



# Planning and Zoning Commission Regular Meeting Minutes

Wednesday, May 17, 2023 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

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## 1. Call to Order

The meeting of the Deadwood Planning and Zoning Commission was called to order by Chairman Martinisko on Wednesday, May 17, 2023, at 4:00 p.m. in the Deadwood City Hall Meeting Room, located at 102 Sherman Street, Deadwood, SD 57732.

## 2. Roll Call

PRESENT

Commissioner (Chair) John Martinisko  
Commissioner (Vice-Chair) Josh Keehn  
Commissioner (Secretary) Dave Bruce  
Commissioner Charles Eagleson  
Commissioner Ken Owens

Michael Johnson, City Commissioner  
Sharon Martinisko, City Commissioner  
Charlie Struble, City Commissioner

STAFF PRESENT

Kevin Kuchenbecker, Planning, Zoning and Historic Preservation Officer  
Trent Mohr, Building Inspector  
Cindy Schneringer, Administrative Assistant

## 3. Approval of Minutes

- a. Approval of May 3, 2023 Minutes.

***It was moved by Commissioner Bruce and seconded by Commissioner Keehn to approve the May 3, 2023 minutes. Voting Yea: Martinisko, Keehn, Bruce, Eagleson, Owens***

## 4. Sign Review Commission

## 5. Planning and Zoning Commission

- a. Revised Plat - Transfer of Property - The RIDGE at Deadwood - TRD, LLC (Randy Horner)

BLOCK 1 AND BLOCK 1A OF THE RIDGE DEVELOPMENT. FORMERLY LOT A OF GOVERNMENT LOT 13 AND 19 IN SECTION 11; LOT B OF GOVERNMENT LOT 19 IN SECTION 11 AND GOVERNMENT LOT 12 IN SECTION 14 -AND- A PORTION OF PREACHER SMITH TRACT. ALL LOCATED IN SECTIONS 11, 12, 13 AND 14 T.5.N., R.3.E., B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.

Mr. Kuchenbecker stated this is for TRD, LLC, Randy and Cheri Horner. The surveyor, Shannon Vasknetz, is here if there are any questions. The purpose is to transfer property. The general location is near the Preacher Smith monument. Legally described as BLOCK 1 AND BLOCK 1A OF THE RIDGE DEVELOPMENT. FORMERLY LOT A OF GOVERNMENT LOT 13 AND 19 IN SECTION 11; LOT B OF GOVERNMENT LOT 19 IN SECTION 11 AND GOVERNMENT LOT 12 IN SECTION 14 -AND- A PORTION OF PREACHER SMITH TRACT. ALL LOCATED IN SECTIONS 11, 12, 13 AND 14 T.5.N., R.3.E., B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. The purpose of this plat is to remove existing property lines that that were established in September 2022. This is a result in change in the lot for the convenience store which was going to be in Lot 1 of Block 1A. The developer would now like those lines removed.

Mr. Vasketz stated we have seen this before. We had it approved. Basically it has been sitting in the DOT's office. This plat affects all three approaches into the subdivision. The DOT had one application of one approach they had to get some clarification on before they have full approval on it. In the mean time, the approach for the C store was all good in their eyes so we went ahead and created the C store lot. Platted it. Sold it. Since that happened before this one got recorded is the only reason we are bringing this one back to the table. We are removing the C store little piece out of the platting. Everything has been approved by the DOT. We are all good. That is the only reason this is coming back through.

***It was moved by Commissioner Keehn and seconded by Commissioner Bruce to approve the transfer of property legally described as BLOCK 1 AND BLOCK 1A OF THE RIDGE DEVELOPMENT. FORMERLY LOT A OF GOVERNMENT LOT 13 AND 19 IN SECTION 11; LOT B OF GOVERNMENT LOT 19 IN SECTION 11 AND GOVERNMENT LOT 12 IN SECTION 14 -AND- A PORTION OF PREACHER SMITH TRACT. ALL LOCATED IN SECTIONS 11, 12, 13 AND 14 T.5.N., R.3.E., B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. Voting Yea: Martinisko, Keehn, Bruce, Eagleson, Owens***

- b. Consider Plat - Creating property line and Transfer of Property - City of Deadwood / Lori & David Wilkinson

LOT 7A OF HIGHLAND ADDITION TO THE CITY OF DEADWOOD, LAWRENCE COUNTY SOUTH DAKOTA FORMERLY A PORTION OF LOT 6 AND 7 OF HIGHLAND ADDITION LOCATED IN THE NW ¼ OF SECTION T.5.N., R.3.E., B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

Mr. Kuchenbecker stated this is a joint application. The applicants are the City of Deadwood and Lori and David Wilkinson, who are in the audience. This is for creating a property line and transfer of property. In the general of Terrace and Fremont neighborhood. Legally described as LOT 7A OF HIGHLAND ADDITION TO THE CITY OF DEADWOOD, LAWRENCE COUNTY SOUTH DAKOTA FORMERLY A PORTION OF LOT 6 AND 7 OF HIGHLAND ADDITION LOCATED IN THE NW ¼ OF SECTION T.5.N., R.3.E., B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. All legal obligations have been completed. This is zoned R-1. The surrounding zoning is R-1. The purpose of this plat is to create property lines for

the creation of a new lot (7A) which will then be transferred to the City of Deadwood. This involves a large stone wall that supports Fremont Street which is currently under the ownership of Lori and David Wilkinson whose home is located at 67 Terrace. For years, the City has been working to remove the private ownership of this retaining wall to relieve the financial impact on the homeowner in the event repair is needed. It does hold up the street above it. To finalize this transfer of land, Lot 7A needs to be created and recorded along with an easement to officially transfer the land to the City of Deadwood. The easement will allow the City to have access on a "as needed" bases for maintenance purposes. The applicants and their legal counsel is here if there are any questions. It cleans it up for the ownership of this.

Mr. Frederickson stated it is important to the clients. There's a big liability issue as you can see with the wall. This will eliminate that. I did talk to Quentin this afternoon. He will be preparing the easement for your review and approval. That addresses the liability and the indemnification and the notes requirement if there is going to be any work on the wall so that you will let the Wilkinson's know in time in case they have plans to come up here. There is one other item, the repair of the wall be timely and stuff. I think if you look at the photographs it looks like the wall has been damaged somewhat. It looks to be through the plowing of the snow. You can see where it is scraped on the side. The grass area is actually where the house is. The easements to maintain the wall is like 3 feet or something. They understand you may have to move equipment in and out to repair it. They are willing to allow that. They just want it cleaned up when they are done.

Mr. Kuchenbecker stated that is the hatched area on the plat which will be referenced in the easement as the exhibit showing that area.

***It was moved by Commissioner Keehn and seconded by Commissioner Eagleson to approve the plat for creating property line and transfer of property legally described as LOT 7A OF HIGHLAND ADDITION TO THE CITY OF DEADWOOD, LAWRENCE COUNTY SOUTH DAKOTA FORMERLY A PORTION OF LOT 6 AND 7 OF HIGHLAND ADDITION LOCATED IN THE NW ¼ OF SECTION T.5.N., R.3.E., B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. Voting Yea: Martinisko, Keehn, Bruce, Eagleson, Owens***

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

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

## **7. Items from Staff**

Mr. Kuchenbecker stated just a couple of things. One we were in Pierre last week for Code Enforcement Conference. While we were there we met with Game, Fish and Parks grant coordinator. We have a grant in for the satellite parking below the Lodge for a trailhead and truck/trailer parking. We had to provide some supplemental maps to show their is access to the trails in the area from that. This is something we have been working on. We are out to bid with the FEMA project. Hopefully we will get qualified bidders and it comes in reasonable. I am a little nervous based on the last bid openings we had for our retaining walls and Days of '76 concessions. We are advertising for a

Zoning Coordinator. It is an additional staff item that was budgeted for last summer. It is open right now. Hopefully, we can fill that in the next few weeks. That will take a lot of load off my shoulders. I have a right hand for preservation as a Preservation Coordinator. Having that Zoning Coordinator would be very beneficial with the work load and everything going on. With that, I am going to have Trent say a few words about the code enforcement training.

Mr. Mohr stated this is a statewide association, SoDACE (South Dakota Association of Code Enforcement). Every spring we have a conference get together with code enforcement folds from different municipalities across the state. Really good training. It is always good to network with folks. One thing I learned really quickly going to association meetings is we are all dealing with the same stuff. All of the people are having the same challenges and some people have figured out creative ways and effective ways to address these challenges. It is good to get together and steal ideas from each other. It was Kevin's first time attending.

Mr. Kuchenbecker stated one of the things I do want to look into is what Sioux Falls has a registry for vacant buildings. As you all know, we have a housing shortage in Deadwood and the northern hills. We have some buildings that have been vacant for twenty plus years. What Sioux Falls does is require them to register and it is two thousand dollars a year to register as a vacant building. Every year it remains vacant another thousand dollars is added. Unless it is in a historic district and then it goes up two thousand dollars every year. Sioux Falls calls them landlords that are house hoarders. It is an interesting concept. I think over the last seventeen years there has been a number of vacant homes that have been rehabilitated. There are still a handful that vacant. Some of them need some work and the property owners are sitting on them. This is a mechanism could incentivize them to fix them up and rent it and occupy it or sell it.

Mr. Mohr stated another purpose that would be helpful is actually the person responsible coming in and registering it and then we have record of actually who the person that is responsible. If there are any issues, we know who to contact. Sometimes that is a big challenge.

Mr. Kuchenbecker state if you have a code issue or an unlocked house or something where there is a nuisance you don't have any idea how to get a hold of that person. That is one of the highlights that I took away from it. That was from the networking and round table discussions.

## **8. Adjournment**

***It was moved by Commissioner Owens and seconded by Commissioner Bruce to adjourn the Planning and Zoning Commission meeting. Voting Yea: Martinisko, Keehn, Bruce, Eagleson, Owens***

There being no further business, the Planning and Zoning Commission adjourned at 4:19 p.m.

ATTEST:

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Chairman, Planning & Zoning Commission

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Secretary, Planning & Zoning Commission

*Cindy Schneringer, Planning & Zoning Office/Recording Secretary*