

DEADWOOD HISTORIC PRESERVATION COMMISSION

Wednesday, November 9, 2016 ~ 5:00 p.m.

City Hall, 108 Sherman Street, Deadwood, South Dakota

1. Call meeting to Order
2. Approval of HPC Meeting Minutes
 - a. Regular HPC Meeting – October 26, 2016
 - b. On-site Meeting – November 3, 2016
3. Voucher Approval
4. Old or General Business
 - a. PA H16054 – Mike Gustafson – 270 Main Street – Cut Hill -- Exhibit A
 - b. PA H16053 – Mike Gustafson – 270 Main Street – Grading -- Exhibit B
 - c. Rodeo Grounds Maintenance and Grandstands – Historic Preservation Office
 - d. Location of Recycling Dumpsters – Tom Blair
5. New Matters before the Deadwood Historic District Commission
 - a. COA H16058 – Deadwood Gulch Saloon – Rich Harr – Reside/Roof/Awnings/Windows/Doors/Rock Work – Exhibit C
6. New Matters before the Deadwood Historic Preservation Commission
 - a. PA H16055 – William Walsh – 36 Lincoln Avenue – Repair Garage Door – Exhibit D
 - b. PA H16056 – James Haupt – 37 Washington Street – Install Metal Carport – Exhibit E
 - c. PA H16057 – Destiny & Brady Maynard – 4 Harrison Street – Windows – Exhibit F
 - d. PA H16059 – Roger & Ann Ochse – 35 Madison Street – Windows & Doors – Exhibit G
7. Revolving Loan Fund & HP Programs Update
 - a. HP Program Applications – Exhibit H
 - i. Destiny & Brady Maynard – 4 Harrison – Wood Windows and Doors Program
 - ii. Steve Olson – 53 Lincoln – Retaining Wall Program
 - iii. Joe & Marcia Mack – 143 Charles – Wood Windows and Doors Program
 - iv. Roger & Ann Ochse – 35 Madison Street – Wood Windows and Doors Program
 - v. Marlin Maynard – 875 Main Street – Elderly Resident Program
 - b. Revolving Loan Program – Exhibit I
 - i. Bonnie Fosso – 170 Pleasant – Life Safety Loan Extension Request
 - ii. David Swaney – 37 Lee Street – Retaining Wall Loan Extension Request
 - iii. Larry Shama – 147 Charles Street – Windows Loan Request
 - iv. Melody & James Lawson – 23 Emery – Request to Forgive Early
 - c. Retaining Wall Program Disbursements
8. Items from Citizens not on agenda (*Items considered but no action will be taken at this time.*)
9. Staff Report (*Items considered but no action will be taken at this time.*)
10. Committee Reports (*Items will be considered but no action will be taken at this time.*)
11. Other Business
12. Adjournment

Executive Session for Legal Matters per South Dakota Codified Law 1-25-1 (3)

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, November 9, 2016

Present Historic Preservation Commission: Thomas Blair, Dale Berg, Lynn Namminga, Lyman Toews, Michael Johnson and were present.

Absent: Chair Laura Floyd, Chuck Williams, and Ms. Terri Williams, City Attorney, were absent.

Present City Commission: Dave Ruth and Gary Todd were present.

Present Staff: Kevin Kuchenbecker, Historic Preservation Officer, Mike Walker, of NeighborWorks-Dakota Home Services, Quentin Riggins, City Attorney, and Jerity Krambeck, Recording Secretary, were all present.

All motions passed unanimously unless otherwise stated.

A quorum present, Vice Chair Blair called the Deadwood Historic Preservation Commission meeting to order Wednesday, November 9, 2016 at 5:00 p.m. in the Commission Room located in the City Hall at 108 Sherman Street in Deadwood, SD.

Approval of October 26, 2016 HPC Minutes:

It was moved by Mr. Toews and seconded by Mr. Johnson to approve the HPC minutes of Wednesday, October 26, 2016 as presented. Aye – All. Motion carried.

Approval of On-Site Meeting November 3, 2016 HPC Minutes:

It was moved by Mr. Toews and seconded by Mr. Johnson to approve the HPC minutes of Thursday, November 3, 2016 as presented. Aye – All. Motion carried.

Voucher Approval:

It was moved by Mr. Johnson and seconded by Mr. Namminga to approve the HP Operating Account in the amount of \$232,941.65. Aye – All. Motion carried.

Old or General Business:

PA H16054 – Mike Gustafson – 270 Main Street – Cut Hill – Exhibit A

Mr. Kuchenbecker discussed the November 3, 2016 site-visit and the staff report, which outlined the general factors the Historic Preservation Commission should consider. Mr. Kuchenbecker stated it's within the National Historic Landmark, National Historic District, and the State Register District. Mr. Kuchenbecker stated in staff's opinion, it does encroach upon, damage, or destroy historic property, that being the District, and that it does adversely effect to the District. Mr. Blair asked if the Exhibits A and B are still being considered. Mr. Kuchenbecker stated no and that no Project Approval has been submitted for the amended proposal. Mr. Blair asked Mr. Kuchenbecker if his recommendation is to deny Exhibits A & B and accept a new Project Approval. Mr. Kuchenbecker stated it is his opinion, based on the evidence and application that has been provided and using the guidelines that have been set forth for consideration, he believes it has an adverse effect and encroaches upon, damages, and destroys historic resource, being the landscape of the District, as presented. Mr. Blair asked if the Commission is only considering the documentation, which was received two weeks ago. Mr. Kuchenbecker concurred and stated the documentation received on the on-site visit was supplemental information and recommended it not be considered for the project approvals as it is not complete information and an application has not been submitted for the construction of a new building. It is supplemental material and the reason for the cut, but that has not been submitted as a Project Approval. Mr. Namminga stated based on the guidance in the U.S. Department of Interior standards for historic preservation, restoration, and rehabilitation projects adopted by rules promulgated pursuant to SDCL 1-19A & 1-19B, et seq, I find that the project is adverse to Deadwood and move to deny the project as presented. Mr. Kuchenbecker informed the Commission the first motion must be considered prior to the second motion.

It was moved by Mr. Namminga and seconded by Mr. Johnson, based upon all the evidence presented, 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. Aye- All. Motion carried.

Mr. Toews stated he has some concern of not being presented with architectural plans and there was not enough information presented for this to be either good or bad. Mr. Toews stated he would like to know how it is going to

be laid out and what the ultimate plans are. Mr. Toews stated there needs to be a lot more engineering done and a generator should not be placed next to a building. Mr. Toews stated with the evidence presented, this project is not ready for primetime and he is concerned the project will be started and left unfinished with a cut hilltop. Mr. Toews stated the fill station was lost and what historic preservation actions they would be willing to do to offset that loss. Mr. Toews stated there is not a complete picture of the project and the project should be denied from his point of view.

Mr. Namminga stated we have to stop destroying the historical character of the core area and there has already been a great loss with hillsides being cut down and it will start looking like the open cut in Lead. Mr. Namminga stated the landscape should not be sacrificed for a business and it needs to be preserved.

Mr. Mike Towey, KTM, addressed the Commission and stated the grading plan is just a precursor and that he understands the Commission's concern of not knowing what the building will look like. Mr. Towey stated this is a \$30,000,000.00 project that meets visitors in Deadwood and the cuts that can be seen when coming into Deadwood will be going away. Mr. Towey stated the façade that is seen today will be completely hidden by hotel rooms and you will not see the parking structure, except possibly the upper level. Mr. Towey stated the moving of the dirt to get down to the level they need to is all just starter and stopping now puts about 8 months of work behind schedule. Mr. Towey stated the goal is for this to move forward, then the design team will move forward and the full-blown plans will be available to the Commission.

Mr. Toews asked if the bank requested drawings for financing. Mr. Towey stated they have sat down with the bank and have ball-parked a number and gave them some of the original preliminary numbers. Mr. Towey said it is a design build. Mr. Toews stated it is unfortunate and he has a hard time giving approval for something without more detail and a lot more thought needs to be put into getting a decent project going. Mr. Toews stated what guarantees are there that the project will be finished and that the Commission has seen it before in Deadwood and they do not want to see it again. Mr. Burg concurred. Mr. Toews stated they want to make sure that if someone starts a project, it is finished and this is a big project with no plans and most projects that come before Historic Preservation require modification to diminish the effects on the landscape. Mr. Toews stated he appreciated they wanted to get working on the project, but for the citizens of Deadwood, the Commission cannot let the hill be cut in hopes it is done right for a potential future project.

Mr. Namminga asked Mr. Kuchenbecker what the status was on the National Historic Register. Mr. Kuchenbecker stated Deadwood was on the watch list. Mr. Namminga asked how this would affect Deadwood's status on the watch list. Mr. Kuchenbecker stated as submitted, it would not help Deadwood's status on the watch list and it is seen as an adverse effect. Mr. Namminga stated it is not worth potentially losing the valuable status on the National Historic Register.

Mr. Berg asked how many years, from start to finish, is this project expected to take to complete. Mr. Towey stated approximately three years and that a lot of the work can be done concurrently and simultaneously. Mr. Towey stated that dropping the hill down allows for a safer work environment during construction.

Sharon Martinesko stated she was at the meeting and is concerned that they are wanting to take the hill down. Mrs. Martinesko stated they are then going to slope it and she's heard different numbers; 1:1, 1:2, 1:3; and she stated she is unsure if they even know what the slope is going to be. Mrs. Martinesko urged the Commission to encourage First Gold to get their project organized prior to approval. Mrs. Martinesko stated if they cut this hill down and slope it and then they do not get their buildings approved, the site will be a cut hill. Mrs. Martinesko stated the draw of Deadwood is the Black Hills, and removing a mountaintop in Deadwood is something she does not like. Mrs. Martinesko stated when Deadwood set out to build the new visitor's center, it went through a lot of review and community/citizen input. Mrs. Martinesko stated if the citizens of Deadwood knew about this proposal the room would be filled. Mrs. Martinesko urged the Commission to get the full picture for this project and stated it is important because the top of the mountain cannot be put back on. Mrs. Martinesko urged the Commission to deny the Project Approval.

Mr. Namminga stated it would be a mistake to allow grading and other businesses will follow.

Mr. Towey asked if the project approvals will be considered separately. Mr. Kuchenbecker stated both will be considered separately, as submitted.

It was moved by Mr. Johnson and seconded by Mr. Namminga to deny the project presented, based upon the guidance in the U.S. Department of the Interior Standards for Historic Preservation, Restoration, and Rehabilitation projects adopted by rules promulgated pursuant to SDCL 1-19A & 1-19B, et seq, that this project is adverse to Deadwood. Aye- All. Motion carried.

PA H16053 – Mike Gustafson – 270 Main Street – Grading – Exhibit B

Mr. Kuchenbecker stated in staff's opinion, based on what was submitted, it does encroach upon, damage, or destroy historic property being the District, and that it does adversely effect to the District.

It was moved by Mr. Toews and seconded by Mr. Berg, based upon all the evidence presented, 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. Aye- All. Motion carried.

Mr. Toews stated they should look for alternative locations for the generator and without putting the generator in that location there is no purpose for the cut. Mr. Toews stated the cuts that are currently on the hill were mitigated with trees to be placed on the grade to reduce the appearance of the cut and there are not any at this point. Mr. Toews suggested an arborist to reduce the amount of cut with the addition of trees.

Mr. Towey stated there was a tree count done and there are 50 new trees on the one hillside and there are 27 in another location. Mr. Towey stated the generator pad is safely set back away from the building to get repair vehicles back with room to work. Mr. Towey stated the plans in front of the Commissioners are not the most current plans. Mr. Towey stated they want the generator out of plain site and not in the parking lot. Mr. Toews stated it could be further up the hill and run cables and suggested a cost comparison of cutting the hill and running cables.

It was moved by Mr. Johnson and seconded by Mr. Namminga to deny the project presented, based upon the guidance in the U.S. Department of the Interior Standards for Historic Preservation, Restoration, and Rehabilitation projects adopted by rules promulgated pursuant to SDCL 1-19A & 1-19B, et seq, that this project is adverse to Deadwood. Aye- All. Motion carried.

Rodeo Grounds Maintenance and Grandstands – Historic Preservation Office

Mr. Kuchenbecker informed the Commission the Crow's Nest at the Rodeo Grounds is in bad shape and the City Commission approved the repair of the logs and the 2016 budget has been supplemented.

Location of Recycling Dumpsters – Tom Blair

Mr. Blair stated the recycling dumpsters at Sherman Street should be moved to a location where they are not seen, such as the Rodeo Grounds. Mr. Kuchenbecker stated this issue would need to be brought to the City Commission for consideration. Commissioner Ruth stated this has been reviewed previously and they were once located at the Rodeo Grounds and they would freeze to the ground. Commissioner Ruth stated for safety reasons and dumping reasons, they are located at the Sherman Street parking lot.

It was moved by Mr. Toews and seconded by Mr. Berg to recommend to the City Commission the relocation of the City recycling dumpsters. Aye- All. Motion carried.

New Matters before the Deadwood Historic District Commission

COA H16058 – Deadwood Gulch Saloon – Rich Harr – Reside/Roof/Awnings/Windows/Doors/Rock Work – Exhibit C

The applicant requested this item be removed from the agenda.

New Matters before the Deadwood Historic Preservation Commission

PA H16055 – William Walsh – 36 Lincoln Avenue – Repair Garage Door – Exhibit D

Mr. Kuchenbecker stated the applicant is requesting permission to replace the bottom panel on the garage overhead doors and will replace with wood panels to match existing. Mr. Kuchenbecker stated 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 Mr. Toews and seconded by Mr. Johnson 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 grant project approval at 36 Lincoln Avenue. Aye- All. Motion carried.

PA H16056 – James Haupt – 37 Washington Street – Install Metal Carport – Exhibit E

Mr. Haupt explained that he would like to install a free-standing metal carport. Mr. Kuchenbecker stated this is a contributing resource circa 1939 and this is a 12'x21' metal carport. Mr. Kuchenbecker stated based on the application as submitted, while a reversible alteration to the resource, it is staff's opinion the proposed work and changes do encroach upon a historic resource and therefore damages the historic resource as well as have an adverse effect on the character of the building and historic character of the State and National Register Historic Districts or the Deadwood National Historic Landmark District. This opinion is based on the construction materials and probably location of the proposed carport. Mr. Haupt stated there was one located two houses down from him

until the winter storm Atlas (2013). Mr. Berg asked why he is requesting this material. Mr. Haupt stated it is for convenience and he has gone through numerous roofs through the years. Mr. Kuchenbecker stated as presented, it does encroach, but there are some design alternatives. Mr. Haupt stated this carport only takes a few days to put up; whereas an alternative would be more financially and difficult to find contractors. Mr. Toews stated maybe there needs to be a discussion regarding helping homeowners.

It was moved by Mr. Toews and seconded by Mr. Johnson 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, and therefore deny approval at 37 Washington Avenue. Aye- All. Motion carried.

PA H16057 – Destiny & Brady Maynard – 4 Harrison Street – Windows – Exhibit F

Mr. Kuchenbecker stated this is a non-contributing structure constructed in 1951 and it was less than 50 years old at the time of the survey. Mr. Kuchenbecker stated the applicant is requesting permission to replace/install new windows.

It was moved by Mr. Johnson and seconded by Mr. Berg 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 grant project approval at 4 Harrison Street. Aye- All. Motion carried.

PA H16059 – Roger & Ann Ochse – 35 Madison Street – Windows & Doors – Exhibit G

Mr. Kuchenbecker stated this is a contributing structure constructed in 1900 and the applicant is requesting permission to replace aluminum storm windows, repair windows, and replace inappropriate storm doors and windows. 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 Mr. Johnson and seconded by Mr. Berg 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 grant project approval at 35 Madison Street. Aye- All. Motion carried.

Revolving Loan Fund and Historic Preservation Programs:

HP Program Applications – Exhibit H

Destiny & Brady Maynard – 4 Harrison – Wood Windows and Doors Program

Steve Olson – 53 Lincoln – Retaining Wall Program

Joe & Marcia Mack – 143 Charles – Wood Windows and Doors Program

Roger & Ann Ochse – 35 Madison Street – Wood Windows and Doors Program

Marlin Maynard – 875 Main Street – Elderly Resident Program

It was moved by Mr. Toews and seconded by Mr. Berg to remove Marlin Maynard – 875 Main Street – Elderly Resident Program from the consent agenda. Aye - All. Motion carried.

It was moved by Mr. Toews and seconded by Mr. Berg to accept the consent agenda as presented and approve the first four Program Applications as submitted. Aye - All. Motion carried.

Mr. Kuchenbecker stated the applicant received an Elderly Resident Program Grant in May 2016 for rebuilding the deck. This project has been completed. The applicant is now requesting another Elderly Resident Program Grant for electrical upgrades. Staff has determined the applicant meets the Elderly Resident Program requirements and the proposed project would also meet the program criteria; however, there is not a policy currently in place for repeat grants under the Elderly Resident Program. Mr. Maynard stated specifically identified in the criteria electrical upgrades was listed as the first item and he did not see anywhere in the criteria a minimum or maximum participation in the program. Mr. Kuchenbecker stated the program is set at \$10,000.00 maximum, which was expended on the rebuilding of the deck, but is that for applicant or project. Mr. Kuchenbecker stated it needs to be reviewed by the Programming Committee. Mr. Toews stated the guidelines and limits on the program were designed as an up to \$10,000.00 as a one-time grant and the program is expected to be revisited in the future because the goal is to reach as many residents as possible. Mr. Maynard asked if that was stipulated somewhere in the criteria. Mr. Toews stated it is not. Mr. Maynard stated it is established in the documents available for someone participating that this project would fall into this criteria. Mr. Toews stated there are things that are not in writing, but are in practice with these programs and that is the issue as the programs are being changed to make them clearer. Mr. Toews stated it was his understanding this program was designed as one-time use. Mr. Maynard asked with all of the elements of the Historic Preservation programs available there is criteria set that there can only be singular participation in each program and if there were any cases of residents or locations that have had more than one. Mr. Toews stated he is not aware of any. Mr. Maynard stated he thought he has been in a meeting

where the applicant had three different issues addressed. Mr. Berg stated that is correct, but it was up to \$10,000.00 worth of work. Mr. Toews stated he is glad these issues are coming forward because it is the goal of the Programming Committee to make sure we make these programs abundantly clear what we are intending to do and that is a difficult task and we are learning as we go. Mr. Walker stated historically, under other programs, it was an annual use, but when the limits increased, the programs were reduced to a one-time program and the annual use was removed from the criteria. Mr. Berg stated this needs to be researched more so we can give a clear decision. Mr. Maynard stated there is an issue that certainly needs clarification moving forward and he does not agree that the decision should be retroactive to a program that qualifies under the existing criteria and that program should be addressed on its merits with the way the program is specified in the documents, then when you look at going forward with the criteria that limits or expands any element of the program, it should go forward from there, but the documents submitted are completely in line with what is established in the program criteria. Mr. Blair stated it is getting sent to the Program Committee for clarification and this is an issue that has not been faced before and it needs to be reviewed prior to a precedence being set. Mr. Maynard stated there are at least 11 instances of electrical wiring in the home that are in violation in his home and that is the reason he applied for the grant.

It was moved by Mr. Blair and seconded by Mr. Toews to table the application and have the program reviewed by the Programming Committee. Aye - All. Motion carried.

Retaining Wall Program Disbursements

No disbursements were considered.

Revolving Loan Program/Disbursements

It was moved by Mr. Johnson and seconded by Mr. Toews to approve HP Revolving Loan Fund disbursement in amount of \$26,268.36, based on information as presented by Mr. Walker, of NeighborWorks-Dakota Home Services. Mr. Berg and Mr. Blair abstained. Aye - All. Motion carried.

It was moved by Mr. Toews and seconded by Mr. Johnson to approve HP Grant Fund disbursement in the amount of \$30,464.46, based on information as presented by Mr. Walker, of NeighborWorks-Dakota Home Services. Mr. Namminga abstained. Aye - All. Motion carried.

The delinquency report was presented by Mr. Walker.

Revolving Loan Program – Exhibit I

Bonnie Fosso – 170 Pleasant – Life Safety Loan Extension Request

David Swaney – 37 Lee Street – Retaining Wall Loan Extension Request

Larry Shama – 147 Charles Street – Windows Loan Request

Melody & James Lawson – 23 Emery – Request to Forgive Early

It was moved by Mr. Toews and seconded by Mr. Berg to approve the first three requests as presented and approve the Revolving Loan Extensions, as submitted and remove Melody & James Lawson – 23 Emery – Request to Forgive Early from the consent agenda. Aye - All. Motion carried.

Mr. Walker stated Melody and James Lawson have a \$10,000.00 siding loan that does not mature until June 2021 and they are requesting the loan be forgiven early and are requesting it be forgiven without a property inspection to avoid postponing sale of the home. Mr. Walker stated they have moved out of the home and are renting the home due to a divorce and have sold the home. The Loan Committee has reviewed and is recommending this request be denied because it does not meet any of the guidelines or any of the prior conditions that have been set forth for forgiving something early. Mr. Walker stated furthermore the buyer has already closed on the home and NeighborWorks has received \$10,000.00 payment from the title company. Mr. Walker stated they have attempted to contact the borrower to see if they wanted to continue with the request and there has been no contact made. Mr. Walker stated since they have closed on the sale of the home and the \$10,000.00 check has been received and processed, the Loan Committee is recommending that this request be denied.

It was moved by Mr. Toews and seconded by Mr. Berg to deny Melody & James Lawson – 23 Emery – Request to Forgive Early, as submitted. Aye - All. Motion carried.

Revolving Loan Fund/Retaining Wall Program Update:

Retaining Wall Applications

No applications were addressed at this meeting.

Items from Citizens not on Agenda

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

Mr. Kuchenbecker reported on the following items:

12/13/16

4:20 PM

- Façade Programs are coming along and Commissioners are encouraged to explore the progress;
- Three retaining walls are under construction and nearing the end;
- Friday we are doing a walk through at the cemetery and will be completing a punch list for the final phase and bringing to the City Commission an ordinance change that puts St. Ambrose and Mt. Moriah are under the same ordinance to help offset the cost at St. Ambrose for ongoing maintenance;
- 360 Williams windows are in, siding is being painted, and windows are being painted;
- There is a full-page ad in the True West magazine;
- Mr. Kuchenbecker reviewed the archives updates.

Committee Reports:

Adjournment:

There being no other business, the Historic Preservation Commission Meeting adjourned at 6:33 p.m.

ATTEST:

Chairman, Historic Preservation Commission
Jerity Krambeck, Historic Preservation Office/Recording Secretary