

## DEADWOOD HISTORIC PRESERVATION COMMISSION

**Wednesday, January 9, 2019 ~ 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. December 12, 2018 Regular Meeting
  - b. December 26, 2018 Regular Meeting
3. Voucher Approval
4. HP Programs and Revolving Loan Program
  - a. Grant Voucher Approval
  - b. HP Grant Application Approval – **Exhibit A**
    - i. Sylvia Trentz – 57 Lincoln Avenue – Wood Windows & Doors
  - c. Revolving Loan Program Voucher Approval
  - d. Revolving Loan – Loan Requests – **Exhibit B**
    - i. Nugget Saloon LLC – 608/610 Main Street – Commercial Loan Request
5. Old or General Business
  - a. Main Street Initiative Update
  - b. Set working meeting with City and P&Z Commissions to discuss and prioritize bonded projects
  - c. Proposed Purchase of a Document Management System – **Exhibit C**
6. New Matters before the Deadwood Historic District Commission
7. New Matters before the Deadwood Historic Preservation Commission
  - a. PA 180517 – 794 Main Street - Robert & Sharon Burns – Exterior Repairs/Alterations – **Exhibit D**
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

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>rd</sup> Wednesday of every month in order to be considered at the next Historic Preservation Commission Meeting.*

## **DEADWOOD HISTORIC PRESERVATION COMMISSION**

**Wednesday, December 12, 2018 ~ 4:00 p.m.**

City Hall, 108 Sherman Street, Deadwood, South Dakota

Executive Session for Contractual Matters per SDCL 1-25-2 (3) with no action

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## **DEADWOOD HISTORIC PRESERVATION COMMISSION -- REVISED**

**Wednesday, December 12, 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. November 28, 2018 Regular Meeting
3. Voucher Approval
4. HP Programs and Revolving Loan Program
  - a. Grant Voucher Approval
  - b. HP Grant Extension Requests – **Exhibit A**
    - i. James Pontius – 118 Charles – Wood Windows & Doors/Siding
    - ii. Dustin & Laura Floyd – 21 Lincoln – Wood Windows & Doors
    - iii. Tom McNary – 14 Van Buren – Wood Windows & Doors
    - iv. Mike Besso – 405 Williams – Elderly Resident
    - v. Brett Bauman – 35 Jackson – Wood Windows & Doors
  - c. Revolving Loan Program Voucher Approval
  - d. Revolving Loan – Loan Requests – **Exhibit B**
    - i. Nugget Saloon LLC – 608/610 Main St. – Loan Request
    - ii. Deadwood History Inc. – 608/610 Main St. – Loan Request
5. Old or General Business
  - a. Adoption of the Deadwood Comprehensive Plan
  - b. Main Street Initiative Update
  - c. PA 180507 – Marsha Morse – 20 Washington – Exterior Repairs – Continued from Last Meeting-**Exhibit C**
  - d. PA 180506 – Judi Luna – 110 McGovern Hill – Replace Roof – Continue at request of owner – **Exhibit D**
6. New Matters before the Deadwood Historic District Commission
  - a. COA 180510 – City of Deadwood – Main Street – Outlaw Square Construction – **Exhibit E**
7. New Matters before the Deadwood Historic Preservation Commission
  - a. PA 180508 – Iver & Monica Gibbs – 850 Main – Construct Garage – **Exhibit F**
  - b. PA 180509 – TenTexKota Inc. – Deadwood Mountain Grand – Construct Chalets – **Exhibit G**
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

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, December 12, 2018 – 4:00 p.m.**

Executive Session for Contractual Matters per SDCL 1-25-2 (3) with no action

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

**Absent:** Tom Blair

**Present City Commission:** Dave Ruth Jr.

**Present Staff:** Kevin Kuchenbecker, Historic Preservation Officer, Mike Walker, Neighborworks and Quentin Riggins

The Historic Preservation Commission held an executive session for contractual matters. No action was taken.



**City of Deadwood**  
**HISTORIC PRESERVATION COMMISSION**  
**Wednesday, December 12, 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., Sharon Martinisko, Gary Todd and Charlie Struble

**Present Staff:** Kevin Kuchenbecker, Historic Preservation Officer and Bonny Anfinson, Program Coordinator and Quentin Riggins 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, December 12, 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:**

November 28, 2018 Regular Meeting

Mr. Toews stated on page 2 the Main Street Now Conference. It has my name in there to attend. I believe it should be Mr. Blair. ***It was moved by Mr. Blair and seconded by Ms. Posey to approve the corrected HPC minutes of Wednesday, November 28, 2018. Aye – All. Motion carried.***

**Voucher Approval:**

***It was moved by Mr. Toews and seconded by Mr. Blair to approve the HP Operating Account in the amount of \$73,752.48. Aye – All. Motion carried.***

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

**HP Program Grant Funds**

***It was moved by Mr. Toews and seconded by Ms. Posey to approve HP Grant Fund disbursements in the amount of \$22,190.39, based on information as presented. Aye - All. Motion carried.***

**HP Grant Extension Request – Exhibit A**

- i. James Pontius – 118 Charles – Wood Windows & Doors/Siding
- ii. Dustin & Laura Floyd – 21 Lincoln – Wood Windows & Doors
- iii. Tom McNary – 14 Van Buren – Wood Windows & Doors
- iv. Mike Besso – 405 Williams – Elderly Resident
- v. Brett Bauman – 35 Jackson – Wood Windows & Doors

***It was moved by Ms. Posey and seconded by Mr. Berg to grant extensions for James Pontius, 118 Charles; Dustin and Laura Floyd, 21 Lincoln; Tom McNary, 14 Van Buren; Mike Besso, 405 Williams and Brett Bauman, 35 Jackson. Aye – All. Motion Carried.***

**Revolving Loan Program – Exhibit B**

- i. Nugget Saloon LLC – 608/610 Main St. – Loan Request  
Mr. Walker stated the Nugget Saloon LLC is requesting a \$400,000 loan at zero percent interest for five years with a balloon. In their request they are asking for an exception to the current guidelines. Mr. Toews stated he would like to stay within the guidelines of the loan program. Ms. Posey stated the Commission is having issues of how the request is being written right now. ***It was moved by Mr. Toews and seconded by Mr. Blair to deny the loan request as presented for Nugget Saloon LLC. Aye - All. Motion carried.***
- ii. Deadwood History Inc. – 608/610 Main St. – Loan Request  
Mr. Walker addressed the loan request for Deadwood History Inc. for a \$50,000 loan zero percent interest for five years. It is recommended to remove item number two: 2) the loan being contingent upon approval of the Nugget Saloon receiving financing to prepare the building for the museum and any other language referring to the Nugget Saloon or any other business. Ms. Ochse would like to remove the comment regarding "and should be considered as a partner in preserving Deadwoods History". ***It was moved by Ms. Posey and seconded by Mr. Berg to approve the loan request for Deadwood History Inc. for a \$50,000 loan at zero percent interest for five years and removing "and should be considered as a partner in preserving Deadwoods History" from the end of the first paragraph. Aye - All. Motion carried.***



### Old or General Business:

#### Adoption of Deadwood Comprehensive Plan

Lyzann Zeller with the Black Hills Council of Local Governments gave an overview of the proposed Deadwood Comprehensive Plan. This was also reviewed by Planning and Zoning last week. Deadwood is already doing wonderful things. Mr. Kuchenbecker stated you will be able to view the Comprehensive Plan on the City Website. ***It was moved by Mr. Blair and seconded by Mr. Berg to recommend to the City Commission adoption of the Deadwood Comprehensive Plan. Aye - All. Motion carried.***

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

The Design Committee is working on 2019 projects including bunting over Main Street, urban trails and pedestrian way finding, utility box wraps, ghost signs, working with Public Works to inventory benches and trash cans. The Promotion Committee is working on the K-9 Keg Pull. The Economic Restructuring Committee meets Thursday.

#### PA 180507 – Marsha Morse – 20 Washington – Exterior Repairs – Continued from Last Meeting -- Exhibit C

Mr. Kuchenbecker stated this location was determined demolition by neglect. On November 28, 2018 there was a project approval request. The plan that was submitted did not fully address the requirement of a scope of work and the Commission requested additional information. The owner submitted a list of items to be completed and a time line. Mr. Toews stated we need to assign someone to monitor the process and report to us on a monthly basis. ***It was moved by Mr. Toews and seconded by Mr. Blair based upon all of 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 with the work to be completed in 90 days per Deadwood City Ordinance 17.68.100. Aye – All. Motion carried.***

#### PA 180506 – Judi Luna – 110 McGovern Hill – Replace Roof – Continued from Last Meeting - Exhibit D

Mr. Kuchenbecker stated the applicant has requested continuing the project approval. ***It was moved by Ms. Ochse and seconded by Mr. Toews to continue the project approval for 110 McGovern Hill. Aye - All. Motion Carried.***

### New Matters before the Deadwood Historic District Commission

#### COA 180510 – City of Deadwood – Main Street – Outlaw Square Construction – Exhibit E

Mr. Kuchenbecker stated this is an application from the City of Deadwood to construct a public gathering space, Outlaw Square, at the corner of Deadwood Street and historic Main Street. This will not only be for the construction of the square but for the demolition of the Franklin Motor Lodge. Demolition is scheduled for the week of January 7, 2019.

Along Deadwood Street there will be a colored concrete plaza with a curb on the north side along Hickok's. In this area there will also be bike racks, trees, a future sculpture location as well as a seating area. Deadwood Street will be brick pavers over concrete. The south side of the street will have no curb and a colored concrete sidewalk. Traffic control bollards will be installed at both ends of Deadwood Street to be used during events. The northwest corner, corner of Deadwood and Main, of the Square will have a water feature, fire pit and seating.

A building will be constructed along the east side of the Square along Highway 14A to house storage, an office and restrooms. This building will be a masonry brick structure with a similar styling to City Hall. A covered stage will be along the building with a ramp for service access. The northeast corner will serve as a service area for unloading and loading equipment during concerts.

The Square will be made of colored concrete in the area of the stage, brick on a sand base with a colored concrete sidewalk along Main Street and synthetic turf in the middle. The west side of the Square will have a multi-purpose open air gazebo. The gazebo will be a replica of the bandstand built in 1891 on Lee Street. A 5,000 square foot ice rink will be in the middle of the Square in the winter. During the summer this area can be used for different events such as demonstrations, art festivals, etc.

Mr. Kuchenbecker stated staff as well as the commission has been heavily involved in the planning and design of the square to ensure it meets the standards and guidelines under the authority of the commission. It is staff's opinion; the design of the square meets the standards and is compatible with the National Historic Landmark. 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. Any changes to the design will be brought back to HP Commission for approval. Mr. Blair asked who will be in charge of the project. Mr. Kuchenbecker stated the construction process will fall under himself and Bob Nelson Jr. They will be coordinating with the construction manager at risk. The City will own the property and the Chamber will manage the operations. Ms. Ochse stated concerns with the roof of the stage as possibly being incongruous with the roof of the gazebo. ***It was moved by Ms. Posey and seconded by Mr. Berg based upon the guidance found in DCO 17.68.050, I find that the exterior alteration proposed***



***is congruous with the historical, architectural, archaeological or cultural aspects of the district and move to grant Certification of Appropriateness. Aye - All. Motion Carried.***

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

PA 180508 – Iver & Monica Gibbs – 850 Main Street – Construct Garage – Exhibit F

Mr. Kuchenbecker stated the applicant is requesting project approval to construct a new garage in the location of the current outbuildings. The garage will look architecturally similar to the residence with the same color siding and same cedar shakes. The proposed garage utilizes appropriate materials compatible with the associated contributing house. It is staff's opinion 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. Mr. Berg stated the owner has done a real nice job of restoration so far. The things they have been doing to the house are very impressive. ***It was moved by Mr. Toews and seconded by Ms. Posey based upon all of the evidence presented, I move to make a finding that 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. Aye - All. Motion Carried.***

PA 180509 – TenTexKota Inc. – Deadwood Mountain Grand – Construct Chalets – Exhibit G

Mr. Kuchenbecker stated the applicant has submitted an application for Project Approval for the proposed new construction of "The Chalets at Deadwood Mountain Grand" on Tract A & B McGovern Hill, in the McGovern Hill Planning Unit within the City of Deadwood. This is a prominent landscape feature within the district. This was the location of one of Deadwood's early parks. The Chautauqua held nine days of entertainment at the park in 1897. The applicant has attempted to minimize the overall construction footprint from the original plan presented in 2016. There was never formal action taken on the original application. It was withdrawn. The applicant is trying to minimize the impact to the hillside and acknowledging the importance of the Deadwood National Historic Landmark. The applicant has proceeded through several conceptual designs and used design elements that are represented throughout the community's retaining walls, buildings, separation and repetition. The use of building materials that would be congruous to the district with matching stone and metal siding. They have looked at limiting vehicle access which would further cut the hillside. One of the options is funiculars which would be incline elevators on rails that would go up the hillside. They are looking at alternative means to bring in construction materials to minimize the effect to the district.

The proposal is three buildings. Building one is a 30 condo unit with a total footprint of 180' length and 55' depth. Building two is a 40 condo unit with a total footprint of 280' in length and 55' in depth. Building three is a 30 condo unit with a total footprint of 180' in length and 55' in depth. The number of stories varies from six to seven with it reading as one to two stories from McGovern Hill Road and three to four stories on a three story "stone retaining wall" on the downhill side.

This area did have houses along the hillside in the lower portions. There are archeological remnants and foundations on the lower part. It had a railroad spur that provided access to the slime plant and a road that went behind the congregational church to access the slime plant and the residents on McGovern Hill prior to 1905. Many of the one and two story houses were destroyed when the slime plant was built. The guidelines that you will be reviewing and taking under consideration are found in Deadwood Codified Ordinance 17.68.010 along with the Secretary of Interior Standards for Rehabilitation. This talks specifically about how it is located in the district, how the individual buildings in the district are important and within the district the association of site, setting and landscape make up the environment. When we talk about the individual properties it is not just the properties but the district as a whole. The standards deals with new additions, new construction, design of exterior additions or buildings that are compatible to the historic character of the site and preserves the relationship of the buildings and the landscape to include site, materials and height.

The proposed new construction, particularly the structure nearest the Slime Plant, encroaches upon and damages the various historic districts by diminishing the integrity of the property's setting, landscape and viewshed of the historic districts in the following ways: The project is not congruous with the environment and the historic district due to the severe alteration to the setting particularly the structure nearest the Slime Plant. The structure nearest the Slime Plant begins to dominate the hillside due to its massing, size and scale. It creates an adverse visual effect by diminishing the property's integrity with negative effects on the historic significance of the district. The project, particularly the structure nearest the Slime Plant, becomes the focal point of the area rather than being a part of it. The character and views of the overall setting of the districts are altered dramatically with intrusion of the proposed project. The view to McGovern Hill from other portions of the district is altered and damaged. Two of the three structures have been obscured through design considerations by minimizing the scope of construction limits and maximizing the preservation of the vegetation. The third structure, closest to the Slime Plant, diminishes the characteristics of the historic districts. While Deadwood has developed significantly with building on the hillsides that



define Deadwood Gulch, this particular structure within the project dominates the environment and setting of the Slime Plant and associated new construction. Obviously, the most efficient means to deal with this adverse visual effect on the historic districts is to eliminate it completely from the resources viewshed by either relocating the cause of the effect or to lessen the size and scale of the project, particularly the structure nearest the historic Slime Plant.

It is staff's opinion that the project encroaches upon and damages the historic districts listed in the National and State Register of Historic Places. It is the historic preservation officer's opinion should the commission make a motion to approve the Project Approval that it be given pursuant to 36 CFR 67, as authorized by DCO 17.68.020 and SDCL 1-19B-62, and that it should include language that it is only a conditioned approval. Preliminary approval for the project with future reviews associated with Schematic Design and Design Development Phases of the project; To enter into negotiations with the applicant for protection of the balance of the parcel to ensure the site, setting and viewshed of the hillside and historic districts is protected; To direct the applicant to consider additional design alternatives for the structure located nearest the Slime Plant; To further develop the design and impact of the funiculars for consideration as part of the overall application; A preliminary approval does not guarantee final project approval but does allow the applicant to work with the Commission to lessen the adverse visual effect and to create a mitigation plan which may minimize future cumulative effects on the National Historic Landmark District.

The Historic Preservation Commission has the authority to also deny the project in its entirety at this time based on the submittal provided to the Commission for consideration.

Brad Burns stated they are already working on reducing the number of floors on building three and handed out revised plans showing the change. By making these modifications we are getting closer to a solution. Mr. Kuchenbecker asked for clarification about the construction of garages. Mr. Burns state there will not be garages. Mr. Blair asked about the time frame for the project. Mr. Burns stated they would do design and development through the winter and break ground in the spring with an eighteen month build. The plan is to be extremely careful regarding the impact to the neighbors. Mr. Kuchenbecker stated he wanted to make sure the HP Commission and the audience knows the applicant has been working with Planning and Zoning, Police and Fire Departments, Public Works and the Hospital. Mr. Berg stated the applicant has put a lot of work into this project. The HP Commission needs to look at this strictly from the historic preservation stand point and that is a very difficult thing to do. Members of the public in attendance made comments in support of and against the project. Mr. Blair stated in the last ten plus years his campground probably has one of the biggest developments inside the City of Deadwood. The campground is almost twenty acres. When it was put together it was bare ground, a canyon, had several forest fires in it. It is a development within the City of Deadwood and it is large. Not one person came and talked about it. It has three or four good sized buildings on it. We see around 200,000 people in a season. So think about the other things before you want to say no. I'm not advocating one way or another. Deadwood is a town that needs to grow and we have done that in the last thirty years. We have an income stream; we have a visitor stream that is three or four times what it was thirty years ago. Think about those kinds of things. We have businesses in town all up and down Main Street. I walked Main Street this morning. You need to stop and take a look at your main street. What have we done with it, what has happened to main street over the last thirty years. Mr. Johnson stated about a week before our Mayor Chuck Turbiville passed he called him into his office and said what do you think about the chalets. I said I am very much for them if it is esthetically pleasing to the hillside and can be done in such a way that is acceptable and not overpowering and preserve the trees. I asked Chuck Turbiville what he thought and Mr. Turbiville stated he was for the project. Mr. Johnson said look at the 30 million dollar tax base. Plus if someone could afford one of those units they have some funds to spend in Deadwood. To bring this number of people into the community would be a plus. Mr. Berg stated he had that same conversation with Mayor Turbiville and I do believe that economically it will be phenomenal for all of the northern hills. But it does encroach upon the hill. Mr. Kuchenbecker reminded the commission even though the economics are important we need to keep the discussion to Historic Preservation issues. Mr. Toews stated he looks at this differently. I understand all of the economics and I understand the desire to do good things. I look at the Slime Plant and see we are losing that asset. We do a very poor job of selling the Slime Plant. I don't think anyone in the room can tell me how to get slime out of pulp. We do a terrible job telling the story about a plant that did about a quarter of the gold that came out of Homestake, Terryville, and Centerville. It processed gold at ninety-four percent recovery rate. Warf does something between eighty and eighty-five percent. We don't tell our story very well. To keep the building we sacrificed the building by putting an entertainment center inside, a hotel and a garage. We got something back for that investment even though it was encroachment that had an adverse effect to the area by those developments. I look at this project and see it is going to distract from one of our buildings that is center to our town. We don't even realize what we have with the Slime Plant. We are doing it a terrible disfavor to our town. The more things we put on the hill the less we care about the Slime Plant. We are chipping away slowly and surely from our history. Our history is important. We have lots of places to do developments but right in the center of our historic district. I don't get it. Ms. Ochse reminded the commission that Deadwood is still on the National Park Service watch list. Losing the status is very important. ***It was moved by Ms. Ochse and seconded by Mr. Toews based upon all the evidence presented I move to make a finding that this project does encroach upon and damage any historic***



*property, included in the national register of historic places or the state register of historic places.*  
***Vote: Ms. Posey, Mr. Toews, Ms. Ochse and Ms. Carmody – Aye. Mr. Berg, Mr. Blair and Mr. Johnson – Nay. Motion carries.***

***It was moved by Mr. Berg based upon the guidance in the U.S. Department of the interior standards for historic preservation, restoration, and rehabilitation project adopted by rules promulgated pursuant to SDCL 1-19A & 1-19B, et seq, I find that the project is adverse to Deadwood, but the applicant has explored all reasonable and prudent alternative, and so I move to approve the project as presented. Motion died from lack of second.***

***It was moved by Mr. Berg and seconded by Mr. Blair based upon all of the evidence presented the project does encroach upon and damage historic properties included in the national register of history places or the state register of historic places. Based upon the guidance in the U.S. Department of the Interior standards and rules promulgated pursuant to SDCL 1-19A and 1-19B, the Historic Preservation Commission did find that the project does encroach upon and damage historic properties but move to provide a conditional approval for the project based on the following conditions:***

- ***The action is a preliminary approval for the project with mandatory Historic Preservation Commission reviews associated with Schematic Design and Design Development Phases of the project;***
- ***Develop a plan to mitigate the encroachment with the Historic Preservation Office which would protect the balance of the parcel to ensure the site, setting and viewshed of the hillside and historic districts is protected into the future;***
- ***Further develop plans which explore design alternatives for all the structures which continue to minimize the encroachment and damage to the historic properties including specific focus to building number three (3) located nearest the Slime Plant;***
- ***To further develop the design and show the impact of the funiculars for consideration as part of the overall future reviews application since this part of the project has not been fully vetted by the Commission or design professionals;***
- ***And finally, an understanding that this conditional approval does not guarantee final project approval but does allow the applicant to work with the Commission to lessen the adverse visual effect and to create a mitigation plan which may minimize future cumulative effects on the National Historic Landmark District.***

***Vote: Ms. Posey, Mr. Berg, Mr. Blair, Ms. Carmody and Mr. Johnson – Aye. Ms. Ochse and Mr. Toews – Nay. Motion carries.***

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

Ron Russo, owner of the Oyster Bay and Fairmont Hotel, voiced his concerns with Historic Preservation considering an interest free loan to DHI to help further the ambitions of a for profit property owner. Mr. Russo is disappointed that no one from the Commission has contacted him regarding his concerns. There are several issues that need to be addressed. The loan approval should not have been approved until after the RFP were received. There hasn't been any analysis done on this proposal and what happens if it fails. Ms. Posey stated the loan is no longer contingent on one particular partner. DHI is looking for a partner. Have you received the RFP? Mr. Russo stated he has had a discussion with Carolyn Weber about it. There are four businesses who have voiced their concern about this business on lower Main Street. Margi Olsen stated the brothel tour is a good idea and gave positive suggestions. Carolyn Weber stated they have not selected anyone yet for the location. DHI needs to be on Main Street. The brothels are a part of the history of Deadwood. We want to tell the complete story and do it in an accurate manner and do it differently than Mr. Russo. DHI wants to promote Mr. Russo's as well as DHIs brothel. They will be marketing that area of Main Street.

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

Mr. Kuchenbecker stated staff is getting cost estimates for the Main Street Master Plan. I would like to suggest in early January we have a working meeting with the City Commission to identify projects and activities into our next funding cycle. We need to put money into the coffers to implement projects we will be working on including the square, main street master plan, conservation easements, revolving loan funds and other preservation projects. We do need to have a meeting from now and the end of the year to pay final invoices. Kevin poled the commission to see if we would have a quorum for a December 26 meeting.

#### **Committee Reports:**

Mr. Johnson invited the commission to his house on Sunday from 4:00 – 7:00 p.m. for a Christmas Open House. The Chamber Open House is December 13. The Lead-Deadwood Economic Development Annual meeting will be December 19 with guest speaker Jim Rankin.

#### **Other Business:**

The Historic Preservation Commission Meeting adjourned at 6:33 p.m.

ATTEST:

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Chairman, Historic Preservation Commission  
*Bonny Anfinson, Historic Preservation Office/Recording Secretary*

**Back to Agenda**



## **DEADWOOD HISTORIC PRESERVATION COMMISSION**

**Wednesday, December 26, 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. December 12, 2018 Executive Session
  - b. December 12, 2018 Regular Meeting
3. Voucher Approval
4. HP Programs and Revolving Loan Program
  - a. Grant Voucher Approval
  - b. HP Grant Application Approval – **Exhibit A**
    - i. Elise Kirkpatrick – 110 McGovern Hill – Foundation, Siding and Wood Windows & Doors
  - c. Revolving Loan Program Voucher Approval
  - d. Revolving Loan – Loan Requests – **Exhibit B**
    - i. Upper Floor Revitalization Loan Program
    - ii. Tim Coomes – 55 Taylor – Retaining Wall Loan Request
    - iii. Hills Partnership – 158 Williams – Loan Extension Request
5. Old or General Business
  - a. Main Street Initiative Update
  - b. 2018 Outside Deadwood Grant Extension Request – Faulk County Historical Society – **Exhibit C**
  - c. Renewal of NeighborWorks Contract – **Exhibit D**
  - d. PA 180506 – Judi Luna – 110 McGovern Hill – Replace Roof – Continued – **Exhibit E**
6. New Matters before the Deadwood Historic District Commission
7. New Matters before the Deadwood Historic Preservation Commission
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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, December 26, 2018**

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

**Absent:** Thomas Blair

**Present City Commission:** Charlie Struble

**Present Staff:** Kevin Kuchenbecker, Historic Preservation Officer and Bonny Anfinson, Program Coordinator

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

A quorum present, Chairman Michael Johnson called the Deadwood Historic Preservation Commission meeting to order Wednesday, December 26, 2018 at 5:00 p.m. in the Commission Room located in City Hall at 108 Sherman Street in Deadwood, SD.

**All Angels Episcopal Church**

Don Derosier presented thank you baskets from All Angels Episcopal Church for Outside of Deadwood Grants funding over the years. The most memorable is the grant for the stained glass windows. Mr. Derosier thanked Kevin Kuchenbecker for making the grant process easy.

**Approval of HPC Minutes:**

December 12, 2018 Executive Session

***It was moved by Ms. Posey and seconded by Mr. Toews to approve the attendance record of the Executive Session for Wednesday, November 28, 2018. Aye – All. Motion carried.***

December 12, 2018 Regular Meeting

Ms. Ochse stated there were comments not included in the minutes. Mr. Toew's explanation of the significance of the slime plant; Mr. Blair's economic success of the campground and the economic benefit of the chalets; Mr. Johnson's discussion with the past Deadwood Mayor and the chalet's benefit to Deadwood's economy. Mr. Toews stated the minutes should reflect some of the discussion that went on that we just didn't accept everything without discussion. These items need to be added to the minutes. Under items from Citizens the word Carolyn should be Carolyn Weber. ***It was moved by Ms. Posey and seconded by Mr. Berg to continue the approval of the minutes to the next meeting. 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 \$50,454.05. Aye – All. Motion carried.***

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

**HP Program Grant Funds**

***It was moved by Mr. Toews and seconded by Ms. Posey to approve HP Grant Fund disbursements in the amount of \$50,637.41, based on information as presented. Aye - All. Motion carried.***

**HP Grant Application Approval – Exhibit A**

- i. Elise Kirkpatrick – 110 McGovern Hill – Foundation, Siding and Wood Windows and Doors

Mr. Kuchenbecker stated the applicant has applied for the foundation, siding and wood windows and doors program. The applicant meets the criteria for the foundation, siding and wood windows and doors programs and will coordinate with the applicant during the project. They are also working with Neighborworks for additional funding. ***It was moved by Mr. Toews and seconded by Ms. Posey to enter Elise Kirkpatrick, 110 McGovern Hill, into the foundation, siding and wood windows and doors grant programs. Aye – All. Motion Carried.***

**Revolving Loan Program Voucher Approval**

***It was moved by Mr. Toews and seconded by Ms. Posey to approve the Revolving Loan Program Vouchers in the amount of \$300.00, based on information as presented. Aye – All. Motion Carried.***

Mr. Walker presented the Neighborworks financial report.

**Revolving Loan Program – Exhibit B**

- i. Upper Floor Revitalization Loan Program
- ii. Tim Coomes – 55 Taylor – Retaining Wall Loan Request
- iii. Hills Partnership – 158 Williams – Loan Extension Request

***It was moved by Mr. Toews and seconded by Ms. Posey to remove the Upper Floor Revitalization Loan Program from the consent agenda to address the item separately and approve the loan requests for***



***Tim Coomes, 55 Taylor, Retaining Wall and Hills Partnership, 158 Williams, Loan Extension Request. Aye – All. Motion Carried.***

i. Upper Floor Revitalization Loan Program.

Mr. Walker stated the Upper Floor Revitalization Loan Program has been reviewed by Loan Committee with favorable comments received to adopt this program. It is a commercial loan program that allows for up to \$250,000 at 0% rate for a three year term to allow for upper floor development for residential or commercial use. Any additional funds would fall under the commercial market rate which is at 5.5% right now. It would be subordinate loans just like all of the other programs. This would give a carrot to individuals to invest money into the upper floor developments. Mr. Toews asked how do we determine which business gets this and who doesn't. Mr. Walker stated when we are looking at a request we are looking at a legal description for a project. So if the applicant has multiple buildings and addresses but because it was one project they can only apply for one loan. Mr. Kuchenbecker stated it would be one loan per building. Mr. Toews stated we have about a million and a half dollars remaining in our fund. How will we regulate the requests. Mr. Walker stated the current loan guidelines states one loan cannot use up to 30% of the loan pool or any one loan itself. Additional restrictions have not been considered. Mr. Toews stated we need to discuss this during our bonding meeting in January. What if five people were to come in and request funding. It would be great for historic preservation but how will we fund them. We would be out of money. Mr. Walker stated we need to have a discussion about the revolving fund itself. Ms. Ochse stated we talked about this in loan committee and the one thing we came up with was if we don't have the money we can't loan it. If five guys came in it would have to be on a first come first serve basis. Mr. Toews stated there is a pecking order. The residents come first. We need to leave some aside for the residents. Ms. Ochse stated without bonding funds we would just have to live with it. Ms. Posey asked if we have had interest in the program yet. Mr. Walker stated Wayne's Morris's company and one other local business were also interested. They are looking at a smaller loan amount. This program will give the owners a chance to save a little bit of money up front before they see any returns. Ms. Carmody asked if we need to include limits in the approval. Ms. Ochse stated if we don't have the money for it, it would be turned down. Mr. Berg asked what if they wanted to develop their basement. Mr. Walker stated currently this program will only address the upper floor only. ***It was moved by Mr. Toews and seconded by Ms. Posey to approve the Upper Floor Revitalization Loan Program. Aye – All. Motion Carried.***

**Old or General Business:**

**2018 Outside of Deadwood Grant Extension Request – Faulk County Historical Society – Exhibit C**

Mr. Kuchenbecker stated the Faulk County Historical Society is requesting an extension of the 2018 Outside of Deadwood Grant. The contractor they hired to do the project was unable to do the work due to health issues so the applicant will have to secure another contractor. They are requesting a six month extension which will expire on August 29, 2019. ***It was moved by Mr. Posey and seconded by Ms. Ochse to recommend to the City Commission adoption of the Deadwood Comprehensive Plan. Aye - All. Motion carried.***

**Renewal of Neighborworks Contract – Exhibit D**

Mr. Kuchenbecker stated this is the same contract and costs as the previous contract for the revolving loan fund. Year to date we have expended \$37,600. The agreement is for \$60,000. We have talked about lowering it but we wanted to get through one more year so we can compare how we were able to save money on the administration. Staff recommends approval to the City Commission. Mr. Toews asked for the rate sheet that should accompany the contract. Mr. Walker stated the fees should be the same as last year and will send a revised copy. ***It was moved by Mr. Toews and seconded by Ms. Ochse to recommend to the City Commission approval of the Neighborworks Contract. Aye - All. Motion carried.***

**PA 180506 – Judi Luna – 110 McGovern Hill – Replace Roof – Continued from Last Meeting - Exhibit D**

Mr. Walker stated the reason the applicant thought they could use metal for roofing was based on information found on the City of Deadwood website called Residential Neighborhood Design Guidelines and presented a copy of the page from which it discusses roofing materials, "Although historical accuracy in roofing materials is not required, it will generally be most appropriate to preserve the type and unit scale of original roofing. In some circumstances, the roofing materials are an important architectural feature which should be preserved. For example, shingled roofs should remain shingled, tiled roofs should remain tiled, if possible. Appropriate roofing colors include a broad range. However, the color should be subtle rather than bright. The use of non-flammable materials should be encouraged if they provide an historic appearance." The owner used this information to determine if they could purchase metal roofing. The owners have approached Neighborworks and HP and applied for loans and grants. After site inspection there is significant structural damage to the home. They are currently doing things to stabilize the home and looking at a much larger project than originally thought. Mr. Kuchenbecker stated the applicant is withdrawing their request as they are going to use asphalt shingles instead of metal roof.

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

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



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

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

Mr. Kuchenbecker stated the ground breaking ceremony for the Outlaw Square is January 7 at 1:00 p.m. The City Commission will be holding a special meeting on January 2, 1:00 p.m. to review bid package to demo the Franklin Motor Lodge and award it. Mr. Kuchenbecker acknowledged the new tablets and the transition period will allow us to work through some of the kinks. A paper copy of the agenda will always be available. Since we have the pads Mr. Kuchenbecker encouraged the commission to go to ***Black Hills Pioneer Explore the Black Hills*** and download it and give your feedback for updates for the upcoming season. If you wish to go to The Tourism Conference it is January 15-17. Let staff know ASAP for registration and hotel rooms. The Archive Report is in the packet.

### **Committee Reports:**

Ms. Carmody stated James McGregor was in town and he was staying at the Franklin. He came to the welcome center to show me his book and backup the information that was in his book. He is saying that his grandfather told him that Jack McCall did not kill Wild Bill. This was a conspiracy from the Irish gang from New York. They tracked down Wild Bill and California Joe and killed them both.

Ms. Ochse stated the Bed and Breakfast that sits down by the old pizza hut is charging \$525 a night illegally. Ms. Anfinson stated the area is zoned commercial and is legal. A vacation rental is legal but a BNB is not if it is not staffed. Mr. Kuchenbecker stated the owner has a landscape company to do the landscape work in front of the building this spring. Ms. Ochse asked if someone is on site when they are renting this out. Mr. Kuchenbecker will discuss with Bob Nelson Jr. Mr. Berg stated as long as they are licensed and commercially zoned they should be able to run it. Mr. Kuchenbecker stated it is no different than what is upstairs at Mr. Berg's business. Ms. Ochse stated as long as they are paying taxes on it. Mr. Berg stated he pays twice a year.

Ms. Ochse stated at the last meeting she felt threatened when a member of the audience stood up and pointed her finger at me and yelled "You are fear mongering". Nobody said anything. Nobody said you are out of order. This should not be happening. If we allow people to do this then we do not feel safe as commissioners. I do not feel safe because nobody stopped her. It could have been a gun as well as her finger pointing at me. We should ask the Mayor to have a police presence at HP meetings. Mr. Toews stated we have done this at some meetings that we thought were contentious. Ms. Ochse stated no one said you were out of order or sit down. Mr. Johnson apologized for letting it happen. Mr. Johnson stated he was threatened on the phone over that meeting and he had to neutralize it. It was a difficult threat against me. Mr. Toews stated if there is a contentious meeting we should have an officer present. Mr. Kuchenbecker stated he will make a note of this as well.

Mr. Toews stated the Design Committee meets next week.

Mr. Kuchenbecker stated the Loan Committee will be meeting on January 2 at 10:30.

### **Other Business:**

The Historic Preservation Commission Meeting adjourned at 5:37 p.m.

ATTEST:

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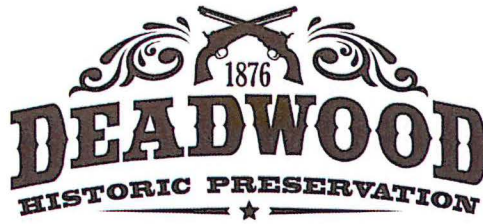
Chairman, Historic Preservation Commission  
*Bonny Anfinson, Historic Preservation Office/Recording Secretary*

**Back to Agenda**



# EXHIBIT A

OFFICE OF  
PLANNING, ZONING AND HISTORIC  
PRESERVATION  
108 Sherman Street  
Telephone (605) 578-2082  
Fax (605) 578-2084



Kevin Kuchenbecker  
Historic Preservation Officer  
Telephone (605) 578-2082  
Kevin@cityofdeadwood.com

## MEMORANDUM

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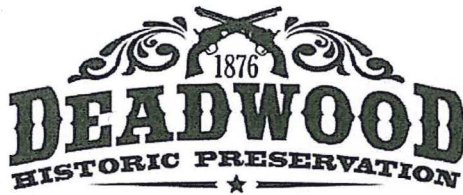
**Date:** January 3, 2019  
**To:** Deadwood Historic Preservation Commission  
**From:** Kevin Kuchenbecker, Historic Preservation Officer  
**Re:** Historic Preservation Program Applications

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The following Historic Preservation Program application was received by this office. Staff's recommendation follows the program request.

- Sylvia Trentz – 57 Lincoln Avenue Wood Windows & Doors Program  
*Staff has determined the applicant meets the criteria for the Wood Windows & Doors Program.  
Staff will coordinate with the applicant during the proposed project.*

**Back to Agenda**



## Wood Windows and Doors Application

Please read the attached Policy Guidelines, Administrative Procedures and provide the requested information.

1. Address of Property:

57 Lincoln Ave.

2. Applicant/Owner name & mailing address:

57 Lincoln Ave.  
Deadwood, SD 57732  
Sylvia Trentz

Telephone: (605) 641-8742

E-mail sjtrentz@gmail.com

3. Applying for: ☒ Grant or ☒ Loan

Requested Grant or Loan Amount:

\$ \_\_\_\_\_

Estimated Total Cost for Entire Project:

\$ \_\_\_\_\_

**For Office Use Only:**

☐ Owner Occupied

☐ Non-owner Occupied

Verified through the Lawrence County Office of Equalization

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Initials: \_\_\_\_

Assessed Valuation \$ \_\_\_\_\_

4. Complete a City of Deadwood Application for Project Approval OR Certificate of Appropriateness and attach it to this document.

I certify all information contained in this application and all information furnished in support of this application is given for the purpose of obtaining financial assistance in the form of a grant or a loan as true and complete to the best of my knowledge and belief. I acknowledge I have read the policy guidelines for the loan or grant included with and for this application and agree to all of the terms and conditions contained in the policy guidelines. I agree any contractors which I hire for this project will hold contractors licenses with the City of Deadwood and will require they also agree to and abide by the terms and conditions of the policy guidelines.

I acknowledge the Deadwood Historic Preservation Commission is merely granting or loaning funds in connection with the work or project and neither the Historic Preservation Commission nor the City of Deadwood is or will be responsible for satisfactory performance of the work or payment for the same beyond the grant or loan approval by the Historic Preservation Commission. I acknowledge I am solely responsible for selecting any contractors hired in connection with the project and in requiring satisfactory performance by such contractor. I agree to indemnify and hold harmless the Deadwood Historic Preservation Commission and the City of Deadwood against losses, costs, damages, expenses and liabilities of any nature directly or indirectly resulting from or arising out of or relating to the Deadwood Historic Preservation Commission's acceptance, consideration, approval, or disapproval of this application and the issuance or non-issuance or a grant or loan.

Applicant's signature: Sylvia Trentz

Date submitted: 12/18/18

Owner's signature: Sylvia Trentz

Date submitted: 12/18/18

Please complete Wood Window and Doors Worksheet on page 2 of this application



# Wood Windows and Doors Worksheet

Please fill out below using numbers of windows, storm windows and doors.

Elevations	Repair or Replacement of Existing Window(s)	Installation of New Wood Storm and Screen Window(s)	Replacement of Inappropriate Window(s)	Repair or Replacement of Existing Primary Door	Repair or Replacement of Other Exterior Wood Door(s)	Replacement of Inappropriate Existing Wood Door(s)
Front View						
Right Side View						
Left Side View						
Rear View						
Total Windows						
	Existing wood window(s) qualified for restoration are eligible for a forgivable loan or grant up to \$800 per window.	Window(s) qualified for the purchase and installation of approved wooden storm and screen windows <b>OR</b> qualified for restoration are eligible for a forgivable loan or grant up to \$350 per window.	Window(s) qualified for the purchase and installation of new wood windows are eligible for a forgivable loan or grant up to \$800 per window if existing window is beyond repair.	Primary wood entry door qualified for restoration is eligible for a forgivable loan or grant of \$400 <b>OR</b> for the removal of inappropriate primary door and installing an appropriate qualified door is eligible for a forgivable loan or grant of \$600.	Other exterior door(s) qualified for restoration are eligible for a forgivable loan or grant of \$200 per door <b>OR</b> for the removal of inappropriate door(s) and installing an appropriate qualified door(s) are eligible for a forgivable loan or grant of \$300 per door.	Primary door and additional exterior door(s) qualified for the purchase and installation of new wood door(s) are eligible for a forgivable loan or grant of \$100 per door if existing door is beyond repair.

**The forgivable loan or grant is available up to \$20,000.00 maximum.**

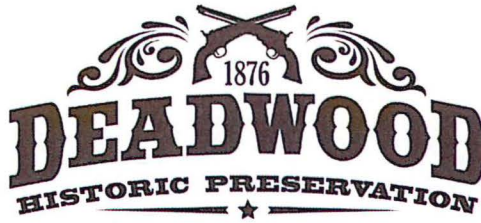
Please return the completed application along with the Project Approval OR Certificate of Appropriateness to:

City of Deadwood  
Planning, Zoning & Historic Preservation  
108 Sherman Street  
Deadwood, SD 57732  
605-578-2082



# EXHIBIT C





## MEMORANDUM

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**Date:** January 4, 2019  
**To:** Deadwood Historic Preservation Commission  
**From:** Kevin Kuchenbecker, Historic Preservation Officer  
**Re:** Document Management System

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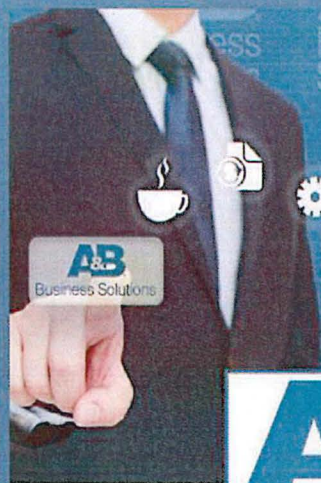
The Historic Preservation and Planning and Zoning offices are requesting permission to purchase additional document management system licenses (Square 9) through A&B Business, Inc. This new system would allow staff to easily scan and save the paper documents, such as floor plans, inspections, building permits, etc., we have on file for each address in town. This program is the same software used by the finance office and allows the user to scan, name the document and then save directly into the correct folder. The document management system will house all of our scanned and electronic documents in one location making it faster and easier to find. The cost of the document management system is \$4,190.72 to be split in half with Planning and Zoning.

Staff is requesting approval for the purchase of the Square 9 document management system at a cost of \$2,095.36 to come out of the Professional Service budget. The other half of the cost would be the responsibility of the Planning & Zoning Office.

### **Recommended Motion:**

*Approve the purchase for half of the Square 9 document management system at a cost of \$2,095.36 to come out of the Professional Services budget.*

**Back to Agenda**



# A&B Business, Inc. *Solutions.*



## Document Management System Proposal

### City of Deadwood – Planning, Zoning, Historic Preservation

#### Prepared by:

Chad Hahler & Mark Papousek  
Software Solutions Specialist

11/29/2018



Capture



Search



Workflow



Forms



## Executive Summary

The A&B Solutions Team would like to thank you for the opportunity to provide our services for your engagement. We believe that your project goals can be best optimized through a cohesive approach that matches your expectations with our understanding of the deliverables.

As a trusted partner of Square 9 Softworks, and a Certified Reseller of their Global Product Suite, A&B Business proposes the implementation of the award-winning GlobalSearch suite in order to achieve the objectives outlined below. We encourage you to review this proposal carefully to ensure the successful delivery of your project.

### City of Deadwood – Planning, Zoning, Historic Preservation: Primary

- ✓ **Objectives** Eliminate the stress of finding physical documents
- ✓ Better serve clients through the instantaneous storage/retrieval of pertinent information
- ✓ Simplify office administration tasks
- ✓ Ensure security of important company and client information
- ✓ Enforce administrative security clearance for system users
- ✓ Implement a customizable system that can be “scaled-up” over time



## Proposed Solution



### GlobalSearch Professional Edition (2 Additional Concurrent User Licenses)

- o Multi-point document import
- o KeyFree Indexing®
- o Customized Document Archive
- o Search Creation and Management
- o Document Annotations
- o Audit Trail and Reporting
- o Revision control & versioning



### Professional Installation and Training Services (1 Day)



### Annual Maintenance & Support (Until Jan. 2022 Included)

City of Deadwood – Planning, Zoning, Historic Preservation (On Premise)		
Item Description	QTY	MSRP
GlobalSearch Professional Edition Additional Licenses	2	
GlobalSearch Additional Licenses M&S		
Professional Services	Days	
Per Diem Remote Services – Installation, Configuration, & End-User Training	1	
Total Investment		\$4,190.72

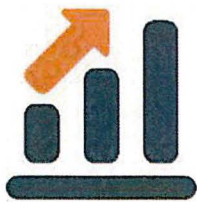
### Professional Services (SOW)

- Build new additional archive structure for new department
- Build any additional index fields, list fields, table fields
- Create new users and security profiles within new department
- Train new end users and any system administrators



## Why Square 9?

Experience a partner focused on delivering new and innovative products, providing reliable and prompt service, and continuously evolving to meet customer business needs.



**2/20**

**Innovation**

2 major product releases with over 20 enhancements per year



**96.4%**

**Satisfaction**

96.4% overall customer retention and contract renewal rate



**<7 min**

**Support**

Average customer support response time is under 7 min.



**>13000**

**Scalability**

13,000 customers from small business to enterprise

\*Visit <http://info.square-9.com/bli-2018> to download the full report



Business Solutions



Authorized Reseller  
**square9**  
softworks

## The Square 9 User Community

### Entertainment & Hospitality



### Financial



### Higher Education



EMORY  
UNIVERSITY



### Healthcare



### Manufacturing & Distribution



### Government



Department of  
**Labor & Workforce  
Development**





**Chad Haler**  
Software Solutions Specialist  
(605) 413-7371  
[chad.hahler@abbusiness.com](mailto:chad.hahler@abbusiness.com)

**Danny Pulscher**  
Solutions Engineer  
(605) 275-8643  
[dannyp@abbusiness.com](mailto:dannyp@abbusiness.com)

**A&B Support**

1-(800) 477-2425  
[support@abbusiness.com](mailto:support@abbusiness.com)

**Square 9 Support**

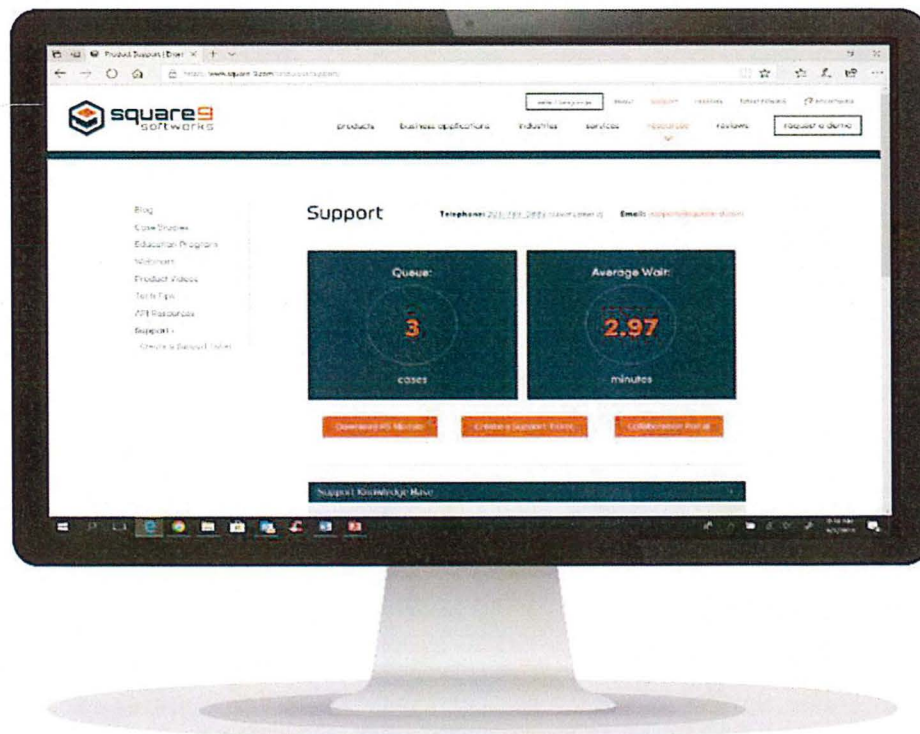
(203) 789-0889  
[support@square-9.com](mailto:support@square-9.com)

**Education Support**

(203) 258-8011  
[education@square-9.com](mailto:education@square-9.com)

**Hardware Requirements** <http://info.square-9.com/hardware-requirements>

**Product Support** <http://www.square-9.com/resources/support/>



# EXHIBIT D



Case No. 180517  
Address: 794 Main Street

### **Staff Report**

The applicant has submitted an application for Project Approval for work at 794 Main Street, a Contributing structure located in the Deadwood City Planning Unit in the City of Deadwood.

Applicant: Robert and Sharon Burns  
Owner: BURNS, JAMES & SHARON  
Constructed: c 1894

### **CRITERIA FOR THE ISSUANCE OF A PROJECT APPROVAL**

The Historic Preservation Commission shall use the following criteria in granting or denying the 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 Deadwood 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 1920s and 1930s. This house displays architectural elements which were popular during the latter period. In Deadwood, as elsewhere in the United States, residential remodels commonly borrowed from the then popular Craftsman Style. Other remodels copy traditional forms seen in the "Picturesque Revival" styles.

##### **2. Architectural design of the resource and proposed alterations:**

The applicant is requesting permission to make the following repairs/changes to the exterior of the resource. 1. Remove stucco and re-brick the entire house. (The resource has a original brick veneer however it is soft brick and unable to be restored when the stucco is removed. The stucco is separating from the brick in several locations. The proposed brick is an appropriate style and color.) 2. Restore or replace windows (applicant has agreed to restore windows and add new storms) 3. Replace current roofing with a hail resistant asphalt shingle 4. Add a small deck to the front of the house similar to the sister house with a roof cover (The applicant has withdrawn this request at this time pending exploration of other options) 5. Tear off and replace the addition on the back of the house. The replacement will be the same width as the original building and bricked to appear as original. (The applicant has agreed to "narrow" the addition to ensure the building reads as original and addition) 6. There is a separate garage built into the hill behind the house that has a stucco front that they intend to brick as well.

**Attachments: Yes**

**Plans: Yes**

**Photos: Yes**

#### **Staff Opinion:**

Staff conducted a site visit on 01/03/2019 to become familiar with the resource and better understand the applicants project approval request. The applicant has agreed to alter the rear addition to show the difference between the proposed addition and new construction. See staff notes on architectural plans. Furthermore, the applicant is looking at other options to the front. Staff will continue to coordinate with the applicant throughout the project. See additional notes in the proposed alterations. It is staff's opinion 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.

[imagerepeater]

**Motions available for commission action:**

**A:** If you, as a commissioner, have determined the Project **DOES NOT** Encroach Upon, Damage or Destroy a historic property then:

Based upon all the evidence presented, I find that 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.

---

**If you, as a commissioner, have determined the Project will Encroach Upon, Damage or Destroy a historic property then:**

**B: First Motion:**

Based upon all the evidence presented, I move 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. [If this, move on to 2nd Motion and choose an option.]

**C: Second Motion:**

Option 1: 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*, I find that the project is **NOT ADVERSE** to Deadwood and move to **APPROVE** the project as presented.

OR

Option 2: 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*, I find that the project is **ADVERSE** to Deadwood and move to **DENY** the project as presented.

OR

Option 3: 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*, I find that the project is **ADVERSE** to Deadwood, but the applicant has explored **ALL REASONABLE AND PRUDENT ALTERNATIVES**, and so I move to **APPROVE** the project as presented.

**Back to Agenda**



OFFICE OF  
PLANNING, ZONING AND  
HISTORIC PRESERVATION  
108 Sherman Street  
Telephone (605) 578-2082  
Fax (605) 578-2084



FOR OFFICE USE ONLY	
Case No.	180517
<input checked="" type="checkbox"/> Project Approval	
<input type="checkbox"/> Certificate of Appropriateness	
Date Received	12/19/18
Date of Hearing	12/20/18

## City of Deadwood Application for Project Approval OR Certificate of Appropriateness

The Deadwood Historic Preservation Commission reviews all applications. Approval is issued for proposed work in keeping with City of Deadwood Ordinances & Guidelines, South Dakota State Administrative Rules and the Secretary of the Interior's Standards for Rehabilitation.

This application must be typed or printed in ink and submitted to:

City of Deadwood  
Deadwood Historic Preservation Office  
108 Sherman Street  
Deadwood, SD 57732

FOR INFORMATION REGARDING THIS FORM, CALL 605-578-2082

PROPERTY INFORMATION
Property Address: 794 Main Street
Historic Name of Property (if known):

APPLICANT INFORMATION
Applicant is: <input checked="" type="checkbox"/> owner <input type="checkbox"/> contractor <input type="checkbox"/> architect <input type="checkbox"/> consultant <input type="checkbox"/> other _____

Owner's Name: Robert & Sharon Burns
Address: 794 Main Street
City: Deadwood State: SD Zip: 57732
Telephone: 901-848-2083 Fax: 662-429-3056
E-mail: jrobertburns@icloud.com

Architect's Name: Plans In Action
Address: 3103 Fairgrounds Loop #2
City: Spearfish State: SD Zip: 57783
Telephone: (605) 642-7981 Fax: _____
E-mail: plansinaction@hotmail.com

Contractor's Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
E-mail: _____

Agent's Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
E-mail: _____

TYPE OF IMPROVEMENT			
<input checked="" type="checkbox"/> Alteration (change to exterior)	<input type="checkbox"/> New Building	<input type="checkbox"/> Addition	<input checked="" type="checkbox"/> Accessory Structure
<input type="checkbox"/> New Construction	<input checked="" type="checkbox"/> Re-Roofing	<input checked="" type="checkbox"/> Wood Repair	<input type="checkbox"/> Exterior Painting
<input checked="" type="checkbox"/> General Maintenance	<input checked="" type="checkbox"/> Siding	<input checked="" type="checkbox"/> Windows	
<input type="checkbox"/> Other _____	<input type="checkbox"/> Awning	<input type="checkbox"/> Sign	<input type="checkbox"/> Fencing

ACTIVITY: (CHECK AS APPLICABLE)			
Project Start Date: <u>04/01/19</u>		Project Completion Date (anticipated): <u>04/01/20</u>	
<input checked="" type="checkbox"/> ALTERATION	<input type="checkbox"/> Front	<input type="checkbox"/> Side(s)	<input checked="" type="checkbox"/> Rear
<input checked="" type="checkbox"/> ADDITION	<input checked="" type="checkbox"/> Front	<input type="checkbox"/> Side(s)	<input type="checkbox"/> Rear (Deck)
<input type="checkbox"/> NEW CONSTRUCTION	<input type="checkbox"/> Residential <input type="checkbox"/> Other _____		
<input checked="" type="checkbox"/> ROOF	<input type="checkbox"/> New	<input checked="" type="checkbox"/> Re-roofing	
	<input type="checkbox"/> Front	<input type="checkbox"/> Side(s)	<input type="checkbox"/> Rear
<input checked="" type="checkbox"/> GARAGE	<input type="checkbox"/> New	<input checked="" type="checkbox"/> Rehabilitation	
	<input checked="" type="checkbox"/> Front	<input type="checkbox"/> Side(s)	<input type="checkbox"/> Rear
<input type="checkbox"/> FENCE/GATE	<input type="checkbox"/> New	<input type="checkbox"/> Replacement	
	<input type="checkbox"/> Front	<input type="checkbox"/> Side(s)	<input type="checkbox"/> Rear
Material _____ Style/type _____ Dimensions _____			
<input checked="" type="checkbox"/> WINDOWS	<input type="checkbox"/> STORM WINDOWS	<input checked="" type="checkbox"/> DOORS	<input type="checkbox"/> STORM DOORS
	<input checked="" type="checkbox"/> Restoration	<input checked="" type="checkbox"/> Replacement	<input type="checkbox"/> New
	<input checked="" type="checkbox"/> Front	<input checked="" type="checkbox"/> Side(s)	<input checked="" type="checkbox"/> Rear
Material <u>wood</u> Style/type <u>double hung</u>			
<input type="checkbox"/> SIGN/AWNING	<input type="checkbox"/> New	<input type="checkbox"/> Restoration	<input type="checkbox"/> Replacement
Material _____ Style/type _____ Dimensions _____			
<input checked="" type="checkbox"/> OTHER – Describe in detail below or use attachments			

### DESCRIPTION OF ACTIVITY

Describe, as specifically as possible, the above activity (use attachments if necessary including type of materials to be used) and submit as applicable. Descriptive materials such as photos and drawings are necessary to illustrate the work and to help the commissioners and staff evaluate the proposed changes. A request for approval of a window replacement, for example, should be accompanied by measurements of the existing window, a picture of the existing window, and a picture or catalogue sheet with manufacturer information for the new window. Similar information should be supplied for each element of the proposed work along with general drawings and/or photographs as appropriate.

Failure to supply adequate documentation could result in delays in processing and denial of the request.

- (1) The restoration of our house to it's original look and style is our goal. The original brick was covered in stucco in 1931. The stucco is crumbling and has been patched over the years making the house look old and neglected. We are proposing taking the stucco and brick down and rebricking the entire house.  
This will include the stone window ledges which are broken and cracked.
- (2) The windows will be restored or replaced. At present the windows are painted shut, dry rotted and broken.
- (3) The roof will be resheathed and roofing replaced with hail resistant shingles. (asphalt)
- (4) We propose to add a small deck to the front of the house similar to the sister house with a roof cover as shown on prints.

(Continued on attached page)



- (5) There is an addition attached to the rear of the house which is separating from the original building that we intend to tear off and replace. The replacement will be the same width as the original building and bricked to appear as original.
- (6) There is a separate garage built into the hill behind the house that has a stucco front that we intend to brick bringing back the original appearance.

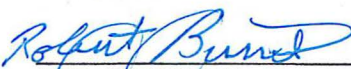
FOR OFFICE USE ONLY  
Case No. \_\_\_\_\_

### SIGNATURES

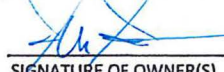
I HEREBY CERTIFY I understand this application will not be accepted and processed until all the requested information has been supplied. I realize drawings and measurements must be exact and if errors result in a violation of the Commission's approval, then appropriate changes will have to be made. I also understand this application may require a site visit / additional research by staff and a PUBLIC HEARING by the DEADWOOD HISTORIC PRESERVATION COMMISSION.

I understand this application is for a Certificate of Appropriateness or Project Approval only and that a building permit is required for any uses associated with this location prior to any constructions, alterations, etc. All statements are true to the best of my knowledge and belief.

I understand approval is issued for proposed work in keeping with City of Deadwood Ordinances, South Dakota State Administrative Rules and the Secretary of the Interior's Standards for Rehabilitation and copies are available for my review.

 12/19/18  
SIGNATURE OF OWNER(S) DATE

\_\_\_\_\_  
SIGNATURE OF AGENT(S) DATE

 12/19/18  
SIGNATURE OF OWNER(S) DATE

\_\_\_\_\_  
SIGNATURE OF AGENT(S) DATE

\_\_\_\_\_  
SIGNATURE OF OWNER(S) DATE

\_\_\_\_\_  
SIGNATURE OF AGENT(S) DATE

### APPLICATION DEADLINE

This form and all supporting documentation **MUST** arrive by 5:00 p.m. on the 1<sup>st</sup> or 3<sup>rd</sup> Wednesday of every month to be considered at the next Historic Preservation Commission Meeting. The meeting schedule and filing deadlines are on file with the Historic Preservation Office. Any information not provided to staff in advance of the meeting will not be considered by the Commission during their deliberation. Please call if you have any questions and staff will assist you.

Please use the attached criteria checklist as a guide to completing the application. Incomplete applications cannot be reviewed and will be returned to you for more information. All submitted materials will be retained by the Historic Preservation Office. Do not submit your only copy of any piece of documentation.

The City of Deadwood Historic Preservation Office has numerous resources available for your assistance upon request.





SPEED  
LIMIT  
15













































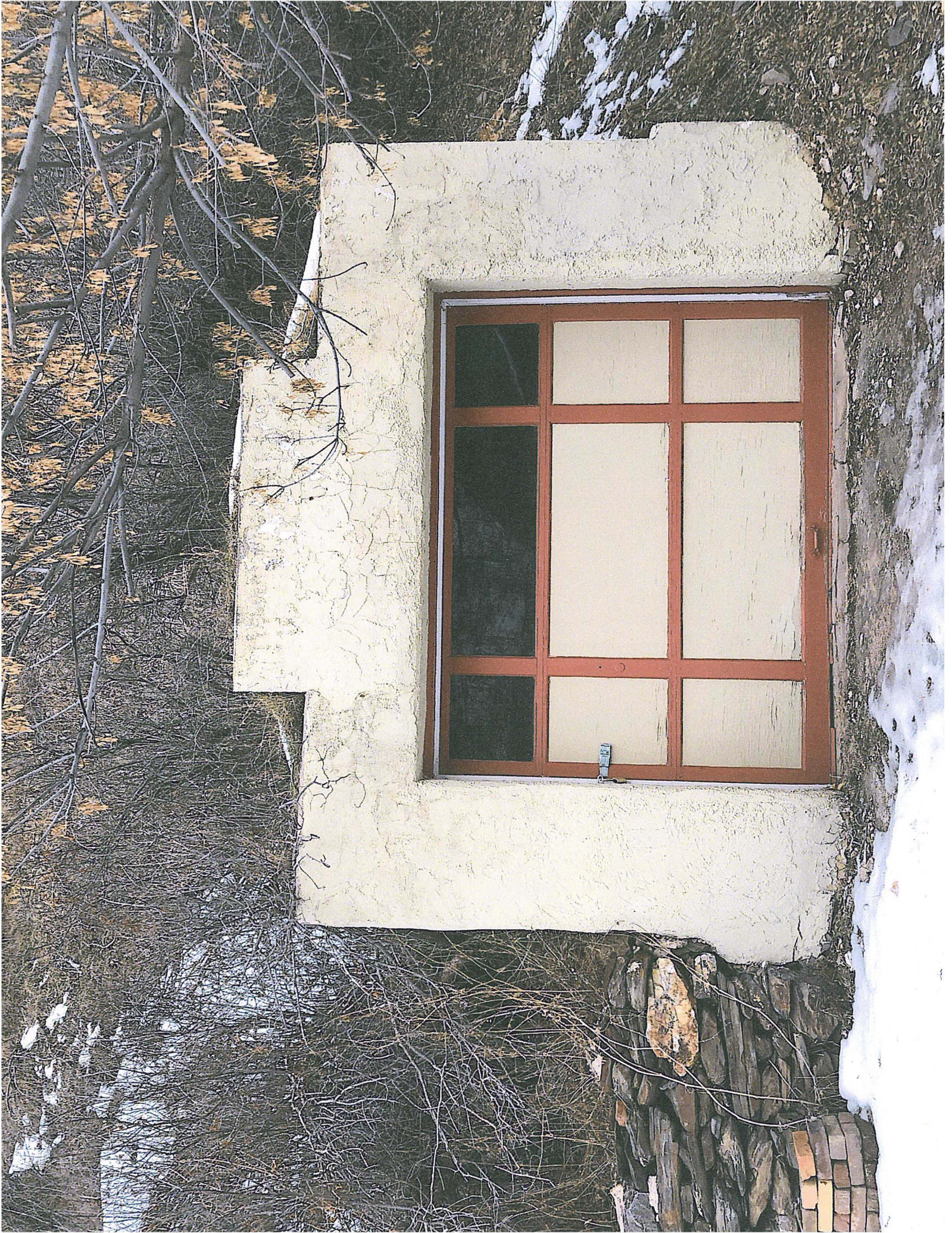
















**EAST ELEVATION**  
SCALE: 1/4" = 1'-0"

original front porch to be sided w/ lap siding

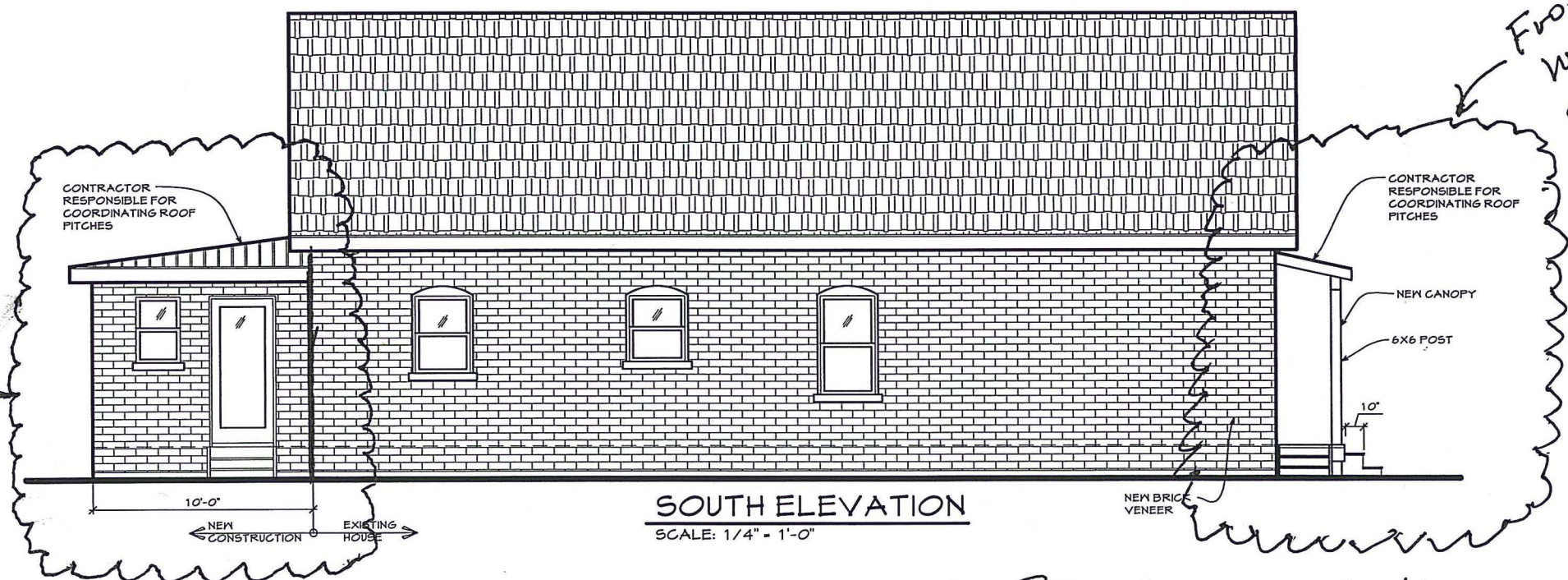


**WEST ELEVATION**  
SCALE: 1/4" = 1'-0"

rear add is to be set back 6-8"

Front porch not part of this approval

New REAR addition to be set back from original house line



**SOUTH ELEVATION**  
SCALE: 1/4" = 1'-0"

Changes per staff recommendation from site visit on 01/03/2019  
Acceptable by applicant

**PLANS IN ACTION**  
Drafting & Design  
3103 FAIRGROUNDS LOOP #2  
SPEARFISH, SOUTH DAKOTA 57783  
(605) 642-7981 (Cell 645-7981)  
plansinaction@gmail.com



**DISCLAIMER:**  
THE INFORMATION IN THESE PLANS ARE A GRAPHIC ILLUSTRATION OF THE WORK REQUIRED TO COMPLETE THE PROJECT. ALL ASPECTS OF MECHANICAL, ELECTRICAL & STRUCTURAL SHOULD BE COORDINATED PRIOR TO CONSTRUCTION.

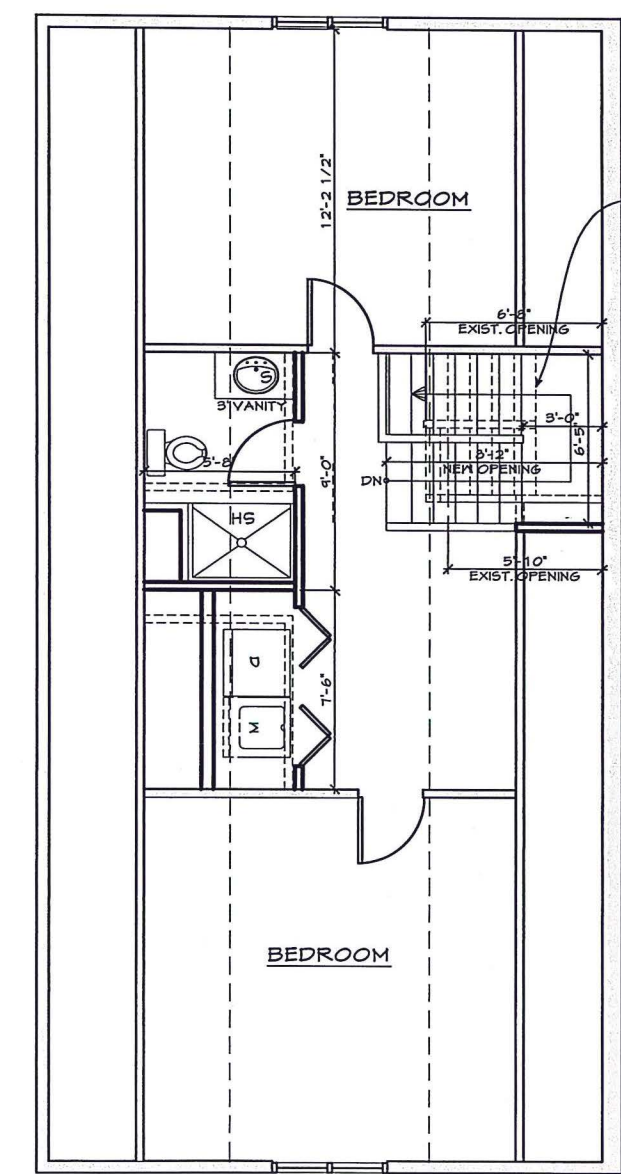
**BURNS RESIDENCE**  
794 MAIN STREET  
DEADWOOD, SOUTH DAKOTA 57732

**SHEET TITLE:**  
EXTERIOR ELEVATIONS

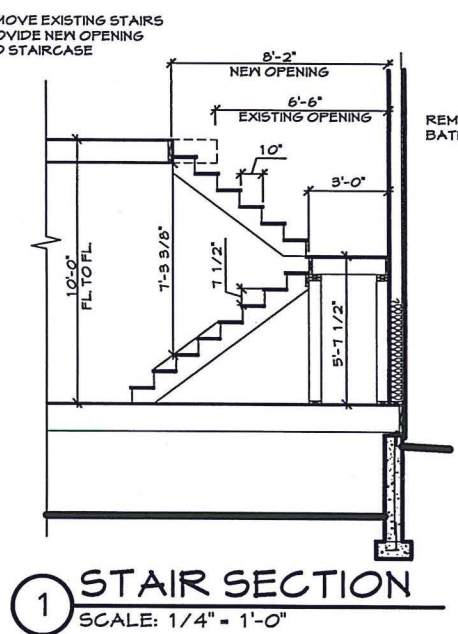
**DATE:**  
10-10-18  
**DRAWN BY:**  
BRUCE DRAPEAUX

**SHEET #**  
1



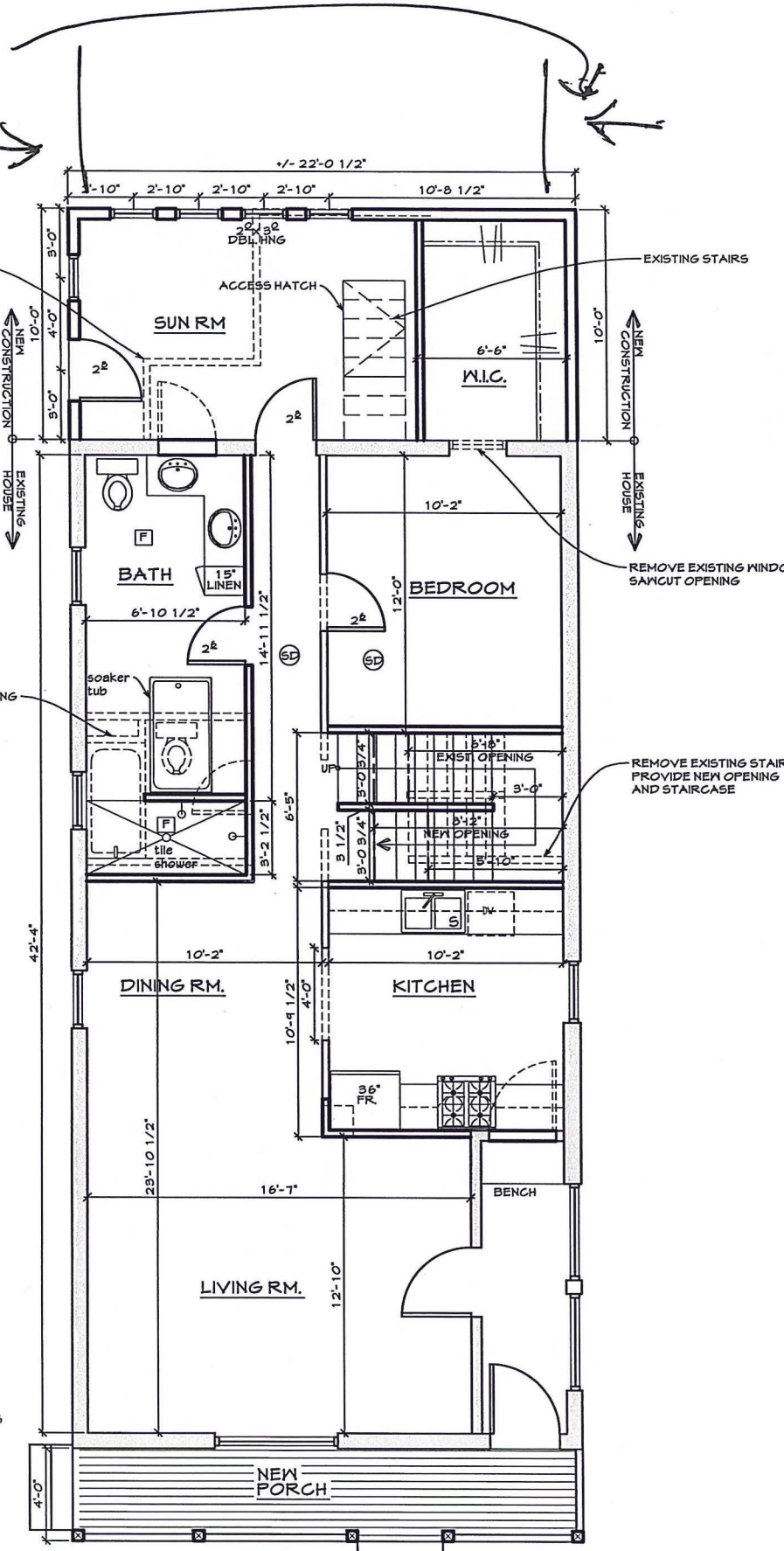


**UPPER LEVEL PLAN**  
SCALE 1/4" = 1'-0"



**1 STAIR SECTION**  
SCALE: 1/4" = 1'-0"

- LEGEND**
- SHADED AREA INDICATES EXISTING CONSTRUCTION
  - DASHED LINES INDICATE EXISTING MATERIAL TO BE REMOVED.
  - NEW 2X WALL CONSTRUCTION.
  - SMOKE DETECTOR - ALL SMOKE DETECTORS WIRED WITH BATTERY BACK-UP AND INTERCONNECTED.
  - BATHROOM EXHAUST FAN



**MAIN LEVEL PLAN**  
SCALE 1/4" = 1'-0"

**PLANS IN ACTION**  
Drafting & Design  
3103 FAIRGROUNDS LOOP  
SPRINGFIELD, MO 65773  
(605) 642-7981 (Cell) 645-7981  
plansinaction@hotmail.com

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**BURNS RESIDENCE**  
794 MAIN STREET  
DEADWOOD, SOUTH DAKOTA 57132

**SHEET TITLE:**  
UPPER LEVEL/  
MAIN LEVEL  
PLAN

**DATE:**  
10-10-18

**DRAWN BY:**  
BRUCE  
DRAPEAUX

**SHEET #**  
**2**





Lawrence County Historical Society  
150 Sherman Street  
Deadwood, South Dakota, 57732

<http://www.lawrencecountyhistory.blogspot.com>

Kevin Kuchenbecker and Historic Preservation Commissioners:

A quorum of the Board of Directors of the Lawrence County Historical Society has met and agreed to take a stand *against* the Mt. Grand Chalet project and *for* Deadwood's history. We believe that building the proposed condominiums (time-shares) on McGovern Hill could result in the loss of our town's already threatened historic status. In addition, we feel that the project poses a threat to our tourist economy; tourists come to Deadwood to view and relive the history of the wild west. Seeing huge edifices sticking out of a mountainside with a tram scooting up and down its slope would significantly deteriorate that vision. From both an historic and aesthetic point of view, the Lawrence County Historical Society adamantly opposes the proposed Mt. Grand Chalet project.

**Back to Agenda**