



Historic Preservation Commission Meeting Minutes

Wednesday, August 11, 2021 at 5:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. Call Meeting to Order

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

ABSENT HP Commissioner Tony Williams

STAFF PRESENT

Kevin Kuchenbecker, Historic Preservation Officer

Cindy Schneringer, Administrative Assistant

Mike Walker, NeighborWorks Director

3. Approval of Minutes

- a. Approval of HPC 7/28/21 Minutes

It was moved by Commissioner Diede and seconded by Commissioner Santochi to approve the HPC Minutes of July 28, 2021. Voting Yea: Berg, Posey, Carmody, Diede, Santochi, Weber

- b. Approval of 7/27/21 Budget Workshop Minutes

It was moved by Commissioner Diede and seconded by Commissioner Posey to approve the HPC Special Meeting minutes of July 27, 2021. Voting Yea: Berg, Posey, Carmody, Diede, Santochi, Weber

4. Voucher Approvals

- a. HP Operating Vouchers

It was moved by Commissioner Posey and seconded by Commissioner Santochi to approve the HP Operating Vouchers in the amount of \$44,618.09. Voting Yea: Berg, Posey, Carmody, Diede, Santochi, Weber

- b. HP Grant Vouchers 8/11/21

It was moved by Commissioner Posey and seconded by Commissioner Weber to approve the HP Grant Vouchers in the amount of \$11,600.00. Voting Yea: Berg, Posey, Carmody, Diede, Santochi, Weber

- c. HP Revolving Vouchers 8/11/21

It was moved by Commissioner Posey and seconded by Commissioner Santochi to approve the HP Revolving Loan Vouchers in the amount of \$12,952.02. Voting Yea: Berg, Posey, Carmody, Diede, Santochi, Weber

5. HP Programs and Revolving Loan Program

- a. Accept Michael Johnson owner of 227 Williams Street into the Vacant Home Program

Mr. Kuchenbecker stated you will see this later on the agenda. This house has been vacant for quite some time. It does meet the criteria for the Vacant Home Program. The program is under the moratorium. We have been accepting those projects that meet the criteria so staff would recommend acceptance. ***It was moved by Commissioner Posey and seconded by Commissioner Diede to accept Michael Johnson into the Vacant Home Program for the property located at 227 Williams Street. Voting Yea: Berg, Posey, Carmody, Diede, Santochi, Weber***

6. Old or General Business

- a. Demolition by Neglect - 824 Main - Hire Contractor to reroof resource

Mr. Kuchenbecker stated this is a resource that has been declared demolition by neglect on upper Main Street. We have tried to track down the owner through a private investigator and have been unsuccessful. We did go through the legal system. The courts are backing us and if we need to stabilize this resource we can. The court order is about a year and a half old. We kind of backed off because of the pandemic not knowing where our budget was going to be. Staff believes it is time to get a roof on the resource. You can see it is in poor shape. Just to shingle the cost estimate is \$10,900.00. If they need to add sheathing, if it has skip sheathing, it will be an additional \$8,900.00 for a total of \$19,890.00. This will be paid out of our grant/loan line item but then would be levied as a lien on the property. If the owner does anything with the property, he would have to pay that lien back. ***It was moved by Commissioner Diede and seconded by Commissioner Santochi to approve hiring contractor to reroof resource at 824 Main Street. Voting Yea: Berg, Posey, Carmody, Diede, Santochi, Weber***

7. New Matters Before the Deadwood Historic District Commission

- a. COA 210126 - Keating Resources - 51 53 55 Sherman St. - Replace Windows

Mr. Kuchenbecker stated this application is for the Adams block. They were accepted into our Facade Program at the last meeting and they are working on the rehabilitation of the resource. The commission has issued a Certificate of Appropriateness for the masonry repairs. They are now in for windows and staff had some concerns with what has been submitted for evidence for the need to replace all the windows. This application was continued from the last meeting until we had an on-site consultation with the State Historic Preservation Office (SHPO) to look at the conditions of the windows. Based on the site visit with staff and SHPO, the existing windows did not appear they were beyond repair and could be restored

and preserved. It was also explained to the applicant that without a detailed analysis, replacing the windows would more than likely jeopardize their current desire for the Federal Tax Credit, the State Property Tax Moratorium and the facade easement which also uses the Secretary of Interior's Standards. These are the standards along with the applicable guidelines in which the Commission should use in our reviews. The State Historic Preservation Office, who would recommend to the National Parks Service, believes that the proposed work could not be certified by the National Parks Service because it didn't meet the the standards. Those standards would be Standards 2, 5 and 6 that are detailed in the staff report. Under the review of standards, it is staff's opinion the proposed replacement of the windows would damage and destroy the historic fabric of the resource and would have an adverse affect on the building and could be adverse to the National Historic Landmark District.

The applicant strongly disagrees with staff and thought the meeting was a waste of time. He believes we should override the National Parks Service in our decision and assist him appeal to the National Parks Service. We told him he would need to complete part 1 and part 2 application and fully detail out why the windows are beyond repair.

There are some checking and limited rot on the windows sills but almost all the sashes are in good shape. We've seen a number of the windows fall out recently. Part of that is, in staff's opinion, it through the rehabilitation project to date they have opened up the building and there's no interior walls thus allowing interior pressures from exterior winds push out the glazing and glass. It is just one big shell now and if you have a window open on this side and a strong gust comes it blows out the window because they have not maintained through deferred maintenance for many years. Again, it is staff's opinion the windows could be restored single plate, re-glazed and retained as it is most appropriate to repair rather than replace according to the standards.

The architect, Brad Burns, was unable to be here. He did provide his input on building exterior windows from the Technical Preservation Services of the National Parks Service and then a more detailed showing how the window replacements are close to the original sashes. The bottom sash is probably the most significant change out of those windows. But again, it is the opinion of the State Historic Preservation Office and the Deadwood Historic Preservation Officer that it does damage and destroy.

Commissioner Carmody asked so what's the next move.

Mr. Kuchenbecker stated it depends on what happens at this meeting. If you approve it, they will order the windows and replace the windows. If you deny it, they have the choice to come back in for a project approval to repair the windows or to appeal it to the court and see if the court believes that the commission's decision was just based on your review of the project based on the Standards along with proper input from State Historic Preservation Office and staff was just.

Chairman Berg stated we can not afford to get in worse shape with the State of South Dakota in this area so I personally think we have to move to deny.

Commissioner Carmody asked what happens if we all say sure, go ahead but it doesn't meet the State's standards.

Mr. Kuchenbecker stated the State has already concurred with my staff report which it damages and destroys the historic material. They would be appealing your decision not the States but they would not be eligible for the State Property Tax Moratorium, the Federal Tax Credits, which at this point the applicant says "I don't care", which is a 20% tax credit worth about \$1,000,000.00 in tax credits. If you look at his savings over 8 years for a property tax moratorium it is probably another \$300,000.00 in savings and then our Facade Easement, I think it would be hard for this body to give him money to do something that did not meet the standards so there's another \$300,000.00.

Commissioner Weber asked "what's his reasoning".

Mr. Kuchenbecker stated this is his email following the meeting. "Good afternoon Kevin and Bonny. I am following up regarding our meeting at subject building on Thursday, August 5th at 11:00 a.m. The meeting was a waste of everyone's time. Heather's suggestion that the 121 year old window frames be re-glazed is asinine and ridiculous. There is no third party lab that will qualify the safety and performance of re-glazed 120 year old window frames with much heavier glass. The recommendation puts people at risk and certainly does nothing to insure the long term vibe of the building. The worst kept secret in the historic rehab world is to abide by the dumb rule required by the National Parks Service to re-glaze windows and then replace windows after the historic tax credit vest in 60 months. I've done it twice and I'm not doing it again. As I said in our meeting to Heather, South Dakota weather is not Washington DC weather were the National Parks Service staff are sitting around making some crazy rules. I was in subject building in February 2021 when it was 40 below and I was in the building 2 weeks ago when less than 5 minutes later when it was 105 degrees. South Dakota temps plus add on wind, ice, hail, extreme wind creates an intense harsh environment. I'm disappointed that the South Dakota SHPO and South Dakota municipalities are not standing up against the National Parks Service. This is one more case how Washington brings its stupidity to the states. The sad part is that the stupidity crosses party lines. The result has been the same regardless of which party is in over my 21 years of dealing with the National Parks Service. Subject building is the largest historic structure in Deadwood per the County Assessor. I'm disappointed that as of this date, I have received no support from SHPO. I've communicated my feelings to the Governor's Office and hopes the Governor puts a new person in charge who will fight for South Dakota. Please take time to read Brad's message below. Pella has done more to preserve buildings in the USA than the National Parks Service and SHPO has or will ever do. Thank you. Gerard.

It was moved by Commission Posey and seconded by Commissioner Santochi based upon the guidance found in DCO 17.68.050, I find that the exterior alteration proposed is incongruous with the historical, architectural, archaeological or cultural aspects of the district and MOVE to deny Certification of Appropriateness.

Discussion:

Commissioner Santochi questioned what the plans for the building are and wanted to know if there is a way to make those windows insulated.

Mr. Kuchenbecker stated sports gaming on the lower level. The upper level - he applied for a Historic Convention Liquor License which means he was going to do 30 hotel rooms. He's now changed his mind on that. We've refunded him for the liquor license. At this point we do not have final plans. It has been all over the place. There are some compromises I suggested. One is an Indow window where you put an interior storm on. The second would be to plow out the window sashes and create a greater groove and put a double pane window in the existing frame. There are some options to get a win-win.

Voting Yea: Berg, Posey, Carmody, Diede, Santochi, Weber. Motion passed unanimously.

8. New Matters Before the Deadwood Historic Preservation Commission

- a. PA 210142 - 171 Charles St. - Pat & Rhonda Mollman - Replace siding, add on outdoor living area and porch, replace doors

Mr. Kuchenbecker stated that Rhonda is here should you have any questions. This is a non-contributing structure located in the Cleveland Planning Unit circa 1977. The applicant is requesting permission to re-side the entire house with LP Smartsiding. Replace the walk-in basement door, front door and back patio doors. Construct an outdoor covered living space and front porch on the front side of the structure. 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. They have some renderings of what that would look like in the attached application. ***It was moved by Commissioner Santochi and seconded by Commissioner Weber 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 for Pat & Rhonda Mollman, 171 Charles to re-side the entire house with LP Smartsiding, replace the walk-in basement door, front door and back patio doors and to construct an outdoor covered living space and front porch on the front side of the structure. Voting Yea: Berg, Posey, Carmody, Diede, Santochi, Weber***

- b. PA 210145 - Michael Johnson - 227 Williams Street - Rehabilitation Project

Mr. Kuchenbecker stated we are excited to have this resource that has been vacant for a number of years rehabbed. It is a contributing structure located in the Forest Hill Planning Unit circa 1890. The center portion is a stone building with 2 lean to additions and one addition that is flat roofed. We've been working with Michael Johnson on this. We've allowed him to remove the sketchy parts of the building which are the wings because of the roof. He's finally submitted an application for project approval which is concerning for the historic integrity of the house. He's

adding 12 feet to the front basically encapsulating the historic resource and rebuilding the wings. The wing on the left side historically was in front of the stone portion of the building. I talked to him briefly yesterday and said there were concerns. You can see his floor plan has a bedroom on each side and a new stairway going to the 2nd floor. To get that stairway in, he's building a whole new addition on the front of it so you wouldn't see any of the historic resource that's left there. I did talk to the state. They did concur with my concerns as proposed it does encroach upon damage and destroy a historic resource. I would like to have this continued to have a site visit with him and take a look at this. He just tore down the two wings this weekend. I drove by there yesterday. You can see the stone coming up there and I think it would be advantageous just for us as a commission to meet with him to explain our concerns and maybe help him through that process rather than deny it as proposed at this time. I would ask the commission to consider continuing this and then we would get a site visit next week with the new owner. ***It was moved to by Commissioner Posey and seconded by Commissioner Weber to continue this project approval until the next meeting. Voting Yea: Berg, Posey, Carmody, Diede, Santochi, Weber***

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.)

Mr. Kuchenbecker reported the Mt. Moriah project is moving forward restoring some of the iron work and fencing going up to the Celebrity Graves of Wild Bill, Calamity Jane and Potato Creek Johnny. Actually have the sidewalk closed today, tomorrow and Friday to allow replacement of an unsafe step at the top of the stairs. It was the best time with visitation. All though it's incredibly busy there its less than normal than non-rally. Retaining walls - we have 1 underway and 2 starting next week. It has been crazy. I spent 2 1/2 hours with the Governor and Lt. Governor when they were here on Monday for the Legend's Ride. It was good facetime so when we go to talk to them in the future we have built that relationship. Robin handed me this from individual Mary Arnold of Pennsylvania sent us this out of her families collection. The very early Deadwood Historic City brochure must be from the late 30's early 40's based on the front photograph. Mt. Moriah's not finished. I think we have one in our archives. If not, that was very nice of that lady there.

11. Committee Reports

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

Commissioner Posey reported the Best Window Display presentation for the 2nd Quarter is going to be across the street at the Deadwood Day Spa next Tuesday, August 17th at 10:30 a.m.

12. Adjournment

The Historic Preservation Commission Meeting adjourned at 5:30 p.m.

ATTEST:

Chairman, Historic Preservation Commission

Minutes by Cindy Schneringer, Historic Preservation Office/Recording Secretary