

## **DEADWOOD HISTORIC PRESERVATION COMMISSION**

**Wednesday, October 24, 2018 ~ 5:00 p.m.**

City Hall, 108 Sherman Street, Deadwood, South Dakota

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1. Call meeting to Order
2. Approval of HPC Meeting Minutes
  - a. October 10, 2018 Regular Meeting
3. Voucher Approval
4. HP Programs and Revolving Loan Program
  - a. Grant Voucher Approval
  - b. Grant Extension Request – **Exhibit A**
    - i. Roger and Ann Ochse – 35 Madison – Foundation Program
  - c. Revolving Loan Program Voucher Approval
  - d. Revolving Loan – Loan Requests – **Exhibit B**
    - i. Brian Kinkler – 288 Williams – Windows Loan Request

Recess Meeting for Program

### **2018 Deadwood Wall of Fame Program**

Reconvene Meeting

5. Hearing – Demolition by Neglect – 20 Washington Street
6. Old or General Business
  - a. Main Street Initiative Update
  - b. Façade Program Policy Guideline Update – **Exhibit C**
7. New Matters before the Deadwood Historic District Commission
  - a. COA 180448 – NBD LLC – 643 Main – Remove Skylight – **Exhibit D**
  - b. COA 180449 – NBD LLC – 645 Main – Remove Skylight – **Exhibit E**
  - c. COA 180450 – NBD LLC – 647 Main – Remove Skylight – **Exhibit F**
8. New Matters before the Deadwood Historic Preservation Commission
  - a. PA 180442 – David Boucher – 44 Taylor – Repair/Replace Broken Windows – **Exhibit G**
  - b. PA 180443 – Deadwood Lumber Co., LLC – 32 Charles – Demolition of Building – **Exhibit H**
9. Items from Citizens not on agenda (*Items considered but no action will be taken at this time.*)
10. Staff Report (*Items considered but no action will be taken at this time.*)
11. Committee Reports (*Items will be considered but no action will be taken at this time.*)
12. Other Business

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

**City of Deadwood**  
**HISTORIC PRESERVATION COMMISSION**  
**Wednesday, October 24, 2018**

**Present Historic Preservation Commission:** Michael Johnson, Lyman Toews, Beverly Posey, Ann Ochse, Dale Berg, Robin Carmody and Thomas Blair

**Absent:**

**Present City Commission:** Dave Ruth Jr., Charlie Struble, Sharon Martinisko and Quentin Riggins

**Present Staff:** Kevin Kuchenbecker, Historic Preservation Officer and Meghan Wittmis, Administrative Assistant were present.

**All motions passed unanimously unless otherwise stated.**

A quorum present, Chairman Michael Johnson called the Deadwood Historic Preservation Commission meeting to order Wednesday, October 10, 2018 at 5:00 p.m. in the Commission Room located in City Hall at 108 Sherman Street in Deadwood, SD.

**Mr. Johnson asked for a moment of silence in honor and respect of Mayor Chuck Turbiville.**

**Mr. Blair introduced Dave Ruth, Jr. as the new Mayor of Deadwood.**

**Approval of HPC Minutes:**

October 10, 2018 Regular Meeting

***It was moved by Ms. Ochse and seconded by Ms. Posey to approve the HPC minutes of Wednesday, October 10, 2018. Aye – All. Motion carried.***

**Voucher Approval:**

***It was moved by Mr. Toews and seconded by Mr. Berg to approve the HP Operating Account in the amount of \$98,662.81. Aye – All. Motion carried.***

**Revolving Loan Fund and Historic Preservation Programs:**

**HP Program Grant Funds**

***It was moved by Mr. Toews and seconded by Mr. Blair to approve HP Grant Fund disbursements in the amount of \$29,448.83, based on information as presented. Aye - All. Motion carried.***

**Grant Extension Request – Exhibit A**

- i. Roger and Ann Ochse – 35 Madison – Foundation Program

***It was moved by Mr. Berg and seconded by Mr. Blair to grant a nine month extension to Roger and Ann Ochse, 35 Madison, Foundation Program. Ms. Ochse Abstained. Aye – All. Motion Carried.***

**Revolving Loan Program Voucher Approval**

***It was moved by Ms. Posey and seconded by Mr. Blair to approve HP Revolving Loan Fund disbursements in the amount of \$7,328.28, based on information as presented. Mr. Johnson Abstained. Aye - All. Motion carried.***

**Revolving Loan Program – Exhibit A**

- i. Brian Kinkler – 288 Williams – Windows Loan Request

***It was moved by Mr. Blair and seconded by Ms. Posey to approve the loan extension requests for Brian Kinkler. Aye – All. Motion carried.***

**Meeting Recessed for 2018 Deadwood Wall of Fame Program**

Mr. Johnson presented the Wall of Fame Awards to the Families of Paul John Akrop and Leo F. Nikont.

**Meeting reconvened for business**

**Hearing Demolition by Neglect – 20 Washington Street**

Mr. Kuchenbecker stated the City has received complaints on the property at 20 Washington Street. The City Commission directed the Building Inspector, Trent Mohr, to conduct an inspection on the property. The inspection was presented to the Public Works director, the Historic Preservation Officer, and the City Planner. After reviewing the report, it was determined under the Deadwood Codified Ordinances the property, in their opinion, is in a state of demolition by neglect. The Commission's duty at the end of this hearing is to concur or not concur with staff's opinion the property is in a state of demolition by neglect. If the commission concurs, the owners would then have 30 days to present a plan addressing the deteriorated conditions of the building and would then have a 90-day time frame to make the repairs.

Mr. Johnson asked what the Building Inspector's assessment was. Mr. Mohr stated there had been work done in the past but none recently, he believes the demolition by neglect is not intentional. Mr. Kuchenbecker stated he conducted a site visit and the structure is sound and the owners have been working on the inside of the house. Mr.

Kuchenbecker suggested they move the work to the exterior of the house. Marsha Morse and her husband Wyatt, the owners of 20 Washington Street were present. Ms. Morse stated work on one side of the house is impossible due to lack of cooperation from the neighbor. They need assistance to get corporation from the neighbor. Both owners agree there is work needing to be done to the exterior of the structure. Mr. Johnson asked Ms. Morse what her intention was for the property. Ms. Morse stated their intention is to fix up the house and then sell. The owners have put \$100,000 in to the property so far and are open to ideas for help on the rest of the work needing to be done. Mr. Toews asked if there is a list of items that need to be fixed. Mr. Mohr stated he would put together a list. Mr. Berg asked the owners about the condition of the roof, was there hail damage from this summer. The owners stated the roof had been checked and there is very little damage. The owners are open to making the necessary repairs and asked the City please not demolish their house. The owners know the soffits are in bad shape and they intend to replace them. So far, the owners have repaired the foundation and installed all new plumbing and electric. Mr. Kuchenbecker stated the City is complaint driven and 10 residents signed the written complaint that was submitted to the City and the impact of one property has an impact on us all. Ms. Ochse asked if the Commission can look for a plan by November 28, 2018. Ms. Carmody asked Mr. Mohr if when he puts the list of work to be done together if it could be prioritized so we can see what needs to happen first. Mr. Mohr stated he and Mr. Kuchenbecker will work with the owners to put a list and plan together.

Mr. Kuchenbecker stated if the Commission concurs with the demolition by neglect, they are not asking the owners to demolish the house; it is recognition of the deterioration of the exterior of the house. The issues that will need to be addressed in the core of the plan are the roof, fascia, soffits, siding, trim, paint and the stairs being in a safe condition. The owners stated their intention is to restore the house as closely as they can to 1909 pictures. ***It was moved by Ms. Ochse and seconded by Mr. Blair the property at 20 Washington Street has been found in a state of demolition by neglect by the Historic Preservation Commission and a plan outlining the work intended to be competed will be submitted to the Historic Preservation Commission by the second meeting in November. Aye – All. Motion Carried.***

#### **Old or General Business:**

##### **Main Street Initiative Update – Kevin Kuchenbecker – No Exhibit**

Louie Lalonde, Bill Pearson and Ron Russo presented a letter from Governor Dennis Daugaard committing the remaining \$1.7 million needed to fulfill a \$2 million contribution to the City's Public Gathering Space project. Louie also gave an update on the upcoming events the Promotion Committee has planned; Little Black Dress on November 3<sup>rd</sup>, Big Whiskey on November 17<sup>th</sup> and the Community Tree Lighting on November 30<sup>th</sup>.

##### **Façade Program Policy Guideline Update – Exhibit C**

Mr. Kuchenbecker stated this is coming from the recommendation from legal counsel and work with the auditor for our community. This is language change to change the current façade program from a grant program to a purchase of the conservation easement. ***It was moved by Mr. Blair and seconded by Ms. Posey to move to adopt the language changes to the Façade Easement Program.*** Ms. Ochse stated there were two typos to be corrected. ***It was moved by Mr. Blair and seconded by Ms. Posey to adopt the language changes, with the corrections, to the Façade Easement Program. Aye – All. Motion carried.***

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

Mr. Kuchenbecker stated all three properties were listed on the application, but the application only needs to be for 647 Main Street as the skylights are only on this building, therefore recommends removing 643 Main and 645 Main from the agenda.

##### **COA 180450 – NBD LLC – 647 Main – Remove Skylight – Exhibit F**

Mr. Kuchenbecker stated this is a contributing structure built in 1879-1897. A site visit was conducted yesterday, and it is staff's opinion the proposed work and changes do not encroach upon but may damage or destroy a historic resource; the alteration may also have an adverse effect on the character of the building. Because it is not visible from the majority of the National Historic Landmark District it is furthermore staff's opinion it does not have an adverse effect on the historic character of the State and National Register Historic District or the Deadwood National Historic Landmark District. The skylights have been severely damaged, it is the wish of owner not to repair but to cover them. Mr. Toews asked if the skylights are currently being used as skylights or are they blocked off. No, there are ceiling tiles covering the skylights. Mr. Kuchenbecker's recommendation is to keep the skylight structure, place plywood over it and then cover with roofing material so that down the road the skylights can be used if there is a change of heart or change of owner. ***It was moved by Mr. Toews and seconded by Mr. Berg based upon the guidelines found in DCO 17.68.050, the exterior alteration proposed is congruous with the historical, architectural, archaeological or cultural aspects of the district and move to grant the Certificate of Appropriateness contingent upon leaving the skylight structure and roofing over. Aye – All. Motion carried.***

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

PA 180442 – David Boucher – 44 Taylor – Repair/Replace Broken Windows – Exhibit G

Mr. Kuchenbecker stated the applicant is requesting permission to repair or replace broken windows. It is staff's opinion several of the original windows can be repaired. It is important for the applicant to work with the Historic Preservation Office to ensure as much of the original windows are rehabilitated rather than replaced. If this is followed, the proposed work and changes do not encroach upon, damage or destroy a historic resource or have an adverse effect on the character of the building or the historic character of the State and National Register Historic Districts or the Deadwood National Historic Landmark District. ***It was moved by Ms. Ochse and seconded by Ms. Posey based upon all the evidence presented, this project does not encroach upon, damage, or destroy any historic property included in the national register of historic places or the state register of historic places, and therefore move to grant a project approval contingent upon repairing the historic windows. Aye - All. Motion Carried.***

PA 180443 – Deadwood Lumber Co., LLC – 32 Charles – Demolition of Building – Exhibit H

Mr. Kuchenbecker stated this is a non-contributing structure located in the Cleveland Planning Unit, circa 1942. The Applicant is requesting permission for demolition of the non-contributing building is requested to address preliminary concerns that have arisen as part of the Deadwood Mountain Grand chalet development proposal. The property will be used for construction activities during the development of the chalets if approved. A parking lot will be constructed that will have a minimum of 98 parking spaces dedicated to the chalets. This is a non-contributing resource and not too significant of a structure; therefore, it is staff's opinion the proposed work and changes do not encroach upon, damage or destroy a historic resource it will have an adverse effect on the character of the building as it will be gone, or the historic character of the State and National Register Historic Districts or the Deadwood National Historic Landmark District. Furthermore, it is just outside the local historic district therefore city ordinances do not require a fully vetted plan to go in its place. Ms. Posey asked if there will be archeological individuals on site during the demolition. Mr. Kuchenbecker stated it would depend on how much dirt will be removed from the site. ***It was moved by Mr. Berg and seconded by Mr. Toews based upon all the evidence presented, this project does not encroach upon, damage, or destroy any historic property included in the national register of historic places or the state register of historic places, and therefore move to grant a project approval.*** Ms. Ochse stated she doesn't object to the removal of the building, but this is not pre-approval for the chalets. ***Aye - All. Motion Carried.***

### **Items from Citizens not on Agenda**

Mr. Russo asked if the changes to the Façade Program would be retroactive. Mr. Kuchenbecker stated no, the changes will take effect moving forward.

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

Mr. Kuchenbecker stated to please look at Mike's City Archive report.

### **Committee Reports:**

Ms. Ochse stated the Lawrence County Historic Society held their biannual meeting on October 21. There were about 40 people in attendance. She would like to see more people involved in history attend.

### **Other Business:**

The Historic Preservation Commission Meeting adjourned at 6:19 p.m.

ATTEST:

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Chairman, Historic Preservation Commission  
Meghan Wittmis, Historic Preservation Office/Recording Secretary