

January 5, 2010

**HISTORIC PRESERVATION COMMISSION
First Floor Conference Room
Butte-Silver Bow Courthouse**

Members Present: Chairman Ernie Richards, Denise Kelly, Jim Shive, Dale Burgman and Mary McCormick

Absent: Robert Edwards and Leroy Cottom

Staff: Jim Jarvis, Historic Preservation Officer
Stephen D. Hess, Assistant Planning Director
Carol Laird, Secretary

M I N U T E S

I. **Call to Order** - The Historic Preservation Commission meeting was called to order at 5:30 P.M.

II. **Reading/Approval of the Minutes of the December 1, 2009, Meeting**

Mr. Burgman moved and Mrs. Kelly seconded the motion to approve the Minutes of the meeting of December 1, 2009. The voice vote in favor of the motion was unanimous, therefore, the motion passed.

III. **Board Actions**

A. Demolition Review Project

1. 78 Missoula Avenue – Fire damaged residence

Mr. Jarvis presented and summarized a letter prepared in response to this request. This letter is attached and made a part of these Minutes, located in the Historic Preservation Office.

A fire in March 2009 damaged the property leaving the building unoccupied. The fire caused moderate to severe damage to the kitchen and smoke damage to the rest of the residence. The owner has boarded up the building per request of the Fire Department. Inventory data listed the building as contributing historic resource. This assessment was reaffirmed in 2005, as part of the Landmark District expansion project.

The property owner is unwilling to invest money into repairs and the building has remained unoccupied. Neighboring property owners have contacted the Public Health and Fire Department requesting that action be taken to return the building to occupiable condition, or to demolish the structure as a fire safety hazard. The damaged building is within inches of the adjacent properties. The Fire Chief had declared it a public safety issue because of the neighborhood concerns.

Health and Fire Department staff has talked to the owner and he has given permission to the County to tear it down and put a lien on the property.

Mr. Jarvis was encouraging the Health and Fire Departments to hold off on the proposed demolition to allow the owner time to put the building up for sale, with the hope that someone would buy and repair it, so it could be occupied.

Mr. Shive wanted it in the letter that gas and electric should be turned off and suggested 180 days for a reasonable period to allow a sale, consistent with the Historic Preservation Commission's demolition review guidelines policy as of September 2009.

Mr. Richards asked if Mr. Jarvis had talked to the owner and whether he would be willing to sell the property; Mr. Jarvis said he hadn't. To date only Ed Randall (Public Health) and Jeff Miller (Fire Department) have communicated with the property owner. Mrs. Kelly, a local realtor on the board, said she would contact him, if there wasn't a conflict. Mr. Jarvis said he would talk to Ed Randall and Jeff Miller about the option to sell the property, and then he would contact Mrs. Kelly.

Ms. McCormick said if that didn't happen, she wondered if the HPC could request design review for any new structure erected at the site, if it was demolished. The current building had been altered and was a very marginal property. Mr. Jarvis said he hadn't heard of any interest for redevelopment. Ms. McCormick said if it went to back to the County and went through a developer's packet, she would like any new construction to go through design review.

After discussion, Ms. McCormick moved to approve Mr. Jarvis' letter as written with the 90 days extended to 180 days and requested that if it came to demolition, any new construction would come before the Historic Preservation Commission for design review. Mr. Burgman seconded the motion. The voice vote in favor of the motion was unanimous and the motion passed 5-0.

B. URA Design Review Projects

1. 120 N. Idaho Street – Replace exterior doors (Uptown Apartments, LLC)

Mr. Jarvis presented and summarized his COA report, attached and made a part of these Minutes located in the Historic Preservation Office.

After discussion, Mr. Shive moved and Mrs. Kelly seconded the motion that the two front storm doors be wood and the other five around the side and back could be metal in design and similar to the exposure of the ones across the street. It was also added to the motion by Ms. McCormick that when the doors were chosen, Mr. Jarvis approve them. The voice vote in favor of the motion was unanimous and the motion passed 5-0.

Mr. Jarvis also asked permission to congratulate the property owner for the high quality of the restoration project. The HPC support this request.

2. 317-319 W. Copper Street – Residential infill (Rae Bell Arbogast)

Mr. Jarvis presented and summarized his COA report, attached and made a part of these Minutes located in the Historic Preservation Office.

After discussion, Mr. Shive moved that the Certificate of Appropriateness for the Design Review be approved with the condition that roofing on the porch and side bay be changed to shingles versus the proposed corrugated metal. Mr. Burgman seconded the motion. The voice vote in favor of the motion was unanimous and the motion passed 5-0. The HPC asked that if the proposed plans should change, then they be resubmitted to the HPC for follow-up review.

Mr. Jarvis said he would express to the property owner their appreciation for the excellent design.

IV. Staff Report

Mr. Jarvis summarized his staff report, which is attached and made a part of the Minutes, located in the Historic Preservation Office.

The main elements of the report included, status of the draft historic preservation guidelines and the on-going historic resource survey project for the Butte South Central area. During presentation of the staff report, discussion ensued relating to developer packet requirements. Mr. Jarvis, Ms. Skrukud and Mr. Hess have been discussing the HPC's involvement in the developer package program. These staff members want to ensure the HPC has input into these projects, without causing unnecessary delays that may discourage potential applicants. Mr. Hess said there were standards and expectation placed on developers for safety concerns and that similar conditions could be placed in developer packages to ensure compliance with historic preservation regulations. These conditions should be specified in the developer's packages, so the developer knows upfront what is expected and required. Ms. McCormick agreed conditions should be developed upfront and in a proactive nature, based on standard conditions created with input from the HPC. Mr. Jarvis added that he and Ms. Skrukud would be working jointly to prepare developer packets and monitor the work. He said they would use the Secretary of the Interior's Standards. Ms. McCormick requested the new design guidelines also be utilized.

V. Old/New Business

Old Business

A. Emma Park Neighborhood Center – Present Preliminary Design

The Emma Park Neighborhood Center project manager, Margie Seccomb – HRC, and project architect, Bill Hanson – Think One Architects, gave an overview of the project and presented preliminary design plans and drawings for the proposed Center to the HPC. Other than the proposed design for the tower, the HPC expressed general support for the design of the Center. Members of the HPC expressed concern that the tower design was not compatible, i.e. too contemporary, for the historic Emma Park setting. HPC member, Mary McCormick stated, "the proposed tower design was not in-keeping with the Secretary of the Interior's Standards for Historic Preservation or appropriate in a National Historic Landmark District". The HPO suggested the architect develop additional tower design alternatives or variations for the HPC to consider in the future. The project architect and manager thanked the HPC for their comments and

agreed to re-submit the project to the HPC as the plans and design evolve.

B. Big Hole River Diversion Dam – Environmental Assessment (EA) Review

The EA identified several potential adverse impacts to historic resources due to the project, and recommended mitigation actions. On behalf of the HPC, Mr. Jim Shive presented a detailed draft response to the BHR Dam EA document. The response identified several areas of concern within the proposed plan to replace the diversion dam (Alternative 3). Primary concerns included:

- a. need for additional archeological investigation of the site and monitoring of proposed construction activities
- b. compatibility of design for the new pump station being considered to replace the old pumpstation (Phase 2 of Alternative 3)
- c. need for a long term maintenance and operation plan for the old pumpstation, if replaced.

The HPC discussed the proposed response, expressed support for its content, and recommended the document be finalized and forwarded to the project engineer firm, DOWL HKM, the BSB Council of Commissions, and the MT SHPO. Mr. Jarvis agreed to distribute the document as instructed.

C. Mine Yard Restoration Projects – Status Update

In anticipation of additional preservation activities proposed for later this winter and early next spring, Mr. Jarvis reported that he is still refining the scope of work for proposed repairs to the Original Mine Hoist House. The requested HB 645 grant is still being reviewed by the funding agency, MDOC. Successful grant applicants will be notified in late-March 2010.

D. Historic Preservation Guidelines – Status Update

Mr. Jarvis continues to research and revise the draft guidelines based on input from the HPC review committee. Mr. Jarvis reported he will meet with the committee on January 7th, and weekly throughout the month of January, with hopes of presenting a draft of the document to the full HPC at their February meeting.

New Business

- A. Response to Inquiry – Historic Preservation regulations impact property owners' insurance

Mr. Jarvis presented a draft letter to the HPC in response to concerns raised by local property owners about potential impacts of local preservation regulations on property owners insurance damage claims. The HPC reviewed the letter (see attachment), recommended a few changes and asked that the letter be finalized for signature by the HPC chairman. Mr. Jarvis agreed to make the changes, keep the letter on file and distribute as needed.

VI. Adjournment – The meeting was adjourned at 7:35 P.M.

xc: Paul Babb, Chief Executive
Nancy Barry, Secretary for the Council of Commissioners
Jon Sesso, Planning Director
Justin Post, Reporter for the Montana Standard Newspaper
Rick Foote, Editor for the Butte Weekly



**BUTTE-SILVER BOW
HISTORIC PRESERVATION OFFICE
PLANNING DEPARTMENT
155 W. Granite Street Butte, MT 59701
406-497-6258**

January 4, 2010

Re: Impact of Historic Preservation Regulations on Property Owners Insurance

To Whom It May Concern:

We occasionally receive inquiries regarding insurance issues with properties designated as historic under various local and federal preservation programs. These properties are typically listed on the National Register of Historic Places, or in some cases a local register may apply. We have found that the insurance companies misunderstand the implications of such designations.

The National Register, administered by the National Park Service, places no requirements on owners to maintain, restore, or otherwise alter their property. There are no requirements for owners to notify the National Register of any changes. Owners are free to manage their property as they see fit, and retain full control over alterations to their buildings. Owners are not required to provide public access to their property, and there are no fees or tax levies associated with the National Register program. Exceptions are if the property is involved with Federal funds, licenses, or permits. Under the National Historic Preservation Act of 1966, federal projects must be reviewed for their potential to harm historic properties.

On a local level, communities may elect to adopt regulations requiring property owners to request a Certificate of Appropriateness (COA) prior to altering or demolishing a historic structure. In Silver Bow County, the historic preservation ordinance requires a COA be approved for any exterior work that may impact the historic integrity of a property listed on the Local Register. The COA review process does not necessarily dictate the specific type of materials used in new construction, beyond requiring that such materials must be compatible with the historic structure. For example, wood windows, as opposed to vinyl-clad windows, are often required as a condition of COA approval. The COA process does not apply to the type of material, nor manner of construction for interior improvements. In the event of a loss, or partial loss of a historic structure due to fire, the COA process would only require that exterior repairs respect the structure's historic design and include compatible materials.

Please contact the local Historic Preservation Office or the Montana State Historic Preservation Office (406-444-7742), if you require additional information.

Sincerely,

Ernie Richards
Chairman, Butte-Silver Bow Historic Preservation Commission