

Historic Preservation Commission Meeting Agenda

Wednesday, September 23, 2026 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. **Call Meeting to Order**

2. **Roll Call**

3. **Approval of Minutes**

[a.](#) HP Meeting Minutes September 9, 2026

4. **Voucher Approvals**

a. HP Operating Vouchers - September 23, 2026

b. HP Grant Vouchers

c. HP Revolving Vouchers

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

a. HP Revolving Request Request

Veronica White, 3 Shine Street - Approval for Retaining Wall Loan Forgiveness

b. Neighborworks updates

6. **Old or General Business**

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

8. **New Matters Before the Deadwood Historic Preservation Commission**

[a.](#) PA 260197 - 37 Lincoln - Danika McFarland - Request to replace siding

[b.](#) PA 260198 - 132 Williams Street - Kurtenbach - Request to replace siding and windows

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.)

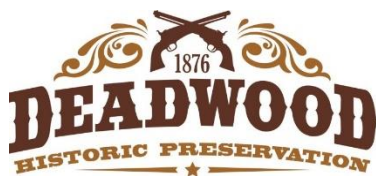
[a.](#) Annual review of South Dakota Open Meetings Laws Brochure. (Per SB 14. SDCL 1-25-13.)

11. **Committee Reports**

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

12. **Adjournment**

Note: 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 regularly scheduled Historic Preservation Commission Meeting.



Historic Preservation Commission Meeting Minutes

Wednesday, September 09, 2026 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. Call Meeting to Order

A quorum present, Commissioner Chair Knipper called the Deadwood Historic Preservation Commission meeting to order on September 9, 2026, at 4:00 p.m., at City Hall.

2. Roll Call

PRESENT

HP Commissioner Chair Anita Knipper
 HP Commissioner Vice Chair Jesse Allen
 HP Commissioner 2nd Vice Chair Beverly Posey
 HP Commissioner Bobby Rock
 HP Commissioner Alexandra Lux
 HP Commissioner Diana Williams
 HP Commissioner Molly Brown

City Commissioner Charles Eagleson

STAFF PRESENT

Kevin Kuchenbecker, Planning, Zoning and Historic Preservation Officer
 Bonny Anfinson, Historic Preservation Coordinator
 Leah Blue-Jones, Planning and Zoning Coordinator
 Cammie Schmidt, Administrative Assistant

Jenny Reinbold, Neighborworks

3. Approval of Minutes

- a. Minutes of 8/25/26 Budget Meeting

It was motioned by Commissioner Lux and seconded by Commissioner Brown to approve the Budget meeting minutes on August 25, 2026, meeting. Voting Yea: Rock, Posey, Lux, Knipper, Brown, Allen, Williams.

- b. HP Meeting Minutes August 26, 2026

It was motioned by Commissioner Posey and seconded by Commissioner Williams to approve minutes of the August 26, 2026, meeting. Voting Yea: Rock, Posey, Lux, Knipper, Brown, Allen, Williams.

4. Voucher Approvals

- a. HP Operating Vouchers September 9, 2026

It was motioned by Commissioner Posey and seconded by Commissioner Lux to approve the operating vouchers in the amount of \$192,312.87. Voting Yea: Rock, Posey, Lux, Knipper, Brown, Allen, Williams.

- b. HP Grant Vouchers

It was motioned by Commissioner Posey and seconded by Commissioner Brown to approve the grant vouchers in the amount of \$13,051.00. Voting Yea: Rock, Posey, Lux, Knipper, Allen, Brown, Williams.

- c. HP Revolving Vouchers

It was motioned by Commissioner Brown and seconded by Commissioner Williams to approve Revolving Loan Vouchers in the amount of \$3,850.00. Voting Yea: Rock, Posey, Lux, Knipper, Brown, Allen, Williams.

5. HP Programs and Revolving Loan Program

- a. HP Revolving Request Request

Lee Thompson, 47 Forest Ave. - Loan Modification Revision from August 26, 2026

Ms. Reinbold stated Lee Thompson, 47 Forest Ave, is requesting approval for a loan modification revision from August 26, 2026. The Loan Committee acknowledged the revision and favorable comments were received and recommend approval.

It was motioned by Commissioner Williams and seconded by Commissioner Allen to accept Lee Thompson, 47 Forest Ave, for a Loan Modification Revision on August 26, 2026. Voting Yea: Rock, Posey, Lux, Knipper, Allen, Brown, Williams.

6. Old or General Business

- a. South Dakota State Historic Preservation Office update and agreement - Continued from August 12, 2026, meeting

Mr. Kuchenbecker stated we have the State Historic Preservation Office, Gary Guan and Wilhelmina Giese present here today. They may have an update today, but in today's agenda, we are requesting the renewal of the contract agreement between the State Historic Preservation Office and the City of Deadwood Historic Preservation Commission. Gary Guan proposed the amount of \$80,000.00 previously. During the budget session, the commission recommended we do a five year contract rather than a four-year contract for Fiscal Year 2026 and 2027, the recommendation is to remain at \$70,000.00 partially due to not knowing what the Senate Bill 102 approval will do to with the formula change. The proposal from the Commission would increase funding to the state \$2,500.00 each year, until we reach 2030 and the SHPO would receive the \$80,000.00. Staff have been unable to reach out to Gary Guan with the State Historic Preservation Office to discuss this counter proposal in detail. It will get us up to the \$80,000.00 and previously when we went from \$60,000.00 up to \$70,000.00, we followed through with the incremental increase on an annual basis. This will allow the commission to fully understand where we end up for our total revenues under the new formula from Senate Bill 102. When we met with budget and finance, and negotiated the formula, they suggested we prepare for a slight decrease the first two years. That

would then steadily grow as gaming grows. Last year, our projected revenue was at \$7.1M and we are sitting at \$6.9M projected for 2026 which was adopted on August 25, 2026. We do however increase the Outside of Deadwood Grants from \$100,000.00 to \$175,000.00 with hopes of getting it back up to \$250,000.00 as we see what our revenues do. This is a full overview of the contract agreement and the action would be to recommend to City Commission proposing these terms and conditions.

It was moved by Commissioner Allen and seconded by Commissioner Rock to approve the South Dakota State Historic Preservation Office update and agreement with the City of Deadwood Historic Preservation Commission. Voting Yea: Rock, Posey, Lux, Knipper, Allen, Brown, Williams.

Ms. Giese stated she will turn contract negotiations over to Gary Guan as the SHPO Director.

Mr. Kuchenbecker asked if Gary Guan had any updates or comments. Staff and the City of Deadwood look forward to working with you Wilhelmina. Do you care to share what you will be doing for and with SHPO?

Ms. Giese stated currently we are transitioning my position into Duncan's old position after training for five months in the office and look forward to being the Historic Preservation Assistant. She went to a few schools around the country starting in Phoenix, then went to Ember College and Allen College, achieving my bachelor's degree in Preservation Studies, master's in Preservation Practices, and received graduate certificates in Real Estate and urban and regional planning. She grew up in South Dakota in Walworth County. Some of you may have met her previously as the CLG Coordinator and she will continue working in the CLG Coordinator position while moving in the Historic Preservation Assistant role. She will continue being a point of contact as the CLG Coordinator regarding any CLG information.

Mr. Kuchenbecker stated we have all of our paperwork handed in regarding Deadwood becoming a CLG for the re-certification, which was approved by the Historic Preservation Commission as well as the City Commission. We hosted the CLG Conference while not being a CLG, but they have treated us very well.

Mr. Guan stated we are pleased to work with the City of Deadwood Historic Preservation Commission. We are proud that Deadwood got back into the CLG program.

Mr. Kuchenbecker stated we explained this in the CLG process and the Historic Preservation fund at the federal level helps fund the state historic preservation offices across the state as well as tribal historic preservation offices. Ten percent of their funding is set aside, that they receive from the federals to CLG's, which gives us an opportunity to get grant money for activities and projects that we do here in Deadwood.

Commissioner Lux asked does the CLG program increase the amount of funding that the State would be eligible to receive federally if we are a CLG?

Ms. Giese stated the way the Historic Preservation funds work is the total amount that the State is allowed to spend. Having an additional CLG on board may increase that amount in the future, especially with how involved Deadwood has been in the past and what we are projecting what will be in the future. There is a potential it could increase the Historic Preservation budget, but it is not a guarantee. It is mostly an opportunity to give Deadwood some acknowledgement with NPS as well because any special projects that are grant funded, we report onto NPS and they get to read about all of the great projects the CLG's are doing. It will look good on both ends.

Commissioner Lux stated if it also potentially increases the amount of federal funding that could be coming to the State Historic Preservation Office, then us asking for an incremental increase, if it is going to potentially increase federally for the State, then the State can distribute however it needs to, then Deadwood asking for an incremental increase on the agreement, might be a wash.

Ms. Giese stated we understand the logic behind that question and with the CLG allotment, that ten percent will not be reflected until NPS hears about any projects or actions that Deadwood would take part as a CLG. If there were any benefits coming to the State by adding Deadwood as a CLG, that will not be seen for some time. It does not mean there will not be benefits, but as of now, there truly is no way to tell currently.

- b. Request to hire Rebecca Madison with Appraisals West, Inc. in the amount not to exceed \$1,500.00 to conduct appraisal on Judge John Burns Collection for possible acquisition.

Mr. Runge stated about two months ago, there was an email that went around regarding a gentleman out in California that had archival materials that were from Judge John Burns. Judge John Burns was living in Deadwood in 1876 and had a law office right around the area where the Franklin Hotel is now located. Burns was involved with the Wounded Knee Massacre in addition to being an attorney here in Deadwood. Burns left Deadwood between 1910 and 1912 and ended up in California. Burns had one daughter and that daughter had a son and the son is now selling the materials that Burns originally had. The items came up for public auction and unfortunately very little was bid on, which gave us the opportunity to see if we want to acquire those materials for the City of Deadwood and Historic Preservation. There are photographs to see in the agenda and after speaking with Deadwood History, Inc., they do not have much information or artifacts regarding Judge Burns. We would like to bring in new and more information regarding him. The only way we can understand what we are getting and how much the materials would cost, would be to do a fair market value appraisal, which we would have a third party outside of the City of Deadwood look at the items that are for sale and have it compared to items that have been sold on a national level that would comparable to items that are currently for sale. Once we have that information, we can approach the seller and begin negotiations to see if this is something we would like to acquire. All of this will help everyone understand better what items may or may not cost. The City of Deadwood and Archives are not appraisers and this will help everyone involved to have a better understanding. This request for the appraisal

being \$1,500.00 is for the appraisal only. It does not mean the collection cost will be \$1,500.00, it may or may not be more or less. If that is something Historic Preservation is interested in, we will then approach the seller and let them know that we have \$1,500.00 into this project for a fair market appraisal, is there somewhere that they can work with us.

It was moved by Commissioner Brown and seconded by Commissioner Lux to approve to hire Rebecca Madison with Appraisals West, Inc. in the amount not to exceed \$1,500.00 to conduct appraisal on Judge John Burns Collection for possible acquisition. Voting Yea: Rock, Posey, Lux, Knipper, Allen, Brown, Williams.

Commissioner Knipper asked if we know how much material there happens to be.

Mr. Kuchenbecker stated this was actually on an auction and did not sell. There are several items we identified and numerous photographs in correspondence and there about nine to ten items. Some lots started at \$200.00 or \$400.00, so we are unable to give them the \$1,500.00 for all of it.

Mr. Runge stated it is always good practice to do these appraisals so we have a great platform to begin from.

Commissioner Williams asked when we do receive items from this collection, will they be displayed at the Adams museum here in Deadwood?

Mr. Runge stated that is a great question and the short answer is yes, as for how it will be displayed this is a premature conversation for that. Once we get these items into a digital format, that will be open all of it up to get it out and displayed. Once we catalog and record the items, then we are able to push it out to the general public. We have done this on several occasions and one of them, for example, is when we received the James Hickok collection and we created a travelling exhibit out of that collection.

- c. Permission to enter into contract with Julie Stone of Lead, SD in the amount not to exceed \$15,000 to conduct records research for our Geographical Information System mapping and updating Boots on Bricks publication information.

Mr. Runge stated we are looking forward to updating the Boots on Bricks book and part of that is we are requesting permission to contract with Julie Stone of Lead, SD in the amount not to exceed \$15,000.00 to conduct records research for our Geographical Information System mapping and updating Boots on Bricks publication information. We are wanting to look at the deeds that pertains to each and every property that is on Main Street. For the last few years, we have hired Julie Stone and Jason Fischer, that assist with title searches and the process is to go in and create pedigrees on all of the properties up and down Main Street. That information would eventually be incorporated into a republication of the book Boots on Bricks. We will have much more detailed documentation of what was happening on Main Street. In addition to the newspapers, we would also have the ownership and the lineage of the property as it changed hands. The area from Wall Street going down towards Mr. Wu's historically never got a Mineral Survey and what is fascinating

about it, is the Chinese names that started coming out of that information. This project is very time consuming and working with the deeds that are involved.

It was moved by Commissioner Brown and seconded by Commissioner Lux to approve entering into a contract with Julie Stone, Lead, SD in the amount not to exceed \$15,000.00 to conduct research for the City of Deadwood Geographical Information System mapping and updating Boots on Bricks publication information. Voting Yea: Rock, Posey, Lux, Knipper, Allen, Brown, Williams.

- d. Approve Headstone Grant Program application for the following in Mount Moriah Cemetery: Berti Meriot Billington, James Billington, and Edna Billington

Mr. Runge stated we received three headstone grants and all three are for the Billington family. Interestingly, they are in one of the sections that they have designated as being a GAR, Grand Army of the Republic, which is the Civil War area. We went out with our Bad Elf, handheld GPS unit and marked the four corners and we are ready and set up to get started. The headstone grant program has gone up in price. We originally were paying \$650.00 for a sixteen-inch by sixteen-inch wedge and they have gone up to \$950.00. We are requesting permission to have these headstone markers made and installed through the Black Hills Monument Shop.

It was moved by Commissioner Allen and seconded by Commissioner Rock to approve three Headstone Grant Applications for the following in Mount Moriah Cemetery: Berti Meriot Billington, James Billington, and Edna Billington. Voting Yea: Rock, Posey, Lux, Knipper, Allen, Brown, Williams.

Commissioner Lux asked looking at the mock up of what they look like, they seem to look fairly modern, is there a way to make the headstones look more historic?

Mr. Runge stated we had this conversation in the year 2004-2005 with Kevin Kuchenbecker's predecessor, Jim Wilson, at the time he was adamant that we use these specific headstones to determine what we have placed from Historic Preservation and add the extra step to engrave DHPC on the markers also, that way a hundred years from now, people will see that on the markers and that Historic Preservation placed these headstones.

Mr. Kuchenbecker stated using the Secretary of Interior Standards you do not want a false sense of history.

Mr. Runge stated another piece of information is Historic Preservation will pay only for first, middle, and last name, day, month, and year for the birthday, and the day, month, and year of death. If the family wishes to decorate for example, if the person that passed was a firefighter and the family wants to put the firefighter logo on the headstone, the family will have to pay for decorative add-ons out of pocket.

- e. Historic Rapid City request to change scope of work for the 2026 Round II Outside of Deadwood Grant Project.

Mr. Kuchenbecker stated Historic Rapid City received a \$5,000.00 Outside of Deadwood Grant in Round II of 2026 to reconstruct the decorative chimney at the

McGillycuddy House. After they had been awarded the \$5,000.00 grant, they wanted to do the floors instead. Based on the conversations through the Grants Committee, they recommend not allowing that, as we would like to see the chimneys.

It was moved by Commissioner Lux and seconded by Commissioner Williams to deny Historic Rapid City to change the scope of work for the 2026 Round II Outside of Deadwood Grant Project and will continue exterior work. Voting Yea: Rock, Posey, Lux, Knipper, Allen, Brown, Williams.

- f. Permission to purchase real property in the amount of \$315,437.50 for the parcel legally described as Tract F of MS #283, City of Deadwood, Lawrence Co., SD; Lots 1-8, Block 1, Howard Addition, City of Deadwood, Lawrence Co., SD; Lot 6, Block F, Fargo Addition, City of Deadwood, Lawrence Co., SD; consisting of approximately 2.25 acres overall. Funding from the Deadwood Historic Preservation Commission for viewshed protection and public space and allow Historic Preservation Officer to sign purchase agreement and associated documents.

Mr. Kuchenbecker stated this is 2.25 acres and is located across from the Welcome Center. This land went out for a public auction and was purchased to protect the hillside in the Rodeo grounds area, above the railroad tracks and provide an open space and future amenities, such as picnic area, more parking, and a dog park. The City Commission voted to approve this recommendation and we are currently ratifying that approval.

It was moved by Commissioner Brown and seconded by Commissioner Williams to approve the purchase of real property in the amount of \$315,437.50. Voting Yea: Rock, Posey, Lux, Knipper, Allen, Brown, Williams.

7. New Matters Before the Deadwood Historic District Commission

8. New Matters Before the Deadwood Historic Preservation Commission

- a. HPC - PA 280189 - 62 Denver Ave. - Jay and Danelle Weiher - Replace Stairs and Patio

Mr. Kuchenbecker stated this is a contributing structure located in the Deadwood City Creek Planning Unit, constructed in 1900. The applicant is requesting permission to replace the stairs from the street up to the residence. The existing stairs have completely failed. The applicant is also requesting approval to construct a patio over the garage. Staff conducted a site visit and made suggested changes which minimize the impact on the resource. As submitted, 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.

It was moved by Commissioner Lux and seconded by Commissioner Williams based upon all the evidence presented, I move to make a finding 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. Voting Yea: Rock, Posey, Lux, Knipper, Allen, Brown, Williams.

- b. PA 260190 - 37 Lincoln - Danika McFarland - Request to change design of front porch

Mr. Kuchenbecker stated the applicant is present today, if you have any questions. This is a contributing structure in the Ingleside Planning Unit, circa 1880. The applicant is requesting permission to replace the balusters to the caps of the porch spindles and fascia embellishments above the existing ginger breading. Posts to be turned to create new embellishments on posts. Install a small knee height iron fence around plants in the front. The applicant is also requesting approval for the proposed garage door for the new garage on the back of the lot. It will be a curved top as shown in photos. In review of the request, staff does concur with the proposed design of the garage door as well as the knoll posts for front stairs and the low black metal fence around the front of the property. However, changing the entrance and porch diminishes the character of the structure which are important in defining the overall original historic character of the structure which are important in defining the overall original historic character of the building. With historic photos available for the resource, it is easy to identify, retain, and preserve the entrance and porch with its original decorative features which are important to maintaining the historic integrity of this structure. The proposed garage door and changes to the balusters and fence do not encroach upon, damage, or destroy a historic resource or have an adverse effect on the character of the building to the historic character of the State and National Register Historic Districts or the Deadwood National Historic Landmark District.

It was moved by Commissioner Posey and seconded by Commissioner Williams based upon all the evidence presented, I move to approve the knoll posts for the front stairs, the garage door with windows at the top, and the low black metal fence around the front of the property. Voting Yea: Rock, Posey, Lux, Knipper, Brown, Allen, Williams.

It was moved by Commissioner Posey and seconded by Commissioner Williams based upon all the evidence presented, I move to make a finding that this project DOES encroach upon, damage, and destroy any historic property included in the national register of historic places or the state register of historic places. Voting Yea: Rock, Posey, Lux, Knipper, Brown, Allen, Williams.

It was moved by Commissioner Posey and seconded by Commissioner Williams based upon the guidance in the U.S. Department of Interior standards for historic preservation, restoration, and rehabilitation projects adopted by rules promulgated pursuant to SDCL 1-19A & 1-9B, et seq, I find that the project is ADVERSE to Deadwood and move to DENY the balusters to the caps of the porch spindles and fascia embellishments above the existing ginger breading. Voting Yea: Rock, Posey, Lux, Knipper, Brown, Allen, Williams.

Mr. Kuchenbecker stated in the photos presented, there are no hand rails or balusters at the bottom of the steps but to meet code, it is necessary and makes sense to create. The concern from staff and SHPO is that by adding the detail above and the addition to the ginger breading, changes the original historic design, since we can see that evidence through photographs.

Ms. McFarland stated there is actually turnings on the wood rails but yes it is painted completely one solid color but the turnings are there.

Commissioner Brown asked would you be trying to misshape the wood on it or are you wanting to repaint it?

Ms. McFarland stated there is a specific term for the etching that cannot be thought of right now, but the wood does have defined designs but you cannot see due to all of it being painted one solid color. The thought was to use different coloring to help define that design. The existing ginger breading is intended to remain; it was thought of to be an addition to the ginger breading. The intention is to use the methodology of painting to accentuate what is there and ideally an application.

Commissioner Brown asked which portion is the ginger breading.

Mr. Kuchenbecker stated on the top of the structure, the top brackets exist today and they would either be repaired or replaced alike. The applicant is looking to add designed dentals across the front of the structure and the spindle-work. Then the top of the column is also add-on ornated.

Mr. Kuchenbecker stated the applicant is looking to accentuate the structure but it was not that ornate when the structure was built.

Mr. Kuchenbecker stated for the garage doors, the applicant gave different options to choose from and all the garage doors are curved; they each have their own look to them. One of the garage doors is more solid with glass windows at the top or a garage door that looks more like medieval times.

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.)

a. Update on Laura Ingles home project for Outside of Deadwood Grant

Mr. Kuchenbecker stated there is a report that we received from the Laura Ingles Wilder home project that we helped fund through the Outside of Deadwood Grant Program. We always need to see the before and after photos.

Mr. Kuchenbecker stated the Community Picnic is this Friday, September 11, from 5:00 to 8:00 p.m. J.J. Kent and the Fiddle, Katie Sprague, will be playing music at the picnic. The Fire Department will have the grill and are cooking burgers and brats. Where your western wear or come as is, we will be doing a community photo with Woody's Photography for the time capsule. To add the ambience, we will have two chuckwagons there with one cooking baked beans. It is a potluck; you are encouraged to bring a side dish.

Mr. Kuchenbecker stated on 10 Denver we finished the retaining wall. On 10 Centennial there is a minor punch list. The overhang on a cap was greater than anticipated so they are going to cut and coat it. In future details, we will get that corrected on the engineers drawing as we put the rock veneers back on there. on 39 Centennial, everything is working out smoothly and lastly we have a retaining wall on Lincoln that has yet to get started. 37 Lincoln retaining wall is coming along great, they poured concrete today with footings and the applicant was approved for a set-back variance and easement for the retaining walls that go out into the right-of-way last night.

Mr. Kuchenbecker stated the movers are preparing to start relocating the houses for Optima, LLC. They finished three foundations and they have two more to do. There was a second reading for zoning last night. The houses being moved to Charles Street will be officially zoned in twenty days as R1 and protected under perpetuity. We are working with neighbors at 81, 83, and 85 Charles for a petition for a change of zoning as well.

Mr. Kuchenbecker stated the Crescent Street is getting back filled along the wall. The electrical for the street lights are being completed. They will start doing curb, gutter, and sidewalks from Seventy-Sixth Drive to Seventy-Sixth Drive. They moved the asphalt on the lower portion of that project.

Mr. Kuchenbecker stated we have acquired the Porter property which will help with finishing the Crescent Street project, providing access and connectivity to the creek. The City of Deadwood will come in and apply for a Project Approval in the near future to straighten the road and a preliminary so we can get an opinion of probable costs so in the City's CIP, it can properly be budgeted for.

Mr. Kuchenbecker stated we met with the owners Gene and Roxie Hunter on a possible acquisition of property for protection of the hillside near Mount Moriah. There is Lincoln Avenue with the two new houses going up and Keith Umenthum's Infill Construction was near this area as well. Then as you keep going onto Jackson, there is a parcel that the City owns along that entire vicinity and behind Josh Keehn's property and they have approached us to see if we are interested in acquiring that property. It is part of our negotiation working with our Realtor, Mike Percevich. We did make an initial offer at \$40,000.00 where they give us back \$10,000.00. We would only be paying \$30,000.00 and \$10,000.00 is a donation to offset any potential taxes they may have, then we can use it for trails or something of the sort. They have countered at \$60,000.00 plus closing costs for a total of \$63,676.50. They did receive an offer from someone in Sioux Falls that wants to build something there. There are fruit trees there and it is right below the cemetery. If we ever consider expanding the gift shop at the cemetery, we will certainly want to utilize that piece of land. There is a street platted there, called Roosevelt Street that was never approved. We did take it to City Commission last night and to Executive Session and they came back with stating if we are good to go with it, lets go ahead and jump on it. At this time, it is in the City's hands.

Commissioner Brown asked if we will be taking away housing land.

Mr. Kuchenbecker stated we could have a house in there, say it be a modern home, and have switchbacks. Otherwise, it would be pretty deep pockets to build a house up there. At this time, we are not looking for any action to be taken, more so a yes or no, go ahead. That is a yes, thank you Commissioners.

Mrs. Anfinson stated I will be working part-time to help the office out. It has been a pleasure working with the Historic Preservation Commission. I started here as a part-time office assistant and have gotten this far.

Mr. Kuchenbecker stated Bonny's retirement party is next Friday from 12:30 – 2:00 p.m. It has been a great 11 years with you Bonny, thank you.

Mrs. Anfinson stated we are invited to visit the Canton Lutheran Church. They received in 2026 Round I an Outside of Deadwood Grant for restoration of the stained glass. They are going to do a special event on October fourth after their worship. It is East River and south of Sioux Falls. We are sending them a plaque so they have a special piece of Historic Preservation for their celebration.

Commissioner Posey asked if they could send a group photo with the plaque and stained glass windows.

Mrs. Anfinson stated absolutely we will have them do that for the Commission.

11. Committee Reports

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

Commissioner Eagleson stated Farmers Market will start again next year. Thank you sincerely to the fire fighters that helped with the Spearfish fire.

Commissioner Allen stated we had a Trails meeting and on Saturday we are hosting the Volksmarch between 8:00 a.m. to 3:00 p.m.

Commissioner Allen stated Fair in the Square will be going on this weekend.

Commissioner Allen the stage coach is still running smoothly on Main Street till the end of the month.

Commissioner Brown stated we commend the Historic Preservation Office for creating and making the Vintage Base Ball YouTube video. It is amazing!

Commissioner Lux stated thank you sincerely to the fire fighters that were immediately up in the Presidential neighborhood on August twenty-eighth.

Commissioner Lux stated we had a Chamber meeting yesterday and the consensus was everyone is busy and remaining busy.

Commissioner Lux stated there is a mixer at Agora from 4:00 – 6:00 p.m. on the seventeenth of September.

Commissioner Lux stated the prospector bowl is this weekend at Ferguson Field. We will have football games starting at 8:00 a.m.

Commissioner Lux stated there is a Northern Hills Diversion golf tournament coming up on Friday.

Commissioner stated Homecoming is on Friday, September 25.

Commissioner Posey stated we had our first Design and Beautification Committee meeting yesterday. Two guests came from the Neighborhood Council, Ronda Brunsen and Ronda Feterl and Pat Dringman to learn about the Committee and they were impressed.

Mr. Kuchenbecker stated we are looking to start a program called Adopt-a-Landscape. That went through the Design and Beautification Committee with positive comments received.

Commissioner Rock stated there will be Fair in the Square this weekend and there will be a food vendor truck, Jenkins Eats, downtown on Main Street on Friday.

Commissioner Rock stated Deadwood Jam is next weekend. Commissioner Allen and I will be involved with that event, all weekend. As of Sunday, you will start to see buses come into town. Roads will start getting blocked to get onto Main Street at 4:00 p.m. on Friday and 10:00 a.m. on Saturday. There will also be a second screen on Main Street.

Commissioner Allen stated we used to provide a Fall trails map, where fall colors are most seen, where hiking trails are at, and ATV trails. We are going to recreate this map this year and on one side it will have the Blacks Hills and the other side will have Deadwood on it.

12. Adjournment

The HP Commission meeting adjourned at 5:12 p.m.

ATTEST:

Chair, Historic Preservation Commission

Minutes by Cammie Schmidt, Administrative Assistant

OFFICE OF
PLANNING, ZONING AND
HISTORIC PRESERVATION
108 Sherman Street
Telephone (605) 578-2082
Fax (605) 578-2084

**FOR OFFICE USE ONLY**

Case No. _____
☐ Project Approval
☐ Certificate of Appropriateness
 Date Received ____/____/____
 Date of Hearing ____/____/____

City of Deadwood Application for Project Approval OR Certificate of Appropriateness

The Deadwood Historic Preservation Commission reviews all applications. Approval is issued for proposed work in keeping with City of Deadwood Ordinances & Guidelines, South Dakota State Administrative Rules and the Secretary of the Interior's Standards for Rehabilitation.

This application must be typed or printed in ink and submitted to:

City of Deadwood
Deadwood Historic Preservation Office
108 Sherman Street
Deadwood, SD 57732

FOR INFORMATION REGARDING THIS FORM, CALL 605-578-2082

PROPERTY INFORMATION

Property Address: [REDACTED] deadwood

Historic Name of Property (if known): _____

APPLICANT INFORMATION

Applicant is: ☒ owner ☐ contractor ☐ architect ☐ consultant ☐ other _____

Owner's Name: [REDACTED]

Address: [REDACTED]

City: deadwood State: sd Zip: _____

Telephone: [REDACTED] Fax: _____

E-mail: [REDACTED]

Architect's Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail: _____

Contractor's Name: Bailey- Oak Interiors

Address: [REDACTED]

City: [REDACTED] Zip: _____

Telephone: [REDACTED] Fax: _____

E-mail: [REDACTED]

Agent's Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail: _____

TYPE OF IMPROVEMENT

- | | | | |
|--|--|--------------------------------------|--|
| ☐ Alteration (change to exterior) | ☐ New Building | ☐ Addition | ☐ Accessory Structure |
| ☐ New Construction | ☐ Re-Roofing | ☐ Wood Repair | ☐ Exterior Painting |
| ☐ General Maintenance | ☒ Siding | ☐ Windows | ☐ Porch/Deck |
| ☐ Other _____ | ☐ Awning | ☐ Sign | ☐ Fencing |

Updated October 9, 2019

FOR OFFICE USE ONLY
Case No. _____

ACTIVITY: (CHECK AS APPLICABLE)				
Project Start Date: <u>October 10</u>		Project Completion Date (anticipated): <u>Nov. 10</u>		
☐ ALTERATION	☐ Front	☐ Side(s)	☐ Rear	
☐ ADDITION	☐ Front	☐ Side(s)	☐ Rear	
☐ NEW CONSTRUCTION	☐ Residential ☐ Other _____			
☐ ROOF	☐ New	☐ Re-roofing	☐ Material	
	☐ Front	☐ Side(s)	☐ Rear	☐ Alteration to roof
☐ GARAGE	☐ New	☐ Rehabilitation		
	☐ Front	☐ Side(s)	☐ Rear	
☐ FENCE/GATE	☐ New	☐ Replacement		
	☐ Front	☐ Side(s)	☐ Rear	
Material _____ Style/type _____ Dimensions _____				
☐ WINDOWS	☐ STORM WINDOWS	☐ DOORS	☐ STORM DOORS	
	☐ Restoration	☐ Replacement	☐ New	
	☐ Front	☒ Side(s)	☐ Rear	
Material _____ Style/type _____				
☐ PORCH/DECK	☐ Restoration	☐ Replacement	☐ New	
	☐ Front	☐ Side(s)	☐ Rear	
Note: Please provide detailed plans/drawings				
☐ SIGN/AWNING	☐ New	☐ Restoration	☐ Replacement	
Material _____ Style/type _____ Dimensions _____				
☒ OTHER – Describe in detail below or use attachments				

DESCRIPTION OF ACTIVITY

Describe in detail, the above activity (use attachments if necessary including type of materials to be used) and submit as applicable. Descriptive materials such as photos and drawings are necessary to illustrate the work and to help the commissioners and staff evaluate the proposed changes. Information should be supplied for each element of the proposed work along with general drawings and/or photographs as appropriate.

Failure to supply adequate documentation could result in delays in processing and denial of the request. Describe in detail below (add pages as necessary).

removal of existing siding, replacement with LP siding with LP trim. Pre-finished with previously approved

colors- SW (rookwood green/cordovan)

FOR OFFICE USE ONLY

Case No. _____

SIGNATURES

I HEREBY CERTIFY I understand this application will not be accepted and processed until all the requested information has been supplied. I realize drawings and measurements must be exact and if errors result in a violation of the Commission's approval, then appropriate changes will have to be made. I also understand this application may require a site visit / additional research by staff and a PUBLIC HEARING by the DEADWOOD HISTORIC PRESERVATION COMMISSION.

I understand this application is for a Certificate of Appropriateness or Project Approval only and that a building permit is required for any uses associated with this location prior to any constructions, alterations, etc. All statements are true to the best of my knowledge and belief.

I understand approval is issued for proposed work in keeping with City of Deadwood Ordinances, South Dakota State Administrative Rules and the Secretary of the Interior's Standards for Rehabilitation and copies are available for my review.

 sep 16,2026
SIGNATURE OF OWNER(S) DATE

SIGNATURE OF AGENT(S) DATE

SIGNATURE OF OWNER(S) DATE

SIGNATURE OF AGENT(S) DATE

SIGNATURE OF OWNER(S) DATE

SIGNATURE OF AGENT(S) DATE

APPLICATION DEADLINE

This form and all supporting documentation **MUST** arrive by 5:00 p.m. on the 1st or 3rd Wednesday of every month to be considered at the next Historic Preservation Commission Meeting. The meeting schedule and filing deadlines are on file with the Historic Preservation Office. Any information not provided to staff in advance of the meeting will not be considered by the Commission during their deliberation. Please call if you have any questions and staff will assist you.

Please use the attached criteria checklist as a guide to completing the application. Incomplete applications cannot be reviewed and will be returned to you for more information. All submitted materials will be retained by the Historic Preservation Office. Do not submit your only copy of any piece of documentation.

The City of Deadwood Historic Preservation Office has numerous resources available for your assistance upon request.

Criteria Checklist for Project Approval OR Certificate of Appropriateness

SUBMITTAL CRITERIA CHECKLIST

The documentation listed below will assist in the submission of the application. ***Not all information listed below is required for each project. In order to save time and effort, please consult with the Historic Preservation Office prior to completing your application.***

ALL WORK:

- ☐ Photograph of house and existing conditions from all relevant sides.

RENOVATIONS AND ADDITIONS:

- ☐ Elevation and plan drawings to scale indicating proposed alterations or additions, clearly indicating the existing building and what is proposed and including the relationship to adjacent structures. Make sure to include door and window design if altered. Manufacturer's catalog data may be used, if applicable.
- ☐ Exterior material description.
- ☐ Site plan showing dimensions of lot and location of existing building(s) or structure(s) on lot, location of additions, dimensions of existing structure and additions. (Show use of addition and location of windows and doors if applicable.)
- ☐ Photograph of existing conditions from all elevations.
- ☐ Color samples and placement on the structure.
- ☐ Historic photographs should accompany any request to return a structure to an earlier historic appearance. (Please note our archives may be of great assistance)

MATERIAL CHANGES:

- ☐ Written description of area involved.
- ☐ Color photographs or slides of areas involved and surrounding structures if applicable.
- ☐ Sample or photo of materials involved.

PAINTING, SIDING:

- ☐ Color photographs of all areas involved and surrounding structures if applicable.
- ☐ Samples of colors and/or materials to be used.
- ☐ Dimensioned elevation and section to scale, showing design of fence, material, and height in relationship to adjacent structures.

NEW CONSTRUCTION:

- ☐ Elevation drawings to scale showing all sides and dimensions. Elevation drawings to scale showing relationship to structures immediately adjacent.
- ☐ Photograph of proposed site and adjacent buildings on adjoining properties.
- ☐ Site plan including building footprint and location of off-street parking showing setbacks. Include number of spaces, surface material, screening and all other information required under Parking Areas.
- ☐ Material list including door and window styles, colors and texture samples.
- ☐ Scale model indicating significant detail. (This may be required for major construction. Please consult Historic Preservation Commission staff.)
- ☐ Color photographs of proposed site and structures within vicinity of new building.

Date: September 16, 2026

Case No. 260197
Address: 37 Lincoln Avenue

Staff Report

The applicant has submitted an application for Project Approval for work at 37 Lincoln Avenue, a Contributing structure located in the Ingleside Planning Unit in the City of Deadwood.

Applicant: Danika McFarland
Owner: MCFARLAND, DANIKA
Constructed: 1880

CRITERIA FOR THE ISSUANCE OF A PROJECT APPROVAL

The Historic Preservation Commission shall use the following criteria in granting or denying the Project Approval:

General Factors:

1. Historic significance of the resource:

This building is a contributing resource in the Deadwood National Historic Landmark District. It is significant for its historic association with the founding and initial period of growth of the town of Deadwood. Spurred by the tremendous mining boom of 1876, Deadwood grew quickly and became the first major urban center of Western South Dakota. This house displays the architectural characteristics common to working-class housing in pre-Wor1d War I Deadwood. These small, vernacular cottages, typically of foursquare or T-gable plan, occasionally featured limited Queen Anne detailing. A number of these houses survive today, scattered throughout Deadwood's neighborhoods.

2. Architectural design of the resource and proposed alterations:

The applicant is requesting permission to remove the existing siding and replace it with LP siding and LP trim. The siding will be pre-finished with previously approved colors - SW (Rookwood Green/Cordovan).

Attachments: No

Plans: No

Photos: Yes

Staff Opinion:

The applicant previously discussed with staff their intention to restore the existing siding. However, with this Project Approval request, the applicant proposes replacing the existing siding with new material. Staff believes the historic siding is sufficiently

sound to restore, and replace broken pieces where necessary, making full replacement unnecessary. The proposed work and changes would destroy historic materials on this historic resource but would not have an adverse effect the character of the building, the State and National Register Historic Districts, or the Deadwood National Historic Landmark District.



Motions available for commission action:

A: If you, as a commissioner, have determined the Project DOES NOT Encroach Upon, Damage or Destroy a historic property then:

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.

If you, as a commissioner, have determined the Project will Encroach Upon, Damage or Destroy a historic property then:

B: First Motion:

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. [If this, move on to 2nd Motion and choose an option.]

C: Second Motion:

Option 1: Based upon the guidance in the U.S. Department of the Interior standards for historic preservation, restoration, and rehabilitation projects adopted by rules promulgated pursuant to SDCL 1-19A & 1-19B, *et seq*, I find that the project is **NOT ADVERSE** to Deadwood and move to **APPROVE** the project as presented.

OR

Option 2: Based upon the guidance in the U.S. Department of the Interior standards for historic preservation, restoration, and rehabilitation projects 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.

OR

Option 3: Based upon the guidance in the U.S. Department of the Interior standards for historic preservation, restoration, and rehabilitation projects adopted by rules promulgated pursuant to SDCL 1-19A & 1-19B, *et seq*, I find that the project is **ADVERSE** to Deadwood, but the applicant has explored **ALL REASONABLE AND PRUDENT ALTERNATIVES**, and so I move to **APPROVE** the project as presented.



Date: September 17, 2026

Case No. 260198
Address: 132 Williams Street

Staff Report

The applicant has submitted an application for Project Approval for work at 132 Williams Street, a Contributing structure located in the Highland Park Planning Unit in the City of Deadwood.

Applicant: Todd & Kerri Kurtenbach

Owner: KURTENBACH, TODD & KERRI

Constructed: 1939

CRITERIA FOR THE ISSUANCE OF A PROJECT APPROVAL

The Historic Preservation Commission shall use the following criteria in granting or denying Project Approval:

General Factors:

1. Historic significance of the resource:

This building is a contributing resource in the Deadwood National Historic Landmark District. It is significant for its historic association with the growth and economic activity which took place in Deadwood and the northern Black Hills from the late 1920s until World War II. Spurred by a resurgence in local mining activity, Deadwood experienced a period of expansion and new construction during these decades that it had not seen since the nineteenth century. In Deadwood--as elsewhere in the United States--residential construction from this period commonly borrowed from one or more earlier, traditional forms. These "Picturesque Revival" houses could display elements of Tudor (most common locally), Colonial, or Cape Cod design. Other construction of the period assumed the more contemporary looks of Moderne or Minimal Traditional styles.

2. Architectural design of the resource and proposed alterations:

This home was built in the Colonial/Cape Cod style of architecture. The owners have proposed the following projects:

SIDING: Replace siding with smooth white LP siding 6" reveal lapped so it will only be a 5" reveal. Replace siding on privacy fence as well that matches house.

WINDOWS: Replace living room picture window with two (2) double hung wood windows Replace lower level crank out window with double hung wood window and replace small dining room window with same wood style window that is currently there.

Attachments: Yes

Plans: No

Photos: Yes

Staff Opinion:

Staff conducted a site visit a few months ago. Staff believes the original siding is sufficiently sound to repair, prime and paint as needed, making full replacement

unnecessary. It is also staff's opinion that replacing the windows would be an improvement to the character of the resource and return the picture window to two double-hung windows.

Windows: The proposed work and changes does 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.

Siding: The proposed work and changes would destroy original materials on this historic resource but would not have an adverse effect the character of the building, the State and National Register Historic Districts, or the Deadwood National Historic Landmark District.



Motions available for commission action:

A: If you, as a commissioner, have determined the Project DOES NOT Encroach Upon, Damage or Destroy a historic property then:

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.

If you, as a commissioner, have determined the Project will Encroach Upon, Damage or Destroy a historic property then:

B: First Motion:

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. [If this, move on to 2nd Motion and choose an option.]

C: Second Motion:

Option 1: Based upon the guidance in the U.S. Department of the Interior standards for historic preservation, restoration, and rehabilitation projects adopted by rules promulgated pursuant to SDCL 1-19A & 1-19B, *et seq*, I find that the project is **NOT ADVERSE** to Deadwood and move to **APPROVE** the project as presented.

OR

Option 2: Based upon the guidance in the U.S. Department of the Interior standards for historic preservation, restoration, and rehabilitation projects 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.

OR

Option 3: Based upon the guidance in the U.S. Department of the Interior standards for historic preservation, restoration, and rehabilitation projects adopted by rules promulgated pursuant to SDCL 1-19A & 1-19B, *et seq*, I find that the project is **ADVERSE** to Deadwood, but the applicant has explored **ALL REASONABLE AND PRUDENT ALTERNATIVES**, and so I move to **APPROVE** the project as presented

OFFICE OF
PLANNING, ZONING AND
HISTORIC PRESERVATION
108 Sherman Street
Telephone (605) 578-2082
Fax (605) 578-2084



FOR OFFICE USE ONLY	
Case No.	
☒ Project Approval	
☐ Certificate of Appropriateness	
Date Received	
Date of Hearing	9/23/26

City of Deadwood Application for Project Approval OR Certificate of Appropriateness

The Deadwood Historic Preservation Commission reviews all applications. Approval is issued for proposed work in keeping with City of Deadwood Ordinances & Guidelines, South Dakota State Administrative Rules and the Secretary of the Interior's Standards for Rehabilitation.

This application must be typed or printed in ink and submitted to:

City of Deadwood
Deadwood Historic Preservation Office
108 Sherman Street
Deadwood, SD 57732

FOR INFORMATION REGARDING THIS FORM, CALL 605-578-2082

PROPERTY INFORMATION	
Property Address:	[Redacted] <u>Deadwood, SD</u>
Historic Name of Property (if known):	

APPLICANT INFORMATION	
Applicant is: ☒ owner ☐ contractor ☐ architect ☐ consultant ☐ other _____	

Owner's	[Redacted]
Address:	[Redacted]
City:	<u>Deadwood</u> State <u>SD</u> Zip <u>57732</u>
Telephone:	[Redacted]
E-mail:	[Redacted]

Architect's Name: _____	
Address: _____	
City: _____	State: _____ Zip: _____
Telephone: _____	Fax: _____
E-mail: _____	

Contractor	[Redacted]
Address:	[Redacted]
City:	<u>Rapid City</u> State <u>SD</u> Zip <u>57702</u>
Telephone:	[Redacted]
E-mail:	[Redacted]

Agent's Name: _____	
Address: _____	
City: _____	State: _____ Zip: _____
Telephone: _____	Fax: _____
E-mail: _____	

TYPE OF IMPROVEMENT			
☐ Alteration (change to exterior)	☐ New Building	☐ Addition	☐ Accessory Structure
☐ New Construction	☐ Re-Roofing	☐ Wood Repair	☐ Exterior Painting
☐ General Maintenance	☒ Siding	☒ Windows	☐ Porch/Deck
☐ Other _____	☐ Awning	☐ Sign	☐ Fencing

Updated October 9, 2019

FOR OFFICE USE ONLY

Case No. _____

ACTIVITY: (CHECK AS APPLICABLE)	
Project Start Date <u>2026</u>	Project Completion Date (anticipated) <u>2026</u>
☐ ALTERATION	☐ Front ☐ Side(s) ☐ Rear
☐ ADDITION	☐ Front ☐ Side(s) ☐ Rear
☐ NEW CONSTRUCTION	☐ Residential ☐ Other _____
☐ ROOF	☐ New ☐ Re-roofing ☐ Material ☐ Front ☐ Side(s) ☐ Rear ☐ Alteration to roof
☐ GARAGE	☐ New ☐ Rehabilitation ☐ Front ☐ Side(s) ☐ Rear
☐ FENCE/GATE	☐ New ☐ Replacement ☐ Front ☐ Side(s) ☐ Rear Material _____ Style/type _____ Dimensions _____
☒ WINDOWS	☐ STORM WINDOWS ☐ DOORS ☐ STORM DOORS ☐ Restoration ☒ Replacement ☐ New ☐ Front ☐ Side(s) ☐ Rear Material <u>Wood</u> Style/type <u>Double Hung</u>
☐ PORCH/DECK	☐ Restoration ☐ Replacement ☐ New ☐ Front ☐ Side(s) ☐ Rear
Note: Please provide detailed plans/drawings	
☐ SIGN/AWNING	☐ New ☐ Restoration ☐ Replacement Material _____ Style/type _____ Dimensions _____
☐ OTHER - Describe in detail below or use attachments	

DESCRIPTION OF ACTIVITY

Describe in detail, the above activity (use attachments if necessary including type of materials to be used) and submit as applicable. Descriptive materials such as photos and drawings are necessary to illustrate the work and to help the commissioners and staff evaluate the proposed changes. Information should be supplied for each element of the proposed work along with general drawings and/or photographs as appropriate.

Failure to supply adequate documentation could result in delays in processing and denial of the request. Describe in detail below (add pages as necessary).

Replace Siding w/ Smooth White LP Siding
6" Reveal Tapped so it will only be a
5" Reveal - Replace Siding on Privacy
fence as well that matches house.
Replace Living Room Picture Window w/ 2
double hung wood windows. Replace lower level
crank out window w/ double hung wood
window + replace small dining room window
w/ same wood style window that is currently there.

FOR OFFICE USE ONLY

Case No. _____

SIGNATURES

I HEREBY CERTIFY I understand this application will not be accepted and processed until all the requested information has been supplied. I realize drawings and measurements must be exact and if errors result in a violation of the Commission's approval, then appropriate changes will have to be made. I also understand this application may require a site visit / additional research by staff and a PUBLIC HEARING by the DEADWOOD HISTORIC PRESERVATION COMMISSION.

I understand this application is for a Certificate of Appropriateness or Project Approval only and that a building permit is required for any uses associated with this location prior to any constructions, alterations, etc. All statements are true to the best of my knowledge and belief.

I understand approval is issued for proposed work in keeping with City of Deadwood Ordinances, South Dakota State Administrative Rules and the Secretary of the Interior's Standards for Rehabilitation and copies are available for my review.

Leslie Hunterbach 9-13-26
SIGNATURE OF OWNER(S) DATE

SIGNATURE OF AGENT(S) DATE

SIGNATURE OF OWNER(S) DATE

SIGNATURE OF AGENT(S) DATE

SIGNATURE OF OWNER(S) DATE

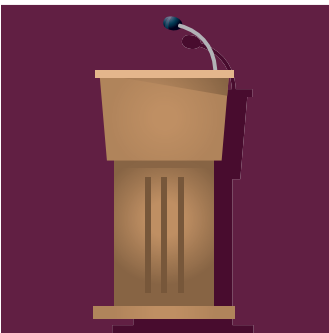
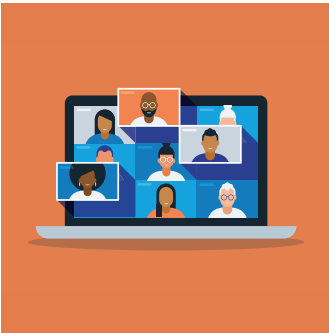
SIGNATURE OF AGENT(S) DATE

APPLICATION DEADLINE

This form and all supporting documentation **MUST** arrive by 5:00 p.m. on the 1st or 3rd Wednesday of every month to be considered at the next Historic Preservation Commission Meeting. The meeting schedule and filing deadlines are on file with the Historic Preservation Office. Any information not provided to staff in advance of the meeting will not be considered by the Commission during their deliberation. Please call if you have any questions and staff will assist you.

Please use the attached criteria checklist as a guide to completing the application. Incomplete applications cannot be reviewed and will be returned to you for more information. All submitted materials will be retained by the Historic Preservation Office. Do not submit your only copy of any piece of documentation.

The City of Deadwood Historic Preservation Office has numerous resources available for your assistance upon request.



Conducting the Public's Business in Public

A guide to South Dakota's
Open Meetings Laws
(Revised 2025)

Prepared by:
S.D. Attorney General's Office
in partnership with the
S.D. NewsMedia Association

Published by:
South Dakota NewsMedia Association
1125 32nd Ave. Brookings, SD 57006

Q: WHAT ARE SOUTH DAKOTA'S OPEN MEETINGS LAWS?

A: South Dakota's open meetings laws embody the principle that the public is entitled to the greatest possible information about public affairs and are intended to encourage public participation in government. SDCL Ch. 1-25 requires that official meetings of public bodies must be public and advance notice is to be given of such meetings. The statutes define an "official meeting" as one where a quorum of the public body is present and at which official business or public policy of the body is discussed or decided. Openness in government is encouraged.

Q: WHO DOES THE OPEN MEETINGS LAWS APPLY TO?

A: The open meetings laws apply to all public bodies of the state and its political subdivisions. SDCL 1-25-1, 1-25-12(3). This includes cities, counties, school boards and other public bodies created by ordinance or resolution, such as appointed boards, task forces, and committees, so long as they have authority to exercise sovereign power. SDCL 1-25-12(2). Although no court decisions have been issued on the subject, this probably does not include bodies that serve only in an advisory capacity. The State Constitution allows the Legislature and the Unified Judicial System to create rules regarding their own separate functions.

Q: ARE TELECONFERENCES CONSIDERED PUBLIC MEETINGS?

A: Yes. The open meetings laws allow meetings, including executive or closed meetings, to be conducted by teleconference – defined as an exchange of information by audio, video, or electronic means (including the internet) – if a place is provided for the public to participate. SDCL 1-25-1.5, 1-25-12(5). In addition, for teleconferences where

less than a quorum of the public is present at the location open to the public, arrangements must also be made for the public to listen by telephone or internet (except for portions of meetings properly closed for executive sessions). SDCL 1-25-1.6. The media and public must be notified of teleconference meetings under the same notice requirements as any other meeting.

Q: HOW ARE THE PUBLIC AND MEDIA NOTIFIED WHEN PUBLIC BUSINESS IS BEING DISCUSSED?

A: SDCL 1-25-1.1 requires that all political subdivisions (except the state and its boards, commissions, or departments as provided in § 1-25-1.3) prominently post a notice and copy of the proposed agenda at the political subdivision's principal office. At a minimum, the proposed agenda must include the date, time, and location of the meeting and must be visible, readable, and accessible to the public for 24 continuous hours immediately preceding the meeting. Also, if the political subdivision has its own website, the notice must be posted on the website upon dissemination of the notice. For special or rescheduled meetings, political subdivisions must comply with the regular meeting notice requirements as much as circumstances permit. The notice must be delivered in person, by mail, by email, or by telephone to all local news media who have asked to be notified. It is good practice for local media to renew requests for notification of special or rescheduled meetings at least annually.

SDCL 1-25-1.3 varies slightly from SDCL 1-25-1.1 and requires the State and its agencies, boards, commissions, or departments to give notice by posting a proposed agenda at least 72 continuous hours before a meeting is scheduled to start (this does not include any weekend or legal holiday). The State is also required to give notice of a public meeting by posting its proposed agenda on <http://boardsandcommissions.sd.gov>.

Q: WHO ARE LOCAL NEWS MEDIA?

A: There is no definition of “local news media” in SDCL ch. 1-25. “News media” is defined in SDCL 13-1-57 generally as those personnel of a newspaper, periodical, news service, radio station, or television station regardless of the medium through which their content is delivered. The Attorney General is of the opinion that “local news media” is all news media – broadcast and print – that regularly carry news to the community.

Q: IS A PUBLIC COMMENT PERIOD REQUIRED AT PUBLIC MEETINGS?

A: Yes. Public bodies are required to provide at every official meeting a period of time on their agenda for public comment. SDCL 1-25-1. Each public body has the discretion to limit public comment as to the time allowed for each topic commented on, and as to the total time allowed for public comment. Public comment is not required at meetings held solely for an executive session, inauguration, presentation of an annual report, or swearing in of elected officials.

Q: CAN PUBLIC MEETINGS BE RECORDED?

A: Yes, SDCL 1-25-11 requires public bodies to allow recording (audio or video) of their meetings if the recording is reasonable, obvious, and not disruptive. This requirement does not apply to those portions of a meeting confidential or closed to the public.

Q: WHEN CAN A MEETING BE CLOSED TO THE PUBLIC AND MEDIA?

A: SDCL 1-25-2 allows a public body to close a meeting for the following purposes: 1) to discuss personnel issues pertaining to officers or employees; 2) consideration of the performance or discipline of a student, or the student’s participation in interscholastic activities; 3) consulting with legal counsel, or reviewing communications from legal counsel about proposed or pending litigation or

contractual matters; 4) entering into negotiations; 5) to discuss marketing or pricing strategies of a publicly-owned competitive business; or 6) to discuss information related to the protection of public or private property such as emergency management response plans or other public safety information. The statute also recognizes that executive session may be appropriate to comport with other laws that require confidentiality or permit executive or closed meetings. Federal law pertaining to students and medical records will also cause school districts and other entities to conduct executive sessions or conduct meetings to refrain from releasing confidential information. Meetings may also be closed by cities and counties for certain economic development matters. SDCL 9-34-19.

Note that SDCL 1-25-2 and SDCL 9-34-19 do not require meetings be closed in any of these circumstances.

Any official action based on discussions in executive session must, however, be made at an open meeting.

Q: WHAT IS THE PROPER PROCEDURE FOR EXECUTIVE SESSIONS?

A: Motions for executive sessions must refer to the specific state or federal law allowing for the executive session i.e. “pursuant to SDCL 1-25-2(3).” Also, best practice to avoid public confusion would be that public bodies explain the reason for going into executive session. For example, the motion might state “motion to go into executive session pursuant to SDCL 1-25-2(1) for the purposes of discussing a personnel matter,” or “motion to go into executive session pursuant to SDCL 1-25-2(3) for the purposes of consulting with legal counsel.”

Discussion in the executive session must be strictly limited to the announced subject. No official votes may be taken on any matter during an executive session. The public body must return to open session before any official action can be taken.

Q: WHAT HAPPENS IF THE MEDIA OR PUBLIC IS IMPROPERLY EXCLUDED FROM A MEETING OR OTHER VIOLATIONS OF THE OPEN MEETING LAWS OCCUR?

A: Excluding the media or public from a meeting that has not been properly closed subjects the public body or the members involved to: (a) prosecution as a Class 2 misdemeanor punishable by a maximum sentence of 30 days in jail, a \$500 fine or both; or (b) a reprimand by the Open Meeting Commission ("OMC"). The same penalties apply if the agenda for the meeting is not properly posted, or other open meeting violations occur.

Also, action taken during any meeting that is not open or has not been properly noticed could, if challenged, be declared null and void.

Q: HOW ARE ISSUES REFERRED TO THE OPEN MEETINGS COMMISSION ("OMC")?

A: Persons alleging violations of the open meetings laws must make their complaints with law enforcement officials in the county where the offense occurred. After a signed and notarized complaint is made under oath, and any necessary investigation is conducted, the State's Attorney may: (a) prosecute the case as a misdemeanor; (b) find that the matter has no merits and file a report with the Attorney General for statistical purposes; or (c) forward the complaint to the OMC for a determination. The OMC is comprised of five State's Attorneys or Deputy State's Attorneys appointed by the Attorney General. The OMC examines whether a violation has occurred and makes written public findings explaining its reasons. If you have questions on the procedures or status of a pending case, you may contact the Attorney General's Office at 605-773-3215 to talk to an assistant for the OMC. Procedures for the OMC are posted on the website for the Office of Attorney General. <http://atg.sd.gov/>.

Q: WHAT DOES THE "SOVEREIGN POWER" MEAN?

A: The open meetings laws do not define this term, but it generally means the power to levy taxes, impose penalties, make special assessments, create ordinances, abate nuisances, regulate the conduct of others, or perform other traditional government functions. The term may include the exercise of many other governmental functions. If an entity is unclear whether it is exercising "sovereign power" it should consult with legal counsel.

Q: MAY AGENDA ITEMS BE CONSIDERED IF THEY ARE ADDED LESS THAN 24 HOURS BEFORE A MEETING?

A: Proposed agendas for public meetings must be posted at least 24 hours in advance of the meeting. The purpose of providing advance notice of the topics to be discussed at a meeting is to provide information to interested members of the public concerning the governing body's anticipated business. Typically, the public body adopts the final agenda upon convening the meeting. At the time the final agenda is adopted, the governing body may add or delete agenda items and may also change the order of business. See *In re Yankton County Commission, Open Meetings Commission Decision # 20-03*, December 31, 2020. New items cannot be added after the agenda has been adopted by the governing body.

Public bodies are strongly encouraged to provide at least 24 hours' notice of all agenda items so as to be fair to the public and to avoid dispute.

For special or rescheduled meetings, public bodies are to comply to the extent circumstances permit. In other words, posting less than 24 hours in advance may be permissible in emergencies.

Q: ARE EMAIL DISCUSSIONS "MEETINGS" FOR PURPOSES OF THE OPEN MEETINGS LAWS?

A: The definition of an "official meeting" in SDCL 1-25-12(1) specifically includes meetings conducted by "electronic means, including electronic mail, instant messaging, social media, text message, or virtual meeting platform[.]" A quorum of a public body that discusses official business of that body via electronic means is conducting an official meeting for purposes of the open meetings laws. Electronic communications made solely for scheduling purposes do not fall within the definition of an official meeting.

Q: WHAT RECORDS MUST BE AVAILABLE TO THE PUBLIC IN CONJUNCTION WITH PUBLIC MEETINGS?

A: SDCL 1-25-1.4 requires state boards, commissions, or departments to make public meeting materials available on <http://boardsandcommissions.sd.gov>. SDCL 1-27-1.16 requires that any other public body must post meeting materials on the public body's website or make those materials available to the public at least twenty-four hours prior to the hearing or when made available to the members of the public body, whichever is later. Finally, SDCL 1-27-1.17 requires that draft minutes of public meetings must be made available to the public at the principal place of business for the public body within 10 business days after the meeting (or made available on the website for the public body within five business days).

These laws are in addition to any specific requirements for public bodies (i.e., publication requirements in state laws pertaining to cities, counties, or school districts). Enforcement of public records laws contained in SDCL Ch. 1-27 are handled by separate procedures found in SDCL 1-27-35, et. seq. rather than the open meeting procedures described above. Violations of SDCL 1-27-1.16 and 1-27-1.17 are also Class 2 misdemeanors.

Q: WHAT REQUIREMENTS APPLY TO TASK FORCES, COMMITTEES AND WORKING GROUPS?

A: Task forces and committees that exercise "sovereign power," and are created by statute, ordinance, or proclamation are required to comply with the open meetings laws. SDCL 1-25-12(1). Task forces, committees, and working groups that are not created by statute, ordinance, or proclamation, or are advisory only, may not be subject to the open meetings laws, but are encouraged to comply to the extent possible when public matters are discussed. Ultimately, if such advisory task forces, committees and working groups present any reports or recommendations to public bodies, the public bodies must wait until the next meeting (or later) before taking final action on the recommendations. SDCL 1-27-1.18.

Q: ARE PUBLIC BODIES REQUIRED TO REVIEW THE OPEN MEETINGS LAWS?

A: Public bodies must annually review an explanation of the open meetings laws provided by the Attorney General, along with any other material pertaining to the open meetings laws made available by the Attorney General. SDCL 1-25-13. Each public body must report in its minutes that the annual review of the open meetings laws was completed.

PERTINENT S.D. OPEN MEETINGS STATUTES**(other specific provisions may apply depending on the public body involved)**

1-25-1. OPEN MEETINGS. An official meeting of a public body is open to the public unless a specific law is cited by the public body to close the official meeting to the public.

It is not an official meeting of one public body if its members provide information or attend the official meeting of another public body for which the notice requirements of § 1-25-1.1 or 1-25-1.3 have been met. It is not an official meeting of a public body if its members attend a press conference called by a representative of the public body.

For any event hosted by a nongovernmental entity to which a quorum of the public body is invited and public policy may be discussed, but the public body does not control the agenda, the public body may post a public notice of a quorum, in lieu of an agenda. The notice of a quorum must meet the posting requirements of § 1-25-1.1 or 1-25-1.3 and must contain, at a minimum, the date, time, and location of the event.

The public body shall reserve at every official meeting a period for public comment, limited at the public body's discretion as to the time allowed for each topic and the total time allowed for public comment, but not so limited as to provide for no public comment.

Public comment is not required at an official meeting held solely for the purpose of meeting in executive session, an inauguration, presentation of an annual report to the public body, or swearing in of a newly elected official, regardless of whether the activity takes place at the time and place usually reserved for an official meeting.

If a quorum of township supervisors, road district trustees, or trustees for a municipality of the third class meets solely for purposes of implementing previously publicly adopted policy; carrying out ministerial functions of that township, district, or municipality; or undertaking a factual investigation of conditions related to public safety; the meeting is not subject to the provisions of this chapter.

A violation of this section is a Class 2 misdemeanor.

1-25-1.1. PUBLIC NOTICE OF POLITICAL SUBDIVISIONS. Each political subdivision shall provide public notice, with proposed agenda, that is visible, readable, and accessible for at least an entire, continuous twenty-four hours immediately preceding any official meeting, by posting a copy of the notice, visible to the public, at the principal office of the political subdivision holding the meeting. The proposed agenda shall include the date, time, and location of the meeting. The notice shall also be posted on the political subdivision's website upon dissemination of the notice, if a website exists. For any special or rescheduled meeting, the information in the notice shall be delivered in person, by mail, by email, or by

telephone, to members of the local news media who have requested notice. For any special or rescheduled meeting, each political subdivision shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit. A violation of this section is a Class 2 misdemeanor.

1-25-1.3. PUBLIC NOTICE OF STATE. The state shall provide public notice of a meeting by posting a copy of the proposed agenda at the principal office of the board, commission, or department holding the meeting. The proposed agenda shall include the date, time, and location of the meeting, and be visible, readable, and accessible to the public. The agenda shall be posted at least seventy-two hours before the meeting is scheduled to start according to the agenda. The seventy-two hours does not include Saturday, Sunday, or legal holidays. The notice shall also be posted on a state website, designated by the commissioner of the Bureau of Finance and Management. For any special or rescheduled meeting, the information in the notice shall be delivered in person, by mail, by email, or by telephone, to members of the local news media who have requested notice. For any special or rescheduled meeting, the state shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit. A violation of this section is a Class 2 misdemeanor.

1-25-1.5. TELECONFERENCE MEETING. Any official meeting may be conducted by teleconference. A teleconference may be used to conduct a hearing or take final disposition regarding an administrative rule pursuant to § 1-26-4. A member is deemed present if the member answers present to the roll call conducted by teleconference for the purpose of determining a quorum. Each vote at an official meeting held by teleconference may be taken by voice vote. If any member votes in the negative, the vote shall proceed to a roll call vote.

1-25-1.6. TELECONFERENCE PARTICIPATION. At any official meeting conducted by teleconference, there shall be provided one or more places at which the public may listen to and participate in the teleconference meeting. For any official meeting held by teleconference, that has less than a quorum of the members of the public body participating in the meeting who are present at the location open to the public, arrangements shall be provided for the public to listen to the meeting via telephone or internet. The requirement to provide one or more places for the public to listen to the teleconference does not apply to official meetings closed to the public pursuant to specific law.

1-25-2. EXECUTIVE SESSION. Executive or closed meetings may be held for the sole purposes of:

(1) Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term, employee, does not include any independent contractor;

(2) Discussing the expulsion, suspension, discipline, assignment of or the educational program of a student or the eligibility of a student to participate in interscholastic activities provided by the South Dakota High School Activities Association;

(3) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters;

(4) Preparing for contract negotiations or negotiating with employees or employee representatives;

(5) Discussing marketing or pricing strategies by a board or commission of a business owned by the state or any of its political subdivisions, when public discussion may be harmful to the competitive position of the business; or

(6) Discussing information pertaining to the protection of public or private property and any person on or within public or private property specific to:

(a) Any vulnerability assessment or response plan intended to prevent or mitigate criminal acts;

(b) Emergency management or response;

(c) Public safety information that would create a substantial likelihood of endangering public safety or property, if disclosed;

(d) Cyber security plans, computer, communications network schema, passwords, or user identification names;

(e) Guard schedules;

(f) Lock combinations;

(g) Any blueprint, building plan, or infrastructure record regarding any building or facility that would expose or create vulnerability through disclosure of the location, configuration, or security of critical systems of the building or facility; and

(h) Any emergency or disaster response plans or protocols, safety or security audits or reviews, or lists of emergency or disaster response personnel or material; any location or listing of weapons or ammunition; nuclear, chemical, or biological agents; or other military or law enforcement equipment or personnel.

However, any official action concerning the matters pursuant to this section shall be made at an open official meeting. An executive or closed meeting must be held only upon a majority vote of the members of the public body present and voting, and discussion during the closed meeting

is restricted to the purpose specified in this motion. Nothing in § 1-25-1 or this section prevents an executive or closed meeting if the federal or state Constitution or the federal or state statutes require or permit it. A violation of this section is a class 2 misdemeanor.

1-25-6. DUTY OF STATE'S ATTORNEY. If a complaint alleging a violation of chapter 1-25 is made pursuant to § 23A-2-1, the state's attorney shall take one of the following actions:

(1) Prosecute the case pursuant to Title 23A;

(2) Determine that there is no merit to prosecuting the case. Upon doing so, the state's attorney shall send a copy of the complaint and any investigation file to the attorney general. The attorney general shall use the information for statistical purposes and may publish abstracts of such information, including the name of the government body involved for purposes of public education; or

(3) Send the complaint and any investigation file to the South Dakota Open Meetings Commission for further action.

1-25-6.1. DUTY OF STATE'S ATTORNEY (COUNTY COMMISSION ISSUES). If a complaint alleges a violation of this chapter by a board of county commissioners, the state's attorney shall take one of the following actions:

(1) Prosecute the case pursuant to Title 23A;

(2) Determine that there is no merit to prosecuting the case. The attorney general shall use the information for statistical purposes and may publish abstracts of the information as provided by § 1-25-6;

(3) Send the complaint and any investigation file to the South Dakota Open Meetings Commission for further action; or

(4) Refer the complaint to another state's attorney or to the attorney general for action pursuant to § 1-25-6.

1-25-7. REFERRAL TO OMC. Upon receiving a referral from a state's attorney or the attorney general, the South Dakota Open Meetings Commission shall examine the complaint and investigatory file submitted by the state's attorney or the attorney general and shall also consider signed written submissions by the persons or entities that are directly involved. Based on the investigatory file submitted by the state's attorney or the attorney general and any written responses, the commission shall issue a written determination on whether the conduct violates this chapter, including a statement of the reasons therefor and findings of fact on each issue and conclusions of law necessary for the proposed decision. The final decision shall be made by a majority of the commission members, with each member's vote set forth in the written decision. The final decision shall be filed with the attorney general and shall be provided to the public entity and or public officer involved, the state's attorney

and any person that has made a written request for such determinations. If the commission finds a violation of this chapter, the commission shall issue a public reprimand to the offending official or governmental entity. However, no violation found by the commission may be subsequently prosecuted by the state's attorney or the attorney general. All findings and public censures of the commission shall be public records pursuant to § 1-27-1. Sections 1-25-6 to 1-25-9, inclusive, are not subject to the provisions of chapter 1-26.

1-25-8. OMC Members. The South Dakota Open Meeting Commission is comprised of five state's attorneys or deputy state's attorneys appointed by the attorney general. Each commissioner serves at the pleasure of the attorney general. The members of the commission shall choose a chair of the commission annually by majority vote.

1-25-12. DEFINITIONS. Terms used in the open meetings laws mean:

(1) "Official meeting," any meeting of a quorum of a public body at which official business or public policy of that public body is discussed or decided by the public body, whether in person or by means of teleconference or electronic means, including electronic mail, instant messaging, social media, text message, or virtual meeting platform, provided the term does not include communications solely to schedule a meeting or confirm attendance availability for a future meeting;

(2) "Political subdivision," any association, authority, board, municipality, commission, committee, council, county, school district, task force, town, township, or other local governmental entity, which is created by statute, ordinance, or resolution, and is vested with the authority to exercise any sovereign power derived from state law;

(3) "Public body," any political subdivision or the state;

(4) "State," each agency, board, commission, or department of the State of South Dakota, not including the Legislature; and

(5) "Teleconference," an exchange of information by any audio, video, or electronic medium, including the internet.

1-25-13. ANNUAL REVIEW OF OPEN MEETING LAWS. Any agency, as defined in § 1-26-1, or political subdivision of this state, that is required to provide public notice of its meetings pursuant to § 1-25-1.1 or 1-25-1.3 must annually review the following, during an official meeting of the agency or subdivision:

(1) The explanation of the open meeting laws of this state published by the attorney general, pursuant to § 1-11-1; and

(2) Any other material pertaining to the open meeting laws of this state provided by the attorney general.

The agency or subdivision shall include in the minutes of the official meeting an acknowledgement that the review was completed.

1-27-1.16. MEETING PACKETS AND MATERIALS.

If a meeting is required to be open to the public pursuant to § 1-25-1 and if any printed material relating to an agenda item of the meeting is prepared or distributed by or at the direction of the governing body or any of its employees and the printed material is distributed before the meeting to all members of the governing body, the material shall either be posted on the governing body's website or made available at the official business office of the governing body at least twenty-four hours prior to the meeting or at the time the material is distributed to the governing body, whichever is later. If the material is not posted to the governing body's website, at least one copy of the printed material shall be available in the meeting room for inspection by any person while the governing body is considering the printed material. However, the provisions of this section do not apply to any printed material or record that is specifically exempt from disclosure under the provisions of this chapter or to any printed material or record regarding the agenda item of an executive or closed meeting held in accordance with § 1-25-2. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to printed material, records, or exhibits involving contested case proceedings held in accordance with the provisions of chapter 1-26.

1-27-1.17. DRAFT MINUTES. The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not apply if an audio or video recording of the meeting is available to the public on the governing body's website within five business days after the meeting. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to draft minutes of contested case proceedings held in accordance with the provisions of chapter 1-26.

1-27-1.18. WORKING GROUP REPORTS. Any final recommendations, findings, or reports that result from a meeting of a committee, subcommittee, task force, or other working group which does not meet the definition of a political subdivision or public body pursuant to § 1-25-1, but was appointed by the governing body, shall be reported in open meeting to the governing body which appointed the committee, subcommittee, task force, or other working group. The governing body shall delay taking any official action on the recommendations, findings, or reports until the next meeting of the governing body.