

DEADWOOD HISTORIC PRESERVATION COMMISSION

Wednesday, November 12, 2014 ~ 5:00 p.m.

City Hall, 108 Sherman Street, Deadwood, South Dakota

1. Call meeting to Order
 - a. Welcome new Historic Preservation Commissioner Dale Berg
2. Approval of Minutes from October 22, 2014
3. Voucher Approval
4. Old or General Business
 - a. Election of Vice-Chair of Commission and Committee assignments
 - b. Set next meeting date for HP Commission from November 26 to November 25, 2014
 - c. Set meeting date for HP Commission from December 24 to December 23, 2014
 - d. 2014 National Historic Landmark Status Report by SHPO for NPS – Ted Spencer
 - e. Update on St. Ambrose Cemetery Project – Phase V – Set for Bidding in December 2014
5. New Matters before the Deadwood Historic District Commission
 - a. CoA – Case# 14051 – Exterior Wall Restore/Replace Door– 795 Main Street - NeighborWorks
 - b. CoA – Case# 14067 – Awnings – 531 Main Street – Blue Sky Gaming
6. New Matters before the Deadwood Historic Preservation Commission
 - a. PA – Case#14034 – Wood Storm windows & doors – 14 Van Buren – Tom McNary
 - b. PA – Case# 14065 – Replace door and storm door – 4 Washington – Louie Van Rochele
 - c. PA – Case# 14065 – Re-roofing change of materials – 20 Lincoln – Donna Randolph
7. Revolving Loan Fund/Retaining Wall Program Update
 - a. Retaining Wall Applications
 - b. Revolving loan Program/Disbursements
 - i. Richard Walker – 56 Lincoln
 - ii. Barnard Voll & June Sheaks – 15 Washington
 - iii. Charles Turbiville – 458 Williams
 - iv. Shelley Corbitt – 35 Jackson
 - v. Estate of Mary Ellen Casey – 61 Forest
 - vi. Kevin & Jan Bloom – 17 Fillmore
 - c. Retaining Wall Program / Disbursements
8. Items from Citizens not on agenda (*Items considered but no action will be taken at this time.*)
9. Staff Report (*Items considered but no action will be taken at this time.*)
10. Committee Reports (*Items will be considered but no action will be taken at this time.*)
11. Other Business
12. Adjournment

Executive Session for Personnel per SDCL 1-25-2 (1)

Executive Session for Legal Matters per SDCL1-25-2 (3) with possible action

All Applications **MUST arrive at the City of Deadwood Historic Preservation Office by 5:00 p.m. MST on the 1st or 3rd Wednesday of every month in order to be considered at the next Historic Preservation Commission Meeting.*

CITY OF DEADWOOD
HISTORIC PRESERVATION COMMISSION
Wednesday, November 12, 2014

Present Historic Preservation Commission: Chair Laura Floyd, Michael Johnson, Lynn Namminga, Dale Berg, Lyman Toews, Chuck Williams and Thomas Blair were present.

Absent: Ms. Terri Williams, City Attorney, was absent; however she conferenced in by phone for the first part of the meeting to swear in new Commissioner, Dale Berg.

Mr. Kevin Kuchenbecker, Historic Preservation Officer; Ms. Joy McCracken, Executive Director of NeighborWorks-Dakota Home Services; and Mr. Mike Walker, Executive Lending Officer of NeighborWorks-Dakota Home Services were all present.

Present City Commission members: Georgeann Silvernail and Dave Ruth Jr were present.

All motions passed unanimously unless otherwise stated.

A quorum present, Chair Floyd called the Deadwood Historic Preservation Commission meeting to order Wednesday, November 12, 2014 at 5:00 PM in Deadwood City Hall located at 102 Sherman Street in Deadwood, SD.

The City Attorney, Ms. Williams swore in newly appointed Historic Preservation Commissioner, Dale Berg.

Approval of October 22, 2014 HPC Minutes:

It was moved by Mr. Blair and seconded by Mr. Williams to approve the minutes of Wednesday, October 22, 2014 as presented. Aye – All. Motion carried.

Voucher Approval:

Operating Account

It was moved by Mr. Johnson and seconded by Mr. Namminga to approve the HP Operating Account in the amount of \$166,539.33. Aye – All. Motion carried.

It was moved by Mr. Johnson and seconded by Mr. Namminga to approve the HP Bonded Account in the amount of \$10,265.95. Aye – All. Motion carried.

Old or General Business:

Election of Officers:

It was moved by Mr. Namminga and seconded by Mr. Blair to nominate Michael Johnson as Vice Chairman of the Historic Preservation Commission.

It was moved by Mr. Williams and seconded by Mr. Namminga to nominate Tom Blair as Vice Chairman of the Historic Preservation Commission.

Hearing no other nomination from the Commission, secret ballots were cast to determine the Vice Chairman. Once counted, Michael Johnson was named Vice Chairman of the Historic Preservation Commission for the period of November 12, 2014 to May 27, 2015.

Chair Floyd stated Committee Assignments were needed. (The Committee Assignments is attached hereto on Exhibit A and incorporated herein by this reference.)

Set Next Meeting date for HP Commission from Wednesday, November 26 to Tuesday, November 25, 2014

It was moved by Mr. Johnson and seconded by Mr. Berg to change the next Historic Preservation Commission meeting from Wednesday, November 26 to Tuesday, November 25, 2014 in lieu of the Thanksgiving holiday. Aye – All. Motion carried.

Set Next Meeting date for HP Commission from Wednesday, December 24 to Tuesday, December 23, 2014

It was moved by Mr. Johnson and seconded by Mr. Blair to change the Historic Preservation Commission meeting from Wednesday, December 24 to Tuesday, December 23, 2014 in lieu of the Christmas holiday. Aye – All. Motion carried.

National Historic Landmark Status Report by SHPO for NPS – Ted Spencer

Mr. Ted Spencer, director of the South Dakota State Historic Preservation Office (SHPO) in Pierre, presented to the Commission a report prepared by Chris Nelson, Historic Preservation Specialist, recommending to the National Parks Service to downgrade Deadwood's National Historic Landmark status from "Satisfactory" to "Watch." He informed the Commission the National Park Service (NPS) is responsible for monitoring National Historic Landmarks throughout the State; however under the 36CFR (Code of Federal Regulations), the NPS has the authority to assign that responsibility to the State Historic Preservation Office or, if on a reservation, the Tribal Historic Preservation Office to do the monitoring activities for the NHL.

Mr. Spencer informed the Commission that Ms. Dena Sanford is the Midwest Regional Coordinator for the United States Department of the Interior National Park Service and in discussions with her, she had suggested Deadwood go to a "Threatened" status; however Mr. Spencer felt recommending a downgrade to "Watch" would be suffice and added his office would "see how things progress."

Mr. Spencer pointed out the downgrade was due to recent activities and development taken place along Highway 85 on the eastern edge of Deadwood; he added several of historic buildings have been removed and replaced with modern buildings and parking lots primarily due to the development of casinos, hotels and parking facilities. Mr. Spencer noted the situation was recently aspirated by decisions of local government and recent items that had come out publicly regarding moving or destroying contributing properties. He stated their office's concern for the coherency of this part of the historic district may no longer remain and the integrity of setting is jeopardized.

Mr. Bill Haas, audience member, asked if Mr. Spencer had any recommendations on how to bring the Deadwood's status back to up to "Satisfactory".

Mr. Spencer stated one of the recommendations is to look at strengthening the enforcement of existing City codes and ordinances which he understood are being reviewed. He noted his office feels there seems to be a lack of enforcement of the standards for the secretary of Interiors standards and historic preservation. He added updating the codes and ordinances for preservation will help to clearly define the ramifications for the adverse effects to historic properties.

Mr. Spencer stated the SHPO can only recommend, advice and consult; they do not have any statutory authority to say a City must do as SHPO recommends. He informed the Commission and audience that in South Dakota the local government and local citizens decide what is best for their community. That being said, Mr. Spencer noted the pride of historic structures should override economics from being the main focus in a National Historic Landmark.

Mr. Blair asked what happens if boundaries are redrawn and there were contributing historic structures outside of it.

Mr. Spencer stated if resources outside the boundaries were listed as eligible under the national or state historic register, the historic resources would still fall under the same rules and guidelines.

Ms. Donna Randolph, resident of Deadwood, asked what the criteria would be to get Deadwood off the NPS "Watch" status.

Mr. Spencer stated Ms. Sanford of the NPS has emailed a list of steps to he and Mr. Kuchenbecker which outlined what would need to happen to upgrade the status back to "Satisfactory".

Mr. Kuchenbecker corrected Mr. Spencer as he had not spoken to the NPS or received a copy of that email.

Mr. Spencer stated he would send it to him to review.

Chair Floyd asked what would happen if Deadwood falls below the "Watch" to a "Threatened" status.

Mr. Spencer stated Deadwood risked losing its National Historic Landmark.

Mr. Williams questioned what the status was after 30 or more homes were moved or destroyed in Deadwood.

Mr. Spencer stated Deadwood's status had fluctuated between "Watch" and "Satisfactory".

Mr. Blair asked what the structure is for the enforcement of ordinances.

Mr. Spencer stated the implement and enforcement of ordinances are community unique as different processes and procedures work for different places.

Mr. Blair noted the conflict comes about when the next step sends decisions to the courtroom.

Mr. Spencer informed the Commission if codes and ordinances are implemented in the city, local government must enforce those standards and codes. He noted if they are not, it is the right of the citizens to make the government officials do the job they were elected to do.

Mr. Toews asked who makes the recommendation for a change in the boundaries.

Mr. Spencer stated it is a recommendation from SHPO as a possible action. He noted doing so would be the decision for Deadwood in consultation with SHPO and NPS on if it is proper. If it is deemed as such, an intense survey would need to be done by qualified professionals to look where the new districting should be; once complete it would need to be vetted through the SHPO and NPS for approval.

Mr. Toews asked, in reference to the eligible historic resources that may fall outside the district due to change of boundary, what would be the advantage to making the change.

Mr. Spencer stated the advantage would be possibly for more economic development in terms of not focusing on the preservation aspect on the outskirts of the boundaries. He noted it does not take away from the responsibilities to adhere to state or local statutes of protecting national register properties. Mr. Spencer emphasized redrawing the boundaries may shrink the district instead of enlarging it.

Mr. Blair stated several property owners outside the current district would be happy to be located within the district.

Mr. Spencer stated the possibility for those would be looking at the re-districting rather than redefining the boundaries. He noted it gets tricky because you must look back at the context for which an area was nominated in the first place to become a National Historic Landmark. He added within that context is certain criteria that may not currently exist within the original NHL nomination.

Mr. Spencer informed the Commission his office recently commissioned a study on the economic benefits and impacts of historic preservation in the state of South Dakota. The report was significant in showing a win/win for restoring historic resources. He pointed out these restored properties alternative uses helped to provide jobs, growth, tax revenue and a way toward economic revitalization for the community.

Mr. John Martinisko, resident of Deadwood, asked if the reports were available to the public.

Mr. Spencer confirmed the packet of reports given to Ms. Storhaug, Administrative Assistant, would be available in the Historic Preservation office.

Chair Floyd point out the importance of noting that within the study there were positive aspects regarding Deadwood's successes and rehabilitations as well as the environment of community pride and progress.

Mr. Spencer concurred with Chair Floyd on the positive aspects and thanked the Commission for their time.

(The National Historic Landmark Status Report and Economic Revitalization Study are attached hereto on Exhibit B and incorporated herein by this reference.)

Update on St. Ambrose Cemetery Project – Phase V – Set for Bidding in December 2014

Mr. Kuchenbecker updated the Commission on the St. Ambrose Cemetery Project. He noted the plans for Phase V will be available in about two weeks as budgeted. A consideration of a Change Order for Phase IV to extend the completion date out 32 days for the cemetery's ironwork will be presented to the City Commission; no extra cost will be incurred. He noted the intent is to have Phase V out to bid in December which would allow the award of bids to be completed in January 2015.

New Matters before the Deadwood Historic District Commission:

CoA – Case #14051 – Exterior Wall Restore/Replace Door– 795 Main Street - NeighborWorks

Mr. Kuchenbecker informed the Commission the applicant requests permission to remove loose stucco, make all necessary repairs with wire mesh and apply finish coat matching the existing in structure and color; replace one double door with insulated exterior single swing door with insulated glass panels at 795 Main Street as submitted. (The application is attached hereto on Exhibit C and incorporated herein by this reference.) ***Based upon the guidance found in DCO 17.68.050, it was moved by Mr. Toews and seconded by Mr. Johnson, this project is congruous with the historical, architectural, archaeological or cultural aspects of the district and MOVE to grant Certification of Appropriateness as submitted for 795 Main Street. Aye - All. Motion carried.***

CoA – Case #14067 – Awnings – 531 Main Street – Blue Sky Gaming

Mr. Kuchenbecker informed the Commission the applicant requests permission to install black awnings with square tube steel frames in the following sizes: (3) 42" x 9'-8" awnings; (1) 8' x 16' x 4' bull-nose awning; (1) 4'-4" x 10'-4" awning as well as to re-skin the existing awning 5' x 10'-8" with black fabric. All awnings will have an 8' clearance to ground as submitted. (The application is attached hereto on Exhibit D and incorporated herein by this reference.) ***Based upon the guidance found in DCO 17.68.050, it was moved by Mr. Blair and seconded by Mr.***

Johnson, this project is congruous with the historical, architectural, archaeological or cultural aspects of the district and MOVE to grant Certification of Appropriateness as submitted for 531 Main Street. Aye - All. Motion carried.

New Matters before the Deadwood Historic Preservation Commission:

PA – Case #14034 – Wood Storm windows & doors – 14 Van Buren – Tom McNary

Mr. Kuchenbecker informed the Commission the applicant requests permission to install new wood storm windows and storm door as well as repair primary wood front and back doors at 14 Van Buren as submitted. **Based upon all the evidence presented, it was moved by Mr. Blair and seconded by Mr. Johnson 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 grant project approval for 14 Van Buren. Aye - All. Motion carried.**

A Special Needs-Windows/Doors Program application has also been submitted. **It was moved by Mr. Blair and seconded by Mr. Johnson to enter Tom McNary into the Special Needs – Windows/Doors program based on information as submitted for 14 Van Buren. Aye - All. Motion carried.**

(The Project Approval and Special Needs-Windows applications are attached hereto on Exhibit E and incorporated herein by this reference.)

PA – Case #14065 – Replace door and storm door – 4 Washington – Louie Van Rochele

Mr. Kuchenbecker informed the Commission the applicant requests permission to replace an old wooden door with a new steel door and storm door at 4 Washington Street as submitted. (The application is attached hereto on Exhibit F and incorporated herein by this reference.) **Based upon all the evidence presented, it was moved by Mr. Toews and seconded by Mr. Johnson 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 grant project approval for 4 Washington. Aye - All. Motion carried.**

PA – Case #14066 – Re-roofing change of materials – 20 Lincoln – Donna Randolph

Mr. Kuchenbecker informed the Commission the applicant requests permission to repair and roof house as well as repair/replace rain gutters as submitted. This includes a change from wood shingles to asphalt shingles over front addition on resource located at 20 Lincoln as submitted. (The application is attached hereto on Exhibit G and incorporated herein by this reference.) **Based upon all the evidence presented, it was moved by Mr. Namminga and seconded by Mr. Blair 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 grant project approval for 20 Lincoln. Aye - All. Motion carried.**

Revolving Loan Fund/Retaining Wall Program Update:

Retaining Wall Applications

No applications were addressed at this meeting.

Revolving Loan Program/Disbursements

It was moved by Mr. Johnson and seconded by Mr. Toews to approve the HP Revolving Loan Fund disbursement in the amount of \$314.40, based on information as presented by Ms. McCracken, Executive Director of NeighborWorks-Dakota Home Services. Aye - All. Motion carried. Delinquency report was reviewed by Commission. Overview of the Revolving Loan Fund was presented.

Richard Walker – 56 Lincoln

It was moved by Mr. Blair and seconded by Mr. Toews to approve the HP Special Needs Elderly Loan for Richard Walker, 56 Lincoln, in the amount of \$4,713.00, based on information as presented by Mr. Walker, Executive Lending Officer of NeighborWorks-Dakota Home Services. Aye - All. Motion carried.

Bernard Voll & June Sheaks – 15 Washington

It was moved by Mr. Johnson and seconded by Mr. Blair to approve the HP Windows Loan for Bernard Voll & June Sheaks, 15 Washington, in the amount of \$1,250.00, based on information as presented by Mr. Walker, Executive Lending Officer of NeighborWorks-Dakota Home Services. Aye - All. Motion carried.

It was moved by Mr. Blair and seconded by Mr. Johnson to deny the HP Revolving Loan for Bernard Voll & June Sheaks, 15 Washington, based on information as presented by Mr. Walker, Executive Lending Officer of NeighborWorks-Dakota Home Services. Aye - All. Motion carried.

Charles Turbiville – 458 Williams

It was moved by Mr. Blair and seconded by Mr. Williams to approve the HP Siding Loan for Charles Turbiville, 458 Williams, in the amount of \$10,000.00, based on information as presented by Mr. Walker, Executive Lending Officer of NeighborWorks-Dakota Home Services. Aye - All. Motion carried.

Shelley Corbitt – 35 Jackson

It was moved by Mr. Blair and seconded by Mr. Namminga to approve the HP Life Safety Loan for Shelley Corbitt, 35 Jackson, in the amount of \$10,000.00, based on information as presented by Mr. Walker, Executive Lending Officer of NeighborWorks-Dakota Home Services. Aye - All. Motion carried.

Estate of Mary Ellen Casey – 61 Forest

It was moved by Mr. Johnson and seconded by Mr. Blair to approve extension request for HP Revolving Loan for Estate of Mary Ellen Casey, 61 Forest, in amount of \$10,000.00 to mature June 16, 2015, based on information as presented by Mr. Walker, Executive Lending Officer of NeighborWorks-Dakota Home Services. Aye - All. Motion carried.

It was moved by Mr. Blair and seconded by Mr. Johnson to approve extension request for HP Revolving Loan for Estate of Mary Ellen Casey, 61 Forest, in amount of \$4,684.46 to mature January 30, 2015 based on information as presented by Mr. Walker, Executive Lending Officer of NeighborWorks-Dakota Home Services. Aye - All. Motion carried.

Kevin & Jan Bloom – 17 Fillmore

It was moved by Mr. Namminga and seconded by Mr. Toews to approve 6 month extension request for HP Siding Loan for Kevin & Jan Bloom, 17 Fillmore, in amount of \$10,000.00, based on information as presented by Mr. Walker, Executive Lending Officer of NeighborWorks-Dakota Home Services. Aye - All. Motion carried.

Retaining Wall Program/Disbursements:

No applications were addressed at this meeting.

Items from Citizens not on Agenda

Mr. Dustin Floyd, owner of TDG Communications, presented to the Commission a copy of an article discussing extra economic development to historic buildings. He noted the article showcased the solar installation which was supported by the Historic Preservation Commission and tied in with what Mr. Spencer had previously emphasized in his study review.

Staff Report: (items will be considered but no action will be taken at this time.)

Mr. Kuchenbecker reported on the following items:

- Announced the City Commission approved bringing Bonny Fitch on full time as of November 4, 2014;
- Revitalization Economic Restructuring Committee met today;
- A total of five individuals attended the South Dakota Main Street Summit Meeting in Rapid City on October 30-31, 2014; among the five attendees were the new Economic Development Director, Lori Fredrick, and Mr. Blair;
- The Commission received a copy of a Winchester Collector article highlighting the 1876 Zoeckler Winchester rifle;
- Change orders will be presented to the City Commission regarding Adam Museum for window and cricket repairs;
- MAC Construction is arguing with the City regarding the rejection of their work on the Rec Center windows;
- The Retaining Wall at 91 Forest is complete;
- Next week Library window restorations will go out to bid at City Commission;
- Grandstand bathroom and kitchen remodeling plans are to be final in next few weeks; plans are to have it out to bid early this winter to allow work to be completed prior to Rodeo in 2015;
- Ordinance Task Force met;
- Minimum Maintenance/Demolition by Neglect have been meeting and making headway in creating a process;
- Reminder of an Executive Session to discuss Legal and Personnel matters following the meeting adjournment.

Other Business:

HPC Meeting

Wednesday, November 12, 2014

- Mr. Toews, Chair for the Minimum Maintenance/Demolition by Neglect Committee, updated the Commission on the third meeting;
- Mr. Blair thanked Mr. Spencer for his report; he stressed the importance of taking the downgrade to "Watch" seriously and what it means to Deadwood;
- Chair Floyd stated how helpful the line-by-line review of the ordinance has been;
- Chair Floyd noted her participation in a Historic Preservation Moment regarding the Wall of Fame; she advised the Commission and audience of the importance of educating others on Deadwood's history and advised them to check out the Historic Preservation Moments on Youtube;
- The next Historic Preservation Commission meeting is scheduled for November 25, 2014 at 5:00 PM.

Adjournment:

There being no other business, the Historic Preservation Commission Meeting of November 12, 2014 adjourned at 6:22 PM.

ATTEST:

Laura Floyd

Chairman, Historic Preservation Commission

Kate Storhaug, Historic Preservation Office/ Recording Secretary