

DEADWOOD HISTORIC PRESERVATION COMMISSION

Wednesday, August 25, 2010 ~ 5:00 p.m.

City Hall, 108 Sherman Street, Deadwood, South Dakota

1. Call meeting to order– Chair Darin Derosier
2. Approval of Minutes
3. Voucher Approval
4. Old or General Business
 - a. Case# 10038 – 764 Main Street – New Construction – Michael & Robin Berg
 - b. Case# 10034 – 874 Main Street – Driveway – Dale & Susan Berg
5. New Matters before the Deadwood Historic District Commission
 - a. Case# 10040 – 601 Main Street – Wood Repair/Stucco – GR Deadwood LLC
6. New Matters before the Deadwood Historic Preservation Commission
 - a. Case# 10037 – 62 Denver Avenue – Retirement/Demolition – Lou & Linda Stojack
 - b. Case# 10044 – 360 Main Street – Cadillac Jack’s Addition – BY Development
 - c. Case#10039 – 56 Adams – Doors/Windows & siding – James & Eunice Wilson
 - d. Case# 10042 – 23 Emery Street – Siding/Exterior Painting – Melody Lawson
 - e. Revolving Loan/Special Needs Siding Removal – 23 Emery Street – Melody Lawson
 - f. Revolving Loan/Special Needs Wood Windows – 81 Stewart Street – Travis Floyd
 - g. Case# 10041 – 442 Williams Street – Garage Demo – Deadwood HPC
 - h. Case# 10043 – 35 Lincoln Avenue – General Maintenance – Francy & Matt Pike
 - i. Revolving Loan/Special Needs Siding Removal – 35 Lincoln Avenue – Francy & Matt Pike
 - j. Revolving Loan/Special Needs/Wood Windows & Doors – 35 Lincoln – Francy & Matt Pike
 - k. Prospector Bowl – Funding Request – Lead Kiwanis
 - l. Permission to Attend MPMA Conference – Kevin Kuchenbecker
7. Revolving Loan Fund/Retaining Wall Program Update.
 - a. Retaining Wall Applications
 - i. 10 Ryan Road – Jerry Feterl
 - b. Revolving loan Program/Disbursements
 - c. Retaining Wall Program/Disbursements
8. Items from Citizens not on agenda (*Items will be considered but no action will be taken at this time.*)
9. Committee Actions and Reports (*Items will be considered but no action will be taken at this time.*)
10. Staff Report (*Items will be considered but no action will be taken at this time.*)
11. Other business
12. Adjournment

CITY OF DEADWOOD

HISTORIC PRESERVATION COMMISSION

Wednesday, August 25, 2010

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

Absent Historic Preservation Commission: None.

Present Deadwood City Commission: Mayor Francis Toscana and Commissioners Georgeann Silvernail and Lenny Schroeder.

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, August 25, 2010 at 5:00 p.m. in Deadwood City Hall located at 108 Sherman Street, Deadwood, SD.

Approval of Minutes

It was moved by Mr. Steinlicht and seconded by Mr. M. Olsen to approve the minutes of August 4, 2010 Aye – All. Motion carried.

Voucher Approval

Operating Account:

It was moved by Mr. M. Olsen and seconded by Mr. S. Olson to approve the HP Operating Account in the amount of \$85,777.76. Aye – All. Motion carried.

Bonded Account:

It was moved by Mr. M. Olsen and seconded by Mr. Steinlicht to approve the HP Bonded Account in the amount of \$2,520.65. Aye – All. Motion carried.

OLD OR GENERAL BUSINESS

It was moved by Mr. M. Olsen and seconded by Mr. Pike to remove Case# 10038 from the table. Aye-All. Motion carried.

Case# 10038 – 764 Main Street – New Construction – Michael & Robin Berg

Mr. Kuchenbecker stated that staff had done some additional research as requested by the Commission at the last meeting. He noted that included in the HP Packets was a 9 panel review of the Sanborn Fire Insurance Maps and an enlargement of a Stimson Photograph documenting the area. Mr. Kuchenbecker

stated that from the maps it appeared that there may have been three lots with a few small structures located on land that is now associated with 764 Main Street. Mr. Kuchenbecker concluded that in the absence of site and setting that the proposed structure is appropriate infill and that it blends in with the rhythm and scale of the existing neighborhood; however, it does encroach upon 762 and 764 Main Street. Mr. Kuchenbecker noted that the applicant, Mr. Michael Berg, was present.

Mr. Berg showed pictures to the Commission which demonstrated how the streetscape looks currently and how it could look with the addition of the proposed structure. He noted that there would be 12' between the edge of the new structure and the Church as well as 12' between the new structure and the existing structure. Mr. Berg noted that distances between the houses on the block range from 6' to 16'. Mr. Berg stated that he believed that the proposed structure complemented the rhythm of the street. Ms. Feterl asked Mr. Berg how many feet were between the rectory and the proposed house. Mr. Berg stated that there would be 12'. Mr. M. Olsen stated that he had given the project a lot of thought. He stated that at first he had not been in favor of the project; however, he had changed his mind. Noting Mr. Kuchenbecker's staff report, he stated that he did not believe that the project would be adverse to Deadwood. He explained that in the Secretary of Interior's Standards: massing, scale, and rhythm are often sited. He stated that while these standards usually apply to individual buildings, Deadwood's historic preservation applies not just to individual buildings but to the town; therefore, these standards should not only apply to additions to buildings but also to neighborhoods. He stated that the scale, and massing of the proposed structure were appropriate for the neighborhood. Mr. M. Olsen stated that if you think about the rhythm of the neighborhood that the houses are located very close to each other. He acknowledged that there are syncopations every once in awhile; however, the majority of them line up the street with very little space in between them. He said that this can be seen in the proposed neighborhood. Mr. M. Olsen said that he believed that the proposed structure fits the guidelines set forth by the Secretary of the Interior's Standards and continues the rhythm of the neighborhood and to a certain extent enhances the rhythm of the neighborhood. He noted that a similar rhythm is repeated on the opposite side of the street as well. Mr. Derosier stated that he concurred with Mr. M. Olsen's conclusions. Mr. S. Olson asked Mr. Berg if the basic alignment of the front of the house would be inline with the other houses. Mr. Berg said it would be exactly inline with the current blue house. Mr. M. Olsen said that is how the whole street is; therefore, it is appropriate infill. Ms. Feterl asked if the lots were plotted as one lot or two. Mr. Berg stated that it is one, 10,000 sq. lot that is zoned R2. Mr. M. Olsen stated that with this zoning it would allow for more than one house on the lot. Mr. Berg stated that he had already been through the Planning and Zoning Commission and that everything was a go from that standpoint. Mr. Pike noted that the spacing between houses on the block range from 6 1/2 feet to 16 feet and that he is proposing to put in a structure that is an equal distance of 12 feet on either side of the proposed structure. Mr. Berg stated that he had not done this to fill in the area. Mr. Pike stated that he actually appreciated what Mr. Berg had done. Mr. Pike stated that the design of the home had been altered so it was now appropriate and that the spacing actually helped with the encroachment on the existing structure and the rectory. He thanked Mr. Berg for his efforts.

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

It was moved by Mr. M. Olsen and seconded by Ms. Feterl that based upon the guidance in the U.S. Department of the Interior's Standards for historic preservation projects in 36 C.F.R. 67, the finding was that the project is NOT ADVERSE to Deadwood and moved to approve the project as presented.

Aye – Pike, Feterl, Derosier, M. Olsen, S. Olson, Steinlicht. Nay- Oberlander. Motion carried 6-1. (The Staff Report is attached hereto on Exhibit A and incorporated herein by this reference).

Mr. S. Olson asked Mr. Kuchenbecker if Mr. Berg would need to have an archaeological study completed prior to the start of the project. Mr. Kuchenbecker stated that there would be minimal digging; therefore, a full study would not be necessary. They would simply monitor the project. Mr. Pike asked if the project would be marked in order to designate the new construction as is done with commercial properties. Mr. Kuchenbecker stated that they could work with the applicant on this; however, they would be using modern materials; therefore, it may not be necessary. The Commission thanked Mr. Berg for his patience and cooperation. Mr. Berg asked what his next step would be. Mr. Kuchenbecker stated that he would need to contact Mr. Keith Umenthum, building inspector, in order to obtain a building permit.

Case# 10034 – 874 Main Street – Driveway – Dale & Susan Berg

Mr. Kuchenbecker explained that the applicant had withdrawn his application; therefore, since the project had been tabled at the last meeting no action would be necessary.

NEW MATTERS BEFORE THE DEADWOOD HISTORIC DISTRICT COMMISSION

Case# 10040 – 601 Main Street – Wood Repair/Stucco – GR Deadwood LLC

Mr. Kuchenbecker explained that due to a life-safety issue, which had been created by the last storm, that brick had started spalling off of the building; therefore, they allowed work to begin prior to the issuance of a certificate of appropriateness. He stated that the contractor had been given specifications for historic masonry repair which they followed. He noted that the brick work had been completed; however, a little stucco work remained. Mr. Kuchenbecker stated that as proposed the work and changes do not encroach upon, damage, or destroy a historic resource nor have an adverse affect on the character of any buildings listed as contributing resources.

It was moved by Mr. M. Olsen and seconded by Ms. Feterl that based upon all of the evidence presented, the finding was 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 moved to grant a Certificate of Appropriateness. Aye- All. Motion carried. (The Staff report is attached hereto on Exhibit B and incorporated herein by this reference).

NEW MATTERS BEFORE THE DEADWOOD HISTORIC PRESERVATION COMMISSION

Case# 10037 – 62 Denver Avenue – Retirement/Demolition – Lou & Linda Stojack

Mr. Kuchenbecker stated that the applicant, Mr. Lou Stojack, and his property manager, Mr. Mike Klamm, were present. He explained that the house is a contributing resource to the National Historic Landmark District and that it is on the State register of historic places. Mr. Kuchenbecker stated that the resource is significant for its historic association with the founding and initial period of growth of the town of Deadwood. He explained that the applicant is requesting to demolish the resource. Mr. Kuchenbecker noted that he and Mr. Umenthum had gone through the house and that Mr. Umenthum had stated that the condition of the house was not necessarily a life safety matter; however, with continued neglect it may become one. Mr. Kuchenbecker then went through his staff report which is attached hereto on Exhibit C and incorporated herein by this reference).

Mr. Stojack stated that he wanted to point out a few matters addressed in the report. Mr. Stojack noted that in the structural evaluation it states that the general condition of the property is good and that the concrete foundation is in good condition. Mr. Stojack stated that there is no concrete on the foundation with the exception of the lean-to shed which was added. He also noted that the current shed is not the shed that is located on the plat maps. Mr. Stojack also stated that in the report the general condition of the floors in the structure were noted to be in good condition. He stated that at this time the floors are mostly sunken in. He also noted that the house was not really renovated; they simply redid the wiring and the plumbing nothing else. Mr. Stojack stated that he has peeled the tin siding off of the structure and the rot is so bad that you could put a shovel through it. He stated that for financial purposes he could rebuild for less than he could renovate. Mr. Steinlicht asked if, since Mr. Stojack owned the house next to the resource in question, it was his intention to demolish both structures. Mr. Stojack said that he owns the lot next to the structure in question, thus the plan was to raise the structure at 62 Denver and rebuild and then subdivide the lot next door. He said with that subdivision they were going to build two narrow lot line structures that would have had underground garages. He stated that this would have made three very nice properties for Deadwood. Mr. Stojack stated that he had renovated five barely inhabitable properties in Deadwood. Mr. Stojack stated that in his opinion this property is too far gone to fix. He said he knows that it cannot be done. Mr. Steinlicht stated that he had been in the residence and that he could see where Mr. Stojack was coming from; however, before he could approve the demolition he would want to see plans for the new house. Mr. M. Olsen stated that he believed that this would be necessitated by City Ordinance. Mr. Kuchenbecker explained that the structure is located outside of planning unit 4; therefore, it would not be a requirement. Mr. Stojack stated that it was his intent to rebuild something similar. Mr. Stojack stated that the structure in question has a twin house and that with the last storm, his current house at 64 Denver had sloughing; however, due to the closeness of the structures he cannot get in to do maintenance. Mr. S. Olson asked how one would even get access to do work. He stated that it would have to be from the back or side. Mr. Stojack stated that it would be done from the side. Mr. S. Olson asked how equipment would clear the retaining wall. Mr. Stojack stated that it could be done. He noted that when his neighbor, Marvin Lehmen who has since passed away, did some work for him he simply put his backhoe up with this bobcat. Ms. Oberlander stated that she had gone up and looked at the house. She noted that she lives in a renovated house and that it was in far worse shape than his. Mr. Stojack asked if her house had no footers on it or if the walls were rotting out. Mr. Stojack said he is not picking on anyone simply that the staff report is an opinion not an engineering study. Mr. Stojack said that he has owned the house for over four years and that he knows the shape that it is in. Mr. M. Olsen stated that his biggest problem is that Deadwood is a National Historic Landmark and every contributing building that is lost moves Deadwood one step closer to not being a National Historic Landmark. He noted that if Deadwood loses this status that it will lose everything. He stated that Deadwood will lose a lot of money, given to it by the State, and that the City will have to determine how to make up for the shortfall. He noted that this would probably come in the form of extra taxes. Ms. Feterl stated in the past there have been situations in which the HP Staff and the City Building inspector have held an opinion in opposition to an applicant as to what constitutes life-safety. She stated that when that happens often times the City will pay for an engineering report. Mr. Stojack stated that not only is this project a life-safety issue but also a financial issue. He noted that a neighbor redid her house and spent between \$160,000-\$170,000 dollars. Mr. Stojack stated that he cannot afford to put that much money into the house and then rent it out for \$400 a month.

Mr. Pike stated that Mr. Stojack had noted a few things in the staff report that he had an issue with or stated were out and out wrong. He asked Mr. Stojack if he wanted these issues revisited for an updated staff opinion. Mr. Stojack stated that the biggest issue with the structure is that there is no foundation. He said that it is his bet that the floor of the house has crowned 6 in or more and he does not know how to fix it. Mr. Pike stated that he did not want to have the Commission make a decision based on a staff report which he stated that he believes contains errors. Mr. Pike stated that he would rather have these issues readdressed. Mr. Stojack stated that his biggest problem is the report states that the concrete is in good condition and that the concrete in fact does not even exist. He noted also that the retaining wall is only in the shape that it is in because he put a lot of money into the wall when he purchased it. He also noted that the shed mentioned in the report is not a historic shed, from the Sanborn Maps; it is a lean-to that was added later. Mr. Stojack stated that he is not trying to tear down the structure because it is easiest, as he has renovated other properties in Deadwood, but because he does not know how or even believe that it is possible to renovate. Ms. Feterl asked if Mr. Stojack had accessed HPC funding to fix up any of his homes. Mr. Stojack stated that he had gotten a paint grant, and a retaining wall grant. He noted that funds started to dry up for owners not living in Deadwood. Mr. Pike asked if Mr. Kuchenbecker understood the issues that Mr. Stojack had problems with in his staff report. Mr. Kuchenbecker stated that he did but clarified that what is being referenced is the SD sites inventory when the City hired RCI to do an architectural survey. He stated that the state of the concrete was not addressed directly in his staff report; the survey had only been included to demonstrate that it is a contributing resource. Mr. Kuchenbecker noted that with that said he did feel that it was a good idea to bring in some local contractors to get a bid on renovation work v. new construction in order to give the applicant and the Commission a better benchmark to work off of. Mr. Stojack stated that this conclusion still did not make it any more economically feasible to fix. Mr. Derosier stated that maybe an engineering study needed to be done. Mr. Pike stated that it would not be his recommendation to do so at this time unless the other commissioners felt that that was necessary. He stated that he simply wanted the applicant to fully understand what staff's opinion is and what is supplementary to staff's opinion. He stated that perhaps more time was needed to discuss the project. Ms. Feterl stated that what she was hearing from Mr. Stojack is that he wants to know if the structure has integrity which would make it possible to restore. Mr. Stojack stated that this was correct and that economics must also be considered as well. He explained that in the past he had tried to sell his house but it just sat on the market for two years. He also noted that he had tried to rent it for two years with no luck. Mr. Stojack stated that he would sell the house for \$60,000, even though he had paid more than that for it, if he could. Mr. Stojack stated that he would not be able to put \$100,000 plus into the home to rehab it, like his neighbor had done, and then rent it for \$400 a month; therefore, he stated that it would probably be a good idea to get bids for repair v. new construction. Mr. Pike stated that there was probably a benefit in doing so. Ms. Feterl asked if obtaining an engineering report, if paid for by the City, would help. Mr. Stojack stated that it would probably help the Commission more than him as he was well aware of the condition of the house. Mr. Derosier stated that he believed maybe it was a good idea to simply have Mr. Stojack meet with Mr. Umenthum and Mr. Kuchenbecker at this point and do an engineering report only if necessary. Ms. Oberlander asked how long Mr. Stojack had owned the house. He said approximately five years.

Mr. Mike Klamm, property manger, stated that while the structure is contributing, Mr. Stojack is willing to rebuild a similar new structure. He stated that there is also a parking issue. He noted that when the structure was rented out, they had parked on his sidewalk and that caused him to get a citation. He stated that if the property is rehabbed the sidewalk will have to be moved at the City's expense in order for there to be parking for the structure. Mr. Derosier stated that these considerations were not within the HP

Commission's jurisdiction. Mr. Klamm also noted that the lot would really make it difficult to rehab and that a new construction would be easier to do and less costly to do. Mr. Stojack noted that a piece of equipment would not be able to get between the current house; therefore, it would not be possible to put a footer there. Mr. Derosier stated that economics are considered so it would be a good idea to obtain bids. He noted that he could not guarantee approval, but that economics are considered. Mr. Pike asked Mr. Stojack if he would be willing to meet with Mr. Kuchenbecker to iron out any concerns. Mr. Stojack stated that he would be agreeable to that; however, it would be most convenient to reach him by phone because he lives in Milwaukee. Mr. M. Olsen and Ms. Feterl stated that they were interested in obtaining a report from a structural engineer.

It was moved by Mr. Pike and seconded by Ms. Oberlander to table case #10037 at this time. Aye – Pike, Oberlander, Derosier, M. Olsen, S. Olson. Nay- Feterl, Steinlicht. Motion carried 5-2.

Mr. M. Olsen asked Mr. Kuchenbecker how they would obtain an engineering report. Mr. Toscana stated that the first thing that would be necessary would be to obtain permission from the applicant. Mr. Stojack stated that he would be more comfortable obtaining bids to determine economic feasibility prior to obtaining an engineering report. Mr. Kuchenbecker stated that he would work with the applicant and Mr. Umenthum to obtain bids. Mr. Pike asked that a more complete inspection also be conducted.

Case# 10044 – 360 Main Street – Cadillac Jack's Addition – BY Development

Mr. Kuchenbecker stated that the project had come before the Commission before. He noted that this was a new application with revised plans. Mr. Kuchenbecker explained that the project is 30% shorter and that they had gone from 100 rooms to 75 rooms and had opened the space between the proposed structure and the historic house next to it. Mr. Kuchenbecker stated that Mr. Cam Lund, from Lund and Associates, was present, along with the applicants, to do an overview of the project and obtain input from the Commission. Mr. Kuchenbecker added that now was the time to make any recommendations as the applicants would be seeking formal approval on September 8, 2010. Mr. Pike, on behalf of the Commission, thanked the ownership group for being flexible and working with the Commission and Mr. Kuchenbecker. Mr. Derosier reiterated thanks.

Mr. Lund presented an overview of the project. Mr. Lund stated that there are three colors of bricks associated with Cadillac Jacks. He stated that these three colors would be incorporated into the new structure. Mr. Lund stated that the applicants also wanted to cut costs; therefore, they would not be cutting into the hillside. Mr. Lund stated that there would be 130' between the proposed structure and the Historic Ferris House. He noted that in earlier plans the proposed structure would have been located between 15-35'. Mr. Lund also noted that the applicants had also cut down on the amount of underground parking in the proposed structure. Mr. Lund noted that the new structure would step up the hill. Mr. Lund stated that they had worked to break up the mass in several ways. Mr. Lund also noted that the new structure would bring in some of the colors of the hillside. Mr. M. Olsen stated that he liked the proposed project.

Mr. S. Olson asked if it would be possible to do some landscaping on the side of the proposed structure so it would shield the Ferris House from lighting at night. Mr. Lund stated that this could be looked into. Mr. S. Olson stated that he also did not like that in the proposed parking structure located in front of the existing structure that it would cut off a lot of the architectural elements of the first floor. Mr. Lund stated that it would be possible to add some of these elements. Mr. Derosier stated that he had to disagree with

Mr. S. Olson a little. Mr. Derosier stated that he actually liked the proposal as it breaks up the massing of the existing structure. Mr. S. Olson stated that he agreed he is simply worried about the potential loss of the architectural elements. Mr. S. Olson stated that he really liked the separation that is being proposed between the Ferris House and the proposed structure and he likes how the roofline has been changed as it really helps to break up the massing of the building. Mr. Steinlicht stated that if elements from the existing building were incorporated into the parking structure out front that he believed that it would be a continuation of the existing building.

Ms. Oberlander asked if the proposed large parking structure would be dropped down. Mr. Lund stated that it would be lowered quite a bit from the original plans. Ms. Oberlander stated that she feels that the proposed parking structure actually enhances the existing structure. Ms. Silvernail stated in response to Mr. S. Olson's suggestion regarding vegetation and the Ferris House that this really should be of no concern as there are no windows on that side of the house. Ms. M. Olsen and Mr. S. Olson stated that it would not be a concern then. Mr. Derosier stated that the revised proposal was much better and his concerns have been addressed. Mr. Pike stated that he agreed with Mr. Derosier. He stated that for him it had always been about encroachment on the Ferris House and with the revised plans he felt comfortable. He added that he really liked the design. He stated that he felt this design fixes certain elements of the existing structure. He also stated that he was very impressed that the design brought in elements from the brownstones above. He noted that he was impressed with the attention to detail. Mr. Pike asked Mr. Kuchenbecker if he struggled with any elements. Mr. Kuchenbecker stated that with the guidelines that he had to work with he felt that they were right on track. Mr. Derosier thanked the ownership group for working with the Commission and coming up with something that is agreeable to everyone. He stated that they should continue to work with Mr. Kuchenbecker and that they would revisit the proposal in a few weeks.

Mr. Kuchenbecker asked the Commission if it would be possible to move agenda item 7a up in order to allow Ms. McCracken to do her report.

It was moved by Mr. M. Olsen and seconded by Mr. Pike to move agenda item 7a between agenda item 6b and 6c. Aye – All. Motion carried.

Ms. Feterl recused herself and left the meeting room.

REVOLVING LOAN FUND/RETAINING WALL PROGRAM UPDATE:

Retaining Wall Application – 10 Ryan Road – Jerry Feterl

Mr. Kuchenbecker noted the memorandum that he had distributed in the packets. He stated that this application had come before the Commission before. He stated that an application must meet certain criteria in order to be eligible for the program. Mr. Kuchenbecker explained that while the wall was located within the City limits of Deadwood and was associated with a residential structure it was not historic, nor did it threaten a historic resource. He explained that it must therefore be a life-safety matter in order to be considered for the program. Mr. Kuchenbecker stated that the wall had been examined by two different structural engineers in the past to determine life safety and they had deemed that it was not a life safety matter. He also noted that Mr. Umenthum had relooked at the wall and that it was his opinion that the wall still did not qualify under the life-safety provision. Mr. Kuchenbecker explained that this conclusion had been reached as the wall is really a landscaping wall, meant to maintain a flat lawn, and

since there is no sidewalk located underneath the wall. Additionally, the retaining wall could completely go away and that would not threaten the house. The opinion is that it would take a lot to do damage to the house. Mr. Kuchenbecker noted that based on the City building inspector's opinion, which is supported by the engineering reports, that this is not a life-safety matter. Mr. Kuchenbecker stated that it would be up to the Commission if they wanted to pay for another engineering report. Ms. Oberlander asked when the engineers had looked at the wall. Mr. Kuchenbecker stated that one report had been done within the last four years. Mr. Pike questioned if the Commission considered having another engineer look at the wall, it would be to determine if the situation is now a life-safety. Mr. Kuchenbecker stated that that was correct. Mr. Steinlicht asked what would happen if children were playing under the wall and they got hurt because it fell on them. He asked who would be responsible. Mr. Pike stated that there may be a liability from the homeowner in that situation. He stated that this is an interesting question. He wondered if this hypothetical would contribute to a life-safety consideration. Mayor Toscana stated that this thinking may be entering into some dangerous territory. Ms. S. Olson asked if the Commission concurred with the building inspector if it is the Commission's responsibility to hire an engineer. Mr. Kuchenbecker stated that this has been done in the past. Mr. S. Olson stated that in his recollection this had been done with historic walls. Ms. Oberlander stated that this had been done with 80 Williams. Ms. Oberlander stated that it is important to her that a sidewalk is not located underneath it; therefore, you are not encouraging people to walk underneath it. Mr. Derosier stated that he agreed with Ms. Oberlander. Mr. Pike stated that he wanted to make sure that all applicants are treated absolutely equally. Ms. Oberlander stated that maybe a structural engineer should come back then, as had been done with 80 Williams, if they are to treat all applicants equally. Mayor Toscana stated that if this were to be done he recommended that a third and different engineer be hired to perform the service. Mayor Toscana asked what it would cost to obtain another report. Mr. Kuchenbecker stated that it would cost less than \$1,000 dollars. Mr. Derosier stated that two reports had already been obtained. Ms. Oberlander stated that to be fair; however, maybe they should have another report done. Mr. Pike stated that he was not sure where the line was to be drawn. He was not sure how many reports the City should have to obtain. Mayor Toscana stated that a few years ago he had taken Mr. Mike Stahl, a mining engineer, up to the house to look at the wall and he had come up with the same conclusion as the two previous engineers and Mr. Umenthum. Ms. Oberlander asked Mr. Toscana what Mr. Stahl's conclusion had been. Mr. Toscana stated that Mr. Stahl too felt that the wall did not create a life-safety issue. Mr. Kuchenbecker stated that if the applicant disagreed she could always go through the board of appeals to appeal Mr. Umenthum's determination regarding the wall.

It was moved by Mr. M. Olsen and seconded by Mr. S. Olson to deny entry into the retaining wall program for the wall located at 10 Ryan Road because the wall does not fit the criteria of the program. Aye- All. Motion carried.

Ms. Feterl returned to the meeting.

It was moved by Mr. S. Olson and seconded by Mr. M. Olsen to move agenda item 7b and 7c to follow item 7a which was placed between agenda item 6b and 6c. Aye – All. Motion carried.

Revolving Loan Program – Cash Disbursements

It was moved by Mr. S. Olson and seconded by Mr. M. Olsen to approve the HP Revolving Loan on Cash Disbursements in the amount of \$9,143.89. Aye – All. Motion carried.

Loan Committee Report

Financial and Delinquency Report

Ms. Joy McCracken reviewed the financial delinquency report. She noted that they had received payment from Mr. Blake Haverberg and Deadwood Development the end of July as agreed. She noted that Hickok's was working with their attorneys to get everything in place for the façade easement donation. Ms. McCracken stated that Ms. Trevino had been in. She also noted that they had resent paper work to the Northern Hills Railway Society Inc. She also noted that Mr. Francis Lauer and Mr. John Hopkins had called to let her know that their payments are on their way.

Revolving Loan Fund – 36 Jackson Street – Margaret (Peggy) Fierro

Ms. McCracken explained that HP had previously approved a loan for Ms. Fierro for windows for \$2,500. She stated that this loan had expired so this was simply to renew the commitment for \$2,500 at 5% interest for 48 months.

It was moved by Mr. M. Olsen and seconded by Mr. Steinlicht to renew the loan for Ms. Fierro 36 Jackson for \$2,500 at 5% interest for 48 months. Aye – All. Motion carried.

Ms. McCracken stated that recommendations for a policy change to the Revolving Loan – Commercial Property Program were forth coming.

Case# 10039 – 56 Adams Street – Doors/Windows & Siding – James & Eunice Wilson

Mr. Kuchenbecker stated that this was a non-contributing structure located in the Ingleside Planning Unit in the City of Deadwood. He explained that the structure had sustained modern additions and alterations which make the structure non-contributing. He explained that they would be replacing windows and installing steel doors. Mr. Kuchenbecker stated that the proposed work and changes DO NOT encroach upon, damage, or destroy a historic resource or have an adverse affect on any historic buildings.

It was moved by Mr. M. Olsen and seconded by Ms. Feterl that based upon all of the evidence presented the finding was 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 moved to grant a project approval. Aye – All. Motion carried. (The staff report is attached hereto on Exhibit D and incorporated herein by this reference).

Case# 10042 – 23 Emery Street – Siding/Exterior Painting – Melody Lawson

Mr. Kuchenbecker stated that this is a contributing structure located in the Highland Park Addition. He noted that the building was built circa 1900. He explained that the applicant was requesting permission to replace the existing cedar siding with new cedar siding that will be painted either mocha or tan. He noted that guidelines had been drawn up for the siding program which will help both the applicants and contractors carry out the intended goals of the program. He explained that the requested work and changes would not have an adverse affect.

It was moved by Ms. Feterl and seconded by Mr. Pike 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

moved to grant a project approval. Aye – All. Motion carried. (The staff report is attached hereto on Exhibit E and incorporated herein by this reference).

Revolving Loan/Special Needs Siding Removal – 23 Emery Street – Melody Lawson

Mr. Kuchenbecker stated that it was staff's recommendation to approve acceptance into the program.

It was moved by Ms. Oberlander and seconded by Mr. S. Olson to approve acceptance into the Revolving Loan/Special Needs Siding Removal Program for 23 Emery Street. Aye – All. Motion carried.

Revolving Loan/Special Needs Wood Windows – 81 Stewart – Travis Floyd

Mr. Kuchenbecker stated that staff recommended acceptance into the program.

It was moved by Mr. Pike and seconded by Mr. M. Olsen to approve acceptance into the Revolving Loan/Special Needs Wood Window Program for 81 Stewart Street. Aye – All. Motion carried.

Case# 10041 – 442 Williams Street – Garage Demo – Deadwood HPC

Mr. Kuchenbecker stated that the garage is a non-contributing resource associated with the property at 442 Williams Street. He noted that inspection had lead to the finding that the building is falling apart and in jeopardy of falling over at any time. Mr. Kuchenbecker stated that the work would not encroach upon, damage, or destroy a historic resource nor have an adverse affect on the historic character of the buildings listed as contributing resources in any of the historic registers. Mr. Derosier asked if any recordation would need to be obtained. Mr. Kuchenbecker stated that existing photographs would suffice since it was not constructed until the 1980s and we have the building footprint.

It was moved by Mr. M. Olsen and seconded by Mr. Steinlicht that based upon all of 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 moved to grant a project approval. Aye – All. Motion carried. (The staff report is attached hereto on Exhibit F and incorporated herein by this reference).

Mr. Pike recused himself and left the meeting room.

Case# 10043 – 35 Lincoln Avenue – General Maintenance – Francy & Matt Pike

Mr. Kuchenbecker stated that the structure was contributing and located in the Ingleside planning unit in the city of Deadwood. Mr. Kuchenbecker stated that the structure was built in the 1930s and that the applicants were requesting to replace the front storm door with a structurally similar storm door. He also noted that the applicant had applied for the window and siding programs and that staff recommended acceptance into the programs. Mr. Kuchenbecker stated that the proposed work and changes would not have an adverse affect.

It was moved by Mr. Steinlicht and seconded by Ms. Feterl that based upon all of 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 moved to grant a project approval.

Mr. S. Olson asked how it would be possible for Mr. Pike to enter into the Wood Window and Door program as the proposed door was not wood. Mr. Kuchenbecker explained that Mr. Pike would not be receiving any financial support for the door only for the windows.

Aye – All. Motion carried. (The staff report is attached hereto on Exhibit G and incorporated herein by this reference).

Revolving Loan/Special Needs Siding Removal – 35 Lincoln Avenue – Francy & Matt Pike

It was moved by Ms. Feterl and seconded by Mr. M. Olsen to approve acceptance into the Siding Removal program for 35 Lincoln, Francy and Matt Pike. Aye – All. Motion carried.

Revolving Loan/Special Needs/Wood Windows & Doors – 35 Lincoln – Francy & Matt Pike

It was moved by Ms. Feterl and seconded by Mr. M. Olsen to approve acceptance into the Wood Window program for 35 Lincoln, Francy and Matt Pike. Aye – All. Motion carried.

Mr. Pike returned to the meeting.

Prospector Bowl – Funding Request – Lead Kiwanis

Mr. Kuchenbecker stated that Mr. Rod Galland, of the Lead Kiwanis Club, had called and asked Mr. Kuchenbecker to ask if the Commission would consider additional funding of the Prospector Bowl. Mr. Kuchenbecker stated that funding for colored wraps had been approved with the understanding that this would be the only funding for the next five years. Mr. Kuchenbecker noted that this stipulation had been included in the motion to approve the funding and clearly stated in the award letter that was sent to Mr. Galland on August 7, 2009.

It was moved by Mr. S. Olson and seconded by Mr. M. Olsen to deny the request for additional funding for the Prospector Bowl on behalf of the Lead Kiwanis Club based on the motion and letter from 2009. Aye – All. Motion carried.

Permission to Attend MPMA Conference – Kevin Kuchenbecker

Mr. Kuchenbecker stated that the Mountain Plains Museums Association 2010 Conference would be held September 13-17, 2010 in Rapid City, South Dakota. Mr. Kuchenbecker stated that as a presenting sponsor, the City was awarded certain complementary registrations etc. Mr. Kuchenbecker noted that if any of the Commissioners were interested in going that they should let him know. Mr. Kuchenbecker also stated that he was going to request permission to attend the conference as one of the complimentary registrations, meals not included, and the use of a city vehicle or mileage.

It was moved by Ms. Oberlander and seconded by Mr. Steinlicht to recommend to the City Commission permission for Mr. Kuchenbecker to attend the MPMA Conference in Rapid City. Aye – All. Motion carried.

ITEMS FROM CITIZENS NOT ON AGENDA:

Mayor Toscana stated that Mr. Bob Nelson Jr., Zoning Administrator, had found an easement that stipulated that any Black Hills pioneer was welcome to be buried in the plot beneath Seth Bullock's grave, that the city owns. Thus, these wishes had been carried out with the reburial, of the skeletal remains, in July.

Ms. Feterl asked if there was any objection to reconsider the motion made to table the project at 62 Denver. No objection was heard.

It was moved by Mr. Pike and seconded by Ms. Oberlander to table the application for 62 Denver. Aye – All. Motion carried.

COMMITTEE ACTIONS & REPORTS:

Grants, Recognition & Advocacy: Commission representatives: Ronda Feterl, Willie Steinlicht 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.

Mr. Pike requested a P&P meeting on September 30, 2010 at 8:00 am. Mr. Pike asked that Ms. Virginia Peterson, HP Administrative Assistant, send out a reminder e-mail to the Commission regarding this meeting.

Adams Museum: Commissioner Mary Ann Oberlander.

Ms. Oberlander stated that there had been a Museum Board Meeting. She explained that they are working on raising the additional funding necessary to complete the HARCC building. Ms. Oberlander also noted that visitorship and donations are up and that they had had several successful summer programs that were very well attended.

Chamber of Commerce: Commissioners Darin Derosier and Willie Steinlicht.

Mr. Derosier noted that Kool Deadwood Nites would take place August 26-29.

Days of '76: Commissioner Mike Olsen.

Mr. M. Olsen stated that the bids came in for the Days Museum. He noted that J Scull came in with the

same bid as the first bid and were the apparent low bidders once again. Mr. M. Olsen stated that they were now waiting for DOT approval.

He noted that the Exhibit Design Committee was in town.

Mr. S. Olson noted that the Miles City to Deadwood Trail Ride was in progress and that everything was going smoothly.

Neighborhood Housing Services: Commissioner Willie Steinlicht.
No report.

Planning and Zoning: Commissioner Mike Olsen.
No report.

STAFF REPORTS:

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

Mr. Kuchenbecker reported on the following:

He acknowledged the loss of the City's volunteer, Catherine Ponce De Leon.

He stated that on Friday September 10, 2010 that there would be a budget meeting in Pierre and asked all interested participants to contact him. Mr. Derosier asked if it would be possible for more than three commissioners to attend as they would have a quorum. Mayor Toscana stated that any interested parties should let Mr. Kuchenbecker know and then they could address that issue if it came to that.

He noted Mr. Runge's monthly report.

He noted that on Monday he would be asking to surplus some of the railroad equipment.

OTHER BUSINESS:

Mr. Derosier noted that the Meeker Ranch had acknowledged HP's outside of Deadwood Grant funding in a brochure. He also noted that he had received a thank you letter from Dustin and Laura Floyd, 21 Lincoln, which expressed thanks for the money that they had received to fix up their home.

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 7:06 p.m.

ATTEST:

Darin Derosier
Chairman, Historic Preservation Commission
Virginia Peterson, Acting Recording Secretary