

**DEADWOOD HISTORIC PRESERVATION COMMISSION**

**Wednesday, September 24, 2014 ~ 5:00 p.m.**

City Hall, 108 Sherman Street, Deadwood, South Dakota

---

1. Call meeting to Order
2. Approval of Minutes
  - a. Approval of Minutes from September 10, 2014
3. Voucher Approval
4. Old or General Business
  - a. Mary Kopco – DHI Update
  - b. SHSHS Budget review and recommendations
  - c. Chapter 17.68 – Ordinance update and recommendation to City Commission
  - d. Gold Mountain Mine Project recognition
  - e. GRAPE Recommendations
    - i. St. Johns Episcopal Church project
    - ii. Masonic Temple Sign & Historic Interpretive Panel
    - iii. Wall of Fame Recommendations
  - f. PA – Case #14056 – 270 Lower Main St – Covered Parking Area – Mike Gustafson/First Gold
  - g. PA – Case #14057 – 2 Freemont St – Demolition – Jeff Snedeker
5. New Matters before the Deadwood Historic District Commission
  - a. CoA – Case # 14061 – 688 Main Street – Smoking Lounge – Jeff Lamont/Gold Dust
6. New Matters before the Deadwood Historic Preservation Commission
  - a. PA – Case # 14061 – 60 Terrace Street – Deck/walkway off garage – Gerald Pokorney
7. Revolving Loan Fund/Retaining Wall Program Update
  - a. Retaining Wall Applications
  - b. Revolving loan Program/Disbursements
    - i. Floyd Miller – 7 Emery
    - ii. Gregory Vecchi – 19 Centennial
  - 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

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

**CITY OF DEADWOOD**  
**HISTORIC PRESERVATION COMMISSION**  
**Wednesday, September 24, 2014**

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

**Absent:** None

Mr. Kevin Kuchenbecker, Historic Preservation Officer; Ms. Terri Williams, City Attorney; Ms. Joy McCracken, Executive Director of NeighborWorks-Dakota Home Services; and Mr. Mike Walker, Executive Director 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, September 24, 2014 at 5:00 PM in Deadwood City Hall located at 102 Sherman Street in Deadwood, SD.

**Voucher Approval:**

**Approval of September 10, 2014 HPC Minutes:**

***It was moved by Mr. Blair and seconded by Mr. Johnson to approve the minutes of Wednesday, September 10, 2014 as presented. Aye – All. Motion carried.***

**Voucher Approval:**

Operating Account

***It was moved by Mr. Johnson and seconded by Mr. Blair to approve the HP Operating Account in the amount of \$28,796.99. Aye – All. Motion carried.***

**Old or General Business:**

Mary Kopco – DHI Update

Ms. Mary Kopco, who will be leaving her position as Executive Director of Deadwood History in October, read a letter thanking the Commission for their partnership and continued support toward her efforts on behalf of the Adams Museum, Historic Adams House, Days of '76 Museum, and Homestake Adams Research and Cultural Center. She expressed her gratitude for having the opportunity to work with Deadwood's Historic Preservation Officer, Mr. Kevin Kuchenbecker, and stated her confidence in her replacement, Carolyn Weber. (The letter is attached hereto on Exhibit A and incorporated herein by this reference.)

The Commission thanked Ms. Kopco for her years of service and all her contributions made toward Deadwood these past years.

SHSHS Budget review and recommendations

Mr. Kuchenbecker thanked Commissioners Michael Johnson, Tom Blair, and Chair Laura Floyd as well as City Commissioner Georgeann Silvernail for attending on Deadwood's behalf the South Dakota State Historical Society Board of Trustees meeting held on September 12, 2014 in Pierre. Mr. Kuchenbecker informed the Commission Deadwood's Historic Preservation 2015 Budget was reviewed and approved by the South Dakota State Historical Society Board of Trustees. Within the updated budget packet, he pointed out a correction to the Bond Payment line item which should be \$3.6M instead of \$4.5M changing the overall budget total from \$10.7M to \$9.2M. (The State's 2015 Budget Analysis, 2015 Budget Review, and updated 2015 Budget are attached hereto on Exhibit B and incorporated herein by this reference.)

Mr. Kuchenbecker stated the Board of Trustees seemed pleased with the presentation and activities in which the Historic Preservation Office and Commission are involved. However he noted the State's concerns within the 2014 Budget Analysis referenced on page 2 stating, "*Recent events in the past year, supported by Deadwood's City Council and a majority of the Historic Preservation Commission, to remove and demolish contributing historic structures to make room for more casino parking can be construed as a violation of these Administrative rules.*" Mr. Kuchenbecker

HPC Meeting

Wednesday, September 24, 2014

noted, in keeping with the intent and spirit of the Administrative rules, the discussion led into 'how to avoid similar situations in the future' which led into the importance of updating ordinances and strengthening processes.

Mr. Kuchenbecker informed the Commission a Demolition by Neglect & Minimum Maintenance meeting was requested by Mr. Toews to discuss improving policies and procedures. He noted the State would like to see these policies and procedures strengthened as well.

Chair Floyd stated she was glad to have attended the State's Board Meeting. She felt it was an extremely educational process of how the State goes through the budget, what concerns them, and what items peaked their curiosity. Chair Floyd also noted to the Commission how the State spoke very highly of Mr. Kuchenbecker and his efforts as Deadwood's Historic Preservation Officer. She stated it was nice to see how Mr. Kuchenbecker has the respect and support of the State Board.

Mr. Blair stressed most of the State's discussion had underlying concerns regarding the National Park Service's change of Deadwood's 'Satisfactory' status to 'Watch'; he noted there is serious concern for Deadwood's status becoming 'Threatened'. Referencing Roger Brooks' visit and assessment of Deadwood, Mr. Blair reiterated how Historic Preservation is very important and how it sets Deadwood apart from other tourist and casino destination across the United States.

Mr. Johnson asked Mr. Kuchenbecker to explain where the Status comes from and how it works.

Mr. Kuchenbecker explained the National Park Service surveys and monitors all the National Historic Landmarks. He informed the Commission when he started working for the City eight years ago, Deadwood was on 'Watch', but Deadwood was able to move back to 'Satisfactory'; however recently the National Park Service moved Deadwood back to 'Watch' with the threat of being moved to 'Threatened'. The National Park Service independently with advice and council from the State make this determination. Mr. Kuchenbecker stated neither he nor the City, has received any formal notification Deadwood has been moved to 'Watch' status, however it was stated at the State's Board meeting that Deadwood had. He informed the Commission the City had received a letter from the National Park Service addressed to the Mayor and City Commission noting their concerns regarding recent actions. But he noted the letter did not officially state Deadwood's status was changed to 'Watch'.

Chair Floyd validated Mr. Kuchenbecker's comment stating the State gave verbal confirmation of Deadwood's 'Watch' status change by the National Park Service at the board meeting.

Mr. Johnson asked Mr. Kuchenbecker to explain how the National Park Service determines what justifies or causes the changing of a status.

Mr. Kuchenbecker explained to the Commission the loss of historic resources is a large part of causing a National Landmark District status to change. He continued to state whether it is moving a resource, demolition of a historic resource and adverse effects to a historic resource all play a part in the National Park Service changing a status.

City Commissioner Silvernail informed the Commission neither she nor any of the other City Commissioners had received a copy of the letter received from the National Park Service. She continued stating none of the City Commissioners were aware of this letter up until a month ago.

Mrs. Storhaug, Historic Preservation and Zoning Administrative Assistant, confirmed the receipt of the National Park Service letter that was opened and placed on the Mayor's desk.

City Commissioner Silvernail stated the Commissioners did not receive a copy.

Mr. Toews asked for clarification regarding the change in the overall budget total from \$10.7M to \$9.2M amount. He asked if the difference would actually reduce the amount of funding pulled out of reserves.

Mr. Kuchenbecker confirmed that was correct.

Mr. Williams asked how much money is given to the State.

Mr. Kuchenbecker informed the Commission out of the \$9.2M, the State Historical Society receives \$53,500.00; \$250,000.00 is distributed through the Outside of Deadwood Grants; and approximately \$10,000 of Advocacy funding goes to support conferences outside of Deadwood.

Mr. Williams asked which line item the Architect and Engineering costs come out.

Mr. Kuchenbecker stated most funding comes from the budgeted project funds listed under Capital Assets or CIP Funding of \$1.5M.

Mr. Williams asked if we outsource for everything.

HPC Meeting

Wednesday, September 24, 2014

Mr. Kuchenbecker stated the process typically starts with a Request for Proposals (RFP) which isn't limited to Deadwood.

Mr. Williams stated maybe it should be limited to Deadwood. He noted local businesses at one time submitted RFPs, but they don't any more. He stressed how Lawrence County tries to stay within the County for RFPs and Deadwood should try to do so as well to help support local entrepreneurs.

Chair Floyd agreed with Mr. Williams. But she noted, if local businesses wanted to do work for the City of Deadwood and submit their RFP, it is their responsibility to do so.

#### Chapter 17.68 – Ordinance update and recommendation to City Commission

Mr. Kuchenbecker reviewed Chapter 17.68 noting the previous changes discussed at the HPC meeting in May need to be made. (The Ordinance is attached hereto on Exhibit C and incorporated herein by this reference.)

Ms. Williams, City Attorney, stated she had not had time to review Ordinance prior to meeting, but asked her previous comments are reflected in the minutes.

Mr. Blair asked clarification on how to read the accepted and rejected corrections.

Mr. Kuchenbecker noted these changes were proposed by staff following review. He explained the colored text is added verbiage and the colored strikethrough text is existing ordinance recommended to be removed.

Mr. Blair asked Ms. Williams what the Commission is limited to enforcing within the ordinance.

Ms. Williams stated "Yes" as Deadwood is not a "home rule" City and is not able to go beyond the boundaries of what is allowed by South Dakota law. She noted the neither the Historic Preservation Commission nor the City Commission has the right to go beyond South Dakota law.

Mr. Blair asked hypothetically if the Commission could suspend a liquor license.

Ms. Williams stated she could not answer that as she doesn't know how the statute reads.

Chair Floyd stated after review of this ordinance requested to continue discussion at next meeting on October 8, 2014.

Mr. Toews recommended the following minor changes and comments:

Page 6 Section D of **17.68.050 Criteria for issuance of certificates of appropriateness or project approvals.**

9. An applicant for demolition must receive a certificate of appropriateness or project approval ~~for demolition~~ before receiving a demolition permit issued by Deadwood Historic Preservation Officer and Building Inspector, which must ...

Page 7 Section D of **17.68.050 Criteria for issuance of certificates of appropriateness or project approvals.**

11. ...required the preservation or salvage...
12. ...SDCL 1-19A 11.1 shall be considered prior to the issuance of a demolition permit by Building Inspector and Deadwood Historic Preservation Officer.

Page 8 Section H of **17.68.060 Procedures for issuance of certificates of appropriateness or project approvals.**

- H. The project under ~~with~~ the certificate of appropriateness...

***It was moved by Chair Floyd and seconded by Mr. Blair, to continue review of Chapter 17.68 Ordinance until the next Historic Preservation Commission's meeting scheduled for October 8, 2014. Aye - All. Motion carried.***

#### Gold Mountain Mine Project recognition

Mr. Kuchenbecker passed a plaque around which was presented to Chair Floyd and himself on behalf of Deadwood's Historic Preservation Commission at the Grand Opening of the Gold Mountain Mine held on September 16, 2014. He noted the Deadwood Historic Preservation Commission was recognized by the Black Hills Trust for Historic Preservation for their grant funding which assisted in the restoration of the Gold Mountain Mine Project.

Chair Floyd was impressed with how the Trust worked with the Black Hills National Forest to take a condemned structure ready for demolition and, through dedicated efforts from intricate parties, rehabilitated it into a lovely, educational interpretive site.

#### GRAPE Recommendations

Due to his affiliation with St. John's Episcopal Church, Mr. Johnson recused himself.

On September 23, 2014, the Deadwood Historic Preservation Commission's Grants Recognition Advocacy & Public Education (G.R.A.P.E.) Committee met and discussed an application that did not qualify within the Not-For-Profit grant's Allowable Activities funding guidelines. Mr. Kuchenbecker presented the G.R.A.P.E. Committee's recommendation to approval amending the NOT-FOR PROFIT grant's application noting the "ALLOWABLE ACTIVITIES" options to include "INTERPRETATION" to the list of eligible activities. He stated in doing so this would allow the grant funds to help provide an opportunity to educate and interpret the history of the facilities and activities that have contributed to the history of Deadwood. ***It was moved by Mr. Toews and seconded by Mr. Blair to recommend to the City Commission to approve amending the Not-For-Profit Grant application guidelines to include "INTERPRETATION" to the list of eligible activities as presented. Aye – All. Motion carried.***

(The list of G.R.A.P.E. recommendations is attached hereto on Exhibit D and incorporated herein by this reference.)

Mr. Kuchenbecker presented the G.R.A.P.E. Committee's recommendation to approve a Not-for-Profit Grant request from the Masonic Center Association for the creation of six double-sided interpretive banners, two interpretive shadow boxes and a new sign for the Masonic Temple in the amount of \$9,750.00. ***It was moved by Mr. Toews and seconded by Mr. Blair to recommend to the City Commission to approve Masonic Center Association application for the 2014 Not-For-Profit Grant Program as presented. Aye – All. Motion carried.***

Mr. Kuchenbecker presented the G.R.A.P.E. Committee's recommendation to approval a Not-for-Profit Grant request from the St. John's Episcopal Church to help offset costs to fully restore their historic 1904 Steere pipe organ in the amount of \$56,683.00. ***It was moved by Mr. Toews and seconded by Mr. Blair to continue approval of St. John's Episcopal Church application for the 2014 Not-For-Profit Grant Program until available grant amounts can be verified. Aye – All. Motion carried.***

Mr. Johnson rejoined the meeting.

Mr. Kuchenbecker presented the G.R.A.P.E. Committee's recommendation to induct both Willis Carlton Spindler and Lars Peter Shostrom into the 2014 Wall of Fame. ***It was moved by Mr. Toews and seconded by Mr. Johnson to recommend to the City Commission to approve the induction of both Willis Carlton Spindler and Lars Peter Shostrom into the 2014 Wall of Fame as presented. Aye – All. Motion carried.***

PA – Case #14056 – 270 Lower Main St – Covered Parking Area – Mike Gustafson/First Gold

Mr. Kuchenbecker informed the Commission the applicant requests permission to construct a rustic looking covered parking Structure. This structure will have a shed roof with columns made from old steel beams salvaged from Homestake. Roof and facing steel will be cold rolled steel with rustic finish to accent beam columns. Total height of the structure is just over 30 feet at 270 Main Street as submitted. (The application is attached hereto on Exhibit E and incorporated herein by this reference.)

Mr. Kuchenbecker informed the Commission the new structure proposed, while obviously differentiated from the old or historic structures, is not compatible with the massing, size, scale, as well as architectural features associated with the historic integrity of the historic districts and its environment. He stated at more than 30 feet tall and 220 feet in length, this proposed structure is larger than most historic resources in the district thus the scale, size and massing of the proposed parking cover. He also noted the proposed open faced structure is not traditionally found within the district; therefore it is not compatible with the architectural features of the district.

Mr. Kuchenbecker pointed out to the Commission the original plan submitted by the applicant and approved by the Deadwood Historic Preservation Commission on October 16, 2013 allowed for small excavation of the hillside to improve the flow within the existing parking area. He noted the applicant presented documentation (attached to Staff Report) to cut back into the hillside 19 feet with a 22 foot scar up the hillside. He informed the Commission the applicant was approved for a four foot retaining wall with a 8 foot tall fence on top of the concrete wall; this portion of the approval was not completed and the cut appears much larger than originally approved. He also pointed out the cut was to be landscaped with native plants and trees to mitigate the loss of the natural hillside of the district.

Mr. Kuchenbecker informed the Commission it is staff's opinion; the proposed work does encroach upon and damage the historic districts as well as have an adverse effect on the historic character of the State and National Register Historic Districts and the Deadwood National Historic Landmark District.

Ms. Kim Morris and Steve Shafer spoke on behalf of Mr. Mike Gustafson, owner of First Gold Hotel. She informed the Commission their goal is to construct a structure that is acceptable for the district.

HPC Meeting

Wednesday, September 24, 2014

Mr. Shafer added First Gold is willing to work on adjusting the length the frontage as needed. He also pointed out several structures, such as the Rodeo Grandstands and Days of '76 Museum that resemble their proposed structure.

Ms. Morris pointed out both Cadillac Jack's covered structure over their pool as well as Big D's covered structure over their pumps do not look historic and are in the district.

Chair Floyd stated the Commission's concern with the proposed structure is it does not flow with the other First Gold buildings.

Mr. Williams asked if the applicant needs to complete projects previously proposed and approved by the Historic Preservation before they are allowed to move onto this proposed project.

Mr. Kuchenbecker stated he was not sure. He reiterated the importance of the Ordinance change and noted Project Approvals are currently good for twelve months, but it is one item which needs to be address in the ordinance update.

Mr. Williams asked if it is something that can be used in any decision made by the Commission.

With the way the Ordinance currently reads, Ms. Williams cautioned against using the basis of previous promised project to approve or deny a project.

Mr. Williams stated First Gold had gone too far when the terrain was changed and hillside overcut from what was previously approved.

Chair Floyd agreed that instead of the 19 feet it is more like a 22 foot scar. She stressed the Commission's concern First Gold had previously presented one thing, but did another.

Ms. Morris stated the Engineer hired to work the hillside stated that was how the slope had to be for the grade and slippage. She understood it had been approved through the Historic Preservation, Planning and Zoning office.

Mr. Kuchenbecker stated in that discussion it was requested for benches to be added as well as landscaping to avoid erosion to occur. He noted neither have been done.

Ms. Morris stated the project of cutting the hillside was just completed.

Mr. Toews asked what the overall plan was. He noted his concerns with the pictures, plans, and proposed materials did not fit or match the architecture and was not appropriate of First Gold's existing buildings.

Ms. Morris asked what was appropriate.

Mr. Toews stated there could be more architectural features and details presented within the proposed plans to help the Commission visualize what First Gold was proposing. He suggested proposing a structure that blended well with the current buildings.

Ms. Morris argued none of the discussed examples fit the era except the Days of 76 museum and Grand Stands.

Mr. Kuchenbecker stated these buildings compliments the structures around them. He advised First Gold to differentiate the old from the new and make their proposed structure compatible with the architecture of their existing buildings.

Mr. Toews advised Ms. Morris to avoid looking at other facilities and focus on how to make their own buildings stand out; he noted First Gold is the showcase as one enters Deadwood.

Chair Floyd expressed how she liked how First Gold is trying to tie in aspects of Deadwood's history within their facilities.

Mr. Toews advised First Gold to go to their architects and look at various proposals or ideas.

Ms. Morris asked if the Commission like using the steel beams in the structure.

Mr. Toews stated he didn't have any strong feelings toward using the beams, but was more interested in how the structure would appear or blend into with existing structures.

Mr. Blair expressed his concern with the incompleteness of First Gold's original project request and his indecision for the idea of granting approval of another project prior to the completion of the first.

Ms. Morris stated First Gold's vision is to do just that as well as make the structure presentable and acceptable to the Commission. She noted their intent was to complete the one project before starting the next.

Mr. Namminga asked how many cars would be covered by the structure and why First Gold chose to do this project.

Mr. Shafer stated approximately 22 vehicles would be covered by the proposed structure.

Ms. Morris informed the Commission the purpose of these projects is to ascetically bring the facilities together and make area look better.

***It was moved by Mr. Namminga and seconded by Chair Floyd that based upon all the evidence presented, this project DOES encroach upon, damage or destroy a historic property included in the national register of historic places or the state register of historic places. Aye - All. Motion carried.***

Chair Floyd explained she seconded the motion because she agrees with Mr. Kuchenbecker's opinion the structured proposed is out of scale with surrounding resources and is not appropriate for the historic district.

Mr. Toews clarified Chair Floyd's motion was for what was presented before the Commission, not the idea of the structure.

Chair Floyd confirmed that was correct.

Mr. Kuchenbecker clarified historic property as defined under South Dakota codified law is a historic district also.

***It was moved by Mr. Johnson and seconded by Mr. Blair 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 is ADVERSE to Deadwood and move to DENY the project as presented. Aye - All. Motion carried.***

PA – Case #14057 – 2 Fremont St – Demolition – Jeff Snedeker

Mr. Kuchenbecker informed the Commission the applicant requests permission to continue review of his demolition request at 2 Fremont Street. (The application is attached hereto on Exhibit F and incorporated herein by this reference.) ***It was moved by Mr. Blair and seconded by Mr. Johnson, to continue review of Case#14057, 2 Fremont Street until the next Historic Preservation Commission's meeting scheduled for October 8, 2014 with request for additional information of cost estimate for rebuilding structure. Aye - All. Motion carried.***

#### **New Matters before the Deadwood Historic District Commission:**

CoA – Case # 14061 – 688 Main Street – Smoking Lounge – Jeff Lamont/Gold Dust

Mr. Kuchenbecker informed the Commission the applicant requests approval to remove side window pane in front entry creating a permanent walk through entry into a 3 sided room to be used as a smoking lounge 688 Main Street as submitted. (The application is attached hereto on Exhibit G and incorporated herein by this reference.)

Mr. Kuchenbecker informed the Commission a property shall be used for its intended historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment. He noted the proposed new use of this portion of the storefront of this resource (a smoking room) requires a change to the character of the storefront with an opening into the traditional storefront. Furthermore, a smoking room does not need to have an opening when properly ventilated and can be set up as an independent entity.

Mr. Kuchenbecker informed the Commission the character of a property shall be retained and preserved. He stated the removal of materials or alteration of features and spaces that characterize a property shall be avoided. He noted the proposed change presented alters the features that characterize a traditional storefront within the historic districts and this can be avoided through alternative measures for the creation of a smoking area.

Mr. Kuchenbecker informed the Commission distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved. He noted the traditional storefront can be defined as a distinctive feature of the building and this should be preserved as part of the overall fabric of the historic districts.

Mr. Kuchenbecker stated it is staff's opinion, based upon the standards, the proposed work and changes DOES encroach upon, damage or destroy a historic resource, that being the district, and has an adverse effect on the character of the building which therefore, has an adverse effect on the historic character of the State and National Register Historic Districts or the Deadwood National Historic Landmark District.

Mr. Tony Sieber, Manager of Gold Dust, thanked the Commission on behalf of Lamont Properties for allowing him to present his project request. He noted with the completion of the Pineview construction and renovation of Gold Dust, Lamont Properties has put a substantial amount of money into revamping Main Street. He pointed out the storefront area in question has limited usage and provided an opportunity for the Gold Dust to accommodate their smoking quests by installing a smoking lounge.

HPC Meeting

Wednesday, September 24, 2014

Mr. Sieber stated the current smoking area is located under the vestibule area outside with benches and exposes guests going in or out to smoke which is not a very inviting atmosphere. He has spoken with Mr. Kuchenbecker regarding alternate methods in adding a smoking area. Mr. Seiber informed the Commission they have looked at every possible avenue for putting a smoking area and found this dead area of the building to be the most feasible. He stated other businesses have added smoking areas to the outside of their buildings and pointed out Four Aces as one of the closest comparable examples. He informed the Commission to follow rules of adding a smoking area, the plan is to remove the side window, add an air curtain, and tint the windows. Mr. Sieber stated the rules for smoking area with 3 walls. He noted the alternative is to leave window in, tint or shade windows, add ventilation to area and add a door that enters into the casino; this option would allow smoke to enter into the casino which is not an idea that seems adequate for his non-smoking guests.

Mr. Johnson asked clarification on the proposal that an entrance is accessible only from outside, not from inside the casino.

Mr. Sieber confirmed the window would be removed to allow entrance from outside. He stressed his opinion is this area is not considered a storefront as it is a side window located next to the double door entrance and is not on the city sidewalk.

Mr. Williams asked if area would be heated.

Mr. Sieber stated it is not currently heated, but it would be as part of the plan to do so as well as ventilation.

Mr. Blair asked Mr. Kuchenbecker if there was ability to create third set of double doors; doing this would bring the storefront out to the sidewalk.

Mr. Kuchenbecker stated he did not know how suggested idea would work with building codes or with the rules and requirements for installing a smoking area.

Mr. Sieber stated it was a possible alternative, however guests would still pass through a smoke filled area and opening the door would allow smoke into the casino. He stated it would also change the storefront even more than his proposed plan. He informed the Commission the idea of placing the air curtain where the window is removed would block the smoke for the most part.

Mr. Kuchenbecker stated the window is considered part of the overall storefront.

Mr. Toews stated his biggest concern was seeing smokers inside as you pass, but Mr. Sieber had addressed it with the tinted or shaded windows.

Chair Floyd asked about the options of adding smoking area behind building.

Mr. Sieber stated it is not an option as there is no public access to the back of the building.

Mr. Namminga asked if approved, could an acceptance be stated in motion instructing Gold Dust to put storefront back to the original state.

Mr. Kuchenbecker stated it would be hard to enforce and if property was sold, there is no guarantee such request could be enforced.

Mr. Johnson asked if liquor would be served in smoking area.

Mr. Sieber stated liquor would possibly be served during special events.

Mr. Blair asked Mr. Kuchenbecker to explain why he thinks the proposed plan encroaches on historic district.

Mr. Kuchenbecker stated though this property is non-contributing, it is part of the fabric of the local district. He stated it is whether or not the proposed plan is compatible with the historical architectural aspects of the district. He reminded Commission the traditional storefronts did not have this proposed opening in them. Mr. Kuchenbecker stated this is why he feels the proposed plan is not compatible or congruous with the historical and architectural aspects of the district. He noted this area was traditionally used for merchandising and can still be used for merchandising. He informed the Commission storefront were also traditionally transparent to allow individuals to view into building, not covered or tinted as proposed.

Mr. Namminga asked clarifications as to why it needs to be open to the outside.

Mr. Sieber explained it is part of the rules and regulations for adding a smoking area. He noted they were trying to make the renovation as simple as possible.

Chair Floyd stated she understands the request and idea for the smoking area; however her concern is for keeping it compatible and consistent with the district.

HPC Meeting

Wednesday, September 24, 2014

Mr. Sieber asked how different his plan is from the three sided area created by Four Aces.

Mr. Williams asked what the Commission had done in the past with similar requests.

Mr. Kuchenbecker stated this was the first request for add a smoking lounge that would significantly alter the storefront. He noted the Four Aces was a new constructed arch entrance where glass was put in to create three half walls to block wind for guests.

Mr. Namminga asked if just the glass could be removed however leave in the window frame. He noted it would not drastically change the storefront and a door to the inside could be added.

***Based upon the guidance found in DCO 17.68.050, it was moved by Mr. Toews and seconded by Mr. Williams 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 688 Main Street.***

Mr. Namminga asked for clarification on the motion. He noted his concern for making a motion which could threaten Deadwood's status.

Mr. Toews agreed with Mr. Namminga's concern.

Mr. Kuchenbecker stated the National Park Service and State Historical Preservation Office concurs with the Staff Report, however the Commission has the right to make their motion as they see fit.

Chair Floyd reminded the Commission their responsibility is to make a decision based upon the Secretary of Interiors Standards. She noted the Commission's priority is for the historic preservation question rather than the commerce question or how the resource is going to be used.

Mr. Williams asked if we have a way of knowing what was placed in those windows back in the day.

Chair Floyd stated not at this time, however we do know the traditional use of the storefronts.

Mr. Toews stated he is okay with the repurposing of property as long as it keeps the character of building.

Mr. Namminga asked Mr. Kuchenbecker for his opinion.

Mr. Kuchenbecker stated his opinion was presented within his staff report.

Chair Floyd stated the Commission needs to ask themselves if they feel this plan is congruous. She asked if in repurposing whether or not the structure of a property needs to be changed or can it be preserved to serve the same purpose.

Mr. Namminga stated the plan could be reversed.

Chair Floyd stated the change to the window could be reversed, but the question is whether it would be.

***With a motion on the floor, Chairman Floyd moved for a Roll Call: Mr. Johnson - Nay; Mr. Toews - Aye; Mr. Blair - Nay; Chair Floyd - Nay; Mr. Williams - Aye; Mr. Namminga - Nay. Vote was 4 to 2. Motion denied.***

#### **New Matters before the Deadwood Historic Preservation Commission:**

Case # 14062 – 60 Terrace Street – Deck/walkway off garage – Gerald Pokorney

Mr. Kuchenbecker informed the Commission the applicant requests permission to add a 5' x 20' deck and walkway to side of garage approximately 6 feet off ground at 60 Terrace 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. 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 3 Pearl Street. 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. Namminga and seconded by Mr. Johnson to approve the HP Revolving Loan Fund disbursement in the amount of \$1,896.84, 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.

Floyd Miller – 7 Emery

**It was moved by Mr. Blair and seconded by Mr. Williams to deny the request to forgive the HP Siding Loan for Floyd Miller, 7 Emery, in the amount of \$10,000.00, based on information as presented by Ms. McCracken, Executive Director of NeighborWorks-Dakota Home Services. Aye - All. Motion carried.**

Gregg Vecchi – 19 Centennial

**It was moved by Mr. Blair and seconded by Mr. Johnson to approve the HP Windows Loan for Gregg Vecchi, 19 Centennial, in the amount of \$600, based on information as presented by Ms. McCracken, Executive Director 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**

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

Mr. Kuchenbecker reported on the following items:

- Retaining Wall at 33 Taylor had been done in the past years and currently engineering is going on to address drainage and foundation issues. City has been working with property owner and engineers to identify solution;
- Retaining Walls at 2 Dudley and 91 Forest are still moving forward;
- City Department Heads and Mayor will be heading to Pierre tomorrow, September 25, to advocate in keeping the Hwy 85 Reconstruction moving forward;
- Wayfinding meeting was held today to identify locations of pedestrian and vehicle signage;
- Ribbon cutting is planned for the Martha Bullock Park in the next few weeks;
- Demolition by Neglect meeting is scheduled for next Tuesday, September 30 at 3:30 PM;
- Last Friday there was a City presentation on the Lower Main Street /Visitor Center Master Plan;
- A new Preservation Moment on the firearms went out yesterday and has already 30,000 hits;
- Response was delivered from the Judge with the 4<sup>th</sup> Judicial Circuit who ruled in favor of the City; Ms. Williams informed the Commission the Judge issued a memorandum decision, however she stated there still needs to be an order which may take some time to receive from the Judge.

**Other Business:**

- Chair Floyd stated there will be some committees short a Commissioner; however the process is underway to appoint another Commissioner to complete Mr. Derosier's term.

**Adjournment:**

There being no other business, the Historic Preservation Commission Meeting of September 24, 2014 adjourned at 6:42 PM.

ATTEST:

---

Laura Floyd

Chairman, Historic Preservation Commission

Kate Storhaug, Historic Preservation Office/ Recording Secretary