

CITY OF DEADWOOD

HISTORIC PRESERVATION COMMISSION

Wednesday, April 12, 2006

Present Historic Preservation Commission: Darin Derosier, Dr. Michael Guilbert, Louie Lalonde, Steve Olson, Rose Speirs and Willie Steinlicht.

Absent Historic Preservation Commission: Mary Ann Oberlander

Chairman Rose Speirs called the meeting of the Deadwood Historic Preservation Commission to order on Wednesday, April 12, 2006 at 5:15 p.m. in the Deadwood City Hall Meeting Room located at 108 Sherman Street, Deadwood, SD 57732.

Additions, Deletions and Corrections to the Agenda:

It was moved by Ms. Lalonde, seconded by Mr. Steinlicht and carried unanimously to approve the following addition to the agenda under New Matters before the Deadwood Historic Preservation Commission:

p. 50 Van Buren Street

Review and Approve – March 22, 2006 Minutes

It was moved by Mr. Derosier, seconded by Mr. Olson and carried unanimously to adopt a resolution to approve the minutes of the March 22, 2006 meeting, as presented.

Voucher Approval for Operating Fund:

At the last meeting, the commission approved the HP Operating Account vouchers totaling \$19,743.85. Deanna Berglund conducted a telephone poll seeking approval of an additional expense of \$120.00 for Commissioner Willie Steinlicht and Archivist Mike Runge to attend the Annual State Historic Preservation Society Meeting in Pierre, March 31 – April 1, 2006. Five (5) "AYE" votes were recorded in favor of increasing the operating account total by \$120 to a total of \$19,863.85. It was moved by Mr. Olson, seconded by Ms. Lalonde and carried unanimously to adopt a resolution approving an addition of \$120 to the HP Operating Account bill list for March 22, 2006 to a total of \$19,863.85.

It was moved by Mr. Steinlicht, seconded by Dr. Guilbert and carried unanimously to adopt a resolution approving the HP Operating Account in the amount of \$40,632.34, as presented.

Voucher Approval for Bonded Fund:

It was moved by Ms. Lalonde, seconded by Mr. Olson and carried unanimously to adopt a resolution approving the HP Bonded Account in the amount of \$1,133.00.

NEW MATTERS BEFORE THE DEADWOOD SIGN COMMISSION:

Joni Hamann, Rally Banner, Mineral Palace and Four Aces

The commission referred to the following staff report:

STAFF REPORT

The Mineral Palace and Four Aces/Hampton Inn, are requesting to permit two “Welcome Riders” rally banners during the official Sturgis Rally time period. Banners measuring 4’x24’ are allowed without a permit; however, the proposed banners measure 3’ x 40’ and exceed the length dimension and are 24 square feet larger. Since the banners are not of legal size, and a variance is required a review of the sign permit is necessary. The applicants are requesting a variance from the size to allow each of the parties to display 3’x40’ banners during the rally.

Joni Hamann presented the requests on behalf of the Mineral Palace and Four Aces for placement of two banners during the Sturgis Motorcycle Rally. The banners measure three feet by forty feet (3’ x 40’) which would require a variance. Chairman Speirs inquired if the banners could be reduced in size to comply with the sign ordinance and Ms. Hamann explained that Harley Davidson would like to simply reuse the banners from last year. However, she agreed to discuss the matter with representatives of Harley Davidson. It was moved by Mr. Steinlicht, seconded by Dr. Guilbert and carried unanimously to adopt a resolution to approve the Sign Permit Applications for the Mineral Palace Hotel and Gaming, 601 Main Street and Four Aces Hampton Inn, 531 Main Street, for placement of two (2) vinyl banners not to exceed four feet by twenty four feet (4’ x 24’) stating “Welcome Riders” to be displayed during annual Sturgis Motorcycle Rally.

Mineral Palace, Signage for addition, 601 Main Street

The commission referred to the following staff report:

STAFF REPORT

The proposed signage appears to comply with the ordinance for the size of individual signs and the amount of signage allowed. The wall signs require variances for location – above the third story windows – and these signs may be more than two feet in height.

There is not enough information on these applications to determine the exact size, material or color.

Joni Hamann stated the proposed metal signs are “exactly like the Silverado signs”.

Building Inspector, Keith Umenthum identified two main considerations. City ordinance requires wall signs to be placed between the bottom of the second floor windows sills and the top of the first floor doors. He noted a variance would be required for some of the wall sign locations proposed and a variance for size would be required in some cases.

Sign Permit Applications were provided for a total of eight (8) signs, however, the individual forms did not include detailed descriptions or the dimensions of each sign. The commission concluded that there was insufficient information to reach a decision on the numerous signs requested at this time. It was moved by Mr. Olson, seconded by Dr. Guilbert and carried unanimously to adopt a resolution to table the Sign Permit Applications for the Mineral Palace Addition, 601 Main Street, to the meeting on April 26, 2006, pending receipt of additional information including detailed descriptions of each sign and the dimensions of each sign properly reported on the application forms.

Cadillac Jacks, Temporary Sign, 372 Main

The commission referred to the following staff report:

STAFF REPORT

Cadillac Jack's is requesting a temporary sign permit for the placement of one or two signs at the site of the Ridgestone Apartments after it is demolished. They are proposing either two signs, for free parking and for expansion, or one sign for free parking and expansion together.

The size of a parking sign can be no larger than 35 square feet, or a maximum of 2/3 square foot per parking space.

Mike McClain, a representative of Cadillac Jack's, presented a request for two (2) signs measuring four feet by eight feet (4' x 8') on the site of the Ridgestone Apartments, after it is demolished. The temporary signage would advertise free parking and the future expansion of Cadillac Jack's and would be in place for eight (8) to ten (10) months. He stated the surface would be blacktop. It was moved by Dr. Guilbert, seconded by Mr. Steinlicht and carried unanimously to adopt a resolution to approve the Sign Permit Application for Cadillac Jacks for placement of two (2) four feet by eight feet (4' x 8') double-sided, stand-alone signs on the Ridgestone Apartments lot located at 322 Main, for a time period not to exceed ten months, as proposed by Parkridge Investors Limited Partnership, the applicant and property owner, as presented.

Dennis Mills, DDS and Michael Guilbert, DDS, Request for Temporary Sign, 88 Charles

Dr. Guilbert recused himself from the commission during discussion of this item and responded to questions from the podium.

The commission referred to the following staff report:

STAFF REPORT

The owners of Creekside Clinic, Dr. Mills and Dr. Guilbert are requesting approval for a temporary sign to be placed until their permanent sign, which had been approved, is constructed.

Dr. Guilbert stated the sign will be in place for one or two months. It was moved by Ms. Lalonde, seconded by Mr. Steinlicht and carried with Dr. Guilbert abstaining to adopt a resolution to approve the Sign Permit Application for the Creekside Clinic, 88 Charles, for placement of a temporary vinyl banner to be hung over the existing sign, for a time period not to exceed two (2) months, as proposed by Drs. Dennis Mills and Michael Guilbert, the applicants and property owners, as presented.

NEW MATTERS BEFORE THE DEADWOOD HISTORIC PRESERVATION COMMISSION:

Continued, Fischer Construction, Rear Addition, 39 Van Buren Street

The commission referred to the following staff report:

RE: 39 Van Buren Street
Constructed: 1880

Fischer Construction had submitted a new set of plans for 39 Van Buren Street. The Commission had requested that the proposed addition extend back from the rear roof line in order to preserve the appearance of the winged roof line.

Enclosed are copies of the new plans. The addition has been reduced in size and it is in keeping with the appearance of the winged roof.

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

Ryan Fischer, Fischer Construction, reported the size of the proposed addition has been reduced three feet by fourteen feet (3' x 14'), "carrying the same pitch of the roof and down" . It was moved by Mr. Steinlicht, seconded by Ms. Lalonde and carried unanimously to adopt a resolution for Project Approval to construct the rear enclosed addition at 39 Van Buren Street, as revised and presented to the commission today, as proposed by Fischer Construction and Mary Cannon, the applicant and property owner respectively. The commission expressed appreciation to Mr. Fischer for his cooperation.

Continued, Clayton and Susan Johnson, Replace Window, 22 Jefferson

Property owner, Clayton Johnson explained he had hired Mike Straub to remodel a bathroom. As the project progressed, it was determined the window was "all rotted out", and it was removed. The replacement window installed is wood on the inside but aluminum (metal) clad on the exterior. Chairman Speirs explained that the commission would not have approved the installation of a metal or aluminum clad window on a contributing building. Responding to Ms. Lalonde, Mr. Johnson stated that all of the windows in the house are wood windows. He apologized, and agreed to remove the metal clad window and replace it with a wood window, and said he "didn't know it would be a problem".

It was moved by Mr. Steinlicht, seconded by Ms. Lalonde and carried unanimously to adopt a resolution to accept the offer by the property owner, Clayton Johnson, to remove the window recently installed at 22 Jefferson, and replace it with a wooden window.

Continued, Bulzanti, Demolition, 185 Cliff Street

The commission referred to the following staff report:

DATE: April 7, 2006

RE: 185 Cliff – Bulzanti

Balzanti's gave permission for Albertson, Engineering and Fred Thurston of enVision to inspect their home located at 185 Cliff Street. This is the home that had a fire and at the last meeting they were requesting demolition of the home. At that meeting, the commission approved hiring Albertson and Thurston to inspect the premises to determine if it could be saved.

On Thursday, April 6, 2006, they conducted an onsite and stated they would have a report for us before our April 12th HP Meeting.

At that time, copies will be distributed for your review. Depending on what the report will say and how long it will be, a decision may not be made; however, we can discuss the contents and place it on the next agenda if we need to. If the report is submitted before Wednesday, we will distribute it to the commission members.

Since the home is open to the elements, we were trying to speed up the process by placing it on this agenda.

Planning and Zoning Administrator Bernie Williams stated the home inspection report from Albertson Engineering and Fred Thurston of enVision was received today. She noted the matter could be continued to allow the commission time to review the report in its entirety. There was discussion regarding the feasibility of placing a tarp over the heavily damaged structure to protect it from ongoing exposure to the elements.

Having briefly read through the report, and having met Mr. Albertson and Mr. Thurston, Building Inspector Keith Umenthum stated their approach differs from that of the insurance company. For the purposes of historic preservation, Mr. Umenthum believes their recommendations are "much better".

Mr. Umenthum explained that the insurance company went through the structure room by room and identified things that needed to be demolished and/or replaced including a recommendation for removing the entire roof structure and the gable ends. However, Mr. Thurston believes the gable ends and the gable located in the front of the house can be saved. The cost estimates did vary a little; Thurston's and Albertson's are slightly higher, but the cost estimates they provide include many contingencies. Mr. Umenthum stated that, if the recommendation of Thurston and Albertson is approved, much more of the original structure could be saved.

Mr. Steinlicht questioned whether the insurance company had made any recommendations to protect the contents remaining in the house. Mr. Umenthum stated the insurance company recommends removal of the hardwood floors, the trim work and "quite a lot more of the interior of the house".

City Commissioner Ronda Feterl referred the commission to the bottom of page two (2) of the report from Albertson Engineering, Inc. that stated "It is our opinion that the structural items damaged by the fire can be replaced and/or strengthened to provide adequate structural load capacities for the residence". Also, at the bottom of page three of the same report, she read "It is critical that the building be enclosed as soon as possible to limit the amount of damage caused by exposure to the exterior elements. At this time, the residence is repairable".

It was moved by Mr. Olson and seconded by Ms. Lalonde to adopt a resolution to accept the recommendations of Albertson Engineering and enVision Design for the restoration of the building at 185 Cliff Street, and to direct staff to contact the property owner to ensure the building is not damaged any further by neglect. Ms. Feterl suggested the commission impose a date by which the structure should be enclosed. Mr. Olson was of the opinion that there are guidelines within the demolition by neglect ordinance that would adequately address the length of time allowed to cover the building. Mr. Olson amended the motion to adopt a resolution to accept the recommendations of Albertson Engineering and enVision Design for the restoration of the building at 185 Cliff Street, and to direct the Building Inspector to contact the property owner with the demolition by neglect ordinance guidelines and/or protect the building by means of a tarp within seven (7) days to prevent from further damage by neglect. Mr. Umenthum asked if the city could hire someone to cover the structure and assess the property owner for the costs, if the property owner fails to comply. City Attorney John Frederickson agreed to offer an opinion on that matter tomorrow.

Bruce and Mary Ann Oberlander, 102 Charles Street

The commission referred to the following staff report:

Case No. 06030
Address: 102 Charles Street

April 7, 2006

DEADWOOD HISTORIC PRESERVATION
PROJECT APPROVAL

The applicant is requesting Project Approval for doors and windows for the rear of 102 Charles Street, Deadwood, South Dakota.

Applicant: Bruce and Mary Ann Oberlander
Owner: Bruce and Mary Ann Oberlander

CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS

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

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General Factors:

1. **Historic significance of the resource and proposed alterations:** This is a contributing building in the Deadwood National Landmark Historic District. The applicant(s) are requesting French doors for the rear of the home.
2. **Architectural design of the resource and proposed alterations:** The owner is proposing a 5' traditional pattern, all wood, swing-in French doors with grilles for the main floor door. For the second floor, they are proposing a 5' sliding glass door and two (2) small windows to each side of the dormer facing east and west.

Attachments: Enclosed

Photos: Enclosed

Recommended Decision: The proposed work and changes will not have an effect on the historic character of the building and the historic character of the Deadwood National Landmark Historic District.

It was moved by Mr. Steinlicht, seconded by Mr. Olson and carried unanimously to adopt a resolution to approve the Application for Project Approval for doors and windows for the rear of 102 Charles Street, as proposed by Bruce and Mary Ann Oberlander, the applicants and property owners, as presented.

Rand Williams, Paint Roof and Window Replacement, 382 Williams

The commission referred to the following staff report:

Case No. 06028
Address: 382 Williams Street

April 7, 2006

DEADWOOD HISTORIC PRESERVATION
PROJECT APPROVAL

The applicant requests Project Approval to replace windows and to paint existing metal roof at 382 Williams, Deadwood, South Dakota.

Applicant: Rand Williams
Owner: Rand Williams
Constructed: 1891

CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS

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

General Factors:

3. **Historic significance of the resource and proposed alterations:** This is a contributing building in the Deadwood National Landmark Historic District in Unit 4B – Deadwood City.
4. **Architectural design of the resource and proposed alterations:** The owner has replaced a number of windows without approval or a permit at 382 Williams Street. He has been replacing wood windows with aluminum storms and screens with vinyl windows. He is also proposing to paint his roof with Conklin Roofing. Conklin is a 100% acrylic acrythane coating and when dry, forms a membrane. The end result is a roof that is smooth and the architectural features are covered and eliminated. Also, once the coating is placed on the roof, it could damage it beyond repair. The existing metal roof has historic details that should be preserved since they contribute to the overall historic character of the building. If possible, Mr. Williams should retain and protect the historic roof and decorative details. Calbar Historic Roof Paint provides a metal roof paint and sealer that can be used to preserve and restore the existing roof without destroying the character of the roof. There are probably

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other products that would obtain the same level of protection as Calbar and the applicant can research the matter further.

Attachments: Enclosed

Photos: Enclosed

Recommended Decision: 1) The proposed use of vinyl windows and/or vinyl windows that have already been installed without a permit or approval will have an adverse effect on the historic character of the building and the historic character of the Deadwood National Landmark Historic District.

A weather tight roof is basic in the preservation of a structure. Preserving and restoring the existing metal roof with a product that enhances instead of conceals the details will be appropriate and will preserve the historic character of the structure. The petitioner should contact the preservation office when he has found an appropriate product and color that will not damage the existing roof. Research and review of specific detailing in the roof with the contractor before beginning the project is highly recommended. Following the above mentioned steps to paint the roof, there would be no adverse effect on the historic character of the building and the historic character of the Deadwood National Landmark Historic District.

Rand Williams read a prepared statement to the commission regarding his property located at 382 Williams. At this time, "the question before us is whether my having installed these windows is a good thing or not". He believes "the windows are safer, more convenient, more energy efficient, and more aesthetic to the residents". He "believes the window replacement dramatically enhances the quality of life for the residents". The question then becomes "does allowing the residents the benefits of these windows jeopardize our historic preservation mission?" Mr. Williams stated the replacement windows "are barely even visible from even a close distance".

Having discussed the Secretary of Interior Standards with Planning and Zoning Administrator Bernie Williams and Building Inspector Keith Umenthum, he referred to the second provision of those standards which states "the historic character of the property shall be retained and preserved". In terms of appearance, Mr. Williams doesn't believe the building has been compromised. Mr. Williams contended that, the existing interior framework would have to be removed in order to install new wood windows. Mr. Olson pointed out that the commission is concerned with the exterior of the building and replacing the exterior window with a vinyl window will jeopardize the historic integrity of the building.

At this time, Mayor Toscana shifted the focus of discussion to "what would HPC had done if Mr. Williams had followed the procedure and had applied for a building permit to install the vinyl replacement windows? My guess is, you would have turned him down".

Mr. Olson called the question. It was moved by Mr. Olson and seconded by Mr. Derosier to adopt a resolution to deny the Application for Project Approval for the vinyl windows installed at 382 Williams and direct the property owner to remove and replace the vinyl windows with historically appropriate windows. Discussion continued regarding imposing a deadline to complete the window removal and replacement project. Mr. Umenthum suggested requiring the project be completed within ninety (90) days; he also recommended the installation of double hung wooden sash windows within the existing framework as a suitable replacement. The motion was amended by Mr. Olson to adopt a resolution to deny the Application for Project Approval for the vinyl windows installed at 382 Williams and require the property owner to remove and replace the vinyl windows with historically appropriate windows within ninety (90) days. In response to Mr. Williams's objection, Chairman Speirs stated vinyl windows have not been allowed on residential or commercial contributing buildings. He said a "straight up reading" of Secretary of the Interior Standards does not state that vinyl will compromise the historic integrity of the building. Hearing no further discussion, upon vote taken thereon, the motion carried unanimously.

It was moved by Ms. Lalonde to deny the Application for Project Approval for the application of the Conklin 100% acrylic roofing material at 382 Williams as proposed by Rand Williams, the applicant and

property owner, as presented. The motion died for lack of a second. Ms. Williams reported obtaining additional information regarding the Conklin line of products since the time the staff report was completed. Based on internet research and a telephone conversation with Steve Rogers, Historic Preservation Coordinator with the South Dakota State Historical Society, she stated that Conklin Roofing makes a paint product that does not conceal the architectural design elements of the roof. Mr. Williams provided a detailed description of the product and Mr. Umentum agreed that it is a perfectly acceptable product. Ms. Williams noted, based upon the new information, the application would not have an adverse effect on the historic district. Mr. Williams commented on having “a 25-year record of good stewardship and responsibility towards these historic buildings” in the community. He reported having made these changes only to improve the building and enhance the quality of life for the residents there. Mr. Derosier commended Mr. Williams on his efforts to enhance the building and stated the commission is required to be consistent.

Mr. Williams sought input regarding the color for the paint on the roof. Mr. Olson is of the opinion that the existing color combinations compliment one another well. Dr. David Wolff inquired if there are or were paint chips on the roof that might indicate the original color of the metal roof; or if he had investigated historic photographs to determine the original color. It was moved by Mr. Derosier, seconded by Ms. Lalonde and carried unanimously to adopt a resolution to approve the Application for Project Approval to paint the existing metal roof at 382 Williams with the Conklin color coat (not the membrane material) of the most historically appropriate color, as proposed by Rand Williams, the applicant and property owner, as presented.

Felece Marks, Placement in Siding Removal Program, 25 Denver Avenue

Bob McNeil, contractor, represented the property owner who resides in Park City, Utah. There was discussion regarding the wood siding program however the property owner intends to remove the existing siding and replace it with new siding which makes Ms. Marks ineligible for the program. It was moved by Mr. Derosier, seconded by Mr. Olson and carried unanimously to adopt a resolution to deny the Revolving Loan Fund – Special Needs/Siding Removal Application for Felece Marks, 25 Denver Avenue, as presented.

Felece Marks, Project Approval for Removal of Siding, 25 Denver Avenue

Mr. Bob McNeil, contractor, indicated that the existing siding was to be removed and replaced with like siding in Sage Green.

It was moved by Mr. Olson and seconded by Mr. Derosier to adopt a resolution to approve the Application for Project Approval to approve the removal of the existing siding at 25 Denver to be replaced with new wood siding with a similar lap exposure.

Felece Marks, Placement in Wood Window Program, 25 Denver Avenue

The commission referred to the following staff report:

TO: Deadwood Historic Preservation Commission

FROM: Bernadette Williams, Planning and Preservation

DATE: April 6, 2006

RE: Placement into the Wood Windows Program

Enclosed is an application for Special Needs/Wooden Windows for Felece Marks, located at 25 Denver Street. The old windows will be removed and replaced with wooden windows.

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Action Required:

1. Approval to be placed into the Special Needs/Wooden Windows Program.

It was moved by Mr. Olson, seconded by Ms. Lalonde and carried unanimously to adopt a resolution to approve the Revolving Loan Fund – Special Needs/Wood Windows Application for Felece Marks, 25 Denver Avenue, as presented.

Felece Marks, Project Approval for Addition, 25 Denver Avenue

The commission referred to the following staff report:

Case No. 06027

Address: 25 Denver Avenue

April 6, 2006

**STAFF REPORT
DEADWOOD HISTORIC PRESERVATION COMMISSION
PROJECT APPROVAL**

Applicant: Felece Marks
Owner: Felece Marks
Constructed: 1900 – Contributing
Planning Unit: Eight 8A – City Creek

CRITERIA FOR THE ISSUANCE OF PROJECT APPROVAL

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

General Factors:

1. **Historic significance of the resource:** This building is a contributing resource in the Deadwood National Historic Landmark District. It was built in 1900. This house displays the architectural characteristics common to working-class housing in pre-World War I Deadwood. These small, vernacular cottages, typically of foursquare or T-Gable plan, occasionally featured limited Queen Anne detailing. A number of these homes are scattered throughout Deadwood. The survey indicates that the vestibule and asphalt roofing are non-historic. The current windows are wood-sash, double-hung and the doors are paneled wood.
2. **Architectural design of the resource and proposed alterations:** The applicant is proposing to remove the old siding and replace it with silver sage siding. The windows will be replaced with double-hung wood windows and the door replacements will be made of wood. Windows color will be Putty Red. No. 6 on the west elevation is currently a window and the applicant would like to place a French door in this area. The new addition (No. 3. & 5. on west elevation drawing) will also have a French door that will be replacing the planned windows. The applicant is also requesting a tin roof. The current material is asphalt shingles and there is no evidence of the type of roofing used prior to the asphalt. Wood shingles were popular throughout the country in all periods of building history. Commonly, in urban areas, wood roofs were replaced with more fire resistant materials, but in rural areas this was not a major concern. Asphalt shingles and roll roofing were used in the late 1890's. Colonial revival and the Bungalow styles in the 20th Century assured wood shingles a place as one of the most fashionable, domestic roofing materials. Because the over-enthusiastic use of substitute materials can greatly impair the

historic character of a historic structure, all preservation options should be explored thoroughly before substitute materials are used. The Commission has allowed tin roofs on non-contributing homes and the Adams House roof is tin; however, the Adams House roof material was verified by documentation.

3. **Attachments:** Enclosed

4. **Photos:** Enclosed

Recommended Decision: Staff is recommending the roof be replaced with a similar asphalt roof. It is highly unlikely the original roof was tin since that material came about later in the 1900's. An inappropriate choice or improper installation of substitute materials can cause a radical change in the buildings appearance and can cause extensive physical damage over time. If the owner can provide documentation that the original roof material was "tin", it would be appropriate to allow this material. The installation of the 10'x14' addition in the rear, with French door; new siding and windows; and roof replacement, if asphalt, will have no adverse effect on the historic character of the Deadwood National Landmark Historic District.

Mr. Bob McNeil explained the proposed ten feet by 14 feet (10' x 14') addition would be constructed next to a previous addition. The existing house has a gabled-roof. The commission requested plans for the proposed addition which Mr. McNeil reported having provided to staff. Ms. Williams offered to distribute those plans. Mr. Olson questioned whether the proposed rear addition would compromise the historic design of the existing T-gabled house. Dr. David Wolfe answered "yes", however, he doesn't have a problem with the proposed design given the eclectic nature of the neighborhood and that the location is set back from city streets. It was moved by Dr. Guilbert and seconded by Mr. Steinlicht to adopt a resolution to approve the Application for Project Approval for work to be completed at 25 Denver, described as follows: construction of a 10' x 14' addition on the rear of the house; removal and replacement of the existing siding, installation of wood windows and exterior doors; and replacement of the roof, with the stipulation that the original roof materials (asphalt, not tin) be used. Mr. Olson suggested the commission delay action on the roofing project until a determination is made regarding the original roof material. Dr. Guilbert amended the motion to adopt a resolution to approve the Application for Project Approval for work to be completed at 25 Denver, described as follows: construction of a 10' x 14' addition on the rear of the house and removal and replacement of the existing siding, windows and exterior doors. Hearing no further discussion, upon vote taken thereon, the motion carried unanimously.

Cadillac Jack's, Request to Remove Overburden

The commission referred to the following staff report:

TO: Deadwood Historic Preservation Commission

FROM: Bernadette Williams, Planning and Preservation

DATE: April 7, 2006

RE: Excavation

Cadillac Jacks is planning to demolish the Ridgestone Apartments to make room for a future expansion and they will need dirt to fill in the area being excavated.

They wish to excavate material from the base of the hillside to backfill the area left open by demolition of the apartments and removal of the foundation.

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Enclosed is a report from American Technical with two (2) options. There also is a recommendation from the American Technical in the Closure statement. This item will be represented at the meeting.

Mike McLain, representing Cadillac Jack's, presented a report from Dave Bressler, P.E., with American Technical Services, Inc., with regard to utilizing on-site backfill material to fill in the foundation of the razed Ridgestone Apartments building. The site of the structure will be backfilled and temporarily surfaced until the future expansion project is underway.

The report provides opinions as to the affect of either of the following two (2) options for backfill generation:

1. Remove the soils from behind a section of the existing short retaining wall (4' tall wall) located west of the Ridgestone Apartments and place the soils as backfill within the former Ridgestone structure excavation; and
2. Remove approximately 75 linear feet of the aforementioned short retaining wall and cutting the slope back approximately 12 feet horizontally. The slope cut in this scenario will generate backfill material and will create additional parking spaces.

Mr. Olson expressed concern with "sculpting that hillside" and the aesthetics of the hillside. He suggested backfill be hauled in to the site. Mr. McLain stated that cutting back the slope as described in option #2 and removal of that material is in the future expansion plan. Mr. Olson added "subject to approval". He posed the question, what if the project doesn't move forward as planned. Mr. McLain stated the material they propose to use is basically loose material, sloughed off from previous construction of the apartments. Ms. Lalonde suggested leaving the hillside as is until the future expansion project has been approved and spoke against another parking lot in Deadwood. It was moved by Mr. Olson, seconded by Ms. Lalonde, to adopt a resolution to deny the Commercial Building Permit Application by Parkridge Investors Limited Partnership, 322 Main Street, for excavation of material from the base of the hillside to be used for backfill of the foundation of the Ridgestone Apartment building, 322 Main Street, once it is removed. Dr. Guilbert stated that the hillside will be cut into anyway in a short period of time [during the expansion project]. Mr. Derosier and Mr. Steinlicht agreed. Chairman Speirs directed the question to Mr. McLain: "do you, at any time, plan on cutting into that hillside?" to which he responded "our proposal for that will be presented in the next 6-7 months". Mr. Olson stated he would hate to see what happened with the Dunbar project in that "things fall through and we're left sitting there with a sculpted hillside and parking lot." Mr. McLain offered assurance that their plans are to move forward. Hearing no further discussion, upon roll call vote taken thereon, the motion failed 2-4 with the following commissioners voting AYE: Lalonde and Olson; the following commissioners voted NO: Derosier, Guilbert, Steinlicht and Speirs.

It was moved by Mr. Derosier, seconded by Ms. Lalonde, to adopt a resolution to approve using the overburden at the base of the hillside as described in option 2 for backfill of the foundation of the Ridgestone Apartment building, 322 Main Street, once it is removed. City Attorney John Frederickson recommended the motion include completion of an archeological study with the findings to be submitted to staff. Mr. Derosier amended the motion to adopt a resolution to approve using the overburden as described in option 2, for Cadillac Jack's and Parkridge Investors Limited Partnership, 322 Main Street, with the stipulation that an archeologist be on-site throughout the excavation and report the findings to Planning and Zoning within sixty (60) days. Upon roll call vote taken thereon, the motion carried 4-2 with the following commissioners voting AYE: Derosier, Guilbert, Steinlicht and Speirs; the following commissioners voted NO: Lalonde and Olson.

Ron Wheeler, Request for through Venting for Stove and Fireplace, 8 Shine Street

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The commission referred to the following staff report:

Case No. 06029
Address: 8 Shine Street

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The applicant requests Project Approval to place through venting on the side and rear walls at 8 Shine Street, Deadwood, South Dakota.

Applicant: Ron Wheeler
Owner: Ron Wheeler
Constructed: 1903

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 and proposed alterations:** This is a contributing building in the Deadwood National Landmark Historic District in Unit 4A – Deadwood City. The residence is the First Methodist Parsonage that had been constructed for the minister.
- 2. Architectural design of the resource and proposed alterations:** The owner is requesting permission to place through vents on the first floor, on the Broadway alley side, and in the rear, next to the back door. He wishes to place a heating gas stove on the first floor and add a heating gas fireplace in the foyer. An existing vent opening will be sealed and painted to match the brick. Photographs will be submitted at the meeting.
- 3. Attachments:** Enclosed
- 4. Photos:**

Recommended Decision: In the past, we have allowed through venting on contributing structures. The applicant has placed the vents in inconspicuous areas and the opening will not diminish the original outline of the walls; therefore there will be no adverse effect on the historic character of the building and the historic character of the Deadwood National Landmark Historic District.

Ron Wheeler requested approval for two vents; one for a heating stove and the other for a heating fireplace. It was moved by Mr. Olson, seconded by Ms. Lalonde, and carried unanimously to adopt a resolution to approve the Application for Project Approval to place through venting on the side and rear walls at 8 Shine Street as proposed by Ron Wheeler, the applicant and property owner, as presented.

Misty Morse, New Second Floor Opening and Deck, 20 Washington

The commission referred to the following staff report:

Case No. 06032
Address: 20 Washington

April 10, 2006

DEADWOOD HISTORIC PRESERVATION **PROJECT APPROVAL**

The applicant requests Project Approval to install an upper window and replace a rear stairway and add railing.

Applicant: Misty Morse
Owner: Misty Morse
Constructed: Circa 1909

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 and proposed alterations:** This is a non-contributing resource in the Deadwood Downtown Historic District and National Landmark Historic District.
- 2. Architectural design of the resource and proposed alterations:** The owner is proposing a new window opening on the upper floor to match a first floor window. The new opening would be located on the side of the home facing Monroe Street. Also, the owner is requesting approval to replace a stairway in the rear and add a railing to the deck.
- 3. The relationship of the above factors to, and their effect upon the immediate surroundings and upon the District as a whole and its architectural and historical character and integrity.**

The structure at 20 Washington Street is a non-contributing resource in the historic district. As such, any changes made to the property should not cause harm to the historic character or integrity of surrounding historic properties. The alteration to the building is compatible with the resource itself and other resources with which it is related.

- 4. Attachments:** Enclosed
- 5. Photos:** Enclosed

Recommended Decision: The proposed alterations to the non-contributing resource will have no adverse effect on the Downtown District or on the historic character of the Deadwood National Landmark Historic District.

The commission heard a brief presentation from a man (Wyatt) representing Misty Morse and reviewed photographs of the existing home and rough drawings as provided. It was moved by Ms. Lalonde, seconded by Mr. Derosier, and carried unanimously to adopt a resolution to approve the Application for Project Approval to install an upper window and replace a rear stairway and add railing at 20 Washington Street as proposed by Misty Morse, the applicant and property owner, as presented.

enVision, Change Order for Fire Hall

It was moved by Mr. Derosier, seconded by Mr. Olson and carried unanimously to adopt a resolution to approve a Contract Change Order, an increase of \$3,995, for the application of epoxy paint on the wall surfaces of the fire hall, as presented.

FYI, National Preservation Conference

Chairman Speirs announced the National Preservation Conference is scheduled for October 31st through November 4th, 2006 in Pittsburgh, PA. Additional information can be obtained by visiting the website, www.nthpconference.org.

Second Annual Historic Lead/Deadwood Art Competition, Request for \$250.00

It was moved by Ms. Lalonde, seconded by Mr. Steinlicht and carried unanimously to adopt a resolution to approve sponsorship funds from the education line item totaling \$250.00 for the Visual Arts Contest for 2006 "Historic Buildings or Places", sponsored by the Historic Deadwood-Lead Arts Council, Deadwood Historic Preservation Commission and the Lead Historic Preservation Commission.

Set Committee Meeting to Review Request for Outside of Deadwood Grant

Planning and Zoning Administrator Bernie Williams announced having two Outside of Deadwood Grant Applications to consider. A meeting was scheduled for Tuesday, April 18, 2006 at 4:30 p.m.

Appoint Mary Ann Oberlander and Willie Steinlicht to School Committee

At this time, Chairman Speirs formally appointed Commissioners Mary Ann Oberlander and Willie Steinlicht as representatives on the recently formed School Committee.

FYI – Mike Runge to attend Dakota Conference April 23-22, 2006

A presentation by Archivist Mike Runge entitled “*Urban Infrastructure Bricks & Streets*” is among the conference topics for the Dakota Conference in Sioux Falls, SD, on April 21-22, 2006.

50 VanBuren, Trisha Roe

The commission referred to the following staff report:

Ms. Roe’s application was an addition to the agenda. Ms. Roe was requesting to replace a metal window in the bathroom with a wood window. She also requested permission to replace an exterior door in the bedroom with another wood door and a wood storm door. Ms. Roe requested permission to re-shingle the roof with a like material.

Trisha Roe reported having recently removed the tub and shower surround in a bathroom at 50 Van Buren and, upon doing so, discovered a window. It appears to be very obsolete and she believes it is a mobile home window. Planning & Zoning Administrator Bernie Williams stated this is a contributing building. She presented pictures of two possible replacement windows and has also researched having a window custom made. Staff recommends using a double hung wood window. It was moved by Mr. Olson, seconded by Dr. Guilbert and carried unanimously to adopt a resolution to approve the Application for Project Approval for replacement of the window at 50 Van Buren with a window with a wood exterior, preferably a double hung window.

Wooden Exterior Door:

Ms. Roe explained the existing door is rotting and does not fit properly. She would like to replace the door with a unit that has a window. It was moved by Mr. Olson, seconded by Mr. Derosier and carried unanimously to adopt a resolution to approve the Application for Project Approval to replace the exterior door with a like appearing wood door.

Screen door:

It was moved by Ms. Lalonde, seconded by Mr. Olson and carried unanimously to adopt a resolution to approve the Application for Project Approval to replace the screen door with any screen door as long as it is wood.

Reshingled:

It was moved by Dr. Guilbert, seconded by Mr. Steinlicht and carried unanimously to adopt a resolution to approve the Application for Project Approval to replace the existing asphalt shingles with new asphalt shingles.

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MATTERS BEFORE THE DEADWOOD HISTORIC DISTRICT COMMISSION:

**J-Mac/Mike Trucano, Request for New Opening in Structure, 155 Sherman,
Certificate of Appropriateness**

The commission referred to the following staff report:

Case No. 06031
Address: 155 Sherman Street

April 7, 2006

**DEADWOOD HISTORIC PRESERVATION
CERTIFICATE OF APPROPRIATENESS**

The applicant requests a Certificate of Appropriateness to place a garage opening on the northern side of the structure for access to the warehouse. He would use this opening in order to load and unload gaming machines and other items.

Applicant: J-Mac
Owner: Mike Trucano
Constructed: Circa 1936

CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS

The Historic District Commission shall use the following criteria in granting or denying an applicant:

General Factors:

- 1. Historic significance of the resource and proposed alterations:** This is a contributing resource in the Deadwood Downtown Historic District and National Landmark Historic District.
- 2. Architectural design of the resource and proposed alterations:** The owner is proposing an opening with 9'x9' garage door in the area shown on the photograph. The applicant has supplied a copy of a steel garage door; however, he has no preference in regards to the design or color of the door. Prior to gaming, there was a garage door on the southern edge of this building since it was a car dealership. J-Mac will have an easement and agreement with Mr. Dennis Bammer, owner of the existing garage, adjacent to this area. There will be an easement and agreement between the parties so that J-Mac can cross in front of Bammer's garage and in turn, Mr. Bammer will be given a couple of parking spaces in the north parking lot.
- 3. The relationship of the above factors to, and their effect upon the immediate surroundings and upon the District as a whole and its architectural and historical character and integrity.**

The structure at 155 Sherman Street is a contributing resource in the historic district. As such, any change made to the property should not cause harm to the historic character or integrity of surrounding historic properties. The alteration to the building is compatible with the resource itself and other resources with which it is related.

Attachments: Enclosed

Photos: Enclosed

Recommended Decision: The proposed alteration to the contributing resource will have no adverse effect on the Downtown District or on the historic character of the Deadwood National Landmark Historic District.

Mike Trucano, owner of J-Mac requests a garage door opening on the northern side of Dakota Deuces/ Oldsmobile garage building. He proposes an overhead door to gain access for his fleet to load and unload machines. Ms. Williams noted this is a contributing structure, probably due to it being constructed in 1936. Ms. Williams stated she had contacted Steve Rogers, at the state historic office, and he did not have a problem with the proposed changes, but had

requested the existing door be taken in with the new opening. Mr. Rogers was surprised that the structure was contributing.

It was moved by Dr. Guilbert and seconded by Ms. Lalonde to adopt a resolution to approve the Application for a Certificate of Appropriateness to place a garage opening on the northern side of the structure located at 155 Sherman Street for access to the warehouse, as presented by J-Mac, Mike Trucano, the applicant and property owner respectively, as presented. Mr. Olson recommended Mr. Trucano consider using a smooth door instead of a raised panel door so it would blend better. He agreed to do that if he can find one. Mr. Olson also noted that an easement from the adjacent property owner will be necessary. Mr. Trucano stated the two of them are working through that matter with Planning & Zoning. Hearing no further discussion, upon vote taken thereon, the motion carried unanimously.

REVOLVING LOAN FUND/RETAINING WALL GRANT UPDATE:

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

Retaining Wall Fund Voucher

None.

Roy and Raquel Sundstrom, 71 Forest

It was moved by Ms. Lalonde, seconded by Mr. Olson and carried unanimously to adopt a resolution to approve zero percent (0%) life safety loan financing in the principal amount of \$10,816, to Roy and Raquel Sundstrom, 71 Forest, as presented.

K. Michael Chaput, 87 Sherman

It was moved by Mr. Steinlicht, seconded by Ms. Lalonde and carried unanimously to adopt a resolution to approve zero percent (0%) life safety loan financing in the principal amount of \$21,000, to K. Michael Chaput, 87 Sherman, as presented.

Gregory Bricher, 592 Williams

It was moved by Mr. Olson, seconded by Ms. Lalonde and carried unanimously to adopt a resolution to approve a loan extension for a period of six months for the zero percent (0%) special needs/vacant house loan financing in the principal amount of \$10,000, issued in March 2004 to Gregory Bricher, 592 Williams, as presented.

Revolving Loan Fund Disbursements

It was moved by Ms. Lalonde, seconded by Mr. Olson and carried unanimously to adopt a resolution to approve the historic preservation revolving loan fund cash disbursements journal totaling \$305,500.36 to the following: Deadwood Economic Development, \$75,000; Gustafson Builders, \$200,000; All American Roofing and Sales, \$8,750.09; NHS of the Black Hills, \$25.27; and NHS of the Black Hills, \$21,725.00, as presented.

NHS Financial Report

None.

COMMITTEE REPORTS:

Loan:

Nothing to report at this time.

Advocacy/HistoryLink/Public Education:

Nothing to report at this time.

Hall of Fame and Recognition:

Nothing to report at this time.

Cemetery:

Planning & Zoning Administrator provided a brief progress report; a meeting of the subcommittee is not necessary at this time.

Museum/Homestake Archives:

A committee meeting is scheduled for April 13, 2006, at 4:00 p.m.

Representative to Adams Museum Board:

Chairman Speirs reported the next Museum Board meeting is Tuesday, April 18, 2006.

Representative to Chamber of Commerce:

Ms. Lalonde reported on the recent meeting of the Chamber of Commerce. They are in the process of preparing for the annual luncheon and discussed re-election of board members.

Representative to NHS:

Dr. Guilbert reported that plans are underway for Paint the Town, Plant the Town in addition to the 10th anniversary celebration for the Block Clubs. They are working with the Chamber of Commerce to finalize the youth work program again this summer.

Representative to Planning & Zoning:

Planning & Zoning Administrator Bernie Williams reported action was taken on a plat. There was continuation of a public hearing for a residential parking lot on Stewart Street due to conflicting reports on input from the neighbors.

ITEMS FROM CITIZENS NOT ON THE AGENDA:

Carlton Spindler approached the commission at this time.

He stated during the course of the meeting on October 27, 2004, a subcommittee was formed to consider the application of steel, vinyl and aluminum siding. At his request, Chairman Speirs explained the end result was the establishment of the siding guidelines. He requested a copy of the guidelines and

minutes. Responding to Mr. Spindler's inquiry, Chairman Speirs explained that minutes are not recorded during the subcommittee meetings.

Mr. Spindler stated that "from February 2005 to August 2005, he has asked five different times for a written transcript of the meeting held October 13, 2004" at which time the commission considered a request from Ron Island regarding a storage shed at 196 Cliff Street. Jim Wilson, Historic Preservation Officer at that time informed him that there is no written record of the minutes other than those than have been approved and provided to him. The only documentation included in the approved minutes consists of twelve typed lines.

Mr. Spindler stated that his wife, Treva Spindler, attended the commission meeting on February 23, 2005, during which she referred to the time when her son requested permission to construct a storage shed on their property at 520 Cliff Street and was denied the use of steel siding. He was critical of the fact the minutes included no discussion or debate that was reported to have occurred [as Mr. Love reported to his wife during that meeting]. And "Mr. Wilson has no other written record of either the debate or the action taken when you broke your consistency and reversed the policy 'that we have never allowed steel siding'". He also claimed knowledge of an attempted telephone vote on the matter prior to the meeting.

Mr. Spindler asked "what member of your staff is responsible for preparing the transcript of the minutes that you review, approve and make official? Who edits the content of the minutes?"

He reported having sent e-mail correspondence to the commissioners requesting an explanation as to the decision to approve steel siding for Mr. Island, "a former city commissioner", after denying the Spindler's request. Mrs. Keene's response was that she voted against the steel siding stating "for consistency". Ms. Speirs reply was "I was asked to have you send your concerns to John Frederickson". Mr. Spindler said "First we were told 'you can't have steel siding because we don't ever approve steel siding'; later we were told, 'our decision did not set precedence'; first we were told 'we must follow strict guidelines; then Dr. Guilbert said "our guidelines are not specific enough to address Mr. Island'." And the only documentation of that action is in the twelve lines of the official minutes.

Mr. Spindler said a subcommittee was formed to consider appropriate guidelines in an effort to be consistent. My question is "when the commission approved Mr. Island's project, were you voting at that time to change the guidelines? It's not in the minutes. Does it now set precedence? It's not in the minutes". Mr. Spindler stated the Mayor has told them that the Historic Preservation Commission is the final authority and "we agreed to follow your rules and then you changed the rules".

Mr. Spindler suggested the commission form yet another independent subcommittee to investigate the staff's inaccuracy of the official approved minutes of the meeting on October 13, 2004. The tape is inaudible. He finds the public document, the official minutes, pertaining to the Island matter "incomplete, vague, condensed, abbreviated and a misrepresentation of what occurred". He suggests the minutes be properly amended. He wants a complete, accurate, unedited transcript of that meeting pertaining to 196 Cliff as well as any transcript that may have been generated by the subcommittee.

He stated, in no way are his comments intended to reflect on the integrity of any board member.

He provided a written transcript of his portion of this discussion for the permanent record.

Although she was not present at the meeting in question, Chairman Speirs stated she "will stand by her fellow commissioners". Mr. Spindler asked "How do you approve minutes that are twelve lines long when there is a lot of supposedly debate and discussion? No self-respecting secretary or stenographer would ever submit these idiotic minutes and ask for your approval".

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Chairman Speirs explained the commission has no staff. The city staff works for the city, Mayor, taxpayers to make the city run efficiently.

Planning & Zoning Administrator Bernie Williams stated she had provided Mr. Spindler with answers, but he wasn't really satisfied with the answers. In the issue of fairness, she felt the commission needed the opportunity to review the minutes of a meeting that occurred in 2004. Dr. Guilbert stated not every issue is black and white. Mr. Spindler questioned the telephone vote for the storage shed.

Ms. Lalonde recalled Ms. Keene and Ms. Ochse being quite adamant against steel siding.

Chairman Speirs asked for time to look into the matter including whether a phone vote was taken.

Mr. Spindler continued to criticize the content of the minutes. He said "Times in Deadwood are sometimes exciting and sometimes scary." His grandfather came here in 1890 when the Wing Tsu building was being constructed. He is watching what is happening to our town. He is most unhappy with the way we have been shunned and the buck passed". Chairman Speirs apologized and stated "we can only hope to do better in the future".

Mayor Toscana offered the following comments. "The minutes are the minutes. The tape is all we've got; if it's inaudible, I apologize for the quality of the tape; still it's all we've got. He recalls the commission felt it was appropriate for Ron Island to be allowed a steel-sided building at that particular location because there were other buildings in the area with steel siding. The Mayor remembered the discussion associated with the Spindler's building and the storage shed for Black Hills Power & Light was, "we had just completed the gateway efforts and HPC wanted the gateways to look good. Some of them felt the hardy plank gave a better impression".

Mr. Spindler said he "is stunned that you would conduct meetings with such shabby, shabby minutes and then approve them". His final comment being "I sure didn't get many answers".

OTHER BUSINESS:

Chairman Speirs took this opportunity to publicly thank Mike Runde, Dr. David Wolfe and Deanna Berglund along with all other staff involved in the Historic Preservation Symposium. She heard many favorable comments from persons attending.

EXECUTIVE SESSION:

None.

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 7:55 p.m.

ATTEST:

Rose Speirs
Chairman
Historic Preservation Commission
Mary Burket, Recording Secretary