

CITY OF DEADWOOD
HISTORIC PRESERVATION COMMISSION

Wednesday, August 23, 2006

Present Historic Preservation Commission: Darin Derosier, Ronda Feterl, Mary Ann Oberlander, Mike Olsen, Steve Olson, Rose Speirs and Willie Steinlicht. Historic Preservation Officer Kevin Kuchenbecker was also present.

Absent Historic Preservation Commission: None

A quorum being present, Chairman Rose Speirs called the Deadwood Historic Preservation Commission meeting to order on Wednesday, August 23, 2006 at 5:00 p.m. in the Deadwood City Hall Century Room located at 108 Sherman Street, Deadwood, SD.

Review Minutes – August 9, 2006

It was moved by Mr. Olsen, seconded by Mr. Steinlicht and carried unanimously to adopt a resolution to approve the minutes of the regular Historic Preservation Commission meeting conducted on Wednesday, August 9, 2006 as presented.

Voucher Approval:

Operating Account:

It was moved by Mr. Steinlicht, seconded by Mr. Olsen and carried unanimously to adopt a resolution approving the HP Operating Account in the amount of \$ 109,093.97.

Bonded Account:

It was moved by Mr. Olsen, seconded by Ms. Oberlander and carried unanimously to adopt a resolution approving the HP Bonded Account in the amount of \$ 66,730.80.

[Ms. Feterl entered the meeting at this time, 5:03 p.m.]

NEW MATTERS BEFORE THE DEADWOOD SIGN COMMISSION:

700 Main Street – Signage – Franklin Hotel

Chairman Speirs relinquished the chair to Vice Chairman Willie Steinlicht and recused herself from the commission during discussion of this item due to a conflict of interest.

Mr. Steinlicht summarized the proposal to replace existing signs at the Franklin Hotel and Franklin Motor Lodge with new painted aluminum signs. Historic Preservation Officer Kevin Kuchenbecker announced that the sign designer, Ray Berberich representing Berberich Design, Inc. was present to respond to questions from the commission.

Wall Sign, Franklin Hotel

It was moved by Mr. Olson, seconded by Mr. Olsen and carried unanimously to adopt a resolution to approve the Sign Permit Application for the Franklin Hotel, 700 Main Street, to replace the existing wall sign on the front of the main building as presented.

Projecting Sign, Franklin Hotel

It was moved by Mr. Derosier, seconded by Mr. Olson and carried unanimously to adopt a resolution to approve the Sign Permit Application for the Franklin Hotel, 700 Main Street, to replace the existing plastic sign on the side of the building with the proposed new sign.

Two (2) Blade Signs, Franklin Hotel

Two "Franklin Hotel" blade signs are proposed to replace the existing signs under and at each end of the veranda. Mr. Olson initiated discussion regarding the "vacancy" sign to be used at the bottom of the marquee signs. At least one of the "vacancy" signs will be new, according to Mr. Berberich. The plan is to utilize the existing neon "vacancy" sign however it may need to be replaced depending on the condition of the existing sign. Mr. Berberich stated the existing "offices" sign on the face of the building would be removed.

Mr. Olson questioned the size of the "vacancy" sign and whether a variance is required. Mr. Kuchenbecker stated the existing ordinance does not specifically address vacancy signs on buildings; the ordinance stipulates that vacancy signs within parking lots shall not exceed one square foot. Mr. Umentum stated that if a variance would be required, it would be for the neon portion of the vacancy sign. There was ongoing discussion regarding the need for a variance and staff will continue to research this matter. It was moved by Mr. Olson and seconded by Mr. Olsen to adopt a resolution to approve the Sign Permit Application for the Franklin Hotel, 700 Main Street, for placement of two (2) new signs under and at each end of the veranda as proposed with the following stipulation: 1) the applicant will apply for a variance for the "vacancy" sign, should staff determine that is necessary. Mr. Berberich questioned whether a variance is required to allow both signs, as one is technically replacement of an existing sign. Hearing no further discussion, upon vote taken thereon, the motion carried unanimously.

At this time, Ms. Speirs resumed the duties as commission chairman.

At this time, Chairman Speirs acknowledged Steve Rogers in the audience. Mr. Rogers is the State Historic Officer with the South Dakota State Historical Society and spent the day with Deadwood officials.

555 Main Street – New Sign – Tin Lizzies

It was moved by Mr. Olsen and seconded by Mr. Olson to adopt a resolution to approve the Sign Permit Application for Tin Lizzies, 555 Main Street, for placement of a projecting sign on the rear of the building facing the highway and a variance for location, as the sign is not located near a building entrance. Ms. Feterl asked for identification of other commercial properties with similar signage approved by a variance. Locations cited include the Mineral Palace, Hickok's, the Gallows, Holiday Inn Express and the Hampton Inn. Hearing no further discussion, upon vote taken thereon, the motion carried unanimously.

NEW MATTERS BEFORE THE DEADWOOD HISTORIC PRESERVATION COMMISSION:

382 Williams – Windows – Rand Williams

The commission referred to the following staff report:

STAFF REPORT

Case No. 06075

August 7, 2006

Address: 382 Williams

The applicant is resubmitting the application for Project Approval to replace wooden window sashes with vinyl window replacements at 382 Williams, a contributing structure located in the Forest Hill Historic Overlay Zone of the City of Deadwood.

Applicant: Rand Williams

Owner: Same

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:

1. Historic significance of the resource: *This building is a contributing resource in the Deadwood National Historic Landmark District. It is significant for its historic association with the founding and initial period of growth of the City of Deadwood. The house had a one-story porch on the left side near the front. By 1901, the front porch had been enclosed. A large Romanesque-style opening was located at the first floor and a wall dormer above it. Later modifications include enclosing the arch opening, enclosing the side porch and the installation of a bay towards the front.*

2. Architectural design of the resource and proposed alterations: *At the recommendation of Attorney John Frederickson, the applicant has resubmitted a Project Approval for the replacement vinyl windows installed without prior Project Approval or Building Permit. The applicant has paid the Building Inspectors Investigation Fee and seeks Project Approval and will pay for a building permit should the project be approved.*

Attachments: *N/A*

Plans: *N/A*

Photos: *Yes*

Recommended Decision: *The condition of the previous existing windows are not known by current staff, therefore, it is difficult for staff to determine if the original windows were beyond repair. Vinyl replacement windows should be considered an inappropriate replacement material. It should be noted the current guidelines do not specify the inappropriateness of vinyl windows.*

The proposed change may have an adverse effect on the historic character of the building and the historic character of the Deadwood National Historic District.

The applicant has resubmitted an Application for Project Approval for the replacement vinyl windows he installed without prior Project Approval or a Building Permit. Rand Williams referred to window section of the City of Deadwood Historic Neighborhood Design Guidelines. He stated it "indicates the use of non-wood windows on historic buildings is appropriate only if the window is appropriately colored, sized to match the original opening and provides an historic appearance in terms of depth and shadow lines". He believes the windows he has installed "conform to the criteria that was in place" at that time.

Mr. Williams again expressed regret with mistakes he made by not following the proper procedure. He was contacted by City Attorney John Frederickson and has paid the investigation fee.

Ms. Feterl reiterated the opinion of the commission in that the vinyl replacement windows are not appropriate. Mr. Williams feels that if the commission were to inspect the building they would see the windows comply with the criteria he cited.

Mr. Olsen requested clarification regarding the Secretary of the Interior guidelines. Mr. Kuchenbecker reported because he has no knowledge of what was in place originally, it is difficult to determine whether repair rather than replacement was the correct measure of improving the structure. He stated that most preservation commissions he has dealt with have not allowed vinyl replacement windows. "This is just a standard practice. The guidelines do not specifically say no vinyl, but it needs to be addressed for future reference no matter what happens".

It was moved by Mr. Derosier and seconded by Ms. Feterl to deny the Application for Project Approval for the replacement windows at 382 Williams. City Attorney John Frederickson directed the commission to articulate the considerations for denying the request. Mr. Derosier amended the motion with the concurrence of Ms. Feterl to deny the Application for Project Approval for the replacement windows at 382 Williams based on the following considerations: 1) the commission is relying upon the reasons of the previous commission and preceding discussions by the current commission when considering the project; 2) this commission has no prior knowledge of the condition of the previous windows; 3) the windows were installed without prior project approval; and 4) the Historic Preservation Commission has not allowed vinyl replacement windows in the past. Mr. Williams stated the historic integrity of the building had already been compromised because aluminum windows had been installed prior. Chairman Speirs called an end to further discussion of the matter. Mr. Williams asked if this commission approved vinyl windows on the Phoenix building. Building Inspector Umenthum stated the windows are wood. Hearing no further discussion, upon vote taken thereon, the motion carried unanimously.

34 Van Buren – Front Screen Door – Mark & Rose Speirs

Chairman Speirs relinquished the chair to Vice Chairman Willie Steinlicht and recused herself from the commission during discussion of this item.

The commission referred to the following staff report:

STAFF REPORT

Case No. 06076

August 17, 2006

Address: 34 Van Buren

The applicant has submitted an application for Project Approval to replace aluminum storm door with wooden storm door and the replacement of two aluminum storm windows with like replacements at 34 Van Buren, a contributing structure located in the Ingelside Historic Overlay Zone of the City of Deadwood.

Applicant: Mark and Rose Speirs

Owner: Same

Constructed: circa 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 building is a contributing resource in the Deadwood National Historic Landmark District. This is an early house which was remodeled during the pre-World War II years; consequently, it has historic associations with both Deadwood's nineteenth-century mining boom and the region's mining revival of the late 1920's and 1930's. This house displays architectural elements which were popular during the latter period of the Craftsman style.*

2. Architectural design of the resource and proposed alterations: *The applicant proposes to replace existing aluminum storm door on the front of the house with a wooden storm door. The applicant also proposes to replace two existing aluminum storm windows on the north side of the residence with new aluminum combination storm windows.*

Attachments: *Yes*

Plans: *N/A*

Photos: *Yes*

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

It was moved by Ms. Feterl, seconded by Mr. Olsen and carried unanimously to adopt a resolution to approve the Application for Project Approval to replace the aluminum storm door with a wooden storm door and the replacement of two aluminum storm windows with like replacements at 34 Van Buren, a contributing structure located in the Ingelside Historic Overlay Zone of the City of Deadwood, as proposed by Mark and Rose Speirs, the applicants and property owners.

At this time, Ms. Speirs resumed the duties as commission chairman.

42 Washington - Deck – Willie & Dorene Steinlicht

Commissioner Steinlicht recused himself from the commission during discussion of this item.

The commission referred to the following staff report:

STAFF REPORT

Case No. 06077

August 18, 2006

Address: 42 Washington

The applicant has submitted an application for Project Approval to replace rotten wood and extend deck over automobiles at 42 Washington, a non-contributing structure located in the Ingelside Historic Overlay Zone of the City of Deadwood.

Applicant: Willis and Dorene Steinlicht

Owner: Same

Constructed: circa 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: *Because his house is less than 50 years old, it can not contribute to the Deadwood National Historic Landmark District.*

2. Architectural design of the resource and proposed alterations: *The applicant proposes to replace the rotten wood perimeter boards and railing supports. The applicant also requests approval to extend the deck approximately 10 feet to cover two automobiles.*

Attachments: *N/A*

Plans: *N/A*

Photos: *Yes*

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

It was moved by Mr. Olsen, seconded by Mr. Derosier and carried unanimously to adopt a resolution to approve the Application for Project Approval to replace the rotten wood and extend the deck over automobiles at 42 Washington, a non-contributing structure located in the Ingelside Historic Overlay Zone of the City of Deadwood, as proposed by Willis and Dorene Steinlicht, the applicants and property owners.

47 Centennial – Change Window to Door – Scott Oschsner

The commission referred to the following staff report:

STAFF REPORT

Case No. 06078

August 18, 2006

Address: 47 Centennial

The applicant has submitted an application for Project Approval to change window to a door on side of house as well as replace front door at 47 Centennial, a contributing structure located in the Forest Hill Historic Overlay Zone of the City of Deadwood.

*Applicant: Brian Gerving
Owner: Scott Oschsner
Constructed: circa 1898*

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 building is a contributing resource in the Deadwood National Historic Landmark District. It is significant for its historic association with the founding and initial period of growth in the City of Deadwood. This Folk Victorian style residence.*

2. Architectural design of the resource and proposed alterations: *The applicant proposes to replace an existing double, double hung window (60" x 71") with a double or single swing door (60" x 72") with grates. Front door is also proposed to be replaced with a new door. (See attachments)*

Attachments: *Yes*

Plans: *N/A*

Photos: *Yes*

Recommended Decision: *The proposed door on the side of the building should be reviewed by the Building Inspector for compliance with Code due to the proposed size; however, at the writing of this report Building Inspector is not available. Should HPC approve the proposed window replacement with double doors it would be more appropriate to not have the muntins or grates on the doors. Furthermore the front door should resemble more of a Victorian style rather than the proposed Craftsman or Mission style.*

The proposed changes may have an adverse effect on the historic character of the building and the historic character of the Deadwood National Landmark Historic District.

In response to a question by Ms. Feterl, Mr. Kuchenbecker reported he and Building Inspector Keith Umentum have each conducted a second site visit to the property. It appears that some of the information provided in the application is incorrect. Additionally, a six-foot door is in violation of city building code. At this time, Mr. Kuchenbecker would prefer to see the double, double hung windows remain, rather than the door replacement. He also stated the style of the proposed replacement front door is not appropriate to the period. It was moved by Ms. Feterl and seconded by Mr. Olson to continue the Application for Project Approval at 47 Centennial, a contributing structure located in the Forest Hill Historic Overlay Zone of the City of Deadwood, as proposed by Brian Gerving and Scott Oschsner, the applicant and property owner respectively. Chairman Speirs asked Mr. Kuchenbecker to speak with the contractor regarding these concerns on behalf of the commission. Hearing no further discussion, upon vote taken thereon, the motion carried unanimously.

44 Taylor – Renovation of Porch and Extend Deck – Luke Hoch

The commission referred to the following staff report:

STAFF REPORT

*Case No. 06079
Address: 44 Taylor*

August 18, 2006

The applicant has submitted an application for Project Approval to rehabilitate the existing porch at 44 Taylor, a contributing structure located in the Ingelside Historic Overlay Zone of the City of Deadwood.

Applicant: Luke Hoch
Owner: Same
Constructed: 1894

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 building is a contributing resource in the Deadwood National Historic Landmark District. It is significant for its historic association with the founding and initial period of growth in the City of Deadwood. This is a vernacular foursquare style residence.*

2. Architectural design of the resource and proposed alterations: *The applicant proposes to renovate existing porch. Support beams need to be replaced, whole structure leveled, floor and ceiling and siding repaired and replaced, roof structure reinforced. Reconstruction of the existing, original structure, only change would be extension of the deck on the backside of the house by 5'.*

Attachments: *No*

Plans: *N/A*

Photos: *Yes*

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

Luke Hoch, owner of the property at 44 Taylor Avenue, came before the commission at this time. He plans to renovate the porch and requested permission to extend an existing deck on the rear of the house by five feet (5'). The roof of the house will not be extended. Mr. Olsen referred the commission to the first photograph included with the staff report and offered additional details regarding the proposed project. It was moved by Mr. Derosier, seconded by Mr. Olsen and carried unanimously to adopt a resolution to approve the Application for Project Approval to rehabilitate the existing porch at 44 Taylor Avenue, a contributing structure located in the Ingelside Historic Overlay Zone of the City of Deadwood, as proposed by Luke Hoch, the applicant and property owner.

44 Taylor – Retaining Wall – Luke Hoch

The commission referred to the following staff report:

STAFF REPORT

Case No. 06080
Address: 44 Taylor

August 18, 2006

The applicant has submitted an application for Project Approval to move and rebuild existing retaining wall at 44 Taylor, a contributing structure located in the Ingelside Historic Overlay Zone of the City of Deadwood.

Applicant: Luke Hoch
Owner: Same
Constructed: 1894

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 building is a contributing resource in the Deadwood National Historic Landmark District. It is significant for its historic association with the founding and initial period of growth in the City of Deadwood. This is a vernacular foursquare style residence.*

2. Architectural design of the resource and proposed alterations: *The applicant describes the current situation as the old concrete steps are in need of repair, dry stacked retaining wall partially failing, water runoff off the street onto steps and walkway in front of the house causing hazardous conditions during the winter. Neither his nor any of the neighboring properties has appropriate off street parking which causes problems on an almost daily basis. To eliminate all these issues, applicant would like to build a new retaining wall 6 feet high, extending between 16 and 21 feet off the street into the front yard 32 feet long. The wall would be built with concrete blocks and is not visible from the street level. The concrete steps would be replaced.*

Attachments: *No*

Plans: *N/A*

Photos: *Yes*

Recommended Decision: *The parking on this street is at a premium. Due to the proposed moving of the wall, the applicant would not be eligible for the retaining wall grant program.*

The proposed changes may have an adverse effect on the historic character of the building and the historic character of the Deadwood National Historic Landmark District due to the change of the historic context of the existing landscape.

Chairman Speirs reported that she and Mr. Steinlicht have each conducted a site visit to "get a perspective" on the retaining wall project.

Mr. Hoch explained that the retaining wall and the set of stairs at 44 Taylor Avenue are in need of repair. In the wintertime, water runoff results in a sheet of ice accumulating on the walkway and the stairway. He also said off-street parking in the neighborhood is inadequate. Mr. Hoch plans to build a new retaining wall, extending it significantly into the front yard of the property to provide more off-street parking. Mr. Steinlicht asked if he would be willing to face the concrete block with the rock salvaged from the existing retaining wall. Mr. Hoch stated doing so would be too costly; he also explained that the face of the wall would not be visible from the street.

Mr. Kuchenbecker suggested the property owner consider parallel parking versus perpendicular parking. This would provide additional off-street parking and the adverse effect on the front of the house would be lessened. Mr. Kuchenbecker estimated the retaining wall could be extended up to ten feet (10') off the street rather than up to twenty-one feet (21') off the street into the front yard as proposed on the application, and still accomplish his goal of providing additional off-street parking.

Mr. Olsen suggested the commission take into consideration the current situation pertaining to the vacant lot adjacent to this property. Mr. Hoch stated the owner of the adjacent property has allowed off-street parking on that lot. If that property is sold and developed, the five or six off-street parking spaces that are currently being utilized will be gone.

Mr. Olson requested staff give consideration to alleviating the runoff issues on the property. City Attorney John Frederickson suggested that matter be directed to an engineer. Mr. Hock reported that Public Works Director Jim Raysor has been on site during a previous water line replacement project. He apparently expressed a willingness "to do something" but Mr. Hoch is hoping "to do everything in one wash".

Mr. Derosier would like to reduce or eliminate the adverse effect the proposed changes may have on the property. It was moved by Mr. Derosier, seconded by Ms. Feterl and carried unanimously to adopt a resolution to approve the Application for Project Approval to move and rebuild an existing retaining wall at 44 Taylor, a contributing structure located in the Ingelside Historic Overlay Zone of the City of Deadwood, as proposed by Luke Hoch, the applicant and property owner with the following stipulation: 1) the retaining wall shall be extended no more than ten feet (10') into the front yard.

Headstone Grant Application – Augusta B. Kaiser

It was moved by Mr. Olsen and seconded by Mr. Steinlicht to adopt a resolution to approve the Cemetery Headstone Grant Application and funding in the amount of \$450 for Augusta B. Kaiser, as presented by the applicant, Mr. & Mrs. Gary Kaiser.

Ms. Feterl noted that the place of birth and date of birth have not been determined and questioned whether the application contains sufficient information to proceed at this time. Mr. Kuchenbecker has seen some headstones that list only the year because that information can be difficult to determine. Hearing no further discussion, upon vote taken thereon, the motion carried with Ms. Oberlander abstaining.

Mr. Kuchenbecker reported that he and City Archivist Mike Runge have had discussions regarding ways to standardize this process.

OLD BUSINESS:

Highland [Timberline Estates Development/Deadwood Mountain Developers, LLC] – Butch Oseby

This morning, Mr. Kuchenbecker received the archeological report from Quality Services, Inc. for the archeological recordation and survey of the proposed development of seventeen (17) single family residential lots at the top of Burnham Street. A copy of the report was distributed to the commission prior to the meeting.

The archeologist recommends a determination of “no adverse effect”. However, physical evidence exists, in addition to the Sanborn insurance maps, of structures that were located on the site. It is recommended that an archeologist be on site to monitor the excavation in specific areas that have been identified to determine if additional artifacts exist. Mr. Kuchenbecker referred to the staff recommendation, should the commission grant Project Approval for the issuance of a grading permit.

Ms. Feterl asked about the availability of a detailed plan showing what the neighborhood will look like including architectural renditions of the types of houses and landscaping designs that might be constructed. Mr. Kuchenbecker stated the developer is only preparing the lots for sale, and constructing the streets, sidewalks, curb and gutter. Realtor signs are in place advertising the property for sale at the present time. Any construction on the individual lots must meet the city's design guidelines for new construction. Butch Oseby agreed and stated they merely want to authorization to complete the grading and install the infrastructure, [water, sewer, storm sewer, curb and gutter and pavement].

It was moved by Ms. Feterl and seconded by Mr. Steinlicht to adopt a resolution to approve the Application for Project Approval and a grading permit be granted for Highland Park Addition for the Timberline Estates Development proposed by Butch Oseby on behalf of Deadwood Mountain Developers, LLC contingent upon the following: 1) an agreement from the developer for archeological monitoring in any demolition and initial surface disturbances in the areas identified on the Sanborn maps as having structures on them, fully described in the Archeological Report provided by Quality Services, Inc., dated August 23, 2006; and, 2) the proposed project shall meet the necessary regulations of the Planning and Zoning Commission and the City of Deadwood Building Inspector. At the recommendation of Mr. Olson, the motion was amended by Ms. Feterl with the concurrence of Mr. Steinlicht to include the legal description identifying the blocks and lots in the Highland Park Addition as (Block 14 Lots 1-12; Block 15, Lots 1-7; Block 3 Lots 1-3; Block 4 Lots 1-4; Block 1 Lots 8-12). Mayor Toscana questioned whether it is appropriate to grant project approval at this time without any idea of what will be built there. Residents in the surrounding neighborhood are questioning the proposed development. He also referred to the proposed demolition of two historic structures, the Friendship House and the garage. He feels that typically the commission requires more definite information regarding the future development before approving the grading.

Mr. Oseby explained that the development actually consists of thirty-four (34) lots, however the developer is proposing to sell a total of seventeen (17) “buildable lots”. The infrastructure construction is the primary need. He stated the engineering plan for the infrastructure has been at city hall since April.

Joy McCracken asked if there are regulations in place to prohibit someone from “buying four lots and building a big house up there”. Mr. Kuchenbecker stated the city's guidelines for new residential construction regulate that. A woman in the audience, Deb Fegueroa, questioned whether the developer “will be bringing Minnesota Street in”. At this time, City Attorney John Frederickson instructed Chairman Speirs that discussion should pertain to the motion.

Mr. Olsen stated the next step, following approval by the Historic Preservation Commission, is for the developer to appear before the Planning and Zoning Commission to consider approval of the preliminary layout. Adjacent property owners are

notified of the meeting as part of that process. Hearing no further discussion, upon vote taken thereon, the motion carried unanimously.

Mr. Oseby thanked the commission for their consideration of the matter. He reported that crews will begin to cleanup the debris that has accumulated in the area of the Friendship House and in two weeks he intends to request a demolition permit.

601 Main Street – Air Conditioner Unit – Mineral Palace

The commission referred to the following staff report:

STAFF REPORT

Case No. 06074
Address: 605 Main Street

August 7, 2006

The applicant has submitted a Certificate of Appropriateness application to install a wall mounted air conditioner unit in the side of the building located at 605 Main Street in the Chinatown Historic Overlay District in the City of Deadwood.

Applicant: Frank Gould
Owner: Frank Gould – Mineral Palace
Constructed: circa 1900

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: Originally operated as a blacksmith shop and livery stable and eventually adapted to automobile repair, these buildings continued as automobile sales and service until 1989.

2. Architectural design of the resource and proposed alterations: The applicant proposes to install wall mounted air conditioner unit in the side of the building.

Attachments: Yes

Plans

Photos: (attached)

Recommended Decision: Staff has had discussions with the owner's agents on three separate occasions to voice the concern regarding the placement of a proposed air handling unit (air conditioner) in the side of the Mineral Palace wall located at 605 Main Street. Staff is concerned about the proposed installation of a wall mounted type air conditioner in side of the building due to the potential structural damage which may result.

The proposed project could damage and potentially destroy this contributing property within the National Landmark Historic District and the Deadwood Historic District. I recommend a roof mounted unit design to accomplish the same affect without jeopardizing the structural integrity of this historic structure.

The proposed change may have an adverse effect on the historic character of the building and the historic character of the Deadwood National Landmark Historic District.

Rich Turbiville presented a letter from an engineer which addresses the previous concern by the commission regarding the impact the proposed installation of the wall-mounted air conditioning unit would have on the structural integrity of the building. Mr. Olsen asked whether the engineer submitted specifications for a steel beam to which Building Inspector Keith Umenthum responded "no". Mr. Umenthum has researched the building code which is "pretty clear on requiring steel" on masonry construction. Mr. Turbiville stated Mineral Palace is willing to comply with any code requirements associated with the

installation of the air conditioning unit. He also reported that the size of the opening to accommodate the unit has been reduced to twenty four inches by seventeen inches (24" x 17"), which is smaller than stated on the original application.

Frank Gould, the owner of the property, stated "we've penetrated the existing buildings three times in the past six months during the recent construction project, with floor to ceiling openings measuring up to eight feet (8)". He said, "this is a minor opening, completely obscured from view". He stated "we can do it without jeopardizing the structure; we'll use the engineer and comply with all building code".

Chairman Speirs called upon Mr. Kuchenbecker for an opinion. He reiterated the fact that his concern all along has been the structural integrity of the building. A structural engineer has determined that the proposed project will not jeopardize the structural integrity of the building itself. Mr. Kuchenbecker is "not crazy about it" but the documentation from an engineer has been received and as well as assurances from the property owner to comply with the building code.

Mr. Kuchenbecker referred the commission to documentation distributed prior to the meeting referencing Section 2104 of the National Building Code, Item C. Mr. Gould agreed to contact the engineer regarding revisions to the proposed project specifications that will fully comply with the building code. The second letter will be placed in the project file. It was moved by Mr. Steinlicht and seconded by Mr. Olson to approve the Application for a Certificate of Appropriateness for the Mineral Palace, located at 601 Main Street, for the installation of a wall-mounted air conditioning unit in the side of the building having received written documentation from a professional engineer that states the structural integrity of the building will not be adversely effected with the stipulation that the unit be placed out of sight. Mr. Kuchenbecker suggested including a stipulation that the installation shall comply with code. City Attorney John Frederickson suggested the motion to approve be contingent receipt of a letter from a licensed engineer prior to construction. Mr. Kuchenbecker expanded upon that by saying the letter should identify the work to be completed to ensure the integrity of the building, which shall comply with applicable building code requirements. The letter should contain the stamp of the professional engineer making that recommendation.

Mr. Steinlicht amended the motion, with the concurrence of Mr. Olson, and carried unanimously to adopt a resolution to approve the Application for a Certificate of Appropriateness for the Mineral Palace, 601 Main Street, for the installation of a wall-mounted air conditioning unit in the side of the building contingent upon receipt of a revised letter stamped by the professional engineer prior to construction which states specifically what will be completed to ensure the structural integrity of the building, with the following stipulations: 1) that the unit be placed out of sight; and 2) the opening in the side of the building to accommodate the unit shall not exceed twenty four inches by seventeen inches (24" x 17") in size.

Ms. Feterl stated that her only concern is the integrity of the building to which Mr. Gould responded "mine, too".

REVOLVING LOAN FUND/RETAINING WALL GRANT UPDATE:

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

Revolving Loan Fund Cash Disbursements Journal

It was moved by Mr. Olsen, seconded by Ms. Oberlander and carried unanimously to adopt a resolution to approve the historic preservation revolving loan fund cash disbursements journal totaling \$13,059.98 as presented, with disbursements to the following: Greg Bricher, \$21.65; Lehman Construction Company, \$12,000.00; All American Roofing and Sales, \$996.33; NHS of the Black Hills, \$32.00; and, NHS of the Black Hills, \$10.00.

Ms. McCracken stated the loan delinquency report consists of The Gillmore. She will be meeting with City Attorney John Frederickson tomorrow to discuss the matter.

Retaining Wall Grant Disbursements

None.

9 Washington – William Skaggs

In response to a question by Mr. Olson, Mr. Kuchenbecker reported this application is subject to project approval. It was moved by Mr. Olson, seconded by Mr. Steinlicht and carried unanimously to adopt a resolution to approve zero percent (0%) Special Needs-Elderly loan financing in the principal amount of \$10,000 for William Skaggs, 9 Washington, with the following stipulations: 1) all work completed must be reviewed and approved by the Historic Preservation Officer and the City Building Inspector; 2) the property owner shall provide proof of insurance; 3) receipt of a fully executed "Memorandum of Understanding and Agreement"; and, 4) Project Approval by the City of Deadwood.

784 Main – Les Karas

In response to a question by Mr. Olson, Mr. Kuchenbecker reported this application is subject to project approval. It was moved by Mr. Derosier, seconded by Mr. Olson and carried unanimously to adopt a resolution to approve zero percent (0%) Special Needs-Elderly loan financing in the principal amount of \$10,000 for Les and Shirley Karas, 784 Main, with the following stipulations: 1) all work completed must be reviewed and approved by the Historic Preservation Officer and the City Building Inspector; 2) the property owner shall provide proof of insurance; 3) receipt of a fully executed "Memorandum of Understanding and Agreement"; and, 4) Project Approval by the City of Deadwood.

67 Taylor – Rich Turbiville

Ms. McCracken stated the property owner proposes to remove the non-historic vinyl siding and to repair the historic siding; this project is an excellent example of the kind of project the siding program is geared toward. It was moved by Mr. Steinlicht, seconded by Mr. Olson and carried unanimously to adopt a resolution to approve zero percent (0%) Special Needs-Siding Removal loan financing in the principal amount of \$10,000 for Rich and Janet Turbiville, 67 Taylor, with the following stipulations: 1) all work completed must be reviewed and approved by the Historic Preservation Officer and the City Building Inspector; 2) the property owner shall provide proof of insurance; 3) receipt of a fully executed "Memorandum of Understanding and Agreement"; and, 4) Project Approval by the City of Deadwood.

47 Centennial – Scott Oschsner

Scott Oschsner recently received four percent (4%) Preservation loan financing in the principal amount of \$17,500 and zero percent (0%) Life Safety loan financing in the principal amount of \$10,000. Due to structural problems, the property owner has incurred major cost overruns and has requested the loan amounts be increased. Additional loan financing totaling \$15,500 is requested categorized as follows: additional five percent (5%) Preservation loan funds of \$10,500 and additional zero percent (0%) Life Safety loan funds totaling \$15,000.

Mr. Derosier noted that earlier during the course of this meeting, the commission continued the Application for Project Approval. Mr. Kuchenbecker stated the purpose of these loans is for interior improvements only. It was moved by Ms. Feterl, seconded by Mr. Olsen and carried unanimously to continue the matter of additional loan financing for Scott Oschsner, 47 Centennial, pending resolution of the issues involving the doors and windows.

ITEMS FROM CITIZENS NOT ON THE AGENDA:

None.

COMMITTEE REPORTS:

Advocacy: *Commission representatives: Ronda Feterl, Mike Olsen and Willie Steinlicht.*

No report was given.

Archeology: *Commission representatives: Darin Derosier, Mike Olsen and Willie Steinlicht.*

Mr. Olsen is still trying to coordinate a meeting in Rapid City with Archeologist, Rose Estep Fosha with the State Archeology and Research Center (SARC). Following discussion with the commission regarding availability, he will try to schedule the meeting for Tuesday, September 12th and will communicate with the commission via e-mail. Media representative Greg Bishoff stated the press would also be attending this meeting.

Archives: *Commission representatives: Mike Olsen and Steve Olson.*

No report was given.

Cemetery: *Commission representatives: Mary Ann Oberlander, Steve Olson and Rose Speirs.*

In response to a question by Chairman Speirs, Mr. Olson stated a meeting of the committee has not been scheduled at this time.

GIS: *Commission representatives: Mary Ann Oberlander and Steve Olson.*

No report was given.

Grants: *Commission representatives: Ronda Feterl, Mary Ann Oberlander and Willie Steinlicht.*

No report was given.

Homestake Archives: *Commission representatives: Ronda Feterl and Mike Olsen.*

No report was given.

Loans: *Commission representatives: Darin Derosier, Ronda Feterl and Willie Steinlicht.*

No report was given.

Policies & Procedures: *Commission representatives: All HPC members.*

Mr. Kuchenbecker stated the committee should meet in the next couple weeks.

Signage: *Commission representatives: Darin Derosier; Rose Speirs and Willie Steinlicht.*

Chairman Speirs asked Mr. Kuchenbecker to schedule a committee meeting.

Recognition: *Commission representatives: Ronda Feterl and Mary Ann Oberlander.*

Mr. Kuchenbecker stated the committee should begin working on the Wall of Fame.

Representative to Adams Museum: *Commission representative: Rose Speirs.*

Mr. Kuchenbecker reported on behalf of Chairman Speirs who was unable to attend the recent meeting. A book authored by Mary Kopco, Director of the Adams Museum & House, about the restoration of the Adams House is currently "at the press". The book is partially funded by Historic Preservation funds.

Representative to Chamber: *Commission representatives: Darin Derosier and Willie Steinlicht.*

Mr. Derosier reported on topics discussed at a recent meeting of the chamber of commerce including Kool Deadwood Nites and advertising for the Octoberfest. Mr. Steinlicht initiated discussion regarding the chamber of commerce executive board and the feeling that all decisions are made in advance of the chamber meeting. Mayor Toscana agreed to speak with Chamber officials regarding this matter.

Representative to Days of '76 Board: *Commission representative: Steve Olson.*

Mr. Olson reported on topics discussed at a recent meeting of the Days of '76 Board including "commitments" to the Days of '76 museum. They are currently in the process of researching avenues to raise funds for the museum.

Representative to NHS: *Commission representative: Willie Steinlicht.*

No report was given.

Representative to Planning & Zoning: *Commission representative: Mike Olsen.*

No report was given.

OTHER BUSINESS:

Mr. Kuchenbecker reported having recently sent letters to Senator John Thune and Representative Stephanie Herseth to serve as a personal introduction and an opportunity to thank them for previous support. Representative Herseth has previously supported the "Community Restoration and Revitalization Act". Mr. Kuchenbecker referred to another piece of legislation introduced in May by Missouri Representative Russ Carnahan, "that would be advantageous to historic preservation activities in Deadwood as well as all of South Dakota". Mr. Kuchenbecker sent a letter to Representative Carnahan appreciating his support of preservation issues on a federal level in the past and asking for continued support of those issues.

Chairman Speirs explained that she talked with Mr. Kuchenbecker prior to his sending the letter and supported his efforts. She feels administrative correspondence like this is "just doing his job". Mr. Olsen stated he appreciates Mr. Kuchenbecker's efforts to make sure the commission receives copies of everything as a means to keep them informed.

Ms. Feterl referred to the significant changes going on with the federal tax credits. It was moved by Ms. Feterl and seconded by Mr. Olsen to authorize the Historic Preservation Officer to continue to communicate with state representatives and senators regarding Representative Russ Carnahan's Historic America Act of 2006, HR 5420. Mr. Kuchenbecker stated "this is an incredibly importance piece of legislation". Ms. Feterl said these constitutional changes might help support Deadwood if South Dakota were to consider constitutional changes at some point. Mr. Kuchenbecker noted the most significant revision is a change that would allow the historic rehabilitation tax credit program available for residential properties. At the present time, only income producing properties can benefit from this program. Hearing no further discussion, upon vote taken thereon, the motion carried unanimously.

Mr. Derosier asked for a follow-up on the auction to be held on August 30, in Orange, CA, consisting of a large collection of artifacts associated with Wild Bill Hickok.

Mr. Kuchenbecker referred the commission to his memorandum dated August 21, 2006 regarding the project at 39 Van Buren. Building Inspector Keith Umenthum conducted a site visit that morning and "uncovered significant changes in doors and windows from the approved plans. These alterations do not match the approved plans and must be resubmitted to the Deadwood Historic Preservation Commission for approval". A stop work order has been issued. Chairman Speirs asked if the city imposes any form of penalty when a contractor chooses not to adhere to an approved project plan.

Mr. Kuchenbecker referred to an article concerning archeology published in the *Historic Preservation Forum News*.

Mr. Kuchenbecker referred to an article regarding the Days of '76 Museum having been awarded a \$10,000 *Save Our History* grant, created by The History Channel.

EXECUTIVE SESSION:

Chairman Speirs announced there would be a brief 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 6:22 p.m.

ATTEST:

Rose Speirs
Chairman
Historic Preservation Commission
Mary Burket, Recording Secretary