

**DEADWOOD HISTORIC PRESERVATION COMMISSION**

**Thursday, May 28, 2009 ~ 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. Approve Minutes
3. Voucher approval.
4. Old or General Business
5. New Matters before the Deadwood Historic District Commission
  - a. Case# 09025– 270 Main Street– Fencing– Cam Lund
6. New matters before the Deadwood Historic Preservation Commission
  - a. Case# 09028– 788 Main Street– Re-roofing– Lyman Toews
  - b. Case# 09029– 60 Terrace Street– Addition– Gerald Pokorney
  - c. Case# 09030– 870 Main Street– Step Replacement– Alan & Marlys Feist
  - d. St. Ambrose Cemetery Recommendations
    - i. Master Plan adoption
    - ii. Request for Proposal for Design Services
    - iii. St. Ambrose Ordinance
7. Revolving Loan Fund/Retaining Wall Program Update.
  - a. Retaining Wall Applications
    - i. 15 Madison Street– Dusten & Monica Ell
    - ii. 125 Williams Street– Richard Bracha Sr.
  - 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

**CITY OF DEADWOOD**  
**HISTORIC PRESERVATION COMMISSION**

**Thursday, May 28, 2009**

**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.

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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 Thursday, May 28, 2009 at 5:00 p.m. in Deadwood City Hall located at 108 Sherman Street, Deadwood, SD.

**Change of Meeting Date**

Chairman Steinlicht wanted it noted as a matter of record that the meeting was changed from Wednesday, May 27, 2009 to Thursday, May 28, 2009 due to the press not being notified. He stated that, in his opinion, it is a known fact that Historic Preservation meetings are held the second and fourth Wednesdays of every month and added that the agendas are posted on the website. He noted there was no press present for the meeting, nor have they attended the last three or four meetings and felt it was “absurd” that the meeting had to be changed due to the press not being notified.

**Review Minutes**

*It was moved by Mr. S. Olson and seconded by Mr. Derosier to approve the minutes from Wednesday, May 13, 2009. Aye – All. Motion carried.*

**Voucher Approval**

**Operating Account:**

*It was moved by Ms. Feterl and seconded by Ms. Oberlander to approve the HP Operating Account in the amount of \$156,383.22. Aye - All. 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 \$12,873.40. Aye – All. Motion carried.*

## **OLD OR GENERAL BUSINESS**

### **National Historic Register Amendments**

Mr. Kuchenbecker stated that at the last meeting Mr. Lyman Toews questioned the process for the National Historic Register amendments regarding periods of significance for a structure to go from contributing to noncontributing. He said he will be working on that and will provide a report at the June 10, 2009 meeting.

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

### **Case #09025 – 270 Main Street – Fencing – Cam Lund**

Mr. Kuchenbecker explained that the applicant is requesting Project Approval for an addition of a fence located near 270 Main Street, which is a noncontributing structure located in the Fountain City Planning Unit of the City of Deadwood. The construction area is in the State and National Historic Register Districts and the National Landmark District. He said the area has been altered with hillside cuts, new construction and grade changes over the past several years. The applicant requests permission to add a metal, chain link fence adjacent to the new First Gold parking structure running east and west of the valley. Mr. Kuchenbecker said it was his understanding in talking with the architect, Mr. Cam Lund, that the proposed fence is an effort to retain rock and dirt from striking vehicular and pedestrian traffic in the vicinity of the existing cut.

Mr. Kuchenbecker said that if you look at the guidelines on hillsides, it says hillsides should not be cut away to provide more parking, and retaining of slopes should be limited. He said the natural topography should also be recognized, as it is an important character-giving element. He said it is the opinion of the staff that the cut, which has been made into the hillside to allow for the access, is substantial and has altered the natural topography dramatically in this area. He added that over a period of time the total work at this site has had a compounded adverse affect of this area to the State and National Historic Register Districts and the Deadwood National Landmark District. He added that obviously you would not want to reverse any adverse effects, but should avoid anymore which may further encroach upon, damage or destroy the character of the districts.

Mr. Kuchenbecker said that the fence as proposed appears very tall and visually inappropriate to the existing setting, and currently the site has a variety of retaining walls which are constructed from concrete with either a wood or chain link fence at the top of the concrete wall, noting that there is an existing wall on the southwest side of the First Gold main building and an existing concrete wall with a chain link fence on the northeast side of the First Gold building. He said he mentioned to Cam Lund that by continuing the above referenced type of retaining system it may appear less obtrusive and may minimize adverse effects of the setting by bringing consistency and continuity of the type of construction and materials to the site. As proposed, the work and changes does encroach upon, damage or destroy a historic property; furthermore, it will have an additional adverse effect on the historic character of the State and National Historic Register Districts and the Deadwood National Landmark District. Mr. Kuchenbecker noted that as you look at the photographs and rendering of the project there are a variety of things going on.

Cam Lund and Jerry Anderson were present for questions. Mr. Lund said he did not disagree with Mr. Kuchenbecker on the aesthetics of the project, but the problem they are having on the lower level with the concrete wall, is that it is about 3' feet high and what happens over time is when the wall comes down it

fills up the void and there is no way to clean it out, especially if there is a fence above it. He said over time it would pull out the chain link fence and that is why they were looking at putting the chain link fence up from the ground so they could catch any debris that has fallen and contain it at the toe of the hill. They would then be able to come in with a skid steer and remove the material. Mr. S. Olson asked what the distance was from the fence back to the edge of the cut, wondering if you could get a skid steer in behind it, to which Mr. Lund said you could not. Ms. Feterl asked if they were planning on tearing away more of the hillside to install the fence to which Mr. Lund said they were not. Ms. Feterl then asked if they did not put the chain link fence on the wall, if they could get behind there to clean it out. Mr. Lund said the purpose of the chain link fence is to catch debris that falls because when there is a freeze and thaw the hillside actually has rocks that pop out; therefore the purpose of the fence is to catch rocks from hitting cars and/or pedestrians.

Ms. Feterl also wanted to know if there would be anything to go over it to look more aesthetically pleasing. Mr. Lund said they would try and match it to the color of the hillside. Mr. S. Olson asked how high the fence was; to which Mr. Lund said it is approximately 20' high. Mr. Lund said the problem they are having is that about halfway up the hill, which is about 20' up, is where the rocks are falling from, adding a 5' foot fence would be of no use. Ms. Oberlander asked what was done on the wall by the Deadwood Gulch Saloon hillside, to which Mr. Kuchenbecker said they put up a stained and sculpted Shotcrete wall. Ms. Oberlander stated that the wall at Deadwood Gulch Saloon looks very natural and wondered if something similar could be done. Mr. Lund said they looked into this, but again, the problem is the soil veins that come down through the hillside.

Mr. S. Olson asked if there was any way to stabilize the hillside, but Mr. Lund said they had a structural engineer look at the wall to see if they could pin the hill, but again, because of the soil veins and rock face it causes a problem. Mr. Steinlicht asked if colored webbing on the chain link fence would work, but Mr. Lund said that looks good in the beginning, but they are not durable, they break and cause an unsightly appearance. Ms. Feterl asked again if they have talked with anyone about shotcreting the wall and Mr. Lund said the structural engineer felt there would be failures in the wall; however, he said he has not talked specifically with the people who install the Shotcrete walls. Ms. Oberlander said she would like to see more information on the possibilities of a Shotcrete wall. Mr. Kuchenbecker said it sounds like most of the falling debris happens during the freeze and thaw cycle. He also said it was W.D. Masonry who did the wall at Deadwood Gulch Saloon and thought they could be contacted to see if this was an alternative solution. Ms. Feterl said it would be easier to make a decision if they knew the other options had been looked into. Mr. Pike reiterated that it would be easier to make a decision after all options were looked at, as well as having something on record of the pros and cons.

Mr. Kuchenbecker asked if they could take two weeks to look at the other options. Mr. Anderson said they could wait, but he knows it will come back to the chain link fence as the only option, adding this comes from 30 years of working at Homestake Mining Company. ***It was moved by Mr. Pike and seconded by Ms. Oberlander to continue this issue to the June 10<sup>th</sup>, 2009 meeting so alternative options could be on record. 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 #09028 – 788 Main Street – Re-roofing – Lyman Toews**

Mr. Kuchenbecker explained that the applicant has submitted an application for Project Approval to re-roof 788 Main Street, a noncontributing structure located in the Deadwood City Planning Unit in the City of Deadwood, which was built in 1900. The applicant requests permission to install new Chapel Grey Owens Corning asphalt shingles on the roof of the main house and the detached garage. He said he would also like to remove an obsolete vent pipe. The proposed work and changes does not encroach upon, damage or destroy a historic resource, nor does it have an adverse effect on the character of the building or the historic character of the State and National Register Districts or the National Landmark District. Mr. Lyman Toews was present for questions. Mr. Steinlicht asked Mr. Toews if his move was to make this house contributing, to which Mr. Toews said he would like that to happen. *It was moved by Mr. S. Olson and seconded by Ms. Feterl to approve the application for Project Approval for re-roofing at 788 Main Street as presented in Case #09028. Aye – All. Motion carried.* (The staff report is attached hereto on Exhibit B and incorporated herein by this reference.)

### **Case #09029 – 60 Terrace Street – Addition – Gerald Pokorney**

Mr. Kuchenbecker explained that the applicant is requesting Project Approval for the construction of an addition at 60 Terrace Street, a noncontributing structure located in the Cleveland Planning Unit in the City of Deadwood, which was constructed in 1900. The house has sustained a number of modern alterations including a large rear addition, metal siding and loss of its original porch elements. The applicant requests permission to add a 20' x 10' addition to the north side of the garage located at 60 Terrace Street. The addition would be attached to the garage with a sloped roof to the south side with a 4' x 5' retaining wall. 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 historic character of the State and National Register Districts or the National Landmark District. *It was moved by Ms. Feterl and seconded by Ms. Oberlander 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 to 60 Terrace Street as presented in Case #09029. Aye – All. Motion carried.* (The staff report is attached hereto on Exhibit C and incorporated herein by this reference.)

### **Case #09030 – 870 Main Street – Step Replacement – Alan & Marlys Feist**

Mr. Kuchenbecker explained that this project had come before the Commission last fall, when at that point the applicants requested to replace the existing masonry steps at the front of the house, which were causing damage. At that time they were going to replace them with wooden steps and railings, but have since decided to replace them as they exist. The proposed work and changes does not encroach upon, damage or destroy a historic resource, nor have an adverse affect on the character of the building or the character of the districts. *It was moved by Ms. Feterl 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 to 870 Main Street as presented in Case #09030. Aye – All. Motion carried.* (The staff report is attached hereto on Exhibit D and incorporated herein by this reference.)

## **St. Ambrose Cemetery Recommendations:**

### **Master Plan Adoption**

Mr. Kuchenbecker noted the completed Preservation Master Plan for St. Ambrose Cemetery, and explained and reviewed different categories of the plan. He said this now allows the Commission to go out for solicitation of design services to take the plan and put it into construction documentation and, hopefully, this fall begin implementation of needs and high priorities. Mr. Kuchenbecker said there is \$1,000,000 bonded for this project, noting some of those monies were spent on the Master Plan, but they now have a great and useful document. He asked for a recommendation to the City Commission to approve and adopt the Plan. *It was moved by Mr. S. Olson and seconded by Mr. Pike to recommend to the City Commission that the St. Ambrose Cemetery Preservation Master Plan be adopted.* Ms. Feterl asked about the portion of the Plan that talks about restoring key design elements and unique features within and adjacent to the Cemetery and wanted to know exactly what “restored” means. Mr. Kuchenbecker explained that based on historical evidence, whether photographic or existing materials, taking it back to what it used to look like. *Aye – All. Motion carried.*

### **Request for Proposal for Design Services**

Mr. Kuchenbecker said this is in following up with the Master Plan adoption and to begin to solicit proposals from firms who would be interested and qualified to perform the design and related functions for plans and specifications, bidding documents, preparation construction oversight and creation of design maintenance guidelines. He requested the Historic Preservation Commission recommend to the City Commission to allow the Historic Preservation Office to issue Request for Proposals, similar to the Master Plan RFP, so firms can be interviewed and proceed to the next step of construction. *It was moved by Ms. Feterl and seconded by Mr. Pike to recommend to the City Commission to allow the Historic Preservation Office to open up RFPs for Phase I of the design services for the St. Ambrose Cemetery.* *Aye – All. Motion carried.*

### **St. Ambrose Ordinance**

Mr. Kuchenbecker said after speaking with Mayor Toscana, he would like to continue this to the June 10<sup>th</sup>, 2009 meeting. *It was moved by Ms. Oberlander and seconded by Ms. Feterl to continue this item to the June 10<sup>th</sup>, 2009 meeting.* *Aye – All. Motion carried.*

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

### **Retaining Wall Applications:**

#### **Dusten & Monica Ell – 15 Madison Avenue**

Mr. Kuchenbecker explained that the wall and vault (cellar) at this location has deteriorated and is failing and threatening the structure. He said it is a Life/Safety and meets all three of the criteria; it is a historic wall, it is threatening a historic resource and it is Life/Safety. He said this would be an expensive project as it involves a vault and is very close to the house. *It was moved by Mr. Derosier and seconded by Ms. Feterl to accept this into the Retaining Wall Program.* *Aye – All. Motion carried.*

#### **Richard Bracha, Sr. – 125 Williams Street**

Mr. Kuchenbecker explained that this retaining wall had been entered into the program on April 14<sup>th</sup>, 2004; however, no activity has taken place. This wall meets the criteria for a historic wall and it has

become Life/Safety and recommends reacceptance into the program. Ms. Feterl said obviously the price would be higher than it was in 2004 and wondered which bid would be taken. Mr. Kuchenbecker said the assessed value of the house would be at the time it was entered into the program, which was 2004. Ms. McCracken asked what the circumstances were that the wall had not been fixed, to which Mr. Kuchenbecker said Mr. Bracha came in and asked what the status was on his wall. After checking into this, it apparently “fell through the cracks.” However, the process has since been changed. ***It was moved by Mr. S. Olson and seconded by Ms. Oberlander to reaccept the retaining wall at 125 Williams Street for Richard Bracha, Sr. into the Retaining Wall Program. Aye – All. Motion carried.***

**Revolving Loan Disbursements**

***It was moved by Mr. Derosier and seconded by Ms. Feterl to approve the Revolving Loan Fund disbursements in the amount of \$4,309.00. Aye – All. Motion carried.***

**Retaining Wall Disbursements**

***It was moved by Ms. Feterl and seconded by Mr. S. Olson to approve the retaining wall disbursements in the amount of \$4,435.00. Aye – All. Motion carried.***

Ms. McCracken reviewed and explained the delinquency list and Financial Report.

**Loan Request**

Ms. McCracken explained the loan request for the Retaining Wall Program for John and Dorothea Williams at 24 Raymond Street. ***It was moved by Ms. Feterl and seconded by Ms. Oberlander to approve the loan amount of \$4,325.00 at 0% for 60 months. 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.

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.  
Ms. Oberlander reported that things are going well and visitation and donations are up. She encouraged everyone to view the website, as they have many things going on.

Chamber of Commerce: Commissioners Willie Steinlicht and Darin Derosier.  
Mr. Steinlicht reported that he attended the chamber luncheon and election.

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

Neighborhood Housing Services: Commissioner Willie Steinlicht.  
No report.

Planning and Zoning: Commissioner Mike Olsen.  
No report.

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.

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

Historic Preservation Staff:  
Kevin Kuchenbecker reported on the following:

Several bonded projects are ongoing. He has been working with the governor's office for additional funding for the HARC building. He said they need about \$600,000 to finish it and open the doors.

The Days of '76 have been working hard on finalizing plans and have been doing fundraising.

Things still look good at the Slime Plant. They are working their way across the front of the roof.

The Rec Center is scheduled to begin construction next week. There will be an archaeologist onboard monitoring the area.

Budget meetings are scheduled for June 15-18, 2009.

There will be three weeks of archaeology camp.

There will be a week of Leadership training.

The firearms auction is coming up on June 18<sup>th</sup>.

There will be election of officers and committee assignments at the next meeting on June 10<sup>th</sup>, 2009.

**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 5:50 pm.

ATTEST:

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