



# Historic Preservation Commission Meeting Minutes

Wednesday, March 10, 2021 at 5:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

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## 1. Call Meeting to Order

A quorum present, Chairman Berg called the Deadwood Historic Preservation Commission meeting to order on March 10, 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

STAFF PRESENT

Kevin Kuchenbecker, Historic Preservation Officer

Cindy Schneringer, Administrative Assistant

Quentin Riggins, City Attorney

Mike Walker, NeighborWorks Director

Charlie Struble-Mook, City Commissioner

## 3. Approval of Minutes

- a. HPC Minutes for February 24, 2021

***It was moved by Commissioner Posey and seconded by Commissioner Diede to approve the HPC Minutes of February 24, 2021. Voting Yea: Berg, Posey, Carmody, Diede, Santochi, Weber, Williams***

## 4. Voucher Approvals

- a. HPC Operating Vouchers 3/10/2021

***It was moved by Commissioner Posey and seconded by Commissioner Santochi to approve the HPC Operating Vouchers in the amount of \$27,383.56. Voting Yea: Berg, Posey, Carmody, Diede, Santochi, Weber, Williams***

- b. HP Revolving Vouchers 3/10/21

***It was moved by Commissioner Posey and seconded by Commissioner Diede to approve the HPC Revolving Loan Vouchers in the amount of***

***\$45,373.20. Voting Yea: Berg, Posey, Carmody, Diede, Santochi, Weber, Williams***

**5. HP Programs and Revolving Loan Program**

- a. Revolving Loan Program  
Glenn Fasnacht, 74 Van Buren Street for loan subordination and six-month extension request

***It was moved by Commissioner Posey and seconded by Commissioner Weber to approved the revolving loan requests for Glenn Fasnacht, 74 Van Buren Street, loan subordination and six-month extension. Voting Yea: Berg, Posey, Carmody, Diede, Santochi, Weber, Williams***

**6. Old or General Business**

- a. Purchase Stained Glass Window once located in the Christian Science Church from Renee Burr in the amount of \$500.00 from 2021 HP Acquisitions Line Item.

Mr. Kuchenbecker stated this is a stain glass window originally from the Christian Science Church on Williams Street which is now a private residence. We took this purchase through the appropriate committee for discussion. Trails West Fine Art performed a fair market appraisal. We offered Ms. Burr \$500.00 for the window which she accepted. This is to approve this expenditure and to allow us to work with Touch of Glass for cleaning and stabilization of the window. ***It was moved by Commissioner Posey and seconded by Commissioner Santochi to accept Ms. Burr's offer of \$500.00 for the stained glass window from the Christian Science Church and permission to enter into a contract with Touch of Glass for cleaning and stabilization of the window. Voting Yea: Berg, Posey, Carmody, Diede, Santochi, Weber, Williams***

- b. Hire Siouxland Heritage Museum to develop traveling exhibit of Mount Moriah Cemetery at a cost of \$6,600.00 to be paid from the budgeted 2021 HP Public Education line item.

Mr. Kuchenbecker stated this is a request to hire the Siouxland Heritage Museums in Sioux Falls to develop a new traveling exhibit on the history of Mt. Moriah Cemetery. We have three traveling exhibits (Baseball in the Mining Camps, Wild Bill Hickok, and Theodore Roosevelt and Seth Bullock). The traveling exhibits have been across the state and the nation. ***It was moved by Commissioner Diede and seconded by Commissioner Weber to approve entering into a contract with Siouxland Heritage Museum to develop a new traveling exhibit on Mt. Moriah Cemetery. Voting Yea: Berg, Posey, Carmody, Diede, Santochi, Weber, Williams***

- c. Permission to enter into a contract with Robert Bozell of Lincoln, Nebraska to complete the final faunal analysis for the 2002 Deadwood Chinatown project at a cost not to exceed the amount of \$2,400.00 from the budgeted 2021 HP Archaeological line item.

Mr. Kuchenbecker stated from 2001-2004 we had a multi-seasonal archaeological investigation in Chinatown on lower Main. The principal investigator Rose Estep Fosha hired Robert Bozell to write the final report. The report did not get completed. We feel it is imperative the report be completed to tell the whole story. He was never paid for it and is willing to complete the report for the amount of \$2,400.00, which is in our budget. Staff recommends approval. ***It was moved by Commissioner Weber and seconded by Commissioner Diede to approve entering into a contract with Robert Bozell to complete the final faunal analysis from the 2002 Deadwood Chinatown project in an amount not to exceed \$2,400.00 to be paid out of the 2021 HP Archaeological line item. Voting Yea: Berg, Posey, Carmody, Diede, Santochi, Weber, Williams***

- d. Consideration of extension request and reallocation of grant funds to the Lead/Deadwood Sanitary District No.1 from the 2020 Outside of Deadwood Grant program for the Hanna Pump Station

Mr. Kuchenbecker stated the Lead/Deadwood Sanitary District No. 1 received an Outside of Deadwood Grant in the 2020 Round 1 funding process for \$10,000 for the Hanna Pump Station which is eligible for the National Register of Historic Places. The request was for tuck pointing and repair of the damaged bricks. After further investigation it was determined there is more damage and structural issues there. This went before the appropriate committee. The committee recommended granting the extension until May 31, 2020 and allowing the \$10,000 to be re-allocated for professional services with Upper Deck Architects to complete the study and determine the extent and probable cost for the restoration with the stipulation a copy of the architectural and engineering plans be submitted to the Historic Preservation Office and the Lead/Deadwood Sanitary District No. 1 seek additional grant funds from the State Historic Preservation Office. ***It was moved by Commissioner Posey and seconded by Commissioner Weber to approve the grant extension until May 31, 2021 and re-allocate the funding to pay for the architectural fees with the stipulation a copy of the architectural and engineering plans be submitted to the Historic Preservation Office and recommend the Lead/Deadwood Sanitary District No. 1 also seek additional grant funds from the State Historic Preservation Office. Voting Yea: Berg, Posey, Carmody, Diede, Santochi, Weber, Williams***

## **7. New Matters Before the Deadwood Historic District Commission**

- a. COA 210018 - Harlan Kirwan - 669 Main Street - Facade Changes

Mr. Kuchenbecker stated this is a contributing structure located in the Deadwood City Planning Unit constructed in 1879. The applicant is requesting permission to change the facade of the building to make it more visually appealing to tourists and to provide an Old West feel with the use of Black Hills pine wood. The windows and doors will remain trimmed in a manner similar to its current state. The upper portion of the building will remain as is. This alteration of the facade will create a historical replication to buildings in Deadwood prior to 1900.

The applicant applied for a similar Certificate of Appropriateness on May 27, 2020 where the Deadwood Historic District Commission unanimously denied the application based upon the guidance found in DCO 17.68.050 because they found the exterior alteration proposed is incongruous with the historical, architectural, archaeological or cultural aspects of the district. Furthermore, the Historic Preservation Commission required the removal of the inappropriate material applied to the store front and doors without prior approval. The applied wood alterations to the doors have not been completely reversed.

This structure was built immediately after the "Great Fire of Deadwood" which occurred on September 26, 1879. The original building on this location was destroyed by fire. Historic photos shown in the staff report through the Historic Preservation Office shows the building featuring storefront windows and a recessed entry. These structures typically included recessed painted panels at the base of the store front as well. The building has changed over the course of Deadwood History, again, shown in the photographs; however, with the advent of gaming and a strong historic preservation ethic. The storefront was rehabilitated back to a near original configuration of the early building using guidance of the Secretary of Interior Standards for Rehabilitation along with historic photos and physical evidence to the time period of the construction of this structure.

The structure is one of the oldest surviving buildings on Main Street. And while a wooden structure, it was very typical of the advancement of the boom-town architect. It consists of very simple detailing on the store front and is of traditional design. This design is within the period of significance and should remain.

It is important to maintain the traditional site layout and material of this historic resource. Altering these traditional elements by introducing non-painted materials and stylistic elements as proposed damages and destroys the character defining elements which define this early Deadwood resource.

The Standards (Department of the Interior regulations 36 CFR 67) pertain to all historic properties listed in or eligible for listing in the National Register of Historic Places. These are as follows: [Staff's review according to the standards follows in red (bold)]

1) A property shall be used for its intended historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

**[The applicant references the building was historically operated as a clothing store and later a saloon and today it operates as a clothing store and saloon.]**

2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

**[The historic character of the property fits as it was rehabilitated in the past couple decades. The proposed alteration appears to characterize**

**buildings which were destroyed by fire in 1879. The removal or addition of the proposed alteration should be avoided.]**

3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

**[The building is a physical record of its time and place. Adding the proposed alteration creates a false sense of history to this specific building and adds features which may be from an early structure.]**

4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

**[The property represented prior to the applicants previously denied alterations represented the most appropriate design within the National Historic Landmark Districts period of significance.]**

5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

**While a review of the photographic evidence and physical record show the building changed over time, the current configuration and materials are the most appropriate characterizing features of the historic property and should be preserved.]**

6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

**[This standard reflects the importance of color, design and texture as distinctive features. The proposed alteration does not reflect nor follow this standard.]**

7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

**[This standard is not necessarily relevant to this current approval; however, the previously denied application for work completed without review, approval and appropriate permitting by the city destroyed some of the previous workmanship on the resource.]**

8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

**[Not applicable for the application]**

9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be

differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

**[Not necessarily applicable for the application]**

10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

**[Not necessarily applicable for the application]**

Based on staff's review using the Guidelines for Undertakings in the City of Deadwood's National Historic Landmark District including the Downtown Design Guidelines, the Department of Interior Standards for historic preservation projects and the South Dakota Administrative Rules, it is my opinion, the proposed work and changes does encroach upon, damage or destroy a historic resource and has 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. Kuchenbecker stated in the staff report you've got photographs from the 1993 architectural survey, a photo of the store front prior to May of 2020, and a photo of the storefront with the applied wood in 2020 that was denied. It is staff's understanding the applicant is requesting to install similar materials. A variety of historic photos, although not directly on, you can see the building in the background with the recessed entry, the large storefront windows and in some cases the recessed panels. It was altered at one point when it was the Carousel Ice Cream Shop and then taken back to very similar to what it would have looked like originally.

The applicant is here and has provided a description of the activity, a photograph of the Apex with board and batten before preservation which has been since that building was destroyed and reconstructed, photographs from 1877, the Bella Union that has a wooden storefront with what looks like stone, and a picture of what it looked like in May of 2020. We will turn it over to the applicants.

Chairman Berg asked Mr. Kirwan if he would like to explain what he is wanting to accomplish here. Mr. Kirwan deferred it to his attorney who is here.

Kim Pehrson, with Thomas, Braun, Bernard & Burke in Rapid City, stated she has been working with Harley on this. The purpose of this is to just change the front facade of this building to this hewn wood, Black Hills pine, locally sourced from a nearby mill and it will give a historic wood appearance.

The photo on page 45 that we submitted is what we would plan to have it look like so it is only going to change the lower portion of the facade. The upper would stay as is. The windows are going to stay the same. The recessed entry will stay the same. So these rough hewn planks create a hand cut look which would be more representative to the time Deadwood was founded.

I did a little bit of research on what rough hewn wood is and learned it is kind of a wooden marvel used by frontier dwellers who lived away from sawmills or couldn't

afford sawmill beams. Pioneers relied on this to create their building materials. It is a timeless craftsmanship that brings history to life.

From what I understand, the period of significance that the commission considers starts at the beginning of Deadwood in 1875. So this would be similar to what would've been used when Deadwood was originally founded and it was the frontier. In fact, Deadwood, as I'm sure everyone knows, is advertised as being the Old West and oldest mining town, come walk in the footsteps of legends. So it's advertised as this Old West town and this facade which looks better would also better reflect the time period that Deadwood is known for and which is part of the National Landmark status time period.

I found a book called *Deadwood: The Golden Years* by Watson Parker and that writer notes that demand for lumber in Deadwood at it's founding was very high and sawmills didn't exist here originally. and so miners would hewn the wood just like what this is intended to look like.

I noticed in the staff report that how it looks like currently is described as what buildings typically looked like and then noted that the buildings changed several times over the years. What this really boils down to is just the change in the texture materials of the facade.

The photographs that the staff submitted of the building on page 31 shows the building in 1993 looking pretty similar to how it looks now and then on page 33 there's some pictures that's not clear when they were taken. Page 34 has photos showing it looking completely different at another time and on page 35 its how it looked in the 70's and 80's. The photo on page 36 from 1913 shows the building with much larger windows and lacking the wood framing it has now. So there is no photos prior to 1993 that shows this building with the current look deemed to be the appropriate historic look. There is really no evidence in the staff report that how it looks now deemed appropriate is in fact accurate or what time it is accurate to.

The proposal then of Mr. Harlan's shouldn't be ruled out or declared historically inaccurate because it would be appropriate for the period of significance starting in 1875. The materials would help to bring history to life as this was a technique used in Deadwood at the time of founding and I guess I would ask you to compare the photos on page 32 to how it currently looks and to what he is proposing and decide which one looks better or more historic or which one is more likely to draw tourist in to spend money here in Deadwood. So Mr. Kirwan does ask that you approve his proposal for this facade. Anyone have any questions?

Chairman Berg stated I think with out our own legal counsel...

Mr. Kuchenbecker stated we have him here.

Chairman Berg asked we have him here?

Mr. Kuchenbecker stated Quentin's zoomed in.

Ms. Posey stated oh.

Chairman Berg stated wonderful.

Ms. Weber stated I think you know you are saying there are no photographs of it looking like it does today but there are also no photographs of it looking like you propose either.

Ms. Posey stated in fact there are no other buildings in town that look like that.

Mr. Kuchenbecker stated that survived the fire that are original.

Mr. Diede stated I think I can provide a little insight here. If you look at the picture from 1913 that was the way the building looked like in the early 60's. In fact that used to be Ollies Place. It used to be a card bar and all the old folks in town and some of the older gentleman used to play cards in the back corner of that little bar there. Again, the picture that 1913 that's pretty much how it looked like before Carousel took it over.

Ms. Weber asked which page?

Mr. Kuchenbecker stated that would be page 44 if you've got the bills included in there. Their numbers are slightly different for page numbers because they have the bill list that was added today. What Leo is referring to is page 44. The what Leo is saying that after that so from, so from 1913 to the 1960's it looked like that and sometime in the late 60's early 70's it became an ice cream store. They down sized the windows and then put the carousel ice cream above there. At the beginning of game it's my understanding is where either took off the plywood front and uncovered either the original siding or put up siding and I don't know exactly what happened in that time frame but based on the historic photographs and you look at that storefront in 1913 it has the horizontal lap siding that it has today. I would concur that and again in that 70's or 80's it does look like the storefront windows are slightly larger there.

I guess my point is yes our period of significance is 1875 to 1939 between the National Register and the National Historic Landmark. One is 36 and one is 39. They're the same district just two different periods of significance and this building was built in 1879 and so the boom town architecture and the rough sewn lumber storefronts and the log cabins and canvas tents disappeared and as a result, you know one of the first buildings is the Phoenix Block which is where Midnight Star is. It's called the Phoenix Block because it rose above the ashes of the fire. At that same building time, that whole corner of Lee Street and Main Street developed after that time. These are some of the oldest buildings remaining in the Historic District and the buildings represent that time period. They don't represent 1876 to 1879. They represent 1879 forward.

Mr. Williams asked if this is the oldest picture we can find? The 1913? You're going back far enough to cover it.

Mr. Kuchenbecker stated Mike was on vacation. So on page... I don't have dates on all of these. So on page 41 is actually from the Centennial Archives out of the library. I would say that is prior to 1913 just looking at the horse drawn vehicles in the photo. The snow storm above that is probably in the 1920's just guessing. I can get more specific dates if you want. Most of the pictures like from 1888 were taken

from above and the Bodega gets in the way. It's a three story building. I couldn't find a perfect straight on shot.

Ms. Weber stated I think we have to be really careful because these are our oldest buildings. These are some of the few buildings that are actually left. I think changing it is a really big deal. I think we have to be very careful.

Mr. Williams stated it that was the case then we were going to bring it back to that it would have great big windows back in it and everything else.

Mr. Kuchenbecker stated and that's an option to take it back and take it back to the 1913 look. But to take it back to an 1876 or 75 or the rough...

Ms. Weber stated or to the 1879, then take it all the way back you know

Ms. Posey stated these windows on the front are already pretty big. They are just divided into quarters. This is what it's supposed to look like.

Mr. Diede state the original building was like an alcove.

Mr. Kuchenbecker stated yes, recessed.

Ms. Weber stated I think if any changes were to be made than it should be taken back to a more original look not add something that is new that was never there. I don't think that's the purpose of a historic district.

Mr. Kuchenbecker stated and well that is where the standards come in and the guidance set forth for you guys to consider.

Chairman Berg stated okay.

Ms. Posey stated I agree. After this as far as I'm concerned this is completely inappropriate.

Chairman Berg state so you need to make a motion.

Ms. Posey stated okay.

Ms. Weber asked motion to deny is that what it is?

Mr. Kuchenbecker stated it would be. If you're doing that it would be the motion on B.

Ms. Posey state option B. 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.

Ms. Weber seconded.

Chairman Berg stated we have a motion and a second. All those in favor say aye: Berg, Posey, Carmody, Diede, Santochi, Weber, Williams. Opposed same sign: none. Motion carried.

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

**8. Items from Citizens not on Agenda**

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

Patrick Towne is interested in the property know as Mineral Survey 1998 owned by Timothy Davis which doesn't have proper access to it. He came before the commission to get a feel for his options which could require an easement from the City of Deadwood.

**9. Staff Report**

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

Mr. Kuchenbecker reported we are getting PastPerfect back on our network so we have access to these photos Mike has in the Archives. Working on some IT issues. Mike has been doing a good job. If you haven't been out on the Archives portion of our website, I think Mike has pushed out another thirty or fifty photographs through PastPerfect online.

At Mt. Moriah, we are hoping to do Phase 1 improvements at Wild Bill's grave that hasn't been touched since 2001. We get about 80,000 visitors a year up there so we need to continue to maintain it.

I do have a pass out of the gaming statistics from the SD Gaming Commission. This is their monthly statistics for January 2021 and the total handle was up 18.38%. There are probably 8-10 entities in town that will offer sports book. The Deadwood Gulch Resort sold.

The box culvert - we had a conference call with the DOT and their consultants, and federal highway. They reported back to our task force workgroup that the public input had 404 views with over 1200 pages that were looked at. They've narrowed it down to 1A and 1C which is slightly amended. The Main Street Master Plan design team and Winter and Company are working closely with the DOT on this project.

**10. Committee Reports**

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

**11. Adjournment**

The Historic Preservation Commission Meeting adjourned at 6:03 p.m.

ATTEST:

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Chairman, Historic Preservation Commission

*Minutes by Cindy Schneringer, Historic Preservation Office/Recording Secretary*