

DEADWOOD HISTORIC PRESERVATION COMMISSION

Wednesday, February 14, 2018 ~ 5:00 p.m.

City Hall, 108 Sherman Street, Deadwood, South Dakota

1. Call meeting to Order
2. Approval of HPC Meeting Minutes
 - a. January 23, 2018 Site Visit
 - b. January 24, 2018 Regular Meeting
3. Voucher Approval
4. Community Planning Assistance for Wildfire (CPAW) -- Grant Update – Mike Runge/Bob Nelson, Jr.
5. HP Programs and Revolving Loan Program
 - a. HP Program Applications – **Exhibit A**
 - i. Pauline West – 79 Stewart St -- Elderly Resident Program
 - ii. Pauline West – 79 Stewart St -- Siding Program
 - b. HP Program Grant Extension Request – **Exhibit B**
 - i. Dave Akrop – 98 Charles – Elderly Resident Program
 - ii. Shirlene Joseph – 771 Main – Wood Windows and Doors Program
 - iii. Shirlene Joseph – 771 Main – Foundation Program
 - iv. Sylvia Trentz – 57 Lincoln – Foundation Program
 - v. Michael Johnson – 8 Van Buren – Foundation Program
 - vi. Michael Johnson – 8 Van Buren – Siding Program
 - vii. Michael Johnson – 8 Van Buren – Elderly Program
 - viii. Michael Johnson – 8 Van Buren – Wood Windows and Doors Program
 - c. Revolving Loan Program -- **Exhibit C**
 - i. Michael Johnson – 8 Van Buren – Extension Request
 - ii. Blake Haverberg – 1, 3, 5 Burnham – Extension Request
 - iii. Randy Johnson – 95 Stewart – Request of Forgive
 - iv. Tim Conrad – 52 Lincoln – Extension Request
6. Old or General Business
 - a. Main Street Initiative update
 - b. 2018 History Conference of the SD State Historical Society Funding Request – **Exhibit D**
 - c. Contract Renewal for Marketing and Media Management – Macro Vision, LLC – **Exhibit E**
 - d. Cemetery Headstone Grant Application – **Exhibit F**
 - e. 2018 Outside of Deadwood Grant Round 1 Funding Request – **Exhibit G**
 - f. Mining History Association - Mining History Conference Sponsorship Request – **Exhibit H**
 - g. Not-For-Profit Grant Request – Masonic Temple – **Exhibit I**
 - h. 610 Main Street – Second Floor Restoration Project – Wayne Morris – **Exhibit J**
 - i. 2018 City of Deadwood Archives Projects – Permission to enter into Agreements – **Exhibit K**
 - j. Pine Street Archway Project – **Exhibit L**
7. New Matters before the Deadwood Historic District Commission
8. New Matters before the Deadwood Historic Preservation Commission
 - a. PA H1803 – Mike Gustifson – First Gold – Grading – **Exhibit M**
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
13. Adjournment

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

City of Deadwood
HISTORIC PRESERVATION COMMISSION
Wednesday, January 24, 2018

Present Historic Preservation Commission: Michael Johnson, Lyman Toews, Ann Ochse, Thomas Blair, Beverly Posey, Lynn Namminga and Dale Berg.

Absent:

Present City Commission: Dave Ruth, Jr.

Present Staff: Kevin Kuchenbecker, Historic Preservation Officer, Mike Walker, of NeighborWorks-Dakota Home Services, Quentin Riggins, City Legal Counsel, and Meghan Wittmis, Recording Secretary 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, February 14, 2018 at 5:00 p.m. in the Commission Room located in City Hall at 108 Sherman Street in Deadwood, SD.

Approval of HPC Minutes:

January 23, 2018 Site Visit

It was moved by Mr. Toews and seconded by Ms. Ochse to approve the HPC minutes of Tuesday, January 23, 2018. Aye – All. Motion carried.

January 24, 2018 Regular Meeting

It was moved by Ms. Posey and seconded by Mr. Toews to approve the HPC minutes of Tuesday, January 23, 2018. Aye – All. Motion carried.

Voucher Approval:

It was moved by Mr. Toews and seconded by Ms. Posey to approve the HP Operating Account in the amount of \$37,335.54. Aye – All. Motion carried.

Community Planning Assistance for Wildfire (CPAW) – Grant Update – Mike Runge/Bob Nelson, Jr.

Mr. Runge stated the City of Deadwood is currently updating its Comprehensive Plan, which is scheduled for completion in summer 2018. CPAW proposes focused assistance to develop recommended wildfire policies for inclusion in the city's next Comprehensive Plan. Throughout this project, CPAW team members will maintain regular communications with the city's CPAW steering group members (Mike Runge and Bob Nelson, Jr.) Specific assistance tasks are: Document review, Stakeholder Meeting, Draft Policy Memo, Steering Group Review and Final Policy Memo. Mr. Runge stated so far in 2018 the Black Hills have had three wildfires. Getting in to this program will help the city protect its current and future assets. Mr. Runge hopes HP and the City Commission looks at this program and moves forward in working to get these new policies in place to help protect the city's assets.

Revolving Loan Fund and Historic Preservation Programs:

HP Program Grant Funds

It was moved by Ms. Ochse and seconded by Mr. Blair to approve HP Grant Fund disbursements in the amount of \$10,436.90, based on information as presented. Aye - All. Motion carried.

HP Program Applications – Exhibit A

- i. Pauline West – 79 Stewart St -- Elderly Resident Program
- ii. Pauline West – 79 Stewart St -- Siding Program

It was moved by Ms. Posey and seconded by Mr. Berg to accept Pauline West, 79 Stewart, into the Elderly Resident and Siding Programs. Aye – All. Motion carried.

HP Program Grant Extension Request – Exhibit B

- i. Dave Akrop – 98 Charles – Elderly Resident Program
- ii. Shirlene Joseph – 771 Main – Wood Windows and Doors Program
- iii. Shirlene Joseph – 771 Main – Foundation Program
- iv. Sylvia Trentz – 57 Lincoln – Foundation Program
- v. Michael Johnson – 8 Van Buren – Foundation Program
- vi. Michael Johnson – 8 Van Buren – Siding Program
- vii. Michael Johnson – 8 Van Buren – Elderly Program
- viii. Michael Johnson – 8 Van Buren – Wood Windows and Doors Program

It was moved by Ms. Ochse and seconded by Ms. Posey to grant six month extensions to Dave Akrop, 98 Charles, Elderly Resident; Sylvia Trentz, 57 Lincoln, Foundation; Michael Johnson, 8 Van Buren, Foundation/Siding/Elderly/Wood Windows and Doors; and grant a three month extension to

Shirlene Joseph, 771 Main, Foundation/Wood Windows and Doors. Mr. Johnson abstained. Aye – All. Motion carried.

Revolving Loan Program/Disbursements – Exhibit C

- i. Michael Johnson – 8 Van Buren – Extension Request
- ii. Blake Haverberg – 1, 3, 5 Burnham – Extension Request
- iii. Randy Johnson – 95 Stewart – Request of Forgive
- iv. Tim Conrad – 52 Lincoln – Extension Request

It was moved by Mr. Blair and seconded by Ms. Posey to approve the extension requests. Aye – All. Motion carried. Mr. Johnson abstained.

It was moved by Ms. Ochse and seconded by Ms. Posey to approve the NeighborWorks contract payment of \$2,466.25. Aye – All. Motion carried.

Mike Walker, of NeighborWorks-Dakota Home Services, presented the delinquency report.

Old or General Business:

Main Street Initiative Update – Kevin Kuchenbecker – No Exhibit

Mr. Kuchenbecker updated the commission Main Street Initiative Committees:

- The Promotion Committee is planning a craft beer fest and a progressive dinner.
- Design Committee – Mr. Toews updated the commission. Working on the bunting across Main Street. They have a design and art work now for Octoberfest and Wild Bill days bunting. The committee is looking into finding an audio system like museums use to improve the information flow on Main Street. Mr. Kuchenbecker stated there will be a request at the next City Commission meeting for the city to water the flowers. The flowers will be planted by the Promotion Committee.
- Organization Committee: continuing to get the word out.

2018 History Conference of the SD State Historical Society Funding Request – Exhibit D

Mr. Kuchenbecker stated every year for the past two decades we have supported this conference. This year the conference is in Rapid City. Traditionally we have funded \$1,000.00, recommending the same this year.

It was moved by Mr. Toews and seconded by Ms. Posey to provide funding in the amount of \$1,000.00 to the 2018 SD State Historical Society History Conference. Aye – All. Motion carried.

Contract Renewal for Marketing and Media Management – Macro Vision, LLC – Exhibit E

Mr. Kuchenbecker stated this contract is with Grant Welford for videos of preservation moments. One that is in the works now is the restoration of Berg Jewelry. Grant has helped with the Facebook page, but we are looking at doing more of that in house. This contract is for \$50.00 an hour rate not to exceed \$6,000.00 a year. Mr. Toews stated he agrees with the intent of the contract but the contract itself has holes. Mr. Toews would like the contract rewritten. Mr. Riggins will redo the contract. Ms. Ochse would like to see that the city retains all copy rights included in the contract as well.

It was moved by Mr. Toews and seconded by Mr. Berg to approve the expenditure and recommend the City Commission sign the new contract including copy rights. Aye - All. Motion carried.

Cemetery Headstone Grant Application – Exhibit F

Mr. Kuchenbecker stated the committee reviewed the application for Rachel Norrid. There is not a lot of information but feels a marker is needed.

It was moved by Mr. Toews and seconded by Ms. Posey to approve the Headstone Grant Application for Rachel Norrid. Aye – All. Motion Carried.

2018 Outside of Deadwood Grant Round 1 Funding Request – Exhibit G

Mr. Kuchenbecker stated we had 24 applications with requests totaling \$415,228.41. The budget for this round is \$75,000.00. The Program Committee met and recommends approval of the following nine grant applications.

Mystic Preservation Alliance	William Frink Home/Garage	Mystic.....	6,000.00
Central City	Catholic Church Stabilization	Central City.....	17,000.00
Newell Museum.....	Wetz School House	Newell	4,000.00
Faulk County Historical Society.....	Pickler Manson Tower.....	Faulkton	4,500.00
Haakon County Courthouse	Courthouse Windows.....	Philip.....	10,000.00
First Presbyterian Church	Church Roof.....	Groton.....	15,000.00
Woodlawn Cemetery	Markers	Sioux Falls	2,500.00

Verendrye Museum	Trail Markers.....	Ft. Pierre	1,000.00
United Church of Christ	Stained Glass Windows	Vermillion	15,000.00
TOTAL GRANTS ROUND ONE			\$75,000.00

It was approved by Mr. Toews and seconded by Ms. Posey to recommend to City Commission to approve the nine Outside of Deadwood Grants in the total amount of \$75,000.00. Aye – All. Motion Carried.

Mining History Association – Mining History Conference Sponsorship Request – Exhibit H

Mr. Kuchenbecker stated this is a national conference that will be held here in Deadwood June 6-10, 2018. Dr. David Wolff is the coordinator of this conference. Since this is a national conference the recommended sponsorship is \$1,500.00.

It was moved by Mr. Berg and seconded by Mr. Namminga to sponsor the Mining History Conference in the amount of \$1,500.00. Aye – All. Motion carried.

Not-For-Profit Grant Request – Masonic Temple – Exhibit I

Mr. Kuchenbecker stated on January 1, 2018 cold temperatures caused a water valve to break causing extensive damage to the second floor and part of the first floors of the building. It was over \$13,000.00 just for drying and soaking up water and getting the moisture out. There are additional repairs needed. They do have insurance with a \$5,000.00 deductible but they have bills stacking up. They have \$26,000.00 left out of the \$50,000.00 available in a five year period. Staff is recommending approval of funds up to \$26,000.00 to help with this process. Ms. Posey made a motion to approve. Mr. Toews stated he would like to amend the motion to include if they get insurance money back they will reimburse HP. Mr. Kuchenbecker stated we would be monitoring the costs.

It was moved by Ms. Posey and seconded by Mr. Toews to approve the Not-for Profit Grant to the Masonic Center Association for water damage cleanup not to exceed \$26,000.00.

610 Main Street – Second Floor Restoration Project - Wayne Morris – Exhibit J

Mr. Kuchenbecker stated the Economic Restructuring Committee has been working on a second floor development. One of the projects ideas is a possible actuation for Deadwood with a possible brothel museum. One thing to keep in mind is the tours Ron Russo does. The second floor is utilized, only used for storage. Chamberlain Architects has submitted a proposal. Brad Burns from Chamberlain Architects, Wayne Morris with the ownership group and Ken Geinger from the Economic Restructuring Committee were present. The project total is about \$39,000.00, which is through the construction phase. The early portion of the project is building analysis and design before getting into construction. There is some funding; we do not know the total amount on the façade grant. Mr. Kuchenbecker's suggestion is possibly look at using some of the façade grant to help offset the cost. Mr. Morris stated the upper floor was a brothel that went out of business in 1980. This is a total preservation project they would like to be a joint venture with the City, HP, the Chamber, Deadwood Alive and Deadwood History. Mr. Morris is requesting help with the engineering and architectural stage. Mr. Namminga asked what work would be included for the \$39,000.00. Mr. Burns stated the \$39,000.00 is their proposal to do the renovations. The rooms have no electrical system, no mechanical system and plumbing. They will also check to be sure the area is up to code. Mr. Kuchenbecker stated he's been doing a little research, the brothel opened up in 1902. Ms. Ochse asked if there was a fund for this type of project. Mr. Kuchenbecker stated no there is not a fund, but the applicant does have a façade grant approved up to \$150,000. He does not believe the entire amount will be used for the façade. The applicant would like to use the funds to cover the architectural and design cost not just for the façade but for the building. Mr. Toews would like to see about minimizing the cost but maximizing the value for the building. Mr. Ruth, Jr. stated when the designs come back then decisions on what elements are or are not needed can be made. Ms. Ochse stated at this point in the project we are looking at only \$14,000.00. Mr. Kuchenbecker stated that was correct. There was discussion on the types of tours would be offered along with setting up a business plan down the road.

It was moved by Mr. Toews and seconded by Ms. Posey to approve up to \$14,000.00 of the façade grant to be used for building analysis and design development. Aye – All. Motion carried.

2018 City of Deadwood Archives Projects – Permission to enter into Agreements – Exhibit K

Mr. Kuchenbecker stated this will be a recommendation to City Commission. The City Archives is requesting permission to enter into contracts with the following:

- Oral History Project – Dr. Robert Campbell, Spearfish, SD
 - 10 transcribed oral histories
 - COST: \$6,750.00
- City of Deadwood's Justice Dockets, (1946 to 1976) – Don Toms, Lead, SD
 - 20 ledgers

- COST: \$8,000.00
- Development of Traveling Exhibit on James Butler Hickok Collection – Siouxland Heritage Center, Sioux Falls, SD
 - seven (7) retractable exhibit banners
 - COST: \$6,500.00

This will be a traveling exhibit similar to the traveling baseball exhibit and will tour around. We would like to start developing one travel exhibit a year so Deadwood will be out and around the state. This project is a budgeted project. Ms. Ochse would like to see copy rights written into all three contracts.

It was moved by Mr. Berg and Seconded by Ms. Posey to recommend the City Commission to sign the three contracts not to exceed \$22,000.00 combined. Aye – All. Motion carried.

Pine Street Archway Project – Exhibit L

Mr. Kuchenbecker stated this for an archway on Pine Street. There has been a preliminary conversation with the Silverado. This cost is for design development. We are also looking at design alternatives due to restraints. The original fees were more but have been negotiated down. This project is budgeted out of Bed and Booze. This is a recommendation to City Commission.

It was moved by Mr. Toews and seconded by Ms. Posey to recommend to City Commission to approve this project. Aye – All. Motion carried.

New Matters before the Deadwood Historic District Commission

New Matters before the Deadwood Historic Preservation Commission

PA H1803 – Mike Gustafson – First Gold – Grading – Exhibit M

Mr. Kuchenbecker stated they have had a site visit and several discussions with no formal application until this meeting for action to be taken on this matter. We now have the formal application request. The applicant is requesting permission to clear a 16 foot wide path behind the building and remove approximately 10,400 cubic yards of material from the hill side. The owner has committed to hydro-seeding 3,900 square yards of the open face wall. The applicant has completed an archaeological investigation of the area surrounding the project which has been submitted to this office. At this time, there appears to be no archaeological features to be impacted by the project. It is staff's opinion, based on the Guidelines for Undertakings in the City of Deadwood National Historic Landmark District, the grading work proposed will continue to encroach upon and damage the historic districts thus the proposed grading work continues to have an adverse effect on the historic character of the State and National Register Historic Districts and the Deadwood National Historic Landmark District. Mr. Kuchenbecker stated Deadwood was built on cuts and fills over the last 140 plus years, but we have not had a visible cut of this size. Other large cuts have been made with projects such as the Deadwood Mountain Grand and Cadillac Jack's, both used other design alternatives such as shotcrete which allowed for smaller impacts. These examples also involve the cuts covered with buildings which hide the scar on the environment. The applicants and engineer are here for questions. Mr. Blair stated we sometimes have no choices in Deadwood in the commercial district in particular, built on cutting and filling, as long as they are appropriate in nature he doesn't have a problem. Mr. Toews stated in his perspective nothing has changed since the last discussion. Mr. Toews and the commission believe First Gold does have a problem with water and debris but he would like to see the problem fixed with as little disturbance to the hill as possible. Mr. Toews believes hydro-seeding the hill is going to be very difficult and he is skeptical it will work. Mr. Towey stated he has spoken with 3 Sons Landscaping and they are confident the hydro-seeding will take and work.

Mr. Toews presented the Criteria for issuance of certificate of appropriateness or project approvals section from the City Ordinance and stated this document tells them what they need to follow when making an assessment. He cited the following sections he felt applied most to this project.

17.68.050 Criteria for issuance of certificates of appropriateness or project approvals.

The historic district and historic preservation commissions shall use the following criteria and established design review guidelines in granting or denying certificates of appropriateness and project approvals:

A. General Factors.

3. General appearance of the resource;
6. Size of the resource;
7. 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; and
8. The location and visibility of the alteration and resource.

B. New Construction.

2. The following aspects of new construction shall be visually compatible with the buildings and environment with which the new construction is visually related,
4. The landscape plan shall be compatible with the resource, and it shall be visually compatible with the environment with which it is visually related. Landscaping shall also not prove detrimental to the fabric of a resource, or adjacent public or private improvements like sidewalks and walls.

C. Exterior Alteration.

1. All exterior alterations to a building, structure, object, site or landscape feature shall be compatible with the resource itself and other resources with which it is related. The original design of a building, structure, object or landscape feature shall be considered in applying these standards.
2. Exterior alterations shall not affect the architectural character or historic quality of a resource and shall not destroy the significance of resource sites.

Mr. Toews stated some individuals have stated landscape is not part of the commission's jurisdiction, he would like to clarify these are the rules.

In addition Mr. Toews looked at the Department of Interior Standards. They have a list of ten items to look at and he believes number ten applies to us.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Mr. Toews stated he agrees with Mr. Blair that this is a tough valley to work in but he believes there are alternatives that can be used that do not take as much of this slope down that are less intrusive and take less time. Mr. Toews is not in favor of this project but is open to other suggestions. Mr. Towey stated this is the only suggestion on the table, there needs to be a path behind the building to protect it and the staff at First Gold has done everything you have asked.

Ms. Morrison of First Gold stated they want a peaceful resolution to this problem. Her question that she is having trouble understanding is why Cadillac Jacks was able to move houses and more hill then First Gold is requesting and it did not encroach on Deadwood's history but when they request to move some dirt that needs to be moved for maintenance on the building and are going to comply with making it look better why is it an issue. Mr. Toews stated that the request has been water damage, slumping off the hill, and that building has been there for 10 or 20 years so these problems have been there for a long of time. The issues being addressed do not talk about an expansion or anything besides addressing just those issues. To Mr. Toews these issues can be resolved with much less damage to the slope. Ms. Morrison stated her office is back there and she is getting hit with rocks all the time. A tree almost knocked out her window the other day. She does not think this is an unreasonable request and she believes the whole history of Deadwood has been compromised.

Ms. Ochse asked if Ms. Morrison's office is in the shed. No Ms. Morrison's office is not in the shed, it is the windows behind the building. Ms. Ochse does not remember that shed being part of the original building plans. The shed was put up two years ago. Ms. Ochse asked if it was permitted. Ms. Morrison said yes it was. Ms. Ochse asked if there was a building permit for the shed as we require one. No one knew for sure if there was a building permit. Ms. Ochse stated if the shed wasn't there you would have a bigger space behind the building. Mr. Towey stated the problem is on the other side and the shed being there doesn't matter, there's no room to get past the bump out on the building. Mr. Toews stated his frustration is he likes to be told what exactly the problem is and the problem keeps changing, first it was water and debris problem, now you're saying it's a safety issue which has never been discussed before. Which one is it? First Gold stated they think the problem is both.

Mr. Towey stated the majority of their work will be hidden behind the building like Cadillac Jacks. Ms. Morrison stated she threw flower seed on the hill side 10 years ago and it didn't help much, mostly just slid down the hill. Mr. Toews stated his problem is when he first looked at this it was the water issue and rocks coming down, the building has been sitting there for 30 years. When Mr. Toews was there for the site visit he looked at the problems and looked at the solution presented, he thought this solution is bigger than the problem. You could do a lot less damage hand mucking what you have. If you are saying the problem is bigger than that, maybe there are other solutions. Ms. Morrison stated she did not want the hill side coming in on her. Mr. Toews stated it has been there for close to 30 years. Ms. Morrison stated that her office has only been there for eight years when the addition was built. Mr. Toews asked if hydro-seeding would help. Ms. Morrison stated they had the hill hydro-seeded at one time but lost it in the rain. Mr. Towey stated the problem is the fractured material up there. If they can clear that material out the problem would go away. Ms. Posey asked if First Gold thought that if they flatten all that out it's

going to stop sloughing. Mr. Towey stated it would reduce it like it has on what they can maintain now. Mr. Johnson stated he feels like this conversation will just keep going around and around. Mr. Toews is still not comfortable with this project; suddenly there is a safety issue involved the commission was not aware of.

Ms. Ochse stated the bottom line is the commission is charged with making sure Deadwood can maintain its Historic Landmark status. This is important not just for First Gold, but for all the casinos and residents in Deadwood. Because of this there are national and state guidelines set we have to follow. **Ms. Ochse stated based upon all the evidence presented, she moves to make a finding that this project DOES encroach upon, damage, or destroy any historic property included in the national register of historic places or the state register of historic places. Mr. Toews seconded the motion.** Mr. Blair made a second motion to have Mr. Toews sit down with First Gold and find a solution both parties are comfortable with then bring it back to the commission. Mr. Berg stated he feels the pain First Gold is going through but that hill is the first thing our guests see when they come into Deadwood and it has been poorly abused with the previous cut. Mr. Berg would like to see a little beauty brought back to the hill. First Gold stated they wanted to see the hill beautified as well. Mr. Ruth, Jr. stated the motion Ms. Ochse made does not approve or deny the project, it is finding whether it does or does not have an adverse effect. Therefore the commission has to address the first motion and then make the second motion.

It was moved by Ms. Ochse and seconded by Mr. Toews that based upon all the evidence presented, this project DOES encroach upon, damage, or destroy any historic property included in the national register of historic places or the state register of historic places. Aye – All. Motion carried.

Mr. Blair would like the chairman to appoint Mr. Toews to sit down with the facility and staff and then come back to the commission with a recommendation or denial when the commission meets in two weeks. Ms. Posey seconded the motion. Mr. Toews would like to have someone other than himself, someone who is not bias, a third party person to come in and look at the project and present their solution. Ms. Morrison asked if Mr. Toews was thinking legal representation. Mr. Toews stated no that would be the last resort. Mr. Toews is thinking of a different engineering company who isn't paid by the owner and not sitting on the commission. Ms. Morrison believes the only solution is legal because everyone has an opinion. Mr. Toews stated there is another solution if you don't like that, there is arbitration. Mr. Anderson stated you can't put people behind that wall to muck it out by hand. Mr. Toews stated there are people who would get back there and muck it out by hand. Ms. Morrison stated Cadillac Jacks didn't have to muck and they went back she's guessing 30 feet. She isn't seeing the compromise here. Mr. Johnson stated there is still a motion on the floor. Mr. Blair stated he would like to see Mr. Toews and an independent engineering firm go look at the project then Mr. Toews would come back with a report. Mr. Blair feels right now it is not about beauty, it is about functionality and safety. Mr. Blair will not vote for this unless someone with credentials says it is the only way. Ms. Ochse agrees with Mr. Toews, she also doesn't believe cutting 16 feet back into the hill is the only way; all this will do is create more problems. Ms. Ochse believes someone can go behind, take out all the debris and re-seed the hill. Ms. Ochse stated back in about 2001 there was a promise from First Gold to re-seed the hill to make it look just like it did before they started shaving it off, this was never done. First Gold stated it was done, but it didn't take. Ms. Ochse stated if you have a problem once you don't just walk away and say you're done, you continue to try and do what you promised would be done. Unfortunately we did not have performance bonds then. Mr. Anderson stated he does not understand the performance bonds and he wants to know why they are being singled out. Mr. Kuchenbecker stated the performance bond was passed about six months ago by the City Commission. Mr. Kuchenbecker and Mr. Riggins both believe there would be some type of development agreement for this project. Ms. Ochse asked if the performance bond would apply to this project. Mr. Riggins stated there would be a development agreement. Mr. Johnson asked to table this discussion as him and Mr. Blair need to leave. Mr. Kuchenbecker's suggestion is if there isn't going to be a decision made, continue the discussion until a future date. Mr. Johnson asked for Mr. Blair to repeat his motion. Mr. Blair stated his previous motion but that it might not be the best solution. Mr. Toews stated he would rather Mr. Blair amend his motion to have an engineering firm come in. Mr. Blair amended his motion to table the discussion.

It was moved by Mr. Blair and seconded by Ms. Ochse to continue the discussion of the First Gold grading project to the next HP Commission meeting. Aye – All. Motion carried.

Mr. Johnson turned the meeting over to Ms. Ochse. Mr. Johnson and Mr. Blair left the meeting.

Items from Citizens not on Agenda

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

Mr. Kuchenbecker stated Susan would like to invite everyone to the 20th Anniversary of Black Hills Vacations on Friday at 10:00 a.m. True West magazine has been a friend to Deadwood for quite some time. They just came out with the Ultimate Travel guide with Deadwood on the front cover. There is a copy for each commissioner. There is a report from Mike in your packet. There will be an archeology camp in Gordon Park this summer before the new playground equipment and dog park go in. There was a comp plan meeting and we are doing some visioning,

there will be public meetings in March. Mr. Kuchenbecker presented a copy of the Deadwood Scottish Rite Scenery Collection, Deadwood is rated number five.

Committee Reports:

Mr. Toews asked when the pavilion project would be before the commission for approval. Mr. Kuchenbecker stated it would probably be presented at the next meeting.

The Historic Preservation Commission Meeting adjourned at 6:21 p.m.

ATTEST:

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