

MINUTES
HISTORIC PRESERVATION COMMISSION
SPECIAL MEETING
February 15, 2010

MEMBERS PRESENT: Scott Sogge, Pat Roseland, Jean Kessloff, Richard Grable, Tamara Pier, Shawn Krull, Cynthia Matson, Michael Bender

OTHERS PRESENT: Bill Kessloff, Bill Groves, Michelle Dennis, Joel Landeen, Marcia Elkins, Karen Bulman, Sharlene Mitchell

Call To Order

Roseland called the meeting to order at 5:37 p.m.

Purpose of the Commission and What is a CLG

Bulman reviewed the creation, composition and responsibilities of the Commission as established under Chapter 2.68 of the Rapid City Municipal Code noting the specific charge to promote and conduct educational and interpretive programs on historic properties within the City.

Bulman addressed the establishment of Rapid City as a Certified Local Government, the process by which federal funds are allocated to the eighteen state Certified Local Governments and the types of projects that can be funded under the grant program.

B. Kessloff indicated that the State Historic Preservation Office monitors the projects of each Certified Local Government for compliance with the Secretary of Interior Standards. In response to a question from B. Kessloff, Bulman indicated that the Commission's survey responsibilities are to identify and survey areas or individual properties that would be worthy of nomination noting there is no requirement to resurvey existing districts.

Discussion followed regarding the requirement of the Certified Local Government to provide educational programs to the general public.

MOU and the 11.1 Review Process

Landeen outlined his legal responsibilities to the Commission on behalf of the City of Rapid City. Landeen addressed the 11.1 Review process as defined under Chapter 1-19A of South Dakota Codified Law noting that the Commission is a recommending body only in the 11.1 Review process. Landeen indicated that the City has adopted the Chapter 1-19A laws noting that Chapter 1-19B has not been adopted.

Elkins clarified that the Memorandum of Understanding establishes the Commission as a recommending body only noting that the final decisions on 11.1 Review applications are issued by the State Historic Preservation Office. Elkins indicated that the purpose of the Commission is to provide the initial review and assist the property owner through the 11.1 Request process.

Elkins briefly addressed the discussion with the State Historic Preservation Office regarding revision of the current 11.1 Review application.

B. Kessloff indicated that the Commission has the obligation as a Certified Local Government to determine if a proposed project meets the Secretary of Interior Standards. Elkins recommended that the interpretation of the Secretary of Interior Standards be discussed with Chris Nelson

from the State Historic Preservation Office at the March 2, 2010 session. Discussion followed regarding the Standards broad interpretation to permit their application on a nationwide basis.

Discussion continued regarding the need to provide public education on the purpose and value of historic preservation.

In response to a question from Bender, Landeen indicated that, prior to the issuance of a building permit, specific types of work on properties located within historic districts or individually listed properties must be addressed under the 11.1 Review process. In response to a question from Bender, Landeen reviewed the types of residential and commercial work that requires or is exempt from the 11.1 Review process. Landeen clarified that the State Historic Preservation Office has final review authority and can overturn a recommendation of the Commission.

In response to a question from Grable, Elkins addressed the criteria utilized to establish the contributing or non-contributing status of the properties in the West Boulevard and Downtown Historic Districts. Elkins indicated that the District boundaries, contributing or non-contributing status and façade covenants are identified on the City's RapidMap system. Dennis indicated that a structure's degree of integrity also impacts the classification.

Discussion followed regarding the possible dissolution of a district due to the loss of contributing structures as determined by a resurvey or individual request for reclassification. B. Kessloff briefly addressed the contributing/non-contributing percentage of the West Boulevard District structures noting that the intent of the proposed ordinance is to stop the deterioration.

Discussion followed regarding the contributing/non-contributing percentage of the Downtown District and the property owner's request to amend their status to non-contributing. Dennis addressed the National and State registers noting that it is difficult to dissolve an established district. Discussion followed regarding resurveying districts and expanding the period of significance.

Elkins indicated that under Section 1-19B-32 the City Council established a study committee to determine the interest, desire and need for a local ordinance. Elkins addressed the study committee membership, the process required to adopt a local ordinance and the items that would require review should a local ordinance be adopted.

Elkins indicated that the study committee is evaluating Section 1-19B-62 noting that adoption of this section of the law provides for more restricted review requirements. Elkins indicated that the committee anticipates presenting their interim report by April 2010. Discussion followed regarding the review requirements of Sections 1-19B and 1-19B-62.

B. Kessloff indicated that Landeen, Wagner and the State Historic Preservation Office are currently reviewing Section 1-19B-62 to determine if it would provide the flexibility to meet the needs of the local districts and allow the Commission to be consistent in their decision making.

Elkins stressed the need to establish public support for any proposed regulations through the use of public education prior to presenting an ordinance to the City Council.

Discussion followed regarding the interpretation of the Secretary of Interior Standards with regard to the West Boulevard Historic District. Roseland stated that the support of the district

property owners is critical to securing approval of any ordinance. Discussion followed regarding the public's perception of the Commission, the use of restrictive covenants by new subdivisions and the efforts by Greg Wick of Pennington Title Company to amend the Seller Disclosure document to require disclosure of a property's historic district status.

In response to a question from Krull, Landeen addressed the instances in which a member should abstain from voting on an 11.1 Review request due to a conflict of interest. Discussion followed regarding the conflict members can feel when requested to provide public assistance on projects that are in their employment field. Discussion continued regarding working with applicants and abstaining from voting when there is a conflict of interest. Bender recommended that each member determine to what extent they want to volunteer their specialized services to applicants.

Kessloff indicated that the ability of the City Council to bypass the recommendations contribute to the public's adverse perception of the Commission. Discussion followed regarding methods for building the community's confidence in the Commission. Grable recommended that there be improved communication between staff and the general public regarding all the requirements for historic property projects. Bender recommended that the education process clarify the impact of the 11.1 Review process and the timeframes for approval of projects should the local review process be eliminated.

Bylaws and Procedures/City Funding and State Grants

Elkins provided a brief review of the duties and responsibilities addressed in the Historic Preservation Commission's Bylaws.

Elkins advised that the Mayor has requested revisions to the Bylaws noting that the proposed revisions would be provided to the Commission for their review. Bender stressed that the purpose of historic preservation is the preservation of the community not an individual building or district noting that preservation must consider the affect on the Community's history as a whole. Elkins requested that the members review the bylaws and contact her regarding any additional issues they feel should be addressed when staff brings the draft forward.

Elkins addressed the City budgeting process noting the timeframe from submission to approval. Elkins commented on the direction from City Council regarding the amount of staff support to be provided to the Commission.

Bulman provided a review of the current Award of Allocation and the required in-kind match. Bulman addressed the funding categories noting that the products of the grant include the individual nomination and preservation ordinance. Bulman reviewed the remaining line item balances of the grant allocation.

Bulman stressed the need to initiate work on grant projects at the time funding is awarded to insure products are completed within the grant's one year timeframe. Bulman reviewed the timeframe required to final a project, process the invoice for City Council approval and submit the final project to the State Historic Preservation office for reimbursement. In response to a question, Bulman indicated that the grant applications require City Council approval.

J. Kessloff commented on the educational programs produced in conjunction with Preservation Month and the Home Show. In response to a question from Krull, Elkins recommended working

with staff to review funding possibilities for the creation of an educational magazine. Discussion followed regarding the process required to revise the grant products and amend the grant accordingly.

Elkins encouraged the members to bring recommendations for the FY 2010-2011 grant application as well as the Commission's priorities to Session Three for discussion.

Questions/Discussion

Elkins indicated that members of the West Boulevard Homeowners Association have expressed an interest in attending the Secretary of the Interior's Standards Slide Show on March 2, 2010 and recommended that the slide show presentation be available to the public. Discussion followed regarding the agenda and location for the March 2, 2010 meeting.

Elkins indicated that staff will provide some options for the slide show presentation at the Friday, February 19, 2010 Commission meeting.

Adjourn

There being no further business the meeting was adjourned at 7:12 p.m.