

DEADWOOD HISTORIC PRESERVATION COMMISSION

Wednesday, June 13, 2012 ~ 5:00 p.m.

City Hall, 108 Sherman Street, Deadwood, South Dakota

1. Call meeting to Order– Vice-Chair, Matthew Pike
2. Election of Officers
3. Approval of Minutes
4. Voucher Approval
5. Old or General Business
 - a. Committee Assignments – Kevin Kuchenbecker
 - b. South Dakota State Archives Site Visit – City of Deadwood Archives
6. New Matters before the Deadwood Historic District Commission
 - a. Case# 12026 – 1906 Deadwood Mountain Drive – Exterior Painting – Tentekota (Tim Conrad)
7. New Matters before the Deadwood Historic Preservation Commission
 - a. Case# 12025 – 118 Charles Street – Greenhouse – James Pontius
8. Revolving Loan Fund/Retaining Wall Program Update
 - a. Retaining Wall Applications
 - b. Revolving loan Program/Disbursements
 - i. Rick Anderson/Susan Van Holt – 5 Stewart
 - ii. Pineview Group, LLC – 19-25 1/2 Lee Street
 - iii. Gary Biggs – 672 Main Street
 - iv. Melody Lawson – 23 Emery
 - v. Melody Lawson – 23 Emery
 - c. Retaining Wall Program/Disbursements
9. Items from Citizens not on agenda (*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. Committee Reports (*Items will be considered but no action will be taken at this time.*)
12. Other business
13. Adjournment

Executive Session for Contractual Matters per SDCL 1-25-2(3)

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, June 13, 2012

Present Historic Preservation Commission: Matthew Pike, Laura Floyd, George Milos, Anita Hansen, Lynn Namminga, Steve Olson, and Willie Steinlicht. Historic Preservation Officer, Kevin Kuchenbecker was also present.

Present Deadwood City Commission: Mayor Francis Toscana and Commissioners Georgeann Silvernail and Jim Van Den Eykel.

All motions passed unanimously unless otherwise stated.

A quorum being present, the Historic Preservation Commission Vice-Chair, Matthew Pike, called the Deadwood Historic Preservation Commission meeting to order on Wednesday, June 13, 2012 at 5:02 p.m. in Deadwood City Hall located at 108 Sherman Street, Deadwood, SD. Mr. Pike noted all members, including new members Lynn Namminga and Anita Hansen, were present.

Election of Officers:

It was moved by Mr. Steinlicht and seconded by Mr. Milos to nominate G. Matthew Pike as Chair of the Deadwood Historic Preservation Commission for the period of June 13, 2012 to May 31, 2013.

Mr. Pike asked if there were any other nominations for chair. There being none, he entertained a motion to cease nominations.

It was moved by Mr. Olson and seconded by Ms. Floyd to cease nominations and vote on the nomination of G. Matthew Pike as Chair. Aye – All. Motion carried.

Mr. Pike called for nominations for Vice-Chair of the Deadwood Historic Preservation Commission.

It was moved by Ms. Floyd and seconded by Mr. Milos to nominate Willie Steinlicht as Vice-Chair of the Deadwood Historic Preservation Commission for the period of June 13, 2012 to May 31, 2013.

Mr. Pike asked if there were any other nominations for Vice-Chair. There being none, he entertained a motion to cease nominations.

It was moved by Mr. S. Olson and seconded by Mr. Milos to cease nominations and vote on the nomination of Mr. Willie Steinlicht as Vice-Chair. Aye – All. Motion carried.

Mayor Toscana asked who would serve as Chair if both Mr. Pike and Mr. Steinlicht were absent. It was noted that according to the Commission's By-Laws, the remaining members would select an acting Chair from the members in attendance.

Approval of Minutes:

It was moved by Mr. Steinlicht and seconded by Mr. Olson to approve the minutes of Wednesday, May 23, 2012. Aye – All. Motion carried.

Voucher Approval:

Operating Account

It was moved by Mr. Olson and seconded by Ms. Floyd to approve the HP Operating Account in the amount of \$176,853.82. Aye – All. Motion carried.

Bonded Account

It was moved by Mr. Steinlicht and seconded by Ms. Floyd to approve the HP Bonded Account in the amount of \$134,641.56. Mr. Olson asked if the amount of \$34,398.44 for the Days of '76 Museum was the final disbursement for the Museum project. Mr. Kuchenbecker said it was a bill from February that the architect had not submitted. Mr. Milos asked if it was for work associated with the project. Mr. Kuchenbecker said it was. Aye – All. Motion carried.

Mr. Kuchenbecker explained, to the new Commissioners, that bills are available for review the day of the meeting should they desire to look them over.

Old or General Business:

Committee Assignments – Kevin Kuchenbecker

Mr. Kuchenbecker noted a list of Committees, which HPC members sit on, would be provided to the Commission. He asked for the Commissioners to write their names next to the Committees they were interested in sitting on. He said he and Mr. Pike would get together to seat the Committees.

South Dakota State Archives Site Visit – City of Deadwood Archives

Mr. Kuchenbecker explained Mike Runge, the City's Archivist, is requesting permission to hire two representatives from the South Dakota State Archives to review and make recommendations on the City held Lawrence County records. He noted the cost for the project will not exceed \$400.00. (The Memorandum from Mr. Mike Runge, dated May 15, 2012, is attached hereto on Exhibit A and incorporated herein by this reference.) *It was moved by Ms. Floyd and seconded by Mr. Milos to recommend allowing the Deadwood City Archives to hire two representatives from the South Dakota State Archives to perform a two day site visit in an amount not to exceed \$400.00 using Archives budgeted funds from the Collections Conservation/Treatments line item.* Mr. Olson questioned why the Deadwood Historic Preservation Commission would pay for the State's travel and accommodation expenses when they do not reimburse the Commission for travel and miscellaneous expenses associated with their yearly trip to Pierre when they are required to present their budget. Mayor Toscana said due to budget restrictions the State's travel has been curtailed. Mr. Kuchenbecker pointed out that they are providing a service to the City. Ms. Floyd also noted that the State is not charging a fee to evaluate and make a recommendation on the collection. *Aye – All. Motion carried.*

New Matters before the Deadwood Historic District Commission

Case#12026 – 1906 Deadwood Mountain Drive – Exterior Painting – TenTexKota (Tim Conrad)

Mr. Kuchenbecker reviewed his staff report for permission to paint the 1906 Slime Plant concrete letters black, or another color, to make it more visible as submitted. He noted the applicant, Tim Conrad, was present to answer any questions. (The staff report, for Case# 12026, dated June 8, 2012, is attached hereto on Exhibit B and incorporated herein by this reference.) Ms. Floyd noted the letters are very difficult to see and stated that she cannot recall what part of the building the lettering is located on. Mr. Olson noted that he took a look at the lettering on Tuesday, June 12, 2012 and noted that they completely disappear into the building. Mr. Conrad said that he wants to paint the letters black in order to match the existing Cigar company signage. He said that portion of the building is very neat and he simply wants to highlight the letters to bring more attention to it. ***It was moved by Ms. Hansen and seconded by Mr. Olson, based upon the guidance found in DCO 17.68.050, that the exterior alteration proposed is congruous with the historical, architectural, archaeological, or cultural aspects of the district and moved to grant a Certification of Appropriateness to Case# 12026, 1906 Deadwood Mountain Drive, TenTexKota (Tim Conrad) for the painting of the 1906 Slime Plant letters in black as presented.*** Mr. Milos asked if Mr. Conrad was okay with the lettering being black. Mr. Conrad said that he feels black would stand out the best. He noted that his goal is simply to highlight the letters and make them stand out better. ***Aye – All. Motion carried.*** Mr. Pike thanked Mr. Conrad for coming in front of the Commission for this request. He noted that many people would simply see the painting as a small matter or a detail. However, Mr. Pike stated that the letters are on a very significant building. Therefore, it really does make a difference.

New Matters before the Deadwood Historic Preservation Commission:

Case# 12025 – 118 Charles Street – Greenhouse – James Pontius

Mr. Kuchenbecker reviewed his staff report for permission to construct a small greenhouse on the south side of the garage located at 118 Charles Street. Mr. Kuchenbecker noted the applicants had agreed to bring in the proposed greenhouse a little on each side so it would not cover the length of the garage. (The Staff Report, for Case# 12025, dated June 8, 2012, is attached hereto on Exhibit C and incorporated herein by this reference.) ***It was moved by Mr. Olson and seconded by Ms. Floyd, based upon all the evidence presented, 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 project approval to Case #12025, 118 Charles Street, James Pontius as presented. Aye – All. Motion carried.***

Revolving Loan Fund/Retaining Wall Program Update:

HP Revolving Loan Disbursement

It was moved by Mr. Olson and seconded by Mr. Steinlicht to approve the HP Revolving Loan Disbursement, as presented, in the amount of \$12.00. Aye – All. Motion carried.

Financial and Delinquency Report

Ms. Joy McCracken, Executive Director for NeighborWorks, reviewed the financial and delinquency report. Mr. Olson asked Ms. McCracken where the \$20,398.46 debit came from on the Revenue and Expense Report in the miscellaneous line item. Ms. McCracken said that she will research it and email the Commission the answer. (The Report is attached hereto on Exhibit D and incorporated herein by this reference.)

Rick Anderson/Susan Van Holt – 5 Stewart

Ms. McCracken explained that the Special Needs Loan had matured in January of 2012; however, before this loan can be forgiven, the borrower must paint the exterior of the house. Ms. McCracken explained they are requesting an extension on the maturity date of the loan in order to give the borrower sufficient time to perform this maintenance on the property. (The loan request is attached hereto on Exhibit E and incorporated herein by this reference.) ***It was moved by Mr. Milos and seconded by Mr. Olson to grant the extension on the maturity date of the special needs vacant home loan for 5 Stewart, Rick Anderson/Susan Van Holt until July 31, 2012 in order to allow the borrower sufficient time to perform home repairs. Aye – All. Motion carried.***

Pineview Group, LLC – 19-25 ½ Lee Street

Ms. McCracken stated Mr. Jason Campbell, City Attorney, had worked out the details regarding the loan for the Pineview Group, LLC and they are now ready to finalize the loan. Ms. McCracken noted that all closing documents had been signed with the exception of the Personal Guaranty by one of the investors. She stated that the two other partners are asking to close on the loan without the personal guaranty of the third partner. Ms. McCracken stated that she had been advised to receive a written statement, from the two partners offering personal guarantees, which would acknowledge that they are aware that their third partner is not putting up a personal guaranty. She noted that this document had not yet been obtained. Mr. Kuchenbecker noted that Mr. Jason Campbell wanted the Commission to be aware that this would be a waiver of policy as all partners are required, under the loan policy, to provide personal guarantees. Mr. Pike recommended that the request be continued in order to allow NeighborWorks time to obtain a document acknowledging that the two partners are aware that their third partner is not putting up a personal guaranty since this request does require a waiver of policy. Mr. Milos asked if it would be possible to approve the loan contingent upon the acquisition of this document. Mr. Pike said that it is possible; however, it is not the best practice. Mr. Milos stated that his only concern is that the project needs to be done and they are working on the restoration so he does not want to hinder progress in any way. ***It was moved by Mr. Milos to continue the request until the next meeting.*** This motion failed due to a lack of a second.

Mr. Olson suggested that the request be tabled until the paperwork is obtained. He recommended tabling as opposed to continuing the project because the Commission can hold a special meeting, which could occur before the next regularly scheduled meeting, and expedite the process. ***It was moved by Mr. Olson and seconded by Mr. Milos to table the request until the guaranty document is obtained. Aye – All. Motion carried.*** (The request is attached hereto on Exhibit F and incorporated herein by this reference.)

Mr. Pike stated that it would take the passing of a motion and a second to remove this item from the table.

Gary Biggs – 672 Main Street

Ms. McCracken explained Mr. Gary Biggs has a promissory note that is secured by Goldberg's building 672 Main Street. She stated that he has requested to utilize equity in White Rocks Properties, 776, 768, 770, and 772 Main Street, to secure the loan for 672 Main Street. She explained that Mr. Biggs has pledged a personal guaranty of payment of this promissory note and noted that if the transfer is approved by Historic Preservation these personal funds can be released to Mr. Biggs, if not they will be used to pay the debt in full. Ms. McCracken explained that again, this is an unusual request; therefore, Mr. Pike had requested that a set of standards be drafted which could be used to evaluate the situation and applied in future situations. Mr. Olson pointed out that discussion/review of these standards was not on the agenda; therefore, it was not appropriate to discuss them. ***It was moved by Mr. Olson and seconded by Ms. Hansen to continue the review/discussion of***

this proposed set of standards until the next regularly scheduled HPC Meeting, June 27, 2012. Aye – Namminga, Milos, Floyd, Pike, Hansen, Olson. No – Steinlicht. Motion to continue carried. (The standards are attached hereto on Exhibit G and incorporated herein by this reference.)

Mr. Milos stated that his only concern is that he does not want this body to appear unfriendly. Mr. Pike said that a special meeting could be considered to review the standards. Mr. Van Den Eykel pointed out that when a property is sold the loan must be satisfied. Mr. Pike and Mr. Kuchenbecker stated that is a very important point; however, the loan itself is not being discussed at this time. Ms. McCracken asked for the loan request to be considered in the absence of the standards. After discussion, it was determined that this is not an appropriate request as it does not deal with historic preservation and in the absence of the standards it was not possible to pass the request. Mr. Steinlicht noted for the record that he has mixed feelings on this request and it was simply his desire to consider the request with the standards which was why he had voted no on continuing the review/discussion of the standards. *It was moved by Mr. Olson and seconded by Ms. Hansen to deny the loan request as presented. Aye – All. Motion carried.* (The loan request dated is attached hereto on Exhibit H and incorporated herein by this reference.)

Melody Lawson – 23 Emery

It was moved by Mr. Milos and seconded by Mr. Namminga to grant a six month extension for the construction loan for a deck at 23 Emery Street for Melody Lawson. Mr. S. Olson asked if Mr. Milos would like to include the underwriter's recommendations in the motion. Mr. Milos amended his motion as follows: *It was moved by Mr. Milos and seconded by Mr. Namminga to grant a six month extension for the construction loan for Melody Lawson, 23 Emery Street as presented. Aye – All. Motion carried.* (The Loan request is attached hereto on Exhibit I and incorporated herein by this reference.)

It was moved by Ms. Floyd and seconded by Mr. Milos to increase the loan amounts for Melody Lawson, 23 Emery Street as presented to include closing costs. Aye – All. Motion carried. (The Loan request is attached hereto on Exhibit I and incorporated herein by this reference.)

Melody Lawson – 23 Emery

It was moved by Mr. Olson and seconded by Ms. Floyd to approve the loan request for Melody Lawson, 23 Emery Street, for foundation work as presented. Aye – All. Motion carried. (The request is attached hereto on Exhibit J and incorporated herein by this reference.)

Mr. Pike thanked Ms. McCracken and Mr. Campbell for all of their hard work on the Biggs and Pineview loan requests.

Staff Report:

Mr. Kuchenbecker reported on the following items:

- Gave an update on retaining walls located at 350 Williams, 33 Taylor, 37 Lee, 334 Williams, and 340 Williams.
- Gave an update on Phase I of the St. Ambrose Cemetery project.
- Said the new Depot exhibit at the Visitor's Center has been well received.
- Noted fence repairs are in progress at the Visitor's Center and a recommendation on the building's roof will be forthcoming.

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- Said a bid for the staining of the Grandstands had occurred.
- Archaeology Field School is currently underway with Archaeology camp to follow.
- Noted there had been a Demolition by Neglect Committee Meeting.
- Wild Bill Days will take place the weekend of June 15.
- Said Mike Runge, along with his interns and Randy Pfarr, had been working on the City's exhibit for the Days of '76 Museum.
- Noted the Days of '76 Museum would open on June 16, 2012.

Committee Reports:

Mr. Milos said there would be a Chamber Mixer at the new Days of '76 Museum on June 14, 2012 and that there would be a ribbon cutting at 9:00 a.m. on Saturday, June 16, 2012.

Ms. Floyd said that Archaeology Field School is going very well.

Other Business:

Ms. Floyd asked Mr. Kuchenbecker for an update on the Sinclair Station. Mr. Kuchenbecker said they had done repairs on the base of the structure and are trying to schedule movers to set the resource down. He assured Ms. Floyd that the HP Office is closely monitoring the project.

Mr. Pike acknowledged a note from the South Dakota State Historical Society which thanked the Commission for their sponsorship of their annual history conference.

Ms. Silvernail said that a few of her neighbors were wondering if it would be possible to put up some temporary signage which would direct people to the St. Ambrose Cemetery. Mr. Kuchenbecker said signage would be put up after completion of Phase I as it is really dangerous for individuals to be visiting the Cemetery at this time.

Ms. McCracken said that she would contact the Pineview Group, LLC. and would let the HP Office know if it would be necessary to schedule a special meeting to revisit their loan request. Mr. Pike said to simply let the HP Office know in adequate time so they can give the press 24 hours notice of the special meeting.

Mr. Olson asked when budget meetings would take place. Mr. Kuchenbecker said they will take place in late June or early July but have not been scheduled yet because of the change in Commissioners. He noted that budget request letters had gone out on Friday, June 8, 2012 and will need to be returned by June 22, 2012.

Adjournment:

It was moved by Mr. Milos and seconded by Mr. Steinlicht to adjourn the June 13, 2012 Historic Preservation Commission Meeting at 6:40 p.m. Executive Session for Contractual Matters SDCL 1-25-2(3) followed with no action taken.

ATTEST:

Matthew Pike
Chairman, Historic Preservation Commission
VPeterson, Recording Secretary