

DEADWOOD HISTORIC PRESERVATION COMMISSION

Wednesday, June 11, 2014 ~ 5:00 p.m.

City Hall, 108 Sherman Street, Deadwood, South Dakota

1. Call meeting to Order – Laura Floyd, Interim Vice-Chair
 - a. Swear in Lyman Toews
2. Election of Chair and Vice Chair
3. Approval of Minutes from May 28, 2014
4. Voucher Approval
5. Old or General Business
 - a. 2014-2015 Committee Assignments
6. New Matters before the Deadwood Historic District Commission
 - a. Case # 14033 – 641 Main St – Awning – Lisa Jorgenson
 - b. Case # 14036 – 771 Main St – Windows & re-roof – Shirlene Joseph
7. New Matters before the Deadwood Historic Preservation Commission
 - a. Case# 14024 – 3 Burnham St – Demolition – Haverberg Family Ltd
 - b. Case # 14030 – 8 Dudley St – Re-roof steel over shingles – Shannon Morris
 - c. Case # 14031 – 69 Forest – Replace Windows/Repaint/ Re-roof – Pat Wyss
 - d. Case # 14032 – 270 Main St – New Building – Mike Gustafson, First Gold Inc
 - e. Case # 14037 - 41 Jackson St – Window replacement – James Wilson
8. Revolving Loan Fund/Retaining Wall Program Update
 - a. Retaining Wall Applications
 - b. Revolving loan Program/Disbursements
 - i. John Rodiack – 63 Taylor – Windows & Siding
 - ii. Scott Oechsner – 47 Centennial
 - c. Retaining Wall Program / Disbursements
9. Items from Citizens not on agenda (*Items considered but no action will be taken at this time.*)
10. Staff Report (*Items considered but no action will be taken at this time.*)
11. Committee Reports (*Items will be considered but no action will be taken at this time.*)
12. Other Business
13. Adjournment

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

**CITY OF DEADWOOD
HISTORIC PRESERVATION COMMISSION**

Wednesday, June 11, 2014

Present Historic Preservation Commission: Interim Vice-Chair Laura Floyd, Michael Johnson, Lynn Namminga, Chuck Williams and Lyman Toews were present.

Absent: Interim Chairman Darin Derosier was absent.

Kevin Kuchenbecker, Historic Preservation Officer; Mr. Quinton Riggins, City Attorney; and Ms. Joy McCracken, Executive Director of NeighborWorks-Dakota Home Services were all present.

Present City Commission members: Georgeann Silvernail, Dave Ruth Jr. and Jim Van Den Eykel were present.

All motions passed unanimously unless otherwise stated.

A quorum present, Interim Vice-Chair Laura Floyd called the Deadwood Historic Preservation Commission meeting to order Wednesday, June 11, 2014 at 5:00 PM in Deadwood City Hall located at 102 Sherman Street in Deadwood, SD.

The City Attorney, Mr. Riggins, swore in newly appointed Historic Preservation Commissioner, Lyman Toews.

Election of Officers:

It was moved by Mr. Namminga and seconded by Mr. Johnson to nominate Laura Floyd as Chairman of the Historic Preservation Commission for the period of June 11, 2014 to May 27, 2015. Hearing no other nomination from the Commission, it was moved to close nominations for Deadwood Historic Preservation Commission Chair. Aye – All. Motion carried.

Aye – All. Motion carried to approve the nomination of Ms. Floyd as Chairman of the Deadwood Historic Preservation Commission.

Chair Floyd asked if there were any objections to defer nominations for Vice-Chair until the next meeting scheduled June 25, 2014, as both Mr. Derosier and Mr. Thomas Blair were not in attendance. There being none, nominations were continued until June 25, 2014.

Approval of May 28, 2014 HPC Minutes:

It was moved by Mr. Johnson and seconded by Mr. Namminga to approve the minutes of Wednesday, May 28, 2014 as presented. Aye – All. Motion carried.

Voucher Approval:

Operating Account

It was moved by Mr. Johnson and seconded by Mr. Williams to approve the HP Operating Account in the amount of \$201,645.34. Aye – All. Motion carried.

It was moved by Mr. Johnson and seconded by Mr. Namminga to approve the Bonded Account in the amount of \$97,972.61. Aye – All. Motion carried.

Old or General Business:

2014-2015 Committee Assignments

Mr. Kuchenbecker explained to the commission each committee, its purpose and when it meets each month. On a blank committee assignment list, he instructed each commissioner to write their name next to the committee/s/ they would be interested in serving on and to return it before leaving the meeting. Assignments would be announced at the next meeting scheduled June 25th, 2014.

New Matters before the Deadwood Historic District Commission:

Case # 14033 – 641 Main Street – Awning – Lisa Jorgenson

Mr. Kuchenbecker informed the Commission the applicant requests approval to replace awning damaged by snow; awning will use same framework and similar colors with white letters reading “Woody’s Old Time Photos” on the front of 641 Main Street as submitted. (The application is attached hereto on Exhibit A and incorporated herein by this reference.) *Based upon the guidance found in DCO 17.68.050, it was moved by Mr. Namminga and seconded by Mr. Toews that 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 641 Main Street. Aye - All. Motion carried.

Case # 14036 – 771 Main Street – Windows & re-roof – Shirlene Joseph

Mr. Kuchenbecker informed the Commission the applicant requests approval to re-roof and repair and restore windows on 771 Main Street as submitted.

Mr. Johnson asked if he needed to recuse himself as he referred Ms. Joseph to the HP Grant Program. Chair Floyd asked Mr. Johnson if he had a pecuniary or any other gain from Ms. Joseph fixing her house; he stated he did not. Mr. Riggins, City Attorney, did not see any reason for his recusal.

Mr. Van Den Eykel asked for clarification of the methods used to define when jobs are allowed to start while others are pended until the Historic Preservation Commission meets. He referenced a Stop Work Order issued for a new utility building constructed by First Gold, yet a Building Permit was issued for Tucker Inn prior to the Historic Preservation approval. Mr. Van Den Eykel's concern was for the continuity of services offered and the process is equal to all who request a permit.

Chair Floyd responded in stating in previous discussions in cases when there was a threat to property and no apparent problem for the Historic District, the commission had given Mr. Kuchenbecker permission to grant that building permit so work could start to mitigate any damage; the commission would make final decision and should any conflict be found at that point for work to be stopped, it would be addressed at that time.

Mr. Kuchenbecker stated the two in question were different scenarios. He explained the Stop Order was issued to First Gold on a new building constructed without a building permit request or notification of their intent to construct a building. Mr. Kuchenbecker continued by informing the commission and Mr. Van Den Eykel that in 2011 the Tucker Inn had hail damage in which an insurance check was issued; however because of the contractor's schedule, it was put off until recently. Due to the insurance company deadline and water leakage, a building permit was issued to prevent additional damage to the contributing resource prior to any work beginning on the resource.

Mr. Ruth asked if a Building Permit was issued to First Gold for the utilities building.

Mr. Kuchenbecker informed Mr. Ruth and the commission that First Gold had not even applied for a building permit.

Mr. Van Den Eykel wanted to clarify that the day a work order was issued, First gold could have come down to apply for a building permit.

Mr. Kuchenbecker clarified differences of one as a new construction verses the other a rehabilitation of an existing resource. He stated First Gold was allowed to finish framing up the inside along with installing a door, but because of concerns with the original materials requested to be used, it was put on hold as an agenda item for the Historic Preservation Commission to address.

Chair Floyd told Mr. Van Den Eykel she appreciated him bringing his concern for clarification to the commission and after the review of the application, she offered to continue the discussion of clarification at the end of the meeting if he so chose.

Mr. Van Den Eykel stated he just wanted to bring if forward and thanked the commission.

(The application is attached hereto on Exhibit B 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 that 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 771 Main Street. Aye – 4. Nay - 1. Motion carried.***

New Matters before the Deadwood Historic Preservation Commission:

Case # 14025 – 3 Burnham Street – Demolition – Haverberg Family Ltd

Mr. Kuchenbecker apologized for two typos and asked the minutes reflect the property as a contributing structure located in the Elizabeth Town Planning Unit being put in front of the Commission for Project Approval. He informed the Commission the applicant requests permission to demolish the building at 3 Burnham Street as submitted. Mr. Kuchenbecker also noted the memo he drew up today as requested by a Historic Preservation Commissioner to differentiate this request for demolition at 3 Burnham from the demolition request at 270 Main Street (Sinclair Station).

Chair Floyd asked if it is realistic to restore the building at 3 Burnham.

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Mr. Kuchenbecker stated that at this point due to the condition of the structure, it would more than likely be a complete reconstruction.

Chair Floyd clarified that to effectively do the restoration, the structure would need to be stripped down to the studs or beyond to the foundation.

Mr. Kuchenbecker concurred with her observation and noted the foundation is also in poor condition as well.

Chair Floyd questioned if the building is not demolished, is it staff's opinion that it may continue to stand.

Mr. Kuchenbecker stated it may until the next snowstorm or heavy winds cause it to collapse.

Chair Floyd asked if it were to fall over whether there would be a threat of it causing damage to another resource.

Mr. Kuchenbecker stated if it does collapse it would take out the porch of the lower building as well. He stated the building permit was issued for re-roofing the lower building; they would shore up the porch as part of the project.

Mr. Namminga mentioned for a number of years he has noticed the roofing sagging, not yet caved in, however it was sagging. He stated he was curious as to why it was not dealt with prior to the state it is at now.

Mr. Kuchenbecker stated the city, through some ordinance changes made in 2013, did put into place a Board of Appeals which allowed the City to start addressing minimum maintenance issues; seven properties were issued letters from the City and are working through the process of enforcing minimum maintenance issues.

Chair Floyd asked if this property was one of those on the list to receive a letter.

Mr. Kuchenbecker stated they had not been issued a citation at this date.

Chair Floyd asked what the differences were from this request verses previous demolition requests as they had not been ordered to do this maintenance. She noted that owning a historic resource within Deadwood, there is a minimum maintenance standard and these standards were not being met. Chair Floyd questioned if these standards had been met, whether the damage to the resource could have been prevented.

Mr. Kuchenbecker stated he assumed it could have been, however without getting up into the attic of the resource to assess the extent of the damage of the roof's 2x4s, it would have been unknown.

Mr. Namminga commented the shingles of the building are ancient and that there hasn't been maintenance on it since he purchased his home in 1995.

Ms. Silvernail noted she had lived on that street for about fifty years and no one has ever lived there as long as she can remember.

Mr. Namminga questioned the purpose and reasoning behind Haverberg's purchasing the resources if they had been condemned.

Ms. Silvernail stated it came as a package with the land on the other side of the street.

Chair Floyd asked Mr. Kuchenbecker if he had received the opinion of the State's Historic Preservation office.

Mr. Kuchenbecker confirmed a response had been received with the State concurring it would have an adverse effect to both the historic resource, as well as the district. Although they agree it would have an adverse effect to the district, the State understands the condition of the building and asked for a brief case report of the Commission's findings.

Chair Floyd commented in prior cases the Commission had discussed the possibility of reconstructing the resources so it is essentially a replica of the previous resource; she asked if that was a possible option the commission would have in requesting that if a new building was constructed on that site, it would be a historic replica.

Mr. Riggins, City Attorney, stated he was not certain it was under these circumstances; he would need to look further into that matter to give an exact opinion.

Mr. Kuchenbecker added one could reconstruct a replica of the resource; however it would not be contributing as it would be a 2014 structure.

Mr. Namminga asked if Mr. Haverberg planned to rehab the other structure.

Mr. Kuchenbecker confirmed Mr. Haverberg did plan to do so.

Mr. Namminga stated it was a good idea to tear it down to prevent any damage to the other structure.

(The application, memo and corrected Staff Report is attached hereto on Exhibit C and incorporated herein by this reference.) ***Based upon all the evidence presented, it was moved by Mr. Johnson and seconded by Mr. Namminga that, though the property located at 3 Burnham is contributing, 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. Johnson and seconded by Mr. Namminga that based upon the Deadwood Codified Ordinances under Chapter 17.68 and the standards for historic preservation, restoration and rehabilitation projects adopted by rules promulgated pursuant to SDCL 1-19A & 1-19B, et seq, the project was found to be ADVERSE to Deadwood, but the applicant has explored ALL REASONABLE AND PRUDENT ALTERNATIVES, and so moved to APPROVE the project as presented. Aye - All. Motion carried.

Case # 14030 – 8 Dudley St – Re-roof steel over shingles – Shannon Morris

Mr. Kuchenbecker informed the Commission the applicant requests permission to re-roof house by putting steel over shingles as done on garage at 8 Dudley as submitted. (The application is attached hereto on Exhibit D and incorporated herein by this reference.) ***Based upon all the evidence presented, it was moved by Mr. Namminga 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 as submitted for 8 Dudley. Aye - All. Motion carried.***

Case # 14031 – 69 Forest – Replace Windows/Repaint/ Re-roof – Pat Wyss

Mr. Kuchenbecker informed the Commission the applicant requests permission to replace two deteriorated top story front windows with in-kind replacement, repair rotten siding with hardy siding (same reveal), repaint with like colors and reroof resource with 50 year shingles of like color at 69 Forest as submitted. (The application is attached hereto on Exhibit E and incorporated herein by this reference.) ***Based upon all the evidence presented, it was moved by Mr. Namminga 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 as submitted for 69 Forest. Aye - All. Motion carried.***

Case # 14032 – 270 Main St – New Building – Mike Gustafson, First Gold Inc.

Mr. Kuchenbecker informed the Commission the applicant requests permission to construct a new building for utilities. This building was not part of the original Project Approval issued for the cutting of the hillside and the building was started without building permit. The applicant's agent, Jerry Anderson, has agreed to not use steel siding but rather sheath the building with plywood and add a rough sawn board and batten siding stained to blend in with the area and the "old west" store fronts behind the site 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. Namminga and seconded by Mr. Toews 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 as submitted for 270 Main Street. Aye - All. Motion carried.***

Case # 14037 - 41 Jackson St – Window replacement – James Wilson

Mr. Kuchenbecker informed the Commission the applicant requests permission to repair stucco and replace windows and doors at 41 Jackson 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. Johnson and seconded by Mr. Namminga 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 as submitted for 41 Jackson. 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. Williams to approve the HP Revolving Loan Fund disbursement in the amount of \$7501.75, based on information as presented by Ms. Joy McCracken, Executive Director of NeighborWorks-Dakota Home Services. Aye - All. Motion carried. Delinquency Report was reviewed and updates on projects were given. Overview of the Revolving Loan Fund was presented.

It was moved by Mr. Namminga and seconded by Mr. Toews to approve the Special Needs Windows Program loan to John Rodiack, 63 Taylor, in the amount of \$3,000.00 as presented. Aye- All. Motion carried. (The NeighborWorks packet is attached hereto on exhibit H and incorporated herein by this reference.)

It was moved by Mr. Johnson and seconded by Mr. Namminga to approve the Special Needs Siding Program loan to John Rodiack, 63 Taylor, in the amount of \$10,000.00 as presented. Aye- All. Motion carried. (The NeighborWorks packet is attached hereto on exhibit H and incorporated herein by this reference.)

It was moved by Mr. Johnson and seconded by Mr. Namminga to rescind the motion made on May 28, 2014 in the amount of \$12,816.17 for loan ending in SN5 for Scott Oechsner, 47 Centennial. Aye- All. Motion carried.

It was moved by Mr. Toews and seconded by Mr. Johnson to approve the new amount of \$13,126 to refinance loan ending in SN4 to Scott Oechsner, 47 Centennial, as presented. Aye- All. Motion carried. (The NeighborWorks packet is attached hereto on exhibit H and incorporated herein by this reference.)

It was moved by Mr. Johnson and seconded by Mr. Namminga to rescind the motion made on May 28, 2014 in the amount of \$13,951.00 for loan ending in SN5 for Scott Oechsner, 47 Centennial. Aye- All. Motion carried.

It was moved by Mr. Namminga and seconded by Mr. Toews to approve the new amount of \$14,192 to refinance loan ending in SN5 to Scott Oechsner, 47 Centennial, as presented. Aye- All. Motion carried. (The NeighborWorks packet is attached hereto on exhibit H and incorporated herein by this reference.)

Retaining Wall Program/Disbursements:

No disbursements were addressed at this meeting.

Items from Citizens not on Agenda

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

Mr. Kuchenbecker reported on the following items:

- Work on the Adams House's roof is proceeding; Seco Construction was awarded the bid for new roof, windows and asbestos removal;
- Bid for the Rodeo grounds fence was awarded to Barney's Signs of Sturgis
- Replacement of several windows in the Rec Center started today;
- Colorization of the Gateway Monuments are almost complete; the monument at the entrance of Boulder Canyon and by the Lodge of Deadwood were recently finished with only the monuments near Broken Boot and Hwy 85 remaining;
- As recommended by Roger Brooks during his assessment, new trash cans and benches were ordered to be placed throughout Deadwood;
- Capital Improvement CIP will be meeting in the next week to discuss projects and the 2015 Budget;
- HP Paint Grants are in high demand by both residents and business owners in preparation for the upcoming season;
- CLG State Historic Preservation meeting took place in Pierre on May 29; Deadwood was thanked by several in attendance for its Outside of Deadwood Grants used to help preserve historic resources in South Dakota;
- Thank you to newly appointed commissioner Mr. Toews for coming in for orientation; Mr. Blair is in England but will be back prior to the June 25 meeting to complete his orientation;
- Historic Preservation Commission's next meeting will be June 25, 2014 at 5:00 PM.

Other Business:

- Mr. Johnson attended the unveiling of the Hickok's Traveling Exhibit in Hulett, WY; approximately 75 people attended to view the exhibit and to hear Mr. Runge, City Archivist, give a presentation;
- Mr. Toews thanked Mr. Kuchenbecker for taking the time and a great orientation
- Chair Floyd read a "Thank You" from Chase Job, one of the recipients awarded 2014 HPC Scholarship;
- Chair Floyd read a "Thank You" from Peggy Gibson on behalf of the Huron Pyle House Museum for the commission's support to restore the resource;

Adjournment:

There being no other business, the Historic Preservation Commission Meeting of June 11, 2014 adjourned at 5:42 PM.

HPC Meeting
Wednesday, June 11, 2014
ATTEST:

Laura Floyd
Chairman, Historic Preservation Commission
Kate Storhaug, Historic Preservation Office/ Recording Secretary