

Minutes of the June 19, 2015  
Rapid City Historic Preservation Commission Meeting

**Members Present:** Jean Kessloff, Lance Rom, Shawn Krull and Jody Speck

**Members Absent:** Bill Freytag, Sally Shelton and Clancy Kingsbury

**Others Present:** Sarah Hanzel, Patsy Horton, Jeanne Nicholson, Brett Limbaugh, Carla Cushman, Darrell Shoemaker, Jim Jackson and Paul Swedlund

Krull called the meeting to order at 7:31 a.m.

**Approval of Meeting Agenda**

**Rom moved to approve the agenda. The motion was seconded by Speck and carried unanimously.**

**Approval of Minutes**

**Speck moved to approve the May 1, 2015 meeting minutes. The motion was seconded by Rom and carried unanimously.**

**Treasurer's Report**

Hanzel informed the Commission that the budget information is through May 31, 2015. She added that the consultant has submitted an invoice for Tasks 1 through 3 for the West Boulevard District Resurvey and have completed the field work and data entry. She advised that the information has been forwarded to the State for their review.

**Old Business**

**Acknowledge US DOT Section 106 Review Completion letter for US Highway 16**

Rom expressed concern with the lengthy delay in receiving a letter from the South Dakota Division of the Federal Highway Administration in response to our comments on the proposed project on US Highway 16. He added that the Commission should contact the State about the notification process. Additional discussion followed.

**Kessloff moved to authorize Rom to contact the South Dakota Division of the Federal Highway Administration regarding the Section 106 process. The motion was seconded by Speck and carried unanimously.**

**New Business**

**Historic Preservation Commission Bylaws/attendance policy**

Krull requested the Commission members to review the Bylaws which were approved in 2013. He requested that the attendance records be available for the next meeting.

Speck advised that he has reviewed the Bylaws and that it appeared to him that the Bylaws do not address special meetings. A brief discussion followed.

Kessloff requested that the Bylaws be continued to the next meeting.

## **Subcommittee Updates**

Krull expressed his opinion that the Commission should move forward with a new concept for subcommittees. He added that one of the reasons for changing the subcommittees would be because the proposed Ordinance 6032 streamlines the review process. He recommended that a Design Review Subcommittee be created and that the Commission review the current subcommittees after action is taken on the Ordinance Update.

Swedlund explained that previously, the Design Review Subcommittee was comprised of members from other committees and from each of the historic districts. He added that then the subcommittee would go out to the site and visit with property owners about the options they had for improving their properties. He further explained that the subcommittee would bring its findings to the Commission for review. He noted that the 11.1 Review ensures that the projects would meet the Secretary of Interior Standards. Additional discussion followed.

## **Staff Items**

### **Historic Preservation Commission Ordinance Update - Ordinance**

Cushman highlighted and summarized Ordinance 6032. She explained that Phase 1 will be to add Historic Preservation in the Zoning Ordinance. She added that Phase 2 will be the drafting of a Zoning Ordinance Amendment to place an overlay zoning on the historic districts. She advised that the overlay zoning will be a way to continue to regulate improvements in the historic districts without adding more restrictions and would assist in resolving issues about purchasers not being aware that their property is located in a historic district.

Cushman further explained that the second change will be made to the membership of the Historic Preservation Commission. She noted that subcommittees are not included in Ordinance 6032 but they would be permitted under the ordinance. She briefly reviewed the proposed membership requirements of the Commission.

Cushman stated that the primary change for the ordinance is codifying the procedure for historic review. She added that the intent of this change is to ensure that the historic review process is clearly defined.

In response to a question from Rom regarding the definition for adverse effect, Cushman advised that that the definition was taken directly from the Statute which has been used by the State Historic Preservation Office and by the City.

Rom suggested that the definition of Historic Preservation Design Guidelines be amended to add the words "and eliminating" after minimizing in the last line.

Rom asked whether Item 1 under Section E on page 12 of the ordinance means that all staff decisions be submitted to City Council for approval. Cushman briefly explained the resolution process.

In response to a comment from Rom regarding demolition by neglect per Item H on page 15, Cushman explained that the provision provides a tool to address the condition of the property prior to total deterioration.

Speck expressed his concern about the definition for demolition by neglect.

Swedlund stated that he is here as a property owner in the West Boulevard District and that he has a stake in historic preservation in Rapid City. He added that he has a long history of service to the Commission and that he is interested in the future of the Commission. He commented that the

Historic Preservation Commission should be allowed to take facade easements on historic properties. He suggested that Item 2k on page 10 be revised to include "easements".

Swedlund expressed his support for prevention of demolition by neglect and that it should come into effect earlier to ensure that neglected properties do not get to a point where the deterioration is beyond repair and/or restoration.

Swedlund expressed his opinion that the good points of Ordinance 6032 do not outweigh the bad and feels that the Commission should reject the proposed ordinance. He added that it would be a negative policy for the City and because this Commission has historically reviewed the 11.1 reviews. He added that the Commission will have no authority in historic preservation if the proposed ordinance is approved. He added that local review would have been essential in the instance in the removal of the sliding doors at Aby's Feed. Swedlund stated that the Commission is being controlled and sidelined. He added that the Commission should be a review board who is appointed by the Mayor and approved by the City Council. He questioned the definition of adverse effect. He further commented that Ordinance 6032 is removing any ability of the Commission to be effective locally. He expressed concern with the proposed membership and the Commission not being involved in the historic review process, noting that all members should be professional members.

Swedlund expressed his opinion that a proactive Commission should be able to visit with property owners about preserving the historical features of the historic properties and salvaging any materials that could be used on other historic properties or to be used as exhibits throughout the community. He encouraged the Commission to reject Ordinance 6032.

Krull added that several years ago, the membership of the Commission was reduced. He added that the current number of members does not have adequate time to concentrate on the education aspects because the Commission is understaffed. He expressed concern about the member appointments that have been made to the Commission and the moving of the meetings from a conference room to the Council Chambers. He noted that these issues are not addressed in the ordinance.

Kessloff stated that the new ordinance is disguising the removal of the Commission's effectiveness.

**Kessloff moved to reject the Historic Preservation Commission Ordinance 6032. The motion died due to a lack of a second.**

Krull expressed his opinion that the only people complaining about the review process are the property owners and contractors who have been caught doing the projects without the appropriate permits and review. He inquired as to whether homeowners have any legal recourse for property owners and contractors that do work without the necessary permits. A brief discussion followed.

Swedlund explained that the Mayor requested that he write a letter regarding the functionality and effectiveness of the Commission. He noted it will be hard to attract professional members to the Commission if the Commission does not approve 11.1 Reviews.

In response to a question from Rom, Hanzel explained that Ordinance 6032 goes to the Planning Commission on June 25, 2015, to the Legal and Finance Committee on July 1, 2015, to the City Council for first reading on July 6, 2015 and to the City Council for second reading on July 20, 2015. She added that this schedule is subject to change as a result of delays or continuations.

**Rom moved that the Historic Preservation Commission oppose the proposed Ordinance 6032, that the Commission work with the City to improve the ordinance to provide for historic preservation and that the Commission provide a detailed letter to the City Council outlining the Commission's concern with Ordinance 6032. The motion was seconded by Speck.**

Krull explained that the expiration of the Memorandum of Agreement at the end of 2014 led to the new review process and Ordinance 6032. He inquired as to whether the Design Review Subcommittee can be included in the ordinance to provide the Historic Preservation Commission the ability to be involved in the review process.

Cushman responded that she has documented the Commission's comments and concerns with the ordinance.

**The motion that the Historic Preservation Commission oppose the proposed Ordinance 6032, that the Commission work with the City to improve the ordinance to provide for historic preservation and that the Commission provide a detailed letter to the City Council outlining the Commission's concern with Ordinance 6032 carried unanimously.**

Hanzel suggested that the Commission members review the remaining documents that were attached to the agenda. She added that another meeting is scheduled in the Council Chambers and the Commission does not have enough time to review all of the documents. She reminded the Commission that they are welcome to attend the Planning Commission and provide public comment about the Ordinance Update.

Swedlund expressed his opinion that the proposed Resolution is illegal.

In response to a question from Krull, Hanzel advised that the letter from the Commission needs to be submitted as quickly as possible so that it can be attached to the Planning Commission agenda.

Cushman advised that the letter could also be handed out at the Planning Commission meeting. She noted that the earlier the better for publishing purposes.

**Rom moved to adjourn the meeting at 8:55 a.m. The motion was seconded by and carried unanimously.**