

DEADWOOD HISTORIC PRESERVATION COMMISSION

Wednesday, April 27, 2016 ~ 5:00 p.m.

City Hall, 108 Sherman Street, Deadwood, South Dakota

1. Call meeting to Order
2. Approval of HPC Meeting Minutes – April 13, 2016
3. Voucher Approval
4. Old or General Business
 - a. 2016 Historic Residence Rehabilitation Program – Exhibit A
 - b. 2016 Scholarship Program – Exhibit B
 - c. Neighborhood Block Clubs – Exhibit C
 - d. Experience Lab Workshop – Exhibit D
 - e. Deadwood’s Unknown Man Documentary – South Dakota Public Broadcasting—Exhibit E
 - f. Charles Street Bridge - Exhibit F
 - g. Wild Bill Bar Sign – Exhibit G
 - h. Economic Development Housing Study April 2016 – Exhibit H
5. New Matters before the Deadwood Historic District Commission
 - a. COA – Case H16015 – Paint – 83 Sherman Street – Martha Holt – Exhibit I
6. New Matters before the Deadwood Historic Preservation Commission
 - a. PA - Case H16014 - Siding and Windows - 118 Charles St. - James Pontius - Exhibit J
7. Revolving Loan Fund & HP Programs Update
 - a. HP Program Applications -- Exhibit K
 - 21 Lincoln – Laura & Dustin Floyd – Windows and Doors Program
 - 118 Charles St. - James Pontius - Windows and Doors Program
 - 118 Charles St. - James Pontius - Siding Program
 - 53 Taylor St. – John & Sharon Martinisko – Retaining Wall Program
 - b. Revolving Loan Program – Exhibit L
 - 130 Charles – Rick Ensminger – Forgive Windows Loan
 - 18 Washington – Leslie Christiansen – Extension Request
 - 63 Taylor – John Rodiack – Extension Request
 - 834 Main – Ferd Balkenhol – Extension Request
 - 10 Harrison – Travis Conrad – Extension Request
 - 512 Cliff – Tracy Lewis – Extension Request
 - 144 Charles – Larry & Sheryl Hicks – Extension Request
 - 628 Main – Ron Russo, Fairmont Hotel – Combine Loans
 - 30 Jefferson – Robert Weber – Extension Request
 - 37 Lee – David Swaney – Extension Request
 - 36 Jackson – Margaret Fierro-Bailey – Extension Request
 - 850 Main – Gale Grinager – Request to Forgive
 - 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, April 27, 2016

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

Absent: Laura Floyd, Michael Johnson and Ms. Terri Williams, City Attorney, was absent.

Present City Commission: Chuck Turbiville and Dave Ruth, Jr. were present.

Mr. Kevin Kuchenbecker, Historic Preservation Officer, Mike Walker and Joy McCracken of NeighborWorks-Dakota Home Services and Jerity Krambeck, Recording Secretary, were all present.

All motions passed unanimously unless otherwise stated.

A quorum present, Second Vice-Chair Blair called the Deadwood Historic Preservation Commission meeting to order Wednesday, April 27, 2016 at 5:00 PM in the Commission Room located in the City Hall at 108 Sherman Street in Deadwood, SD.

Approval of April 13, 2016 HPC Minutes:

It was moved by Mr. Toews and seconded by Mr. Namminga to approve the minutes of Wednesday, April 13, 2016 as presented. Aye – All. Motion carried.

Voucher Approval:

It was moved by Mr. Namminga and seconded by Mr. Berg to approve the HP Operating Account in the amount of \$160,955.95. Aye – All. Motion carried.

Old or General Business:

2016 Historic Residence Rehabilitation Program – Exhibit A

Mr. Kuchenbecker informed the Commission the Selection Committee met on April 19, 2016 and reviewed the nominees. After serious review and consideration, the committee concurred with the Neighborhood Block Council and recommends Arlet Trehwella at 360 Williams Street for the 2016 Historic Residence Rehabilitation Grant Program in an amount not to exceed \$100,000.

It was moved by Mr. Berg and seconded by Mr. Namminga to approve the recommendation to enter Arlet Trehwella, 360 Williams Street, into the 2016 Historic Residence Rehabilitation Program Aye – All. Motion carried.

2016 Scholarship Program – Exhibit B

Mr. Kuchenbecker stated the G.R.A.P.E. Committee met on April 12, 2016 and reviewed five 2016 Scholarship Award applications. After serious review and consideration, the committee selected two recipients for the \$1,000 Scholarships, Cameron Enright and Miranda Gallagher.

It was moved by Mr. Toews and seconded by Mr. Namminga to approve the applications from Cameron Enright and Miranda Gallagher for the 2016 Scholarship Fund in the amount of \$1,000 each. Aye – All. Motion carried.

Neighborhood Block Clubs – Exhibit C

Ms. Lenessa Keehn, president of the Deadwood Block Club Council, addressed the Commission requesting approval of the various block club budgets including permission to purchase paper and plastic ware for summer and winter gatherings or socials. This will be an opportunity to educate the community on the assorted HP programs.

It was moved by Mr. Berg and seconded by Mr. Namminga to approve the request of the Neighborhood Block Clubs to be able to purchase paper and plastic ware for summer and winter gatherings utilizing. Aye – All. Motion carried.

Experience Lab Workshop – Exhibit D

Ms. Dawn Burns of the Deadwood Chamber presented to the Commission a request to attend the Experience Lab workshop in Minneapolis, MN on October 17-19, 2016. Ms. Burns is requesting to send four delegates, made up of representatives from Historic Preservation, Deadwood Chamber and Deadwood History, in the amount of \$1,499.00 per participant for registration fees for a total of \$5,996.00.

It was moved by Mr. Toews and seconded by Mr. Williams to recommend to the City Commission and approve the registration fees of \$1,499.00 for four participants to attend for a total of \$5,996.00 to attend the conference on October 17-19, 2016. Participants pay for transportation, hotel and meals. Aye – All. Motion carried.

Deadwood's Unknown Man Documentary – South Dakota Public Broadcasting – Exhibit E

Mr. Kuchenbecker informed the Commission of the South Dakota Public Broadcasting agreeing to create a one-hour documentary in Deadwood regarding the human burial that was unearthed during the reconstruction of a retaining wall in the Presidential Neighborhood. Mr. Kuchenbecker stated the filming for this documentary is scheduled for July of 2016 and more information will be provided in the following weeks. No action required.

Charles Street Bridge – Exhibit F

Mr. Kuchenbecker stated Interstate Engineering submitted a quote for the inspection and load rating of the Charles Street Bridge (structure 41-158-162) for use as a pedestrian bridge, at a cost not to exceed \$6,000. Mr. Toews stated there were three choices to consider: rehabilitation, removal and storage, and demolition. Mr. Toews stated HPC voted to remove and storage. Mr. Toews stated letters have been received from residents requesting for the bridge to be kept at its current location. Mr. Toews stated he looked at the bridge, and although he is not a qualified bridge inspector, he could see the timbers under the bridge were sound, the metal work under the bridge was good, and there was some cosmetic rusting, but he thought it could possibly pass inspection. Mr. Toews stated there is a fourth option to leave the bridge as it is and make it just a pedestrian bridge. Mr. Toews stated DOT originally planned to make it handicap accessible and they were looking into seeing where this is in the plans, along with the City adding railings. Mr. Turbiville stated this was sent back to HPC for reconsideration, as the City was not in the position to make a decision at the time. Mr. Turbiville stated he would consider what Mr. Toews proposed and there is no interest in spending hundreds of thousands of dollars restoring the bridge. Mr. Namminga stated he cannot see spending a lot of money on the bridge, as it is not an interest to tourists and not appreciated. Mr. Namminga stated it should just be left alone. Mr. Toews stated it is just a matter of making it safe for the public at a minimal amount and informational signs to let visitors know the history of the bridge. Mr. Turbiville requested if the HPC is sending this to the City to include the most accurate quote when submitting to the City Commission. Mr. Blair discussed the cost of the quote for inspection. Mr. Williams stated it is required by law and is necessary for liability. Mr. Williams stated the bridge inspection report needs to be followed and the HPC and staff cannot make those decisions. ***It was moved by Mr. Williams and seconded by Mr. Toews to approve the quote for Interstate Engineering to conduct an Inspection and Load Rating for use as a pedestrian bridge not to exceed \$6,000.00. Aye – All. Motion carried.***

Wild Bill Bar Sign – Exhibit G

Mr. Kuchenbecker discussed Mr. Matt Steiner requesting the City to purchase the historic Wild Bill Bar sign at the previous HPC meeting. Mr. Kuchenbecker discussed the history of the Wild Bill Bar sign and corresponding establishments. Mr. Kuchenbecker stated he met with Mr. Steiner at the request of the Commission and he is requesting \$13,500.00 for the sign. Mr. Kuchenbecker stated there is a quote for \$450.00 to remove the sign and it is estimated to cost approximately another \$500.00 to install the sign at the new location. Mr. Kuchenbecker stated Rick and Margi Olesen are interested in having the sign reinstalled on their building, home of the Wild Bill Bar, and are willing to lease to own from the City of Deadwood at a rate of \$1,500.00 per year for 10 years. After the term of the lease-purchase, the Olesen's would provide the Deadwood Historic Preservation Commission a conservation easement to protect the sign in perpetuity. Mr. Kuchenbecker stated for the Commission's information, the Deadwood Historic Preservation Commission owns the Tootsie sign (Spot Liquor) as well as stained glass windows within the local historic district. Mr. Toews stated he agrees with what Mr. Williams said at the previous meeting, as to this being handled as a civil matter and the City not being involved. Mrs. Olesen stated the City should be involved because the sign was removed without a permit without permission and was not purchased and that it belonged to the original owner on the original building. Mrs. Olesen stated they are willing to lease it, but they are not willing to purchase a sign that should not have been moved in the first place. Mr. Toews stated everyone is trying to do the right thing, but as a Commissioner watching funds, why does the Commission have to pay for something both parties want to do regardless of the City's involvement. Mrs. Olesen stated the City should pay for it because it was moved illegally. Mr. Blair asked who moved it. Mrs. Olesen stated somebody moved it. Mr. Ruth stated with HPC getting involved, the preservation and maintenance of the sign is protected forever. Mr. Williams inquired as to the liability and requested it be discussed with the City Attorney. Mr. Toews stated we are handling this issue civilly. Mr. Ruth stated if handled civilly, the sign will have minimal maintenance and if owned by the City, the sign will have a conservation easement. Mr. Kuchenbecker concurred and stated this is a mechanism to allow preservation of the sign. Mr. Williams asked if HPC could just fund the cost of relocating the sign. Mr. Kuchenbecker confirmed if this were the case, there would not be a conservation easement. Mr. Williams stated the City has not used a conservation easement before. Mr. Kuchenbecker stated there are conservation easements

on the façade projects and the slime plant. Mrs. Olesen stated she does not understand why she would have to buy a sign that was moved wrongly in the first place and that it should have been on the building when the property was purchased. Mr. Blair stated the HP Commission did not give permission to move the sign and it does not fall on the Commission. Mrs. Olesen reiterated the sign was moved without the permission of the owner. Mr. Kuchenbecker stated research was conducted and legal counsel was consulted earlier at the time the bank owned the property. Mr. Blair confirmed with Mr. Steiner it is his intention to sell the sign and replace it with a replica of the "Eagle Inn." Mr. Steiner stated both parties are trying to get the sign to the original location and he is unable to use the sign at this time because it is for the Olesen's business and he cannot change the sign because it is historic. Mr. Kuchenbecker stated this proposal was as close to a win-win as the parties could reach. Mr. Williams suggested paying for the move, but not the sign. Mrs. Olesen stated she was not buying a sign that was taken off the building illegally. Mr. Williams restated the HP Commission had nothing to do with the move. Mrs. Olesen stated both parties are trying to save a historic sign and if the HP Commission is not interested in that, both parties are okay with that, but Mr. Steiner should be allowed to change the sign to advertise his business. Mr. Blair stated in essence, both parties are trying to get the HP Commission to purchase signs for their business. Mr. Berg stated the cost of the sign would be repaid over 10 years. Mr. Steiner stated he could take the sign down and sell it on the free market. Mr. Blair stated that was not an option. Wayne Morris stated this has been attempted to be resolved previously and both parties are not going to be involved in a lawsuit over the sign. Mr. Blair asked Mr. Kuchenbecker to get an agreement together to insure the sign is protected if moved. Mr. Kuchenbecker stated he could have the City Attorney do that. Mrs. Olesen stated Wild Bill Bar is her business and it is trademarked and if the sign is not moved to her location, the HP Commission needs to give Mr. Steiner permission to change the sign to his business name. Mr. Toews stated the sign was moved without permission from any parties, to include the City. Mr. Kuchenbecker stated it is a landmark sign and a City resource. Mr. Toews stated the easiest way to get out of this situation is to acquire the sign.

It was moved by Mr. Toews and seconded by Mr. Berg for the Deadwood Historic Preservation Commission to accept the proposed request to purchase the sign at a cost of \$13,500.00 and then enter into a lease-purchase agreement with the Wild Bill Bar.

Mr. Blair requested an amendment to the motion to assure the sign is protected. Aye – Mr. Namminga, Mr. Toews, Mr. Berg; opposed - Mr. Williams. Motion carried.

Economic Development Housing Study April 2016 – Exhibit G

Lori Frederick presented the Economic Development Housing Study to the HP Commission. Ms. Frederick stated the study encourages residents to rehabilitate homes, which the HP Programs help residents to rehabilitate their homes. Ms. Frederick stated an interesting fact is in 2013, 95.4% of the employees that work within Deadwood commute in to the City for their job. Mr. Toews requested clarification regarding developing a downtown mixed-used commercial/housing project in Lead. Ms. Frederick stated it was just for developing a new mixed-use building in Lead, but in Deadwood utilizing the current mixed-use buildings. Ms. Frederick stated these are general recommendations and they are not set in stone and that is where this is going next; how will these recommendations work within our community and work with feedback from the community. No action required.

New Matters before the Deadwood Historic District Commission

COA – Case H16015 – Paint – 83 Sherman Street – Martha Holt – Exhibit I

Mr. Kuchenbecker stated the application is for a non-contributing structure located in the South Deadwood Planning Unit. Mr. Kuchenbecker informed the Commission the applicant is requesting permission to paint the underside of the under hang on the front of the structure.

Based upon all evidence presented, it was moved by Mr. Toews and seconded by Mr. Namminga 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 for 83 Sherman Street. Aye- All. Motion carried.

New Matters before the Deadwood Historic Preservation Commission

PA - Case H16014 - Siding and Windows - 118 Charles St. - James Pontius - Exhibit J

Mr. Kuchenbecker stated the application is for a contributing structure located in the Cleveland Planning Unit. Mr. Kuchenbecker informed the Commission the applicant is requesting to remove the siding on the west and south wall, insulate and replace the siding with 5 ¼' hardy plank (same reveal as original). On the west wall, one window will be removed; the other will be replaced with an approved window and to side over the short wall on the west wall.

It was moved by Mr. Namminga 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 for 118 Charles Street. Aye- All. Motion carried.

Revolving Loan Fund and Historic Preservation Programs:

Historic Preservation Program Applications - Exhibit K

21 Lincoln – Laura & Dustin Floyd – Windows and Doors Program

118 Charles St. - James Pontius - Windows and Doors Program

118 Charles St. - James Pontius - Siding Program

53 Taylor St. – John & Sharon Martinisko – Retaining Wall Program

It was moved by Mr. Berg and seconded by Mr. Toews to approve all Historic Preservation Program Applications, as submitted. Aye - All. Motion carried.

Revolving Loan Program - Exhibit L

130 Charles – Rick Ensminger – Forgive Windows Loan

18 Washington – Leslie Christiansen – Extension Request

63 Taylor – John Rodiack – Extension Request

834 Main – Ferd Balkenhol – Extension Request

10 Harrison – Travis Conrad – Extension Request

512 Cliff – Tracy Lewis – Extension Request

144 Charles – Larry & Sheryl Hicks – Extension Request

628 Main – Ron Russo, Fairmont Hotel – Combine Loans

30 Jefferson – Robert Weber – Extension Request

37 Lee – David Swaney – Extension Request

36 Jackson – Margaret Fierro-Bailey – Extension Request

Mr. Walker recommended that 850 Main Street - Gale Grinager - be reviewed separately as the applicant would like to address the Commission.

It was moved by Mr. Namminga and seconded by Mr. Toews to approve all Historic Preservation Loan Applications, as submitted and review 850 Main Street separately. Aye - All. Motion carried.

850 Main – Gale Grinager – Request to Forgive

Mr. Gale Grinager, Jr. requested the Elderly Loan be forgiven early due to extenuating circumstances. The property is being sold due to ill health of Mr. Grinager, Sr. Mr. Walker stated recent programs have similar clauses to forgive the loan due to death or extenuating circumstances and this request will forgive the loan one year early. Mr. Kuchenbecker stated if Mr. Grinager applied for this program within the last six months, it would have been a grant, not a loan.

It was moved by Mr. Toews and seconded by Mr. Namminga to approve the request that the Elderly Loan be forgiven. Aye - All. Motion carried.

Revolving Loan Fund/Retaining Wall Program Update:

Retaining Wall Applications

No applications were addressed at this meeting.

Revolving Loan Program/Disbursements

It was moved by Mr. Berg and seconded by Mr. Toews to approve HP Revolving Loan Fund disbursement in amount of \$1,533.69, based on information as presented by Mr. Walker, of NeighborWorks-Dakota Home Services. Aye - All. Motion carried.

The delinquency report was presented by Mike Walker.

Retaining Wall Program Disbursements

No retaining wall program disbursements 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:

- South Dakota State Historical Society Conference is in Pierre April 28-30; our office will have a vendor booth set up partnering with the Fassbender Photographic Collection;
- The South Dakota State Historical Society Board Meeting is in Pierre tomorrow, April 28. Mr. Kuchenbecker will be in attendance to discuss the Board Meeting scheduled in Deadwood July 7-8, 2016;
- Two retaining walls will be presented to the City Commission for approval - 50 and 84 Van Buren;
- Included in the packet was an article discussing Cripple Creek following in the footsteps of Deadwood regarding marketing and tourism;
- The Make Your House a Healthy Home Expo was last week with 24 attendees and it went well;
- The next educational forum is tentatively scheduled as the Realtor Workshop on May 19, 2016.

Committee Reports:

- Mr. Blair postponed the Executive Session.

Adjournment:

There being no other business, the Historic Preservation Commission Meeting adjourned at 6:32 p.m.

ATTEST:

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