

CITY OF DEADWOOD  
HISTORIC PRESERVATION COMMISSION

Wednesday, February 8, 2006

**PRESENT HISTORIC PRESERVATION COMMISSION:** Darin Derosier, Dr. Michael Guilbert, Louie Lalonde, Mary Ann Oberlander, Steve Olson, Rose Speirs, Willie Steinlicht .

**ABSENT HISTORIC PRESERVATION COMMISSION:** None

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Chairman Speirs called the meeting of the Deadwood Historic Preservation Commission to order on Wednesday, February 8, 2006 at 5:15 p.m. in the Deadwood City Hall Meeting Room located at 108 Sherman Street, Deadwood, SD 57732.

**ADDITIONS, DELETIONS OR CORRECTIONS TO THE AGENDA:**

It was moved by Mr. Steinlicht, seconded by Mr. Derosier and carried unanimously to approve the following addition to the agenda:

Under New Matters before the Deadwood Sign Commission:  
c. KDSJ, Sign

and to remove the following item from the agenda:

Under New Matters before the Deadwood Historic Preservation Commission:  
o. 415 Williams, Williams, Window Installation

**REVIEW MINUTES FROM WEDNESDAY, JANUARY 25, 2006:**

It was moved by Mr. Steinlicht, seconded by Dr. Guilbert and carried unanimously to adopt a resolution to approve the minutes of the January 25, 2006 meeting, as presented.

**VOUCHER APPROVAL:**

**Operating Account:**

It was moved by Mr. Steinlicht, seconded by Mr. Olson and carried unanimously to adopt a resolution approving the HP Operating Account in the amount of \$17,745.47, as presented.

**Bonded Account:**

It was moved by Ms. Lalonde, seconded by Ms. Oberlander and carried unanimously to adopt a resolution approving the HP Bonded Account in the amount of \$2,550.00, as presented.

**NEW MATTERS BEFORE THE DEADWOOD SIGN COMMISSION:**

**520 Cliff, Spindler - FYI**

The commission reviewed correspondence from Building Inspector Keith Umentum and City Attorney John Frederickson regarding the Spindler sign located at 520 Cliff Street on Highway 385.

**802 Main, Sternhagen, New Sign**

The commission referred to the following staff report:

**STAFF REPORT**

The applicant requests permission to install the following sign.

Address: 802 Main  
Applicant: Lana & Jim Sternhagen

*Size:* 1' x 4'

*Location:* On Gable End of House

*Material:* Must be painted wood

*Is a variance required?* No

*Comments:*

Building Inspector Keith Umenthum explained that the property owner is seeking approval to install a new "Massage" sign measuring 1' x 4' across the front gable of the home. An additional sign identifying the business name is located in the front yard however it is not easily visible with the significant amount of on-street parking at this location. There was discussion regarding the sign ordinance and whether a variance is required, contrary to what is stated in the staff report. Chairman Speirs stated a variance is required because of the total square footage of the existing signs and proposed new sign. Several options were discussed regarding the location of the new sign including hanging it above the hot tub area; hanging it below the gable; or hanging it directly over the door. It was moved by Dr. Guilbert, seconded by Mr. Derosier and carried unanimously to adopt a resolution to approve the Sign Permit Application and a variance to allow for the installation of an additional wooden sign measuring 1' x 4' on the top of the existing sign, for 802 Main Street, Stress Relief Massage, as proposed by the applicants and property owners, Lana and Jim Sternhagen.

**KDSJ, 745 Main**

The commission referred to the following staff report:

**STAFF REPORT**

The Applicant is requesting permission to place the following sign.

**Address:** 745 Main Street

**Applicant:** KDSJ

**Size:** 18"x24"

**Location:** The owner proposes to place the sign near the front of the building.

**Material:** Painted Metal

**Is a variance required?** No

**Comments:** The sign ordinance allows an owner to substitute a free standing sign for a projecting sign if the building is located more than 15' from the street. The ordinance does specify that the sign may be no larger than ten (10) square feet.

KDSJ applied for the sign on June 22, 2005. At that time, Keith Umentum, Deadwood Building Inspector requested a professional rendering of the proposed sign. The commission stated they would reconsider the request upon review of the professional rendering of the sign. The applicant selected the green color located on the left, or the lighter green shade.

Members of the commission questioned whether the proposed sign is a free standing sign, permanent sign or for use just during ticket sales. It was moved by Dr. Guilbert, seconded by Mr. Olson and carried unanimously to adopt a resolution to table this item, pending clarification of the type of signage proposed from the applicant.

## NEW MATTERS BEFORE THE DEADWOOD HISTORIC PRESERVATION COMMISSION:

### Discussion of Temporary Demolition Moratorium

City Attorney John Frederickson reported that, at the City Commission meeting on Monday, February 6<sup>th</sup>, the commission considered imposing a 6-month moratorium on the issuance of demolition permits in the City of Deadwood. After considerable discussion and because the moratorium would affect historic and non-historic structures, the City Commission referred the matter to the Historic Preservation Commission for review and recommendation. The impetus surrounding the proposed moratorium is to allow the City time to more fully and comprehensively evaluate the effects of the demolition and loss of buildings within the city limits of Deadwood; to hire a historic preservation officer to provide input into such evaluations; and to evaluate ordinances pertaining to parking and traffic control.

Mr. Frederickson provided direction to the commission regarding the applications for demolition permits on this meeting agenda. If the historic preservation commission recommends the City impose a moratorium, then any action taken on the permits presently on the agenda should be approved or denied contingent upon final action on the moratorium by the City Commission on Monday, February 13<sup>th</sup>. If the City Commission approves the moratorium, then all the demolition permits being considered would be placed on hold until the moratorium runs its course or determined by a court to be of no effect. However, if the City Commission does not impose the moratorium, then the demolition permits would issue under the terms of the conditions imposed by the Deadwood Historic Preservation Commission.

Mr. Frederickson offered various scenarios if the Court were to rule on the moratorium, if imposed.

Mr. Derosier spoke against imposing a 6-month moratorium on demolition permits. The city's elected officials, various commissions, guidelines and procedures ensure proposed projects, including building demolition, are considered on a case-by-case basis and the merits or faults of each fully discussed prior to any action taken. He feels business should continue as is.

In her six-year history with the commission, Ms. Lalonde recalled that applications for demolition permits were seldom requested. She questioned why the sudden increase in the number of demolition permits presented for approval.

Ms. Oberlander questioned how the moratorium would affect non-historic buildings. If passed, the moratorium would effect all demolition.

Mr. Olson pointed out the moratorium lacks a provision for life safety issues, for example, if a building catches fire downtown and the building remains need to come down. Mr. Frederickson stated, when the moratorium was originally drafted, there was a provision that the moratorium would apply to all buildings except those determined by the building code official to be unsafe or uninhabitable. In further review of pending applications yesterday, there were potentially two buildings that would create a life safety hazard. He will discuss this matter further with the City Commission.

Mr. Steinlicht noted the historic preservation officer did review the applications for demolition permits on the current agenda.

Ms. Lalonde spoke in support of a moratorium in light of the Wing Tsue building demolition this past December. However, she had some reservations about the time period of six months and feels the ordinances should include more significant penalties for failure to comply with the recommendations of the city. Mr. Frederickson concurred that time is needed to review the ordinances.

Blake Haverberg spoke against the moratorium calling it a "knee jerk reaction to an unfortunate event". Earlier today in the Building Inspection Department, he filed the necessary paperwork including an Application for a Demolition Permit to "take down the chip board around the old town hall". He was hoping it would be on the agenda for the next meeting. He spoke against action to deny all permits for longer than thirty days. Mr. Derosier agreed.

Frank Pavich who owns the American Family Insurance building at 316 Main Street stated, for the record, he does not have a purchase agreement with any party for the sale of this property at the present time. He has been in contact with Planning & Zoning Administrator Bernie Williams regarding the proposed construction of a business suite at this location. Extensive work will be necessary on the site, including water line replacement. He has obtained a written concrete bid, and will lose his services if the moratorium is approved. He referred to correspondence from John Frederickson to Mayor Toscana dated November 9, 2004, regarding the issue of whether or not the historic preservation commission can deny a request for demolition of a non-historic, non-contributing building located in an area zoned for commercial use within the City of Deadwood.

Paul Bradsky, representing Parkridge Investors Limited Partnership, Ridgestone Apartments and Cadillac Jacks, spoke against the moratorium and delaying projects that have been reviewed by the historic preservation officer and have been "in the hopper" for some time now. In response to Ms. Lalonde, Mr. Bradsky explained they intend to raze the Ridgestone Apartment building and the carport behind it to accommodate the expansion of Cadillac Jacks. Construction of a retaining wall is scheduled to commence this summer. He urged the commission to act on the projects on the current agenda, even if it is contingent upon what the commission does Monday night.

Mr. Olson called the question.

It was moved by Mr. Olson to recommend approval of the resolution to adopt a moratorium on the issuance of demolition building permits in the City of Deadwood for a period of time to be determined by the Deadwood City Commission. Dr. Guilbert spoke against a moratorium for six months. Mr. Olson feels the elected officials on the City Commission should make the decision regard the duration of the moratorium. The motion died for lack of a second.

It was moved by Mr. Derosier and seconded by Mr. Steinlicht to recommend the City Commission not adopt a moratorium on the issuance of demolition building permits in the City of Deadwood. City Attorney John Frederickson suggested more appropriate verbiage for the motion. The motion was amended by Mr. Derosier and seconded by Mr. Steinlicht to recommend that the moratorium on the issuance of demolition building permits in the City of Deadwood not be imposed by the City Commission. Upon roll call vote being taken thereon, the motion failed 2-5 with the following commission members voting AYE: Derosier and Steinlicht. The following commission members voted NO: Guilbert, Lalonde, Oberlander, Olson and Speirs.

Because he believes it is important to resume consideration of demolition permits in a more timely manner, it was moved by Dr. Guilbert and seconded by Ms. Lalonde to recommend the City Commission adopt a moratorium on the issuance of demolition building permits in the City of Deadwood for no longer than two months, stipulating certain projects may be excluded from the moratorium and considered in the interim. Mr. Frederickson requested clarification. Ms. Lalonde stated if a project involves remodeling or improvements to an existing building it should be excluded from the moratorium. Mr. Frederickson stated exempting buildings determined unsafe or uninhabitable by the Building Inspector might be acceptable, however, if there are other projects that might be excluded from the moratorium, those need to be specifically defined. Mr. Steinlicht stated the time period of two months is more appropriate. Mr. Derosier spoke against including conditions that might warrant an exception from the moratorium. Dr. Guilbert said exceptions for life safety or other projects previously described will not alter what the city is trying to accomplish by imposing the moratorium. Mr. Frederickson spoke against including exceptions or conditions to the moratorium as it becomes extremely difficult to define and enforce. The motion was amended by Dr. Guilbert and seconded by Ms. Lalonde to recommend the City Commission adopt a moratorium on the issuance of demolition building permits in the City of Deadwood for no longer than two months, with the exception of buildings determined unsafe or uninhabitable by the Building Inspector. Mr. Pavich asked for further clarification on noncontributing buildings in a commercial zone.

Mr. Derosier called the question.

Upon roll call vote being taken thereon, the motion carried with Mr. Derosier voting NO.

**Rapid City Grant Request**

It was moved by Mr. Olson, seconded by Ms. Oberlander and carried unanimously to adopt a resolution to refer the emergency grant request for Outside of Deadwood Grant Funds from the Rapid City Chamber of Commerce to the Outside of Deadwood Grant Committee for consideration and recommendation.

**Julin, Oral History Contract**

It was moved by Ms. Lalonde, seconded by Mr. Olson and carried unanimously to adopt a resolution to approve the 2006 Deadwood Oral History Contract between the City of Deadwood, the Deadwood Historic Preservation Commission and Ms. Suzanne Julin, Independent Contractor, for completion of seven (7) projects with a budgeted contract amount of \$3,500 to be completed by December 31, 2006, as presented.

**Munson, Glass Plate Photograph Contract**

Mr. Olson stated funds totaling \$78,000 were previously approved for the glass plate photographs preservation activities. He expressed concern with that portion of the letter contract wherein Chicago Albumen Works reserves "the right to bill any activity +10%". Mr. Frederickson requested this matter be continued as he intends to prepare a contract for these services in the proper form. It was moved by Mr. Olson, seconded by Mr. Steinlicht and carried unanimously to adopt a resolution to continue this matter to the commission meeting on February 22, 2006. The commission should submit any further comments regarding the contract to him.

**322 Main, Ridgestone Apartments, Demolition, Tabled from 1/25/06**

The commission referred to the following staff report:

**STAFF REPORT**

*Case No.* 06002  
*Address:* 322 Main

January 17, 2006

The applicant requests Project Approval to remove the building and structures at 322 Main, Deadwood.

Applicant: Parkridge Investors Limited Partnership  
Owner: Parkridge Investors Limited Partnership  
Constructed: 1973

**CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS**

**The Historic District Commission shall use the following criteria in granting or denying Project Approval:**

***General Factors:***

***1. Historic significance of the resource:*** This is a noncontributing building and parking structure constructed in 1973.

***2. Architectural design of the resource and proposed alterations:*** The owner proposes to demolish the building. Section 17.68.050.D of the City of Deadwood ordinances discusses demolition. The Commission is to consider the individual architectural, cultural and/or historic significance of the resource. The Commission is also to consider the importance or contribution of the resource to the architectural character of the historic district. In order to receive project approval the applicant must submit plans for the property. Such plans do not have to include new construction.

***3. General appearance of the resource:*** The building is visually unobtrusive.

**4. Condition of the resource:** This is a habitable building.

**5. Materials composing the resource:** Wood frame construction.

**6. Size of the resource:** This is a two story building, 160' x 45'. The front yard setback from the sidewalk is 20'6" at the south end of the building and 25'6" at the north end of the building.

**Attachments:**

**Photos**

**Site plan**

**Recommended Decision:** Removal of the building will have no adverse effect on the historic or architectural character of the Deadwood National Landmark Historic District. The owner should record the building prior to demolition. This would include the development of a short history of the building, photographs of the exterior and any significant exterior or interior features and a dimensioned floor plan for each occupied floor.

Paul Bradsky introduced Deb Baker, representing PRO/Rental Management, the agency that conducted the rental survey mentioned at the last meeting. The survey identified sixty vacant rental units available in the northern hills. She reported that most of the tenants of the Ridgestone apartment building relocated within Deadwood. Ms. Lalonde reiterated concern about the loss of housing which would result from the demolition of this building. The population of Deadwood continues to decline; she hopes people will consider the development of additional housing units for residents in Deadwood versus continued development of more hotels and parking lots.

Mr. Olson commented briefly on the criteria defined by the Department of Interior regulations for historic properties. He then focused on the landscape elements of a property. "We live in Deadwood Gulch. We do not live in Deadwood Valley or Deadwood Draw". The more you cut into the hillsides for retaining walls or to accommodate commercial development, the more we lose the landscape features of the hillsides and character of the hills. Those changes impact this area for many years.

Dr. Guilbert asked Mr. Bradsky for a general description of the proposed expansion. Mr. Derosier expressed concern with the possibility of allowing the apartment building to come down and then nothing happens on the site.

Chairman Speirs called upon the city attorney for direction on the appropriate action to be taken in lieu of the pending moratorium. Thad Fuller questioned what the city will gain by imposing the moratorium.

It was moved by Mr. Derosier and seconded by Mr. Steinlicht to adopt a resolution to approve the Application for Project Approval to demolish the building and structures at 322 Main, as proposed by Parkridge Investors Limited Partnership, the applicant and property owner, as presented, stipulating an archeologist be on site during the demolition, subject to the action taken by the city commission on February 12<sup>th</sup> regarding the moratorium on the issuance of demolition building permits in the City of Deadwood. Mayor Toscana spoke in opposition to the motion. He stated Cadillac Jacks has been a very good neighbor. The development of the hotel, however, changed the character of historic Deadwood in a lot of ways. He complimented the Bradsky family on the considerable financial investments they have made in Deadwood, but what they are proposing to do will change the character of Deadwood even more. He agreed with the comments expressed previously by Ms. Lalonde and Mr. Olson. He suggested the commission deny the demolition until such time as the developer has a plan to review in addition to a performance bond or financial commitment to the city.

Mr. Bradsky explained that, at this point, the developer is not required to have construction plans submitted and it is not economically feasible to do that without project approval. He assured the commission that "they will not drop the ball". He reminded the commission of the documentation he distributed at the last meeting. He said, legally speaking, they should be allowed to demolish a noncontributing, non-historic building in a commercially-zoned area.

Ms. Oberlander expressed concern with replacing an apartment building with more hotel accommodations and more opportunity for gaming. Perhaps "we need to slow down for a little while".

Walt Bradsky spoke on behalf of the Bradsky family by stating "if we say we're going to do something, we'll do it. Our word is good". He asked the city to treat them fairly. Commercial buildings should be allowed in this area; residential properties belong in a residential neighborhood.

Mr. Derosier spoke against the types of commercial development that have occurred since gaming started. He would like to see more than hotels and gaming. Ms. Lalonde said we still have an obligation to take care of what is Deadwood and the historic integrity of Deadwood. A large infrastructure like what Cadillac Jacks is proposing will affect the historic integrity of Deadwood.

Georgeann Silvernail reminded the commission of how things used to be. She feels it is important to leave historical components from all eras and many of those things keep disappearing.

It was moved by Mr. Derosier, seconded by Mr. Steinlicht to adopt a resolution to approve the Application for Project Approval to demolish the building and structures at 322 Main, as proposed by Parkridge Investors Limited Partnership, the applicant and property owner, as presented, contingent upon the action taken by the city commission Monday night, with the stipulation that an archeologist must be on site during the demotion of the building. Upon roll call vote being taken thereon, the motion failed 2-5 with the following commission members voting AYE: Derosier and Steinlicht. The following commission members voted NO: Guilbert, Lalonde, Oberlander, Olson and Speirs.

Dr. Guilbert requested more conceptual, more detailed plans from the developer. Mr. Bradsky requested some assurance from the commission that if he proceeds with plans, the matter will be reconsidered at an upcoming meeting and not be delayed if the moratorium is imposed. It was moved by Dr. Guilbert, seconded by Ms. Lalonde and carried unanimously to adopt a resolution to table the Application for Project Approval to demolish the building and structures at 322 Main to the meeting on March 8, pending receipt of more detailed plans and renderings from the developer.

**316 Main, Frank Pavich, Demolition, Tabled from 1/25/06**

The commission referred to the following staff report:

**STAFF REPORT**

Case No. 06004  
Address: 316 Main

January 18, 2006

The applicant requests Project Approval to remove the building at 316 Main, Deadwood.

Applicant: Frank A. Pavich  
Owner: Frank A. Pavich  
Constructed: NA

**CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS**

**The Historic District Commission shall use the following criteria in granting or denying Project Approval:**

***General Factors:***

***1. Historic significance of the resource:*** This is a noncontributing building in the Deadwood National Landmark Historic District.

***2. Architectural design of the resource and proposed alterations:*** The owner proposes to demolish the building. Section 17.68.050.D of the City of Deadwood ordinances discusses demolition. The Commission is to consider the individual architectural, cultural and/or historic significance of the resource. The Commission is also to consider the importance or contribution of the resource to the architectural character of the historic district. In order to receive project approval the applicant must submit plans for the property. Such plans do not have to include new construction.

**3. General appearance of the resource:** The original, non historic building, 32' x 16' was constructed of concrete block and sided with Masonite siding. It was modified and added on to in 2003 building is visually unobtrusive.

**4. Condition of the resource:** This is a habitable building.

**5. Materials composing the resource:** Wood frame construction.

**6. Size of the resource:** This is a one story building, 36' x 32'. The front yard setback from the sidewalk is 26'.

**Attachments:**

**Photos**

**Site plan**

**Recommended Decision:** Removal of the building will have no adverse effect on the historic or architectural character of the Deadwood National Landmark Historic District. The owner should record the building prior to demolition. This would include the development of a short history of the building, photographs of the exterior and any significant exterior or interior features and a dimensioned floor plan for each occupied floor.

Frank Pavich spoke in favor of today's busy environment in Deadwood. He works hard to stimulate the economy of Deadwood. His request was reviewed by the historic preservation officer and plans to expand his facility to include an apartment and business suites. Detailed plans have been submitted to the Planning & Zoning Administrator. A demolition permit is required primarily due to the water line replacement necessary to accommodate the proposed expanded facility. He also explained that, at this time, he has no plans to sell the property, contrary to what was reported in today's Rapid City Journal. It was moved by Dr. Guilbert, seconded by Mr. Derosier and carried unanimously to adopt a resolution to approve the Application for Project Approval to demolish the building and structures at 316 Main, as proposed by Frank Pavich, the applicant and property owner, as presented, subject to the action taken by the city commission on February 12<sup>th</sup> regarding the moratorium on the issuance of demolition building permits in the City of Deadwood.

**846 Main, Hunter House - FYI**

A letter dated January 23, 2006 from Lynn Namminga to Mayor Toscana was distributed in the commission packet for information only. The letter concerns the rehabilitation of the Hunter House at 846 Main.

**Rodeo Grounds Grandstand – Hire Engineer**

It was moved by Dr. Guilbert, seconded by Mr. Steinlicht and carried unanimously to adopt a resolution authorizing staff to retain the firm of TSP, Rapid City, SD, to complete a structural and life safety assessment of the Rodeo Grounds Main Grandstand as proposed by the Kenneth Loeschke, PE, Associate Principal with the firm of TSP, Rapid City, SD, at a cost not to exceed \$10,000 plus taxes and reasonable expenses.

**420 Cliff, Chubby Chipmunk, Awning**

The commission referred to the following staff report:

**STAFF REPORT**

Case No. 06006  
Address: 420 Cliff

February 1, 2006

The applicant requests Project Approval to install a canvas awning at 420 Cliff.

Applicant: Mary "Chip" Tautkus  
Owner: Sinclair Oil  
Constructed: 1945

**CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS**

**The Historic District Commission shall use the following criteria in granting or denying Project Approval:**

**General Factors:**

**1. Historic significance of the resource:** The building was built in 1945 outside the boundaries of the Deadwood National Landmark Historic District. It is not listed on the National Register of Historic Places.

**2. Architectural design of the resource and proposed alterations:** The owner proposes to install a dark green canvas awning over the window to the left of the door. It will match the existing awning, which was previously approved by the Commission.

**Attachments:**

**Photo**

**Recommended Decision:** The proposed awning will have no adverse effect on any historic resource.

It was moved by Dr. Guilbert, seconded by Mr. Derosier and carried unanimously to adopt a resolution to approve the Application for Project Approval to install a canvas awning at 420 Cliff, as proposed by Mary "Chip" Tautkus, Sinclair Oil, the applicant and property owner respectively, as presented.

**Fuller Property - FYI**

A memorandum from Planning & Zoning Administrator Bernie Williams regarding the Army Corp of Engineers and the Game, Fish and Parks Department approval of the proposed installation of a cattle guard across the creek on property owned by Thad Fuller in Pluma was distributed in the commission packet for information only.

**Fuller Property – Structure Demolition Request**

The commission referred to the following staff report:

**STAFF REPORT**

Case No. 06011  
Address: Fuller, Pluma

February 3, 2006

The applicant requests Project Approval to demolish a structure on land that he owns in Pluma.

Applicant: CAI Construction  
Owner: CAI Construction  
Constructed: NA

**CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS**

**The Historic District Commission shall use the following criteria in granting or denying Project Approval:**

**General Factors:**

**1. Historic significance of the resource:** This is a noncontributing structure located outside of the Deadwood National Landmark Historic District.

**2. Architectural design of the resource and proposed alterations:** The owner proposes to demolish the structure. Section 17.68.050.D of the City of Deadwood ordinances discusses demolition. The Commission is to consider the individual architectural, cultural and/or historic significance of the resource. The Commission is also to consider the importance or contribution of the resource to the architectural character of the historic district. In order to receive project approval the applicant must submit plans for the property. Such plans do not have to include new construction.

**3. General appearance of the resource:** The building structure has collapsed from years of neglect. It is neither habitable nor suitable for rehabilitation.

**4. Condition of the resource:** It is a ruin.

**5. Materials composing the resource:** Wood frame construction.

**Attachments:**

**Photos**

**Recommended Decision:** Demolition of the building will have an no adverse effect on the on the historic and architectural character of the Deadwood National Landmark as this structure is located outside of the National Landmark Historic District.

Thad Fuller requested permission to remove an extremely dilapidated structure on his property. Dr. Guilbert initiated a motion on the matter, however, he recused himself at the direction of the city attorney, as Mr. Fuller is his son-in-law. It was moved by Mr. Derosier, seconded by Mr. Steinlicht and carried with Dr. Guilbert abstaining to adopt a resolution to approve the Application for Project Approval to demolish a structure on land in Pluma, identified on the plat of Lot 1R of Deadwood Gulch Addition II formerly a portion of Deadwood Gulch Addition II, located in the E1/2 of Section 27, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota, as proposed by CAI Construction, subject to the action taken by the city commission on February 12<sup>th</sup> regarding the moratorium on the issuance of demolition building permits in the City of Deadwood.

**185 Cliff, Bulganti, Demolition**

The commission referred to the following staff report:

**STAFF REPORT**

Case No. 06012  
Address: 119 Charles

February 3, 2006

The applicant requests Project Approval to demolish the building at 185 Cliff, Deadwood.

Applicant: Jody L. Kuntz  
Owner: Carl & Valerie Bulganti  
Constructed: 1930

**CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS**

**The Historic District Commission shall use the following criteria in granting or denying Project Approval:**

**General Factors:**

**1. Historic significance of the resource:** This is a contributing building in the Deadwood National Landmark Historic District.

**2. Architectural design of the resource and proposed alterations:** The owner proposes to demolish the building. Section 17.68.050.D of the City of Deadwood ordinances discusses demolition. The Commission is to consider the individual architectural, cultural and/or historic significance of the resource. The Commission is also to consider the importance or contribution of the resource to the architectural character of the historic district. In order to receive project approval the applicant must submit plans for the property. Such plans do not have to include new construction.

**3. General appearance of the resource:** The building has retained its historic character and appearance.

**4. Condition of the resource:** This is a habitable building that was used a rental. It suffered from a destructive fire on January 29, 2006. There was significant interior damage and the rear portion of the roof was destroyed. Based on a visual inspection by the building inspector and the historic preservation officer it appears that the exterior wall and major portions of the interior are salvageable and able to be rehabilitated. The owners should provide a report by a qualified structural engineer regarding the condition of the building prior to any determination as to rehabilitation or demolition.

**5. Materials composing the resource:** Wood frame construction.

**Attachments:**

**Photos**

**Recommended Decision:** Demolition of the building will have an adverse effect on the building and an adverse effect on the historic and architectural character of the Deadwood National Landmark Historic District.

Jody Kuntz explained that a recent fire destroyed a good portion of the house. Chairman Speirs reported talking to one of the fireman who responded to the location who concurred with staff's recommendation that "it appears that the exterior wall and major portions of the interior are salvageable and able to be rehabilitated". It was moved by Mr. Steinlicht, seconded by Ms. Lalonde to adopt a resolution to table the Application for Project Approval to demolish the building at 185 Cliff, as proposed by Jody L. Kuntz and Carl and Valerie Bulganti, the applicant and property owner respectively, for up to one month, pending the insurance investigation. Since this is a contributing building in Deadwood, Mr. Olson expressed concern about further deterioration of the interior of the structure with continued exposure to the elements. Ms. Kuntz stated the roof of the structure is unsafe. Keith Umenthum stated with the significant amount of smoke damage, protective measures are not necessary. Hearing no further discussion, upon vote taken thereon, the motion carried unanimously.

**115 Charles, Mack, Demolition**

The commission referred to the following staff report:

**STAFF REPORT**

Case No. 06010  
Address: 115 Charles

February 3, 2006

The applicant requests Project Approval to demolish the building at 115 Charles, Deadwood.

Applicant: Gordon Mack  
Owner: Gordon Mack  
Constructed: 1885

**CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS**

**The Historic District Commission shall use the following criteria in granting or denying Project Approval:**

**General Factors:**

**1. Historic significance of the resource:** This is a noncontributing building in the Deadwood National Landmark Historic District. The noncontributing status is based on non-historic changes to siding, fenestration and porch alterations.

**2. Architectural design of the resource and proposed alterations:** The owner proposes to demolish the building to expand the Cedar Wood Inn. Section 17.68.050.D of the City of Deadwood ordinances discusses demolition. The Commission is to consider the individual architectural, cultural and/or historic significance of the resource. The Commission is also to consider the importance or contribution of the resource to the architectural character of the historic district. In order to receive project approval the applicant must submit plans for the property. Such plans do not have to include new construction.

**3. General appearance of the resource:** The building has retained its historic form, size and dimensions and is a habitable building.

**4. Condition of the resource:** This is a habitable building.

**5. Materials composing the resource:** Wood frame construction.

**Attachments:**

**Photos**

**Recommended Decision:** Demolition of the building will have an adverse effect on the building and an adverse effect on the historic and architectural character of the Deadwood National Landmark Historic District as it presently maintains the visual character of the streetscape and neighborhood on Charles Street.

Gordy Mack informed the commission of his desire to demolish this noncontributing building. The next item on the agenda is a request to demolish the adjacent property at 119 Charles, to accommodate the proposed expansion of the Cedar Wood Inn to twenty-one (21) units. Chairman Speirs expressed concern regarding what effect the proposed project will have on the character of the overall streetscape in the area. Mr. Mack has a desire to continue this second-generation motel. Visibility of the business is an issue for his customers.

As a resident of Charles Street, Ms. Oberlander stated she "hates to see a house taken down".

Ms. Lalonde asked if plans are available for the proposed expansion project consistent with the earlier request to the Bradksy's. Dr. Guilbert concurred with the integrity of the area and he too, spoke against this project in a residential area. It was moved by Ms. Lalonde, seconded by Mr. Olson and carried unanimously to table the Application for Project Approval to demolish the building at 115 Charles, as proposed by Gordon Mack, the applicant and property owner, to the HPC meeting on March 8<sup>th</sup> pending receipt of more detailed plans and renderings from the applicant.

**119 Charles, Mack, Demolition**

The commission referred to the following staff report:

**STAFF REPORT**

Case No. 06009  
Address: 119 Charles

February 3, 2006

The applicant requests Project Approval to demolish the building at 119 Charles, Deadwood.

Applicant: Gordon Mack  
Owner: Gordon Mack  
Constructed: 1895

## CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS

**The Historic District Commission shall use the following criteria in granting or denying Project Approval:**

***General Factors:***

**1. *Historic significance of the resource:*** This is a contributing building in the Deadwood National Landmark Historic District.

**2. *Architectural design of the resource and proposed alterations:*** The owner proposes to demolish the building to expand the Cedar Wood Inn. Section 17.68.050.D of the City of Deadwood ordinances discusses demolition. The Commission is to consider the individual architectural, cultural and/or historic significance of the resource. The Commission is also to consider the importance or contribution of the resource to the architectural character of the historic district. In order to receive project approval the applicant must submit plans for the property. Such plans do not have to include new construction.

**3. *General appearance of the resource:*** The building has retained its historic character and is a habitable building.

**4. *Condition of the resource:*** This is a habitable building.

**5. *Materials composing the resource:*** Wood frame construction.

***Attachments:***

***Photos***

***Recommended Decision:*** Demolition of the building will have an adverse effect on the building and an adverse effect on the historic and architectural character of the Deadwood National Landmark Historic District.

Mr. Derosier and Mr. Olson spoke against the destruction of this building due to the historical integrity of this house. It was moved by Ms. Lalonde, seconded by Mr. Olson and carried unanimously to deny the Application for Project Approval to demolish the building at 119 Charles, as proposed by Gordon Mack, the applicant and property owner.

Based on this decision, Mr. Mack requested the matter of 115 Charles not be placed on the meeting agenda for March 8<sup>th</sup>.

### **10 Timm Lane, Deadwood Gulch Resort, Door Removal**

The commission referred to the following staff report:

**STAFF REPORT**

*Case No.* 06007

February 2, 2006

*Address:* 10 Timm Lane

The applicant requests Project Approval to close up an exterior door at 10 Timm Lane.

Applicant: DGR Hospitality Inc.

Owner: DGR Hospitality Inc.

Constructed: 1991

## CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS

**The Historic District Commission shall use the following criteria in granting or denying Project Approval:**

**General Factors:**

**1. Historic significance of the resource:** The building was built in 1991 outside the boundaries of the Deadwood National Landmark Historic District. It is not listed on the National Register of Historic Places.

**2. Architectural design of the resource and proposed alterations:** The owner proposes as part of an interior remodel to eliminate one exterior door. The replacement wall will match the existing exterior wall.

**Attachments:**

**Plans**

**Photo**

**Recommended Decision:** The proposed door elimination will have no adverse effect on any historic resource.

It was moved by Mr. Steinlicht, seconded by Ms. Lalonde and carried unanimously to adopt a resolution to approve the Application for Project Approval to close up an exterior door at the Deadwood Gulch Resort located at 10 Timm Lane, as proposed by Ron Island and DGR Hospitality, Inc. the applicant and property owner respectively, as presented.

**189 Cliff, Super Eight, Addition**

The commission referred to the following staff report:

**STAFF REPORT**

Case No. 06008  
Address: 189 Cliff

February 2, 2006

The applicant requests Project Approval to build an addition at 189 Cliff.

Applicant: Princeton Inc.  
Owner: Princeton Inc.  
Constructed: 1978/1980

**CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS**

**The Historic District Commission shall use the following criteria in granting or denying Project Approval:**

**General Factors:**

**1. Historic significance of the resource:** The building was built in 1978/1980 outside the boundaries of the Deadwood National Landmark Historic District. It is not listed on the National Register of Historic Places.

**2. Architectural design of the resource and proposed alterations:** The owner proposes build a two story addition on the south or casino end of the existing building. It will match the existing building in appearance and material.

**Attachments:**

**Plans**

**Photo**

**Recommended Decision:** The proposed addition will have no adverse effect on any historic resource.

Ron Island stated the plans for the proposed addition have been approved by FEMA. He reported there is sufficient room to accommodate the addition. It was moved by Mr. Derosier seconded by Mr. Olson and carried unanimously to adopt a resolution to approve the Application for Project Approval to construct an addition to the existing Super Eight Motel located at 189 Cliff, as proposed by Ron Island and Princeton, Inc., the applicant and property owner respectively, as presented.

### 102 Charles Street, Oberlander, Window Removal

It was moved by Mr. Steinlicht and seconded by Mr. Derosier to adopt a resolution to approve the Application for Project Approval to remove a rear window at 102 Charles, as proposed by Bruce and Mary Ann Oberlander, the applicant and property owner, as presented. Ms. Lalonde reminded the commission of criticism received from homeowners in the past wanting to add a window. Ms. Oberlander explained the request is to eliminate the two windows at the very back of the house, and put in a sliding glass door to allow better use of the space. Mr. Steinlicht stated he was present when Bruce Oberlander discussed the matter with former historic preservation officer, Jim Wilson, and he based his motion to approve on the discussion that occurred at that time.

Mr. Frederickson directed the commission to be consistent with previous action taken. Ms. Lalonde and Chairman Speirs described public scrutiny of a project on Lincoln Street where the applicant's request to install a stained glass window was denied; elsewhere, a request for installation of a skylight was denied; and, the installation of the elevator project at the Adams' House was also an issue.

Ms. Oberlander explained they are attaching a garage to the structure which "creates an issue" for stairways. As the project has progressed, it makes more sense to eliminate the windows in the bedrooms and replace the doorway and the window next to it with a sliding glass door. Chairman Speirs stated in doing so, an historic wooden door will be replaced with a wooden or modern sliding door. Mr. Frederickson suggested that staff seek further explanation from Jim Wilson regarding his recommendation. Hearing no further discussion, upon vote taken thereon, the motion failed. It was moved by Mr. Derosier, seconded by Mr. Olson and carried with Ms. Oberlander abstaining to table this matter to the meeting on February 22, 2006 pending receipt of additional information.

### 9 Calamity Lane, Krueger, New Deck

The commission referred to the following staff report:

#### **STAFF REPORT**

Case No. 06014  
Address: 9 Calamity Lane

February 3, 2006

The applicant requests Project Approval to build a deck at 9 Calamity Lane.

Applicant: Hole in the Wall Renovations  
Owner: Bonnie Krueger  
Constructed: 2005

#### **CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS**

**The Historic District Commission shall use the following criteria in granting or denying Project Approval:**

##### ***General Factors:***

**1. Historic significance of the resource:** The building is not a contributing building in the Deadwood National Landmark Historic District.

**2. Architectural design of the resource and proposed alterations:** The owner proposes to construct a deck on the rear of the building, which will match then building in material and style. It is not readily visible from a public right-of-way.

***Attachments:***

***Plans***

***Photo***

***Recommended Decision:*** The proposed deck will have no adverse effect on any historic resource.

Nyla Griffith, the property owner's daughter, reported that the deck will be constructed of redwood material. Mr. Olson referred to the photograph and questioned set back requirements. It was moved by Ms. Lalonde, seconded by Mr. Steinlicht and carried unanimously to adopt a resolution to approve the Application for Project Approval to construct a redwood deck at 9 Calamity Lane, as proposed by Hole in the Wall Renovations and Bonnie Krueger, the applicant and property owner respectively, as presented.

**39 Van Buren, Cannon, Rear Addition**

The commission referred to the following staff report:

**STAFF REPORT**

*Case No.* 06015

February 3, 2006

*Address:* 39 Van Buren

The applicant requests Project Approval to build a rear enclosed porch at 39 Van Buren.

Applicant: Fischer Construction

Owner: Mary Cannon

Constructed: 1880

**CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS**

**The Historic District Commission shall use the following criteria in granting or denying Project Approval:**

***General Factors:***

**1. Historic significance of the resource:** The building is a contributing building in the Deadwood National Landmark Historic District.

**2. Architectural design of the resource and proposed alterations:** The owner proposes to construct a rear enclosed porch addition on the back of the on the existing lean –to addition. The new addition will be constructed of appropriate materials to match the historic house. It is not readily visible from a public right-of-way.

***Attachments:***

***Plans***

***Photo***

***Recommended Decision:*** The proposed rear addition will have no adverse effect the historic character of the building or the historic character of the Deadwood National Historic Landmark District.

Mr. Olson noted that if that existing roofline is carried on down, there won't be any headroom in the addition. He also feels the proposed building materials are not appropriate to the age of the house. It was moved by Mr. Olson, seconded by Ms. Lalonde and carried unanimously to adopt a resolution to table the Application for Project Approval to construct a rear enclosed porch at 39 Van Buren, as proposed by Fischer Construction and Mary Cannon, the applicant and property owner respectively, pending further discussions with the Building Inspector regarding appropriate building materials and possible building code issues.

**NEW MATTERS BEFORE THE DEADWOOD HISTORIC DISTRICT COMMISSION:**

**601 Main, Mineral Palace, Replacement Windows**

The commission referred to the following staff report:

**STAFF REPORT**

*Case No.* 06013  
*Address:* 601 Main

*Date:* February 3, 2006

The applicant requests a Certificate of Appropriateness to replace windows at 601 Main.

Applicant: Hospitality Builders  
Owner: Frank Gould  
Constructed: 1900-1923/1991

**CRITERIA FOR THE ISSUANCE OF CERTIFICATES OF APPROPRIATENESS**

**The Historic District Commission shall use the following criteria in granting or denying a Certificate of Appropriateness:**

***General Factors:***

***1. Historic significance of the resource:*** The southern portion of the building is historic while the three story hotel portion was constructed in 1991 and is not historic.

***2. Architectural design of the resource and proposed alterations:*** The owner proposes to replace the deteriorated wooden windows in the historic portion of the building with new wood windows that will replicate the appearance of the historic windows and replace existing windows that have been radically altered over time. Windows will also be replaced in the new hotel portion of the building with aluminum clad wood windows that will duplicate the appearance of the existing windows.

***3. General appearance of the resource:*** The appearance of the building will be improved through the removal of deteriorated windows.

***Attachments:***

***Photos***

***Plans***

***Recommended Decision:*** The proposed window replacement project will have no adverse effect on the historic building and no adverse effect on the historic character of the Deadwood National Landmark Historic District or the Deadwood Downtown Historic District.

Michael Steck, representing Hospitality Builders, was present to address the commission. He described the different types of windows currently in place. They propose to replace nine (9) existing windows on the historic portion of the Mineral Palace with a wooden, double hung window, clean the sill plate, and complete any brick restoration necessary. Not all the window openings are the same size; standard double hung windows will be ordered; and the 4½ inch reveal with the arch top "hand scribed" to fit.

The windows on the newer portion of the Mineral Palace will be upgraded with an aluminum clad window. It was moved by Ms. Lalonde, seconded by Mr. Derosier and carried unanimously to adopt a resolution to approve the Application for a Certificate of Appropriateness for the replacement of nine (9) historic wooden windows and the remainder of the windows in a aluminum clad wooden window at 601 Main, as proposed by Hospitality Builders and Frank Gould, the applicant and property owner respectively, as presented.

### **REVOLVING LOAN FUND/RETAINING WALL GRANT UPDATE:**

Joy McCracken, Executive Director for Neighborhood Housing Services, provided the following reports to the commission.

#### **Retaining Wall Fund Voucher**

None.

#### **Revolving Loan Fund Disbursements**

None.

#### **NHS Financial Report**

Ms. McCracken referred the commission to the following financial reports for the month ending January 31, 2006: the HP Revolving Loan Fund Balance Sheet, Statement of Revenues and Expenditures, Deadwood HP Total Loans and Pool Trial Balance.

#### **Review Loan Delinquency Report**

The loan delinquency report consisted of The Gillmore.

#### **102 Charles, Oberlander, Special Needs Loan, Windows**

It was moved by Dr. Guilbert and seconded by Mr. Steinlicht to adopt a resolution to approve zero percent loan financing (windows program) in the amount of \$1,100 for Bruce and Mary Ann Oberlander, 102 Charles, as presented. Ms. Lalonde requested the underwriter's recommendation be included in the motion. Ms. McCracken explained the loan financing is contingent upon the underwriter's recommendation that being "all work to be completed is reviewed and approved by the Historic Preservation Officer and the Building Inspector. Hearing no further discussion, upon vote taken thereon, the motion carried with Ms. Oberlander abstaining.

#### **Revolving Loan Fund, Interest Rate Change**

Ms. McCracken reported the loan committee recommends the following changes to program policies and procedures:

Interest Rates (As of February 2, 2006, the prime lending rate is 7½ %)

Residential: Change from 4% to 5%

Commercial: Change from 6% to 7%

It was moved by Ms. Lalonde, seconded by Ms. Oberlander and carried unanimously to adopt a resolution to approve the aforementioned policy/procedure change wherein the interest rate for residential shall increase from 4% to 5% and the interest rate for commercial shall increase from 6% to 7%, effective on loan applications taken from this date, February 8, 2006, forward.

#### **Special Needs Loan, Windows, Policy Change**

Ms. McCracken reported the loan committee recommends the following change to program policies and procedures:

Windows Program

Loans totaling \$500 or less shall be exempt from the \$99 settlement fee charged on all loans due to the nominal amount of the loan. Property owners would still be charged a one percent (1%) origination fee and filing fees.

It was moved by Mr. Olson, seconded by Ms. Lalonde and carried unanimously to adopt a resolution to approve the aforementioned policy/procedure changes to the Deadwood Historic Preservation Windows Program, as recommended by the loan committee.

61 Forest, Casey, Loan/Grant Request

The commission previously approved grant funding for a retaining wall project for Mary Ellen Casey, 61 Forest. Ms. McCracken explained the final cost for the stairway for this retaining wall project exceeded what was projected. It was moved by Dr. Guilbert, seconded by Mr. Olson and carried unanimously to adopt a resolution to deny the request for additional grant funds for 61 Forest, Casey.

COMMITTEE REPORTS:

Loan:

Chairman Speirs stated the committee met last week.

Advocacy/HistoryLink/Public Education:

Nothing to report at this time.

Hall of Fame and Recognition:

Nothing to report at this time.

Cemetery:

Nothing to report at this time.

Museum/Homestake Archives:

Mary Kopko expressed appreciation to the historic preservation commission and city commission for support of the purchase of the FL Thorpe building. They now refer to the building as the Homestake/Adams Research Center (HARC).

Interviews will be conducted on Friday for the position of archivist.

Ms. Kopko will be attending a meeting tomorrow regarding the lab and the educational component of that project.

Representative to Adams Museum Board:

See above.

Representative to Chamber of Commerce:

The meeting is next week.

Representative to NHS:

Dr. Guilbert announced the Deadwood branch of Neighborhood Housing Services is discussing a celebration for the 10-year anniversary of the start up of block club program. Preliminary discussions are underway to re-establishing some of the trees along Lincoln Boulevard.

Representative to Planning & Zoning:

The meeting is next week.

**ITEMS FROM CITIZENS NOT ON THE AGENDA:**

Planning & Zoning Administrator Bernie Williams referred the commission to the Agreement between the City of Deadwood, Deadwood Historic Preservation Commission and the Days of '76 museum regarding the upcoming museum construction project and the \$3 million allocated by the City. Chairman Speirs stated the \$3 million is for construction only. A revised agreement will be presented at the next meeting. The commission was instructed to contact staff with any other comments or concerns regarding the agreement.

**OTHER BUSINESS:**

Blake Haverberg inquired if the commission will continue to review requests for building demolition permits during the time the moratorium is imposed. Chairman Speirs responded "no".

**EXECUTIVE SESSION:**

Chairman Speirs announced there would be an executive session following the meeting to discuss contractual matters with no action to be taken thereafter.

**ADJOURNMENT:**

Hearing no further business to come before the commission at this time and no objections from the commission or the audience, Chairman Speirs adjourned the meeting at 8:06 p.m.

**ATTEST:**

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Ms. Rose Speirs  
Chairman  
Historic Preservation Commission  
Mary Burket, Recording Secretary