

DEADWOOD HISTORIC PRESERVATION COMMISSION

Wednesday, September 23, 2009 ~ 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. Founders Park Plaza Inc.– Ann Stanton
 - b. Case# 09063– 1 Railroad– New Construction– John Bolan
5. New Matters before the Deadwood Historic District Commission
 - a. Case# 09067– 696 Main Street– Painting– First Western Bank
6. New matters before the Deadwood Historic Preservation Commission
 - a. Case# 09064– 10 Centennial Avenue– Decking– David Bosch
 - b. Case# 09065– 874 Main Street– Exterior Alteration– Dale Berg
 - c. Case# 09066– 458 Williams Street– Windows– Charles Turbiville
 - d. Revolving Loan–Special Needs/Wood Windows– Charles Turbiville
 - e. Case# 09068– 3 John Street– Garage Addition– Mark Bergstein
 - f. Case# 09069– 39 Lincoln Avenue– Windows– Adrian Newkirk
 - g. Neighborhood Markers & Interpretation Panels– Grants, Recognition, Advocacy, & Public Education
 - h. Laptop Purchase for Archives not to exceed \$2,500
- Revolving Loan Fund/Retaining Wall Program Update.
 - a. Retaining Wall Applications
 - i. 396 Williams Street– Morris Harris
 - ii. 350 Williams Street– James & Donna Fletcher
 - b. Revolving loan disbursements
 - c. Retaining Wall disbursements
7. Items from Citizens not on agenda.
8. Committee Actions and Reports
9. Staff Report
10. Other business
11. Adjournment

CITY OF DEADWOOD
HISTORIC PRESERVATION COMMISSION

Wednesday, September 23, 2009

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

Absent Historic Preservation Commission: Mary Ann Oberlander.

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, September 23, 2009 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 Mr. S. Olson to approve the minutes from Wednesday, September 9, 2009. Aye – All. Motion carried.

Voucher Approval

Operating Account:

It was moved by Mr. M. Olsen and seconded by Mr. Pike to approve the HP Operating Account in the amount of \$62,807.41. Mr. S. Olson asked if the bill for the Kiwanis was for the Prospector Bowl programs. Mr. Kuchenbecker explained that it was part of the five-year commitment made to Kiwanis for the jackets on the exterior of the Prospector Bowl program. Aye - All. Motion carried.

Bonded Account:

None.

OLD OR GENERAL BUSINESS

Founders Park Plaza, Inc. – Ann Stanton

Mr. Kuchenbecker said that Ms. Stanton was unable to make the meeting as planned, but explained that they had an open house and check presentation and said, unfortunately, none of the Commissioners were able to attend. Mr. Kuchenbecker read a thank you letter from Ms. Stanton thanking all the Commissioners for supporting the project so generously. She said they are anticipating groundbreaking on Wednesday and they are also planning a ceremony of some type, including a ribbon cutting, spade digging and adding some type of festivity to this important event. She said they may wait until October 5, 2009 to have the ceremony, but she will let the Commission know.

Case #09063 – 1 Railroad – New Construction – John Bolan

Mr. Kuchenbecker said the Commission previously approved the ranch-style, story and-a-half structure with a walkout basement, but explained that the applicants are no longer bringing forth that request. He suggested that the prior motion to approve this should be rescinded and further action taken on the new plans so there are not two Certificates of Appropriateness on this parcel of land. *It was moved by Mr. Pike and seconded by Ms. Feterl to rescind the previous approval granted in Case #09063. Aye – All. Motion carried.*

It was moved by Ms. Feterl and seconded by Mr. Pike to find that this project DOES encroach upon, damage or destroy a noncontributing property included in the National Register of Historic Places or the State Register of Historic Places, based on the evidence presented with a memorandum dated September 9, 2009 from Mr. Kuchenbecker. Aye – Derosier, Feterl, S. Olson, Pike and Steinlicht. Abstain – M. Olsen. Motion carried.

It was moved by Mr. Pike and seconded by Ms. Feterl that based upon the guidance in the U.S. Department of 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 therefore grants approval for the project as presented. Aye – Derosier, Feterl, S. Olson, Pike and Steinlicht. Abstain – M. Olsen. Motion carried.

NEW MATTERS BEFORE THE DEADWOOD HISTORIC DISTRICT COMMISSION

Case #09067 – 696 Main Street – Painting – First Western Bank

Mr. Kuchenbecker explained that the applicant has submitted an application for a Certificate of Appropriateness for 696 Main Street, a contributing structure located in the Deadwood City Planning Unit in the City of Deadwood, which was constructed 1889, 1905-06. The applicant is requesting permission to scrape, prime and paint front windows and entrance and side and rear windows and doorways with the color remaining the same. The proposed work and changes does not encroach upon, damage and destroy the resource nor have an adverse affect on the districts. *It was moved by Mr. S. Olson and seconded by Mr. M. Olsen to approve the Certificate of Appropriateness as presented in Case #09067 for 696 Main Street at First Western Bank. Based upon all evidence presented the finding is that this project DOES NOT encroach upon, damage and destroy any historic property included in the National Register of Historic Places or the State Register of Historic Places; and therefore, grants a Certificate of Appropriateness. 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 #09064 – 10 Centennial Avenue – Decking – David Bosch

Mr. Kuchenbecker explained that the applicant is requesting Project Approval for 10 Centennial Avenue, a noncontributing structure located in the Forest Hill Planning Unit of the City of Deadwood, which was constructed circa 1983. The applicant is requesting permission to add on to the existing deck and add an exterior door as submitted. Wood will be used to construct the deck and will match the existing deck. The proposed work and changes does not encroach upon, damage and destroy a historic resource, nor does it have an adverse affect on the character of the building or the historic character of the districts.

Mayor Toscana approached the Commission and said he had no comment on the staff report, but asked the Commission to continue this item until it can be discussed with the City attorney. He explained that it is of the opinion of the City Commission that this homeowner is in violation of City ordinance. He said there have been numerous complaints that the City ordinance has been violated on a regular basis because of nightly rentals. ***It was moved by Mr. M. Olsen and seconded by Ms. Feterl to continue Case #09064 until more information is received.*** Ms. Feterl thanked Mayor Toscana for his request, as she had questions herself that were posed to Mr. Kuchenbecker. Mr. Kuchenbecker said he spoke with City Attorney, Jason Campbell, who said action could be taken with the stipulation that no building permit be issued until it is found that the applicant is compliant with City ordinance. ***Aye – All. Motion carried.*** (The staff report is attached hereto on Exhibit B and incorporated herein by this reference.)

Case #09065 – 874 Main Street – Exterior Alteration – Dale Berg

Mr. Kuchenbecker explained that the applicant is requesting Project Approval for 874 Main Street, a contributing structure located in the Upper Main Street Planning Unit in the City of Deadwood, which was constructed in 1900. He said the applicant requests permission to place a ½ window flat door at the rear of the house and put lock and load fascia on the existing retaining wall across the front. 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 historic character of the districts. ***It was moved by Mr. Pike and seconded by Mr. M. Olsen that based upon all 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, grants Project Approval to Dale Berg at 874 Main Street as presented in Case #09065. Aye – All. Motion carried.*** (The staff report is attached hereto on Exhibit C and incorporated herein by this reference.)

Case #09066 – 458 Williams Street – Windows – Chuck Turbiville

Mr. Kuchenbecker explained that the applicant is requesting Project Approval for 458 Williams Street, a contributing structure located in the City Creek Planning Unit of the City of Deadwood, which was constructed in 1925. The applicant requests permission to replace the existing three (3) front and four (4) side wood storm windows with wood frame storm windows approved by HPC, and to repair the existing windows. 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 character of the districts. ***It was moved by Mr. Steinlicht 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 for 458 Williams Street as presented in Case #09066 for Charles M. Turbiville. Aye – All. Motion carried.*** (The staff report is attached hereto on Exhibit D and incorporated herein by this reference.)

Revolving Loan – Special Needs/Wood Windows – Charles Turbiville

It was moved by Mr. Pike and seconded by Ms. Feterl to enter Charles M. Turbiville at 458 Williams Street into the Special Needs/Wood Windows & Siding Program. Aye – All. Motion carried.

Case #09068 – 3 John Street – Garage Addition – Mark Bergstein

Mr. Kuchenbecker explained that the applicant is requesting Project Approval for 3 John Street, a noncontributing structure located in the Highland Park Addition Planning Unit in the City of Deadwood, which was constructed in 1963. The applicant, Mark Bergstein, was available for questions. The

applicant is requesting permission to excavate to street level and construct a new two-car garage as submitted. Mr. Kuchenbecker said this was presented to Planning and Zoning on May 20, 2009 and the applicant received a variance for the setback of the proposed garage. The site is limited in area in which to situate a two-car garage. The existing residence sets back approximately 50' from the front lot line and the immediate area is made up primarily of noncontributing homes, and it is not unusual to place garages in the front of properties in Deadwood, which is based on the Planning and Zoning Commission review. The proposed work and changes does not encroach upon, damage or destroy a historic resource, nor does it have an adverse affect on the historic character of the districts.

Mr. S. Olson asked if this would be a flat-roofed garage, to which Mr. Bergstein said it would be. ***It was moved by Mr. M. Olsen and seconded by Ms. Feterl 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 E and incorporated herein by this reference.)

Case #09069 – 39 Lincoln Avenue – Windows – Adrian Newkirk

Mr. Kuchenbecker explained that the applicant is requesting Project Approval for 39 Lincoln Avenue, a noncontributing structure located in the Ingleside Planning Unit in the City of Deadwood, which was constructed in 1880. The applicant requests permission to install three (3) 14" wide by 48" tall sidelight windows going up the stairwell wall. The frames will be vinyl construction and will be 1-1/4 " x 1-1/4". As these windows are "plant-on" type with no interior jambs, the exterior trim will be 1 x 4 wood casing with rosettes at all four corners. The applicant has made several changes and alterations over the past year to address some of the inappropriate alterations referenced in the above test regarding why it has lost its significance. Through the use of materials that are more appropriate to the original style of the house, this resource is now more compatible to the historic district. 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 districts. ***It was moved by Mr. M. Olsen 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 F and incorporated herein by this reference.)

Neighborhood Markers & Interpretation Panels – Grants, Recognition, Advocacy & Public Education

Mr. Kuchenbecker explained that staff is requesting consideration by the Commission to recommend to the City Commission to proceed with this project. He said the committee has been talking about this and has made it a priority. He said they are looking at ten (10) interpretive markers in the amount of \$6,850.00, which would be a contract with TDG Communications to continue with this. He said they did two panels in 2005 and the City Parks Department fabricated the framework, with the cost of the framework being \$250.00 each. This is a 2009-budgeted item. Mr. S. Olson said he understands it takes time to fabricate these frames, and wondered if it were in the realm of the Parks Department to have the time to make that commitment. Mayor Toscana said he did not know, but could speak with Albert Kryger and JR Raysor to see if this would be possible, but said it would also depend on the amount of snow the winter brings. Mr. Kuchenbecker said that if they are unable to do so, there is money in the budget and

there are some very good and talented fabricators in the area. *It was moved by Mr. M. Olsen and seconded by Ms. Feterl to recommend to the City Commission to enter into a contract with TDG Communications in the amount not to exceed \$6,850.00 for the production and design of ten (10) neighborhood markers and interpretation panels with coordination, input, oversight and approval by the Deadwood Historic Preservation Office. Aye – All. Motion carried.*

Laptop Purchase for Archives not to exceed \$2,500.00

Mr. Kuchenbecker explained that the Archives Department is requesting permission to purchase a new laptop computer and docking station. The existing computer is approximately seven years old, has become very slow and is unable to keep up with the PastPerfect software. This is a budgeted item and they are asking for recommendation to the City Commission to approve this expenditure from the 2009 Archives budget. *It was moved by Mr. M. Olsen and seconded by Mr. Pike to recommend to the City Commission the approval of a laptop computer and docking station in the amount not to exceed \$2,500.00 using funds from the 2009 Archives budget.* Mr. S. Olson noted that on the second page of the price quote it shows a price of \$2,542.00. *It was moved by Mr. M. Olsen and seconded by Mr. Pike to amend the motion to not exceed \$2,600.00. Aye – All. Motion carried.*

REVOLVING LOAN FUND/RETAINING WALL PROGRAM UPDATE:

Retaining Wall Application - 396 Williams Street – Morris Harris.

This application is for Morris “Niles” Harris at 396 Williams Street. The walls are deteriorating and failing and are potentially threatening the structure and could eventually threaten the historic resource. The walls meet the general eligibility for location and acceptance as a historic wall and a potential threat to the historic resource. Staff recommends acceptance into the program. *It was moved by Mr. M. Olsen and seconded by Ms. Feterl to accept the retaining wall at 396 Williams Street into the Retaining Wall Program. Aye – All. Motion carried.*

Retaining Wall Application – 350 Williams Street – James & Donna Fletcher

Mr. Kuchenbecker explained that the walls at 350 Williams Street are deteriorated and failing and are potentially threatening the structure. He said there are some walls at the back of the resource that need to be looked at with an engineer. The front walls need acceptance into the Retaining Wall Grant Program because they are historic walls, have a potential threat to a historic resource and are potentially life/safety. Staff recommends acceptance into the program. *It was moved by Mr. Pike and seconded by Mr. S. Olson to accept the walls at 350 Williams Street into the Retaining Wall Grant Program. Aye – All. Motion carried.*

Revolving Loan Disbursements

It was moved by Mr. M. Olsen and seconded by Ms. Feterl to approve the Revolving Loan Fund cash disbursements in the amount of \$20,868.40. Aye – All. Motion carried.

Retaining Wall Disbursements

It was moved by Mr. M. Olsen and seconded by Mr. S. Olson to approve the retaining wall grant disbursement in the amount of \$15,176.25 to Ainsworth-Benning Construction for 58 Pleasant for Ken and Donna Kellar. Aye – All. Motion carried.

Revolving Loan – Delinquency Report

Ms. McCracken reviewed and explained the delinquency list. She said the city attorney has the deed for the Gilmore property, but has not yet reported it because he is asking for all lease agreements to be transferred to the City of Deadwood, as well as the property management agreement.

She reported that they had a meeting with Blake Haverberg and First Western Bank and another meeting is scheduled.

Ms. McCracken reported that Hickok's have an opportunity to sell the Iron Horse. Unfortunately, the sale price is not adequate to pay all the debt against the property, so they are asking Historic Preservation to transfer collateral on a \$47,630.16 loan from the Iron Horse over to Hickok's. She said the loan committee has reviewed this and they recommend approval, which can then go to City Commission for final approval. Ms. McCracken further explained that in order for the Iron Horse to be sold, this lien must be satisfied. Mr. S. Olson asked if this changes the City's position on the loan if this collateral is moved from one loan to the other, to which Ms. McCracken said the City would still be in second position. *It was moved by Mr. M. Olsen and seconded by Mr. S. Olson to recommend to the City Commission to transfer the loan of \$47,630.16 from the Iron Horse to Hickok's with the collateral being at Hickok's. Aye – All. Motion carried.*

Ms. McCracken also explained that there are several loans for Felece Marks for the rehabilitation of 25 Denver Avenue. She said that Ms. Marks is self-employed with the majority of her sales coming from the Internet, as well as a store in Parks City, Utah. Because of the bad economy her Internet sales have been down and she is going through some tough times. She said Ms. Marks would be selling her business store in Parks City, which will save her some money, but she is also requesting that her payments be lowered to help her through these tough economic times. The loan committee recommended leaving the interest rate as is, but extending the terms of the loan by taking them all out to a 30-year term, which will lower her payments approximately \$250.00 per month. This would be put on an annual review and added that the City is in first position on this loan. *It was moved by Mr. Pike and seconded by Mr. M. Olsen to allow the restructure the payment plan for Felece Marks at 25 Denver Avenue as presented. Aye – All. Motion carried.*

ITEMS FROM CITIZENS NOT ON AGENDA:

Mr. Carlton Spindler asked if the owner of 350 Williams is residing there, to which Mr. Kuchenbecker said they are not at this time and noted because of that the retaining wall would be under a different formula. Mr. Spindler said he is very familiar with this property from his childhood. He also wondered if the two giant trees were causing some of the problems with the wall, but also wondered if the trees were considered historic and could be removed.

Mr. Spindler also asked where Founders Park Plaza was to which Mr. Kuchenbecker said it was in Rapid City, SD.

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, Darin Derosier 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.

No report.

Chamber of Commerce: Commissioners Darin Derosier and Willie Steinlicht.

Mr. Derosier reported that they talked about the Deadwood Jam. They said Mr. Pike did a great job and they were happy they had rain insurance.

He also reported that they talked about Kool Deadwood Nites, which is becoming a very sizeable event and is becoming difficult to manage all the time it is requiring, as well as the costs.

Days of '76: Commissioner Mike Olsen.

Mr. Olsen reported that the Days of '76 Committee have been meeting regularly to discuss the new museum. He said one of the issues they are facing is whether or not they want to retrofit the current storage facility with climate control to store the artifacts or if the new museum will have enough storage. He said the new museum would have a lot of interactive activities.

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.

Kevin Kuchenbecker reported on the following:

Explained the language from SDCL 1-19A-11.1.

Reported that the public hearing for the Engine House has been changed to October 5, 2009.

Asked for volunteers to sit at the book festival.

Reported that the retaining wall at 45-47 Forest Avenue is finally completed.

Reported on the Miles City to Deadwood Trail ride.

Thanked those that traveled to Pierre to present the 2010 HPC Budget. Ms. Feterl thanked Mr. Kuchenbecker as well for his presentation.

The S.D. Railroad Museum is having a V.I.P. reception on Saturday, September 26, 2009.

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 6:00 pm.

ATTEST:

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