



Historic Preservation Commission Meeting Minutes

Wednesday, September 22, 2021 at 5:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. Call Meeting to Order

A quorum present, Chairman Berg called the Deadwood Historic Preservation Commission meeting to order on September 22, 2021 at 5:00 p.m.

2. Roll Call

PRESENT

HP Commission Chair Dale Berg

HP Commission Vice Chair Bev Posey

HP Commission 2nd Vice Chair Robin Carmody

HP Commissioner Leo Diede

HP Commissioner Trevor Santochi

HP Commissioner Jill Weber

HP Commissioner Tony Williams

City Commissioner Charlie Struble

STAFF PRESENT

Kevin Kuchenbecker, Historic Preservation Officer

Bonny Anfinson, Program Coordinator

Mike Walker, NeighborWorks

3. Approval of Minutes

- a. Approval of HPC September 8, 2021 Minutes

It was moved by Commissioner Posey and seconded by Commissioner Williams to approve the HPC Minutes of September 8, 2021. Voting Yea: Carmody, Williams, Santochi, Berg, Weber, Diede, Posey.

4. Voucher Approvals

- a. HP Operating Vouchers

It was moved by Commissioner Williams and seconded by Commissioner Weber to approve the HP Operating Vouchers in the amount of \$22,447.77. Voting Yea: Carmody, Williams, Santochi, Berg, Weber, Diede, Posey.

- b. HP Revolving Vouchers

It was moved by Commissioner Posey and seconded by Commissioner Williams to approve the HP Revolving Vouchers in the amount of \$10,929.93. Voting Yea: Carmody, Williams, Santochi, Berg, Weber, Diede, Posey.

5. HP Programs and Revolving Loan Program

- a. Revolving Loan Request
 - Deadwood Main LLC - 696 Main St. - Loan Extension Request
 - Luella Krebs - 77 Stewart - Request to Forgive

It was moved by Commissioner Posey and seconded by Commissioner Santochi to approve the loan extension request for Deadwood Main LLC, 696 Main Street and Request to forgive Luella Krebs, 77 Stewart. Voting Yea: Carmody, Williams, Santochi, Berg, Weber, Diede, Posey.

- b. Approve revisions to the Application for Historic Preservation Programs Residential Properties

Mr. Kuchenbecker stated this is updates to the Application for Historic Preservation Programs. The changes are documented in red. Mr. Kuchenbecker also thanked staff and the Loan Committee for their hard work on the application. ***It was moved by Commissioner Posey and seconded by Commission Weber to approve the changes to the Application for Historic Preservation Programs. Voting Yea: Carmody, Williams, Santochi, Berg, Weber, Diede, Posey.***

6. Old or General Business

- a. Permission to hire MS Mail to print the 2022 City Calendars at a cost not to exceed \$3,160.00 with funding coming from Public Education and Block Club line items.

Mr. Kuchenbecker stated the Historic Preservation Office, in conjunction with the Neighborhood Blocks Clubs, has printed a community calendar for the residents of Deadwood since 2018. They are once again requesting permission to hire M.S. Mail to print and mail the 2022 calendar. The cost to print and mail the 1,500 calendars is \$3,160. Historic Preservation will pay for the printing which is \$2,700 from the Public Education budget line item and the postage and mailing cost of \$460 will come out of the Neighborhood Block Club budget. ***It was moved by Commissioner Williams and seconded by Commission Carmody to recommend to the City Commission to hire M.S. Mail to print and mail the 2022 Calendar in the amount not to exceed \$3,160 with \$2,700.00 to come out of the Public Education line item and \$460 to come out of the Professional Services Neighborhood Block Club line item. Voting Yea: Carmody, Williams, Santochi, Berg, Weber, Diede, Posey.***

- b. Permission to hire Samantha Hamann at an hourly rate of \$12.88 as Archives Intern in the Historic Preservation Office to assist in the archives and archaeological laboratories.

Mr. Kuchenbecker stated the Historic Preservation Office is requesting permission to hire Samantha Hamann as a fall/winter intern beginning on September 22, 2021. The Archives internship program is an eight week program that provides high school and college students a "hands on" experience working in an archives and collections repository. ***It was moved by Commissioner Weber and seconded by Commissioner Posey to recommend to the City Commission to hire Samantha Hamann as the Archives fall/winter intern at \$12.88 to***

begin on September 22, 2021. Voting Yea: Carmody, Williams, Santochi, Berg, Weber, Diede, Posey.

- c. Permission to remove the moratorium on the Historic Preservation Grant and Forgivable Loan Programs effective October 1, 2021.

Mr. Kuchenbecker stated on Monday evening, September 20, 2021, the City Commission did approve second reading of the budget adjustment to transfer \$1,000,000 to the Historic Preservation Revolving Loan Program from the reserve account. The application has been updated and we are ready to open the programs back up. ***It was moved by Commissioner Santochi and seconded by Commissioner Posey to lift the moratorium on the Historic Preservation Grant and Forgivable Loan Programs effective October 1, 2021. Voting Yea: Carmody, Williams, Santochi, Berg, Weber, Diede, Posey.***

7. New Matters Before the Deadwood Historic District Commission

- a. COA 210178 - Keating Resources - 51, 53, 55 Sherman Street - Replace Windows

Mr. Kuchenbecker stated this is new updated application for the window replacement project. The applicant submitted a Certificate of Appropriateness for the August 11, 2021, meeting which was denied by the Historic District Commission. The applicant requests permission to replace all double hung window sashes and glass in the building windows. All of the original historical frames and trim will remain and be repaired where necessary. New wood single hung Pella windows will be installed within the existing frames.

A site visit was conducted on September 20, 2021, with staff and the Historic Preservation Commission to review a temporary window that has been installed as an example of what the applicant wishes to do to all the windows.

The office did receive comments from the State Historic Preservation Office regarding comments to the pictures staff sent of the sample window. Ted Spencer, State Historic Preservation Officer, stated staff viewed the pictures of the example window. The sashes are deeper and bigger but there would be no heartburn over it. There would be no push back to a decision of this commission from the State. However, the structure would no longer qualify for the Federal tax credit or State Property Tax moratorium. The replacements are acceptable but not ideal.

Mr. Kuchenbecker stated one thing we need to take under consideration is they have been accepted into the Facade Easement Program and if they do not qualify for the tax credit and property tax moratorium because the project does not meet the Secretary of Interior Standards. The commission will need to determine if they meet the qualification for the Facade Easement which is based on the Secretary of Interior Standards.

Staff stated their opinion is the Pella windows are a quality window and the craftsmanship and how they installed them looks good. But, it does alter the building to a point, in my opinion, damages and destroys the historic material and has an adverse effect to the building but does not have an adverse effect to the district.

Chairman Berg asked Mr. Burns if the applicant understands they may lose the Facade Easement if they continue with the window replacement project. Mr. Burns stated he has told them that.

Commissioner Weber stated she was not at the 10:00 meeting but went later in the day to view the window. The window looked nice. Commissioner Weber understands there is a lot of windows, and you just can't replace some of them because she thinks they will not match. Having them all replaced in her opinion will look better. She personally thinks it is the way to go.

Commissioner Santochi stated he agrees with Commissioner Weber on that. We need to encourage companies to come in and revitalize these old buildings. The only difference is that it is not the original window but everything else is the same. He can understand a building that has 117 windows. That is how I am leaning right now.

Commissioner Berg said he is on the same side of the fence. As a business owner He see it as once that building is finished it is going to look incredibly beautiful. He doesn't think it will harm the historic character of the district.

Commissioner Diede asked if the windows are tempered glass. Mr. Burns stated it is only required when the window is below 18 inches from the ground. Commissioner Diede stated one of the concerns we had during the site visit was the glass seems awfully weak and someone could fall out of the windows. He also personally thinks it has an adverse effect of the building. It is changing the character of the building.

Commissioner Posey stated this process does not meet the standards of the Secretary of the Interior which is a big part of it being adverse to our historic landmark status. Mr. Diede stated it does have an adverse effect on the building.

Mr. Williams stated when you came to us originally, before the purchase of the building, direction was given to review all the windows and determine what windows can be repaired and what has to be replaced with like windows. This should have been done to begin with. The applicant knew what he was getting into as well.

Mr. Kuchenbecker stated when ordering windows, they are 13 to 26 weeks out. There is a replacement window in so have the windows for this project have already been ordered. Mr. Burns confirmed the windows had been ordered prior to the approval process.

Commissioner Posey stated she is most concerned about setting a precedent here. We also suggested putting a storm window on the inside. Why wasn't that investigated. Mr. Burns stated it was proposed as an option and the applicant did not feel it would create the energy efficiency he wanted.

Commissioner Berg asked how SHPO will view this. Mr. Kuchenbecker stated staff viewed the pictures of the example window. The sashes are deeper and bigger but there would be no heartburn over it. There would be no push back from the State. However, the structures would no longer qualify for the tax credit or property tax moratorium. Based on this information the project does not follow the

Secretary of Interior guidelines so in his opinion they would also not qualify for the facade easement. It is staff's opinion it has an adverse effect on the building.

Commission Carmody asked how the owner feels about losing all these incentives. Mr. Burns stated they would rather have the windows replaced and possibly losing the Facade Program was a surprise. Commissioner Posey stated losing the conservation easement would affect our ability to protect the building in perpetuity.

Commissioner Weber stated just replacing a couple of the windows is going to look weird. Having all the windows replaced will look better. Having the building come back to life is very important to the town. I don't think someone putting this much money into something is going to let it deteriorate either. Commissioner Diede asked if any changes to the outside going forward will they still have to get HP approval. Mr. Kuchenbecker stated any exterior alteration will have to go before the HPC.

It was moved by Commissioner Weber and seconded by Commissioner Santochi 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. Voting Yea: Carmody, Santochi, Berg, Weber. Voting Nay: Williams, Diede, Posey. Motion carries.

It was moved by Commissioner Diede and seconded by Commission Posey the commission finds the proposed alterations and project is adverse to the character of the building but not adverse to the character of the historic district. Voting Yea: Carmody, Williams, Santochi, Berg, Weber, Diede, Posey.

8. New Matters Before the Deadwood Historic Preservation Commission

- a. PA 210176 - Iver & Monica Gibbs - 849 Main Street - Replace Door, Storm Door, Front Porch, Deck and Siding

Mr. Kuchenbecker stated the applicant has submitted an application for Project Approval for work at 849 Main Street, a contributing structure located in the Deadwood Upper Main Planning Unit in the City of Deadwood. The applicant is requesting permission to replace the front door, add a wood storm door and remove the front porch and replace with a deck. The applicant received a project approval on May 12, 2021, to remove the shed roof on the front stoop and replace with a gable that will be tied into the hip of the existing roof and match the roof pitch. Also included was the removal of the picture window on the left side of the structure and replace it with two wood double hung windows. The application stated if siding cannot be repaired plans are to replace the siding.

During the construction process the applicant did additional work to the structure that was not part of the original Project Approval submitted to the Historic Preservation Commission. The front door was replaced with a new door and the front stoop was removed and replaced with a wood deck and stairs. The siding was

previously approved, but it was replaced with siding that did not match the original reveal. Furthermore, the applicant did not apply for a building permit which is required and stated in the application process and approval letter.

It is staff's opinion, based on the evidence submitted and the rules, regulations and guidelines adopted by the Historic Preservation Commission, the completed work of the siding, roof and door does not encroach upon, damage or destroy a historic resource albeit the siding reveal does not match the original proportions.

Furthermore, it is my opinion, based on the evidence submitted and the rules, regulations and guidelines adopted by the Historic Preservation Commission, the deck and stairs constructed on the front of the resource does encroach upon the historic resource and has an adverse effect on the character of the building and the historic character of the State and National Register Historic Districts or the Deadwood National Historic Landmark District. Mr. Kuchenbecker stated the biggest issue is the railing and the stairs on the deck. You could approve everything but the deck. ***It was moved by Commissioner Posey and seconded by Commissioner Weber 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. Voting Yea: Carmody, Williams, Santochi, Berg, Weber, Diede, Posey.***

It was moved by Commissioner Posey and seconded by Commissioner Weber Based on 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 and move to deny the project as presented. Voting Yea: Carmody, Williams, Santochi, Berg, Weber, Diede, Posey.

Mr. Kuchenbecker asked for direction should they reapply. Commissioner Santochi stated the siding is something we can live with, but the deck needs to come down. Commissioner Williams stated the porch needs to come down and re-built with a permit back to the proper standards. Commissioner Posey asked if they would need a project approval. Mr. Kuchenbecker stated they will need to come back for a project approval to replace the front porch.

9. Items from Citizens not on Agenda

(Items considered but no action will be taken at this time.)

10. Staff Report

(Items considered but no action will be taken at this time.)

As you will see the Monthly Archive Report from Mike Runge is in the packet.

We are monitoring the Beuna Vista now known as Boot Hill Development project.

It has been very busy. We need to get out of the office on a more regular basis.

11. Committee Reports

(Items considered but no action will be taken at this time.)

Commissioner Weber stated Hops and Hogs and PBR is this weekend.

Commissioner Posey stated her, Commissioner Carmody and Commissioner Santochi did a check presentation yesterday at the Black Hills Playhouse.

Commissioner Berg stated it continues to be busy on Main Street.

12. Adjournment

The Historic Preservation Meeting adjourned at 5:55 p.m.

ATTEST:

Chairman, Historic Preservation Commission

Minutes by Bonny Anfinson, Historic Preservation Office/Recording Secretary