

Minutes of the June 21, 2013  
Rapid City Historic Preservation Commission Meeting

**Members Present:** Jim Jackson, Jean Kessloff, Michelle Dennis, Lance Rom, Shawn Krull, Bill Freytag and Duane Baumgartner

**Members Absent:** Sally Shelton and Heather Knox

**Others Present:** Katherine Palmer, Jeanne Nicholson, Brett Limbaugh, Patsy Horton, Ethane Reed and Bonny Petersen, City Council Liaison

Krull called the meeting to order at 7:30 a.m.

**Approval of Meeting Agenda**

Dennis requested that National Trust for Historic Preservation be added as an item under New Business.

**Jackson moved to approve the agenda with the noted addition. The motion was seconded by Freytag and carried unanimously.**

**11.1 Reviews**

**1012 West Blvd (13RS018)**

Reed reviewed the request to remove the rear addition and to add a new addition that will include a second floor. He noted that the foundation for the porch is crumbling and the porch needs to be removed. He added that there is a serious problem with the foundation on the north side and the corner of the house needs to be jacked up so that the foundation can be repaired. He noted that while doing the foundation repairs, he would like to expand the basement to match the new addition. He stated the he will salvage whatever siding and trim that is reusable. He advised that he would like to add windows on the top floor and would like to retain the same roof slopes and design as the original house.

**Jackson moved to recommend a finding that the removal of the current addition on the rear of the home and the replacement structure with a new addition that includes a second floor will have no adverse effect on the property located at 1012 West Boulevard. The motion was seconded by Freytag.**

Dennis commented that minor alterations should be made to the proposed plan to better fit the Design Guidelines. She added that new additions are not suppose to look like the original house and for example, could be identified with different wall planes and roof lines.

Freytag expressed his opinion that adding the roof windows accomplishes the different look for the proposed addition. He also stated that the owner should be able to do the proposed improvements to the house and that the property will be an improvement to the neighborhood.

Dennis expressed her opinion that the proposed addition does not meet the Design Guidelines.

Krull inquired about the line that appears through the windows on the drawing.

Reed explained that is a software issue and that he couldn't remove the line. He stated that his goal is to make the addition look like it was a part of the original house.

Jackson expressed his opinion that the Design Guidelines are guidelines, not the Ordinance. He added that the owner is trying to improve the home and is not harming the historical integrity of the home and the neighborhood.

Krull clarified that the setback for additions identified in the Design Guidelines does not mean it has to be a major setback. He added it could be a setback as little as six inches.

Reed added that currently there is a piece of vertical trim which is painted blue that comes down at the area where the addition and original house meet and that his intent is to blend the siding from the original house to the addition so that it all looks the same.

Palmer clarified that everything she has reviewed from the State and the National Park Service indicates that additions should look a little different and not look historic. She added that the State may look at this guideline when reviewing Reed's request.

Dennis stated that this Commission should be following State statutes and Secretary of Interior Standards.

Krull asked if it would be enough of a distinction for the addition if the piece of board where the addition and the original house meet was painted a different color than the siding.

Reed stated that he plans to use the same eaves that exist on the original house on the addition also.

Kessloff inquired as to what the little space is to the left of the living room that is shown on the floor plan.

Reed explained that it is a kitchenette and that the floor plan has been revised a little bit. He provided copies of the revised floor plan to the Commission.

Dennis asked if the independent living space for Mr. Reed's mother would be considered an apartment and is it acceptable.

Palmer advised that the Current Planners would need to review and make the determination.

Horton explained that building permits are required for separate units but the property is zoned Medium Density Residential and two units are allowed in one structure. A brief discussion followed.

**The motion to recommend a finding that the removal of the current addition on the rear of the home and the replacement structure with a new addition that includes a second floor will have no adverse effect on the property located at 1012 West Boulevard failed with Rom, Dennis, Kessloff and Rom voting no and Baumgartner, Freytag and Jackson voting yes.**

Freytag expressed his opinion that Dennis is not a member of this Commission and cannot vote because her seat has been vacated by Ordinance due to her missing three consecutive meetings.

Palmer stated that she was not aware of the issue regarding Dennis' membership and referred it to Horton and Limbaugh for their input.

Horton suggested that the Commission submit the 11.1 Review to the State without a recommendation.

Petersen inquired as to whether the Commission would like to request that a setback for the addition be added to the motion.

Freytag stated that the Commission should honor the owner's request because the improvements would be excellent for the neighborhood.

Krull asked the Commission if they would like to send the 11.1 Review to the State with a tie vote or does the Commission want to make another motion.

Freytag stated the Commission has already voted on the motion that was on the floor.

**Rom moved to recommend a finding that the removal of the current addition on the rear of the home and the replacement structure with a new addition that includes a second floor will have no adverse effect on the property located at 1012 West Boulevard with the stipulation that the addition has a setback. The motion was seconded by Kessloff.**

Reed asked if he can move forward with removing the old porch.

Krull responded that there could be a separate motion for the removal of the porch.

Kessloff asked the owner if he would consider working with someone on redesigning the addition with a setback.

Reed advised that he would be willing to work with someone on the setback but would like start removing the porch and repairing the foundation as soon as possible.

Baumgartner asked if the State submitted any comments in regards to the removal of the addition.

Palmer reviewed Baumgartner's email and the State's comments that the demolition of a porch does not always have an adverse effect on the property. Additional discussion followed.

Jackson stated that he cannot support the motion on the floor because the owner is doing an outstanding job improving the property. He added that the Commission is a recommending body and that the State will make the final decision. He also added that the owner can also appeal to the City Council once the State has rendered their decision.

**The motion to recommend a finding that the removal of the current addition on the rear of the home and the replacement structure with a new addition that includes a second floor will have no adverse effect on the property located at 1012 West Boulevard with the stipulation that the addition has a setback failed with Freytag, Jackson, Kessloff and Krull voting no and Baumgartner and Rom voting yes.**

**Freytag moved to recommend a finding that the removal of the current addition on the rear of the home will have no adverse effect on the property located at 1012 West Boulevard. The motion was seconded by Baumgartner.**

**Freytag made a substitute motion to recommend a finding that the removal of the current addition on the rear of the home, the repairs to the north foundation and the extension of the seven foot basement will have no adverse effect on the property located at 1012 West Boulevard. The motion was seconded by Baumgartner and carried unanimously.**

#### **Commission Membership**

Dennis stated that she has not been informed that she is no longer a member of the Commission.

Limbaugh explained that the Ordinance states that a member's position is vacated from the Commission if the member has missed three consecutive meetings. He added that the Bylaws may be different but the Ordinance prevails. A lengthy discussion followed.

**Jackson moved to amend the Ordinance to allow for justifiable or excused absences.**

Limbaugh informed the Commission that they will need to determine what are justifiable or excused absences.

Jackson suggested that the members could contact the Chairman about absences and then the Chairman makes a determination if the absence is excused.

**The motion was seconded by Rom.**

Limbaugh suggested that the Ordinance could be amended as such that at the end of the year, meeting attendance could be reviewed to see if members attend at least 50% of the meetings throughout the year. Additional discussion followed.

Freytag expressed his opinion that the Ordinance should state that members who are going to be absent, contact the Chairman about the absence and then the Chairman presents the absence to the Commission for a vote to determine if it is excusable or justifiable.

Krull commented that he liked the collective idea of looking at the attendance at the end of the year and that the Commission should make a recommendation to the Mayor and/or City Council to change the Ordinance to reflect the membership portion of the Ordinance.

Kessloff expressed her opinion, as members, they are volunteers and they should make every effort to attend the meetings. She stated that she supports the requirement to notify the Chairman about absences and then the Commission determines if the absence is excused or not.

Jackson stated that he could support the year end review of absences to determine if members have attended at least 50% of the meetings. Additional discussion followed.

Dennis informed the Commission that she notified the Mayor's office about a three month leave of absence and was told it would be ok. She asked if she was still on the Commission or not.

Jackson suggested that staff work with the City Attorney to determine the appropriate wording for the Ordinance and then staff bring it back to the Commission for their review.

**Jackson withdrew the motion to amend the Ordinance to allow for justifiable or excused absences.**

Freytag stated as per Ordinance, Dennis is no longer a member of the Commission because she missed three consecutive meetings. Limbaugh reviewed the Ordinance and concurred. Discussion followed.

Krull suggested that staff visit with the City Attorney to determine if Dennis is still a member of the Commission and then someone contact Dennis about the outcome of the determination.

#### **Approval of Minutes**

**Jackson moved to approve the June 7, 2013 meeting minutes. The motion was seconded by Baumgartner and carried unanimously.**

## **New Business**

### **Section 106 Review – RCYC Shanks Gulch**

Horton informed the Commission that the Section 106 Review is to notify the Commission that a cell tower is being placed in an historic area, Black Hills Caverns. Discussion followed.

Rom suggested that the Commission not take action on the Section 106 Review and that a letter be sent requesting a copy of the construction plans and historic inventory report. He added that the Commission can take action once the requested information is received.

### **Fourth of July Meeting**

Palmer inquired as to how many members would be available to attend the next scheduled meeting on July 5, 2013. Jackson stated that he would not be able to attend.

Horton suggested that the meeting be cancelled if there are no 11.1 Reviews. She added that if 11.1 Reviews have been received, then the meeting should be rescheduled. Discussion followed and the consensus of the Commission was to hold the meeting at 7:30 a.m. either on July 9, 2013 or July 10, 2013, based on meeting room availability.

### **Pergola / gazebos reviews**

Horton explained that the State has indicated that it is optional for the Commission and the State to review pergolas and gazebos and that the decision to review is up to the Commission to make. A brief discussion followed.

**Jackson moved that the Commission not review residential gazebos or pergolas if a building permit is not needed effective immediately. The motion was seconded by Rom.**

A brief discussion followed.

**The motion that the Commission not review residential gazebos or pergolas if a building permit is not needed effective immediately carried unanimously.**

### **Update regarding 1123 Fulton Street**

Palmer stated that it appears that the contractor and the home owner did not follow the recommendation of the Commission. She added that the building inspector inspected the property and they were requested to stop for review. She explained that there is nothing that can be done because of the amount of work that had already taken place on the house. She informed the Commission that she visited with the State about the issue and added that the State has indicated that the property will probably lose its contributing status, which has not been confirmed.

Discussion followed regarding the building permit process. Freytag suggested having Brad Solon come to a meeting to answer questions from the Commission.

Horton advised that from now on a letter will be sent to the homeowner outlining the Commission's and the State's action on the 11.1 Review. Additional discussion followed.

Horton suggested that the building permit process be added as an item on the next meeting agenda.

Freytag requested that contributing and non-contributing classifications be added as an item on the next meeting agenda.

**Jackson moved to adjourn the meeting at 8:58 a.m. The motion was seconded by Kessloff and carried unanimously.**