

MINUTES
HISTORIC PRESERVATION COMMISSION
May 19, 2009

MEMBERS PRESENT: Scott Sogge, Pat Roseland, Jean Kessloff, Richard Baumann, David Viall, Ken Loeschke, Mike Bender, John Wagner

OTHERS PRESENT: Bill Kessloff, Karen Bulman, Sharlene Mitchell

Call to Order

Loeschke called the meeting to order at 1:00 p.m. noting that the purpose of the special meeting was to discuss the action taken by the Committee at the May 15, 2009 meeting.

1819 West Boulevard Structure

In response to a question from Loeschke, Wagner and Kessloff presented their concerns with regard to the intent and precedent established by the May 15, 2009 motion.

Wagner stated that the application was found to be an adverse effect by the Commission and the State Office of Historic noting that the final resolution is now the responsibility of the City Council. Wagner stated that the May 15, 2009 motion proposes a compromise to the Commission's original findings and was discussed out of order as the item was not on the agenda. Wagner stated that the property owner has not provided the evidence supporting a finding that all prudent and feasible alternatives have been addressed and that the Commission's action was inappropriate.

J. Kessloff stated that the formal process has been followed and the motion is inappropriate and gives the appearance that the Commission does not follow their own guidelines.

Wagner stated that the City and the Commission must understand that this type of issue impacts the entire district not just the individual property owner. Wagner indicated historic district real estate commands a premium value noting the importance of protecting those values.

Viall stated that the intent of the motion was to insure that the property owner would be required to honor his statement to install the interior and exterior divided light bars noting that the application of the permanently applied bars would be an acceptable alternative. Viall addressed the removal of the original windows, the installation of standard size windows and the resulting impact on the structure's contributing status. Viall stated that the intent of the motion was to insure that the property owner honored his original statement.

Loeschke stated that the Legal & Finance Committee appeared to struggle with clarifying the basis of the hardship. Viall stated that the permanently applied divided lights are the minimum that should be required noting that the penalty fee is an insufficient incentive. Viall stated that the Commission should provide a recommendation to the Legal & Finance Committee to assist in their final findings.

B. Kessloff stated that the Commission is charged with the preservation of the entire District, including this structure noting that this is an unusual situation due to the unpermitted work transacted by the property owner. B. Kessloff suggested that the Council be directed to the Secretary of Interior Standards to resolve the issue. B. Kessloff stated that the questions posed by the Legal & Finance Committee showed progress on the preservation issue. B. Kessloff

expressed concern that the resolution of this issue will impact future projects in the district noting the impact of the Schwiesow project.

Discussion followed regarding the financing costs associated with resolution of the window issue. Loeschke stated that the State Office of History adverse effect applied to only the one window noting that per the State Office of History 11.1 Reviews are not heard on completed projects.

Loeschke indicated that the contributing status may already be lost as the windows have been removed. J. Kessloff stated that the window replacement transacted in the Windsor Block did not result in a loss of the contributing status. J. Kessloff stated that windows can be replaced with in-kind materials. J. Kessloff stated that the application of the Secretary of Interior Standards sets aside the emotional decision noting that allowing the motion to stand establishes a precedent that cannot be reversed. Wagner stated that the motion was inappropriate and out of order noting that the Council has not previously requested comment from the Commission.

Bulman stated that she had provided the update at the May 15 meeting to advise everyone of the action taken by the Legal & Finance Committee. Bulman clarified the intent of the language of the Staff Recommendation and the State Office of History's review of the project and finding of adverse effect. Discussion followed regarding the State Office of History's determination that completed projects are not reviewable.

Discussion continued regarding feasible and prudent alternatives to resolve the issue, the Commission's responsibility to support the original finding, the property owner's responsibility in creating the current issue, restoration of the original windows, and the health safety issues addressed by the new windows.

Roseland addressed previous requests where the Commission has approved the replacement of windows. Discussion followed regarding the application of the Secretary of Interior Standards with regard to the replacement of historic materials. Loeschke stated that the State Office of History determined that the windows were a major contributing factor of the structure and their removal or replacement in-kind would impact the contributing status.

Viall moved and Sogge seconded to rescind the May 15, 2009 motion to accept the proposal for 1819 West Boulevard as presented by the property owner to install permanently applied simulated interior and exterior divided lights on all the glass for all the replaced windows in the original house and/or on all the windows to be replaced in the original house. Upon roll call vote the motion to rescind the May 15, 2009 motion carried unanimously.

Discussion followed regarding the response of the West Boulevard property owners to the May 15, 2009 motion and the language of the Staff Recommendation. Wagner stated that the Commission and State have made the correct findings noting that the responsibility now lies with the City Council. Discussion continued regarding the Commission providing a recommendation to the Legal & Finance Committee and amendment of the language of the Staff Recommendation.

Viall moved to recommend that the four windows be replaced in-kind meaning size, material, style and architectural detail or that the original four windows be restored and reinstalled. Roseland seconded the motion.

Viall left the meeting at this time 2:10 p.m.

Discussion followed regarding the reasoning for establishing the window replacement precedent and presentation of the recommendation to the Legal & Finance Committee. Discussion continued regarding recommending that the property owner provide evidence that all reasonable and prudent alternatives have been researched.

The motion to recommend that the four windows be replaced in-kind meaning size, material, style and architectural detail or that the original four windows be restored and reinstalled failed unanimously.

Roseland left the meeting at this time 2:14 p.m.

Bender moved to direct that the Historic Preservation Commission provide a statement to the Rapid City Council that it is the Historic Preservation Commission's opinion and that the Rapid City Council should find that not all prudent and feasible alternatives have been explored per the Secretary of Interior Standards. Wagner seconded the motion.

Discussion followed regarding the intent of the motion.

The motion to direct that the Historic Preservation Commission provide a statement to the Rapid City Council that it is the Historic Preservation Commission's opinion and that the Rapid City Council should find that not all prudent and feasible alternatives have been explored per the Secretary of Interior Standards carried unanimously.

J. Kessloff stated that the Council did address the Commission's responsibility to educate owners of property in the historic districts of the responsibilities and requirements of such ownership. Bender stated that the Comprehensive Preservation Plan will assist in directing those education efforts.

Adjourn

There being no further business the meeting was adjourned at 2:26 p.m.