PRUDENT ALTERNATIVES and has worked to lessen the overall adverse effect. Furthermore, while considered minimally adverse, the project is in the public interest of overall historic preservation activities of Deadwood by encouraging and allowing for the adaptive reuse of the historic Slime Plant which may avoid the loss and further deterioration of this resource and therefore avoid future adverse effects to the district: and APPROVE the project as presented. 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 #10007 – 29 Adams Street – Windows/Doors – John & Sharon Martinisko

Mr. Kuchenbecker explained that the applicants are requesting Project Approval for 29 Adams Street, a contributing structure located in the Ingleside Planning Unit in the City of Deadwood, which was constructed circa 1940. The applicant is requesting permission to repair existing doors and windows by re-glazing, replacing broken panes, and painting. Additionally, storms and screen windows and doors will be purchased to improve insulation. The proposed work and changes does not encroach upon, damage or destroy a historic resource, nor does it have an adverse affect on the character of the building. *It was moved by Ms. Feterl and seconded by Mr. Pike 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. Aye – All. Motion carried.*

It was moved by Ms. Feterl and seconded by Mr. Pike to place the applicant at 29 Adams Street into the Wood Window Program and the Special Needs Program. (The staff report is attached hereto on Exhibit B and incorporated herein by this reference.)

Case #10009 – 158 Charles Street – Sliding Glass Door – Vicky Zupet Anderson

Mr. Kuchenbecker explained that the applicant is requesting Project Approval for 158 Charles Street, a garage next to a contributing structure located in the Cleveland Planning Unit in the City of Deadwood. The applicant requests permission to frame in a sliding glass door in place of the left-hand side overhead type garage door. The area will be used as an outdoor patio. The proposed work and changes does not encroach upon, damage or destroy a historic resource, nor does it have an adverse affect on the character of the building or the districts. *It was moved by Ms. Feterl and seconded by Mr. Pike 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. Aye – All. Motion carried. (The staff report is attached hereto on Exhibit C and incorporated herein by this reference.)

Case #10010 – 8/9 Sampson Street – Demolition/New Construction – Schallenkamp

Mr. Kuchenbecker explained that the address was at one time “8”, but after doing some address changing it is now “9”. He explained that the applicants are requesting Project Approval for 9 Sampson, a contributing structure located in the Large’s Gulch Planning Unit in the City of Deadwood, which was constructed in 1910. The applicants are requesting permission to retire and demo the current structure located on 9 Sampson. Upon retirement of the home a new foundation will be constructed and a manufactured home will be delivered and set on the new foundation. The applicants were available for questions. Mr. Kuchenbecker said that when it comes to demolition criteria many things are considered, and noted that there is not a lot of historic integrity left in the Planning Unit. He also said that he has gone through the house and it is in very poor condition and does not feel that it would be feasible to fix it up. He added that even though it is not feasible to fix it up, it still needs to be looked at as having an adverse affect because of the contributing versus non-contributing ratio, making this another loss of a contributing structure.

It was moved by Mr. Pike and seconded by Ms. Feterl that based upon all the evidence presented, the finding is that this project DOES encroach upon, damage or destroy a historic property included in the National Register of Historic Places or the State Register of Historic Places. Aye – All. Motion carried.

It was further moved by Mr. Pike and seconded by Mr. Steinlicht that based upon the guidance in the U.S. Department of Interior Standards for Historic Preservation Projects on 36 C.F.R. 67, the finding is that the project is ADVERSE to Deadwood, but the applicant has explored all reasonable and prudent alternatives, and given that this structure does not warrant the economic benefits of saving it, approves the project as presented. Aye – All. Motion carried. (The staff report is attached hereto on Exhibit D and incorporated herein by this reference.) Ms. Feterl asked about the archaeological issue, to which Mr. Kuchenbecker said he will contact the state preservation office and discuss the project.

It was moved by Mr. Pike and seconded by Ms. Feterl that based upon all the evidence presented, the finding is that the proposal from Robert and Barb Schallenkamp for the new construction at 9 Sampson Street 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. Aye – All. Motion carried.

Historic Deadwood-Lead Arts Council – Display – Financial Assistance Request

Mr. Kuchenbecker explained that the Grants, Recognition and Advocacy Committee reviewed the request from the Historic Deadwood-Lead Arts Council and recommends funding \$950.00 for the creation of an interpretation of Calamity Jane that would compliment the Wild Bill Hickok display. They would both be on display during the musical “Calamity Jane.” The Arts Council will create the display, but will consult with Mike Runge. They will then give the display back to Deadwood for a traveling display. *It was moved by Mr. Pike and seconded by Ms. Oberlander to approve the funding for the creation of a Calamity Jane exhibit in the amount of \$950.00 as presented in the memorandum dated March 10, 2010. Aye – All. Motion carried.*

Purchase of Office Furniture – Kevin Kuchenbecker

Mr. Kuchenbecker requested approval to spend up to \$15,000.00 for new furniture for the Historic Preservation Officer, the City Archivist and the HP Administrative Assistant. This is a 2010 budgeted item and will match the recently acquired office furniture for the Zoning Administrator and the Zoning Administrative Assistant. Additionally, they would like to purchase a matching credenza for the office waiting area, and may also need book shelves. *It was moved by Mr. Steinlicht and seconded by Ms. Feterl to approve an expenditure not to exceed \$15,000.00 for new office furniture. Aye – All. Motion carried.*

REVOLVING LOAN FUND/RETAINING WALL PROGRAM UPDATE:

Revolving Loan Disbursements

It was moved by Mr. S. Olson and seconded by Mr. Steinlicht to approve the Revolving Loan disbursements in the amount of \$119.24. Aye – All. Motion carried.

Retaining Wall Disbursement

It was moved by Mr. Pike and seconded by Ms. Feterl to approve the Retaining Wall disbursement for 81 Stewart in the amount of \$7,150.00. Aye – All. Motion carried.

Financial and Delinquency Report

Ms. McCracken reviewed the delinquency report and the financial report.

ITEMS FROM CITIZENS NOT ON AGENDA:

None.

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.
Mary Ann Oberlander reported things are going well with the museum and things are moving along with the HARC building.

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

Days of '76: Commissioner Mike Olsen.
Mr. S. Olson reported that the Days of '76 signed a contract for their scoreboard for the rodeo. This will provide live video for the rodeo.

Neighborhood Housing Services: Commissioner Willie Steinlicht.
No report.

Planning and Zoning: Commissioner Mike Olsen.
No report.

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

Mr. Kuchenbecker had been on vacation; therefore, no report was available.

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 6:35 pm.

ATTEST:

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

