

HISTORIC PRESERVATION COMMISSION
Minutes of Meeting
February 8, 2021
Held via conference call due to COVID restrictions

Members Present: Steve Hinick, Mitzi Rossillon, Butch Gerbrandt, Russell O’Leary, Jennifer Petersen, Bobbi Stauffer, and John Weitzel

Absence: None

Staff: Mary McCormick, Historic Preservation Officer

I. Call to Order: The Historic Preservation Commission Meeting was called to order at 5:30 PM.

II. Roll Call: All members present. A quorum was established.

III. Reading/Approval of Minutes: Ms. McCormick reported that the minutes for the January 5, 2021 meeting of the HPC are not yet completed.

IV. Public Comment – Items on Agenda:

Ms. McCormick read letters/emails regarding the demolition permit request review for 56 E. Mercury from the following individuals: Kathy Koskimaki Carlson, Butte; Noorjahan Parwana, 125. W Copper St., Butte; Larry & Debbie Smith, 27 N. Excelsior, Butte; Nancy Woodruff, 625 N. Main, Butte; Chere Jiusto, Executive Director, Preserve Montana, Helena; Lee Whitney, 3151 Quincy St., Butte; Julie Buckley, Butte; Jason Silvernale, 1251 Caledonia, Butte; Susan Peterson, 219 Boundary St., Sheridan; Thomas Nance, Butte and Idaho Falls, ID; Paul & Toni Seccomb, 825 W. Quartz, Butte; Emma Cunneen, Butte; Mackenzie Rye, Butte; Andrea Holland, Butte; and BSB Commission Jim Fisher. Copies of these letters/emails are attached and made part of the minutes.

Keegan Hall, Butte, called in to the meeting and addressed the Commission stating: I want to speak out and encourage the Commission to delay demolition of this property and work with the building owner on developing a higher value rehabilitation strategy for the structure that is more economically viable and more in keeping with the building’s history and typology. It is very easy to see the structural issues of this property that might warrant demolition, but I think it is really important to look at all the different strategies and uses that this property might have more in keeping with its unique history and character and more economically viable for Uptown Butte. There is higher value in rehabilitation that should be pursued with the great resources that are out there in our community. I encourage the Commission and property owner to work together to develop a better strategy for

rehabilitating this historic piece of Butte. It is one man's property but more importantly it is a piece of our collective history and heritage. If we tear it down today, we won't be able to get it back tomorrow. I think there is a better strategy out there. Thank you for your time.

Ms. McCormick read letters/emails regarding the determination of eligibility and demolition permit review for 2505 State St. from the following individuals: BSB Commissioner Michelle Shea; BSB Commissioner Jim Fisher; and an anonymous resident of the Floral Park neighborhood. Copies of these letters/emails are attached and made part of the minutes.

Bob Worley, Butte, called in to the meeting and addressed the Commission stating: I would like to speak on behalf of the Mitchells on the buildings at 2505 State St. I was past that property the other day and see no historical value and so no reason to keep the house. The Mitchells should not have to retain that property; it should be taken out of there. I do not like the idea of turning Floral Park into a historic preservation area. It is going to cause a lot of people living in that area problems when they go to do things to their homes. I was told today that that wouldn't happen, but things just have a way of coming around and beating you up so to speak. I think the Mitchells are well within their means of asking that that building be disassembled or taken off their property.

Dan Guidi, 2504 State St, Butte, called in to the meeting and addressed the Commission stating: I live across the street from 2505 State St. and like others have said, I do not see the significance of this property in a historical nature. My house across the street was built in 1976; it's not historic, and there is one down the street the same. We are kind of at the outside edge of the Floral Park district. The house at 2505 State is in pretty sad condition inside; I've been in it. They have had no takers in as far as someone wanting to move it. As Jim Fisher and Michelle Shea both stated, property owners do have certain rights. In this case, this is not a historical district yet and I would not be in favor of that either. I am in favor of the Mitchells being able to remove the house from their property. Their property being the key word. Thank you.

V. New/Old Business

a. Design Review COA: 506 S. Dakota Street.

Ms. McCormick reported that the property owner is seeking a URA grant to assist with the rehabilitation of the long abandoned but historic house at 506 S. Dakota. This property is north of the duplex that was recently moved from South Idaho to make way for construction of Town Pump's new Platinum and Montana facility. Exterior work proposed includes reroofing with architectural shingles, residing with horizontal cement fiberboard siding with a 4-inch exposure and a smooth finish, installing Anderson Series 100 single-hung replacement windows,

and restoring the open front porch as depicted on the 1959 photo of the house. Two gabled roof dormers will also be added, one each on the north and south roof slopes. Ms. McCormick recommended project approval. The Design Review COA prepared for the project is attached and made part of the minutes.

Mr. Hinick asked the Commission for comments on this item.

Ms. Rossillon moved to approve project as presented. Mr. O'Leary seconded the motion. The voice vote in favor of the motion was unanimous.

b. **Demolition COA: 56 East Mercury Street.**

Mr. Hinick noted we've heard lots of comment from the public both pro and con for this COA. He asked Ms. McCormick to give a brief overview.

Ms. McCormick stated that Mr. Hoffman and Ms. Russo have a purchase agreement with Staack's Motor Sports, owners Ed and Brian Staack for 56 E. Mercury. There are three section of the building:

- 1) The cribs, the original part of the building built in the late 1890s. It is a two-story building distinguished by the door-window configuration on the main level of the front facade. Each door and window set denotes the location of a crib. It is the only surviving example of such brothel architecture in Butte, if not the American West. Staack's would like to demolish the cribs.
- 2) A smaller brick warehouse on the east side of the cribs. It was built in the late 1910s or early 1920s. Its east wall has a ghost sign advertising "Tom Morgan for Mayor." Staack's would like to demolish the warehouse.
- 3) The larger auto repair shop which dates to Prohibition, similar to the warehouse. The shop is a single-story brick building located behind the cribs to the south and on its west side. The western section of the shop has frontage on Mercury St. Staack's would like to maintain and rehabilitate the shop for use as storage for their motor sports business.

Staack's hired Kevin Fieldman, a structural engineer with Cushing Terral, Bozeman, to assess the condition of the building. Mr. Fieldman has evaluated historic buildings and structures around the country. His assessment of 56 E. Mercury found the cribs and warehouse to be in dire structural condition; their demolition was recommended. Mr. Fieldman did not address the potential for rehabilitation.

Ms. McCormick reported her belief that the cribs building is one of the most significant historic buildings in the Uptown. It is one of the few remnants of Butte's once thriving red-light district, and it may be the only true example of brothel architecture surviving in Butte and the American West. The interior workings were expressed on the exterior of the building. Many other historic buildings in extremely dire condition have been brought back to life, for example

the mercantile in Walkerville. Clark Grant and Daniel Hogan have worked hard and done a remarkable job of restoring this building. Built in the early 1880s, it is one of the oldest buildings left in Butte.

Ms. McCormick stated that alternatives to demolition of the cribs have not been adequately investigated. She recommended that the Commission invoke the 45-day delay on considering the demolition permit request, as provided by the historic preservation ordinance. The Demolition Review COA prepared for the project is attached and made part of the minutes.

Mr. Larry Hoffman addressed the Commission. He stated that he has owned this building for over 40 years and has put several hundred thousand dollars' worth of maintenance in. He is a big supporter of history in Butte and there are a couple of misconceptions that have come out here. As Mary said this is a private sale. Mr. Staack and his son commissioned the engineering study because it's just common when buying an old building. Their offer came along almost two years after I had listed it for sale. I had also had just been presented with a bid of \$33,300 for the roof replacement. That didn't include the prep work or the necessary pending repair of the front wall, which was built of the cheapest bricks of the time. It is bowing out and deteriorated and presents a hazard to pedestrians walking by on the sidewalk. I'm 76 years old so I have a limited number of projects that I hope to complete in my lifetime. I don't have the time or the energy to do this. Thank you.

Nancy Russo addressed the Commission. She challenged most people or probably all the people who wrote in public comment and asked if they have ever actually entered the building to see the decrepit state. I would hazard to say no, they probably haven't. If Larry hadn't bought that building 40 years ago it would be laying at the preservation committee's feet because it is pure rubble. The work was of poor quality. It wasn't put up as an architectural brand building. It was thrown together for the lowest for the soiled doves to have a window to sit in. And now if the Staacks are able to incorporate the **façade** into their plans for a warehouse I am all for it because I honestly think that is all **people are asking for, to be able to see the façade of the cribs** facing the street. If that can happen then great. But I honestly can say that most of that brick on the top floor has to be taken down because we are not liable for having a brick fall on someone's head from the top. The building is in tough shape. Please understand that, please vote accordingly. Thank you.

Mr. Kevin Fieldman addressed the Commission. He stated that he was the structural engineer that performed the due diligence assessment as part of the property transactions between the Staacks and the current property owners. First as a professional engineer my responsibility is to life safety to the public, not to owner or client. It certainly is not my intent when I go look at buildings to

identify what I deem a threat to life safety, but this structure has a few obvious concerns. As was indicated, the building is in three separate areas in period and use. Regarding what was referred to as the east warehouse section, it is my understanding that at one time it had a bar at the Mercury Street level with corridors above that had a similar business operation as the cribs. However sometime in history there was a significant fire which burned most of the interior so what remains is very little of the mezzanine. There are at least two interior columns that are completely missing so that the roof is supported by the exterior walls only. At this point the structure is of particular concern for risk of collapse. The main level has had several intermediate floor failures. I had the opportunity to walk under the main floor and view that there is a lot of foundation failure, with signs of historic failure and movement associated with that. The eastside warehouse, I do think that it is posing a threat to life safety, in particular to the parking stalls immediately to the east. If that roof was to collapse, such as in a potential wind event (wind tends to force vibrations in a structure) there is a risk of failure.

With respect to the other building [the cribs], I also feel in its current state that it is also a threat to life safety. Mr. Hoffman had identified the perilous situation with the bricks falling from the parapet to the sidewalk below. With the sidewalk in close proximity there is substantial evidence of brick failure and debris. That was certainly identified in my report as well as the north wall has some instability. There is currently an outward bow of 6 inches which really starts to compromise the gravity load carrying capacity of the reinforcement of the brick wall. It has also unseated the floors in the north wall. Because of that, the floor is at risk of failure on the interior of the building. The foundation is wood post on bedrock. There were signs of jacking equipment, but it was apparent that it wasn't successful. In general, the due diligence assessment was focused on using the building for a particular use. I would say that the opinion presented therein was not a foregone conclusion before my assessment. In fact, the east warehouse portion was to be retained for reuse as a warehouse as well. However, walking through that facility with Mr. Staack and pointing out some of the deficiencies quickly led the Staacks to feel uncomfortable about owning that portion of the project or the existing facility.

With respect to rehabilitation, as indicated I have been a part of many historic renovation projects over the course of my 20-year career, including two and potentially a third active historic preservation project in Butte currently. I do not take the historic preservation lightly, but I do understand that historic preservation comes at a cost and time. In my opinion, this particular structure [the cribs] does not have time. Historic preservation projects in my experience do take a substantial amount of time and there are some indicated threats to life safety that this building is currently exhibiting. In general, I think a partial demolition would be required to address those concerns. The current owners as

well as the Staacks are looking at a significant renovation to the existing warehouse structure, what is the auto repair shop currently. With that I would be willing to take any questions.

Mr. Hinick asked if any of his fellow Commissioners had any questions for the engineer.

Mr. Weitzel stated that one of the letters asked about saving the façade [of the cribs]. With your assessment is that doable?

Mr. Fieldman responded, doable is a relative term but anything is possible with enough money. The issue is that the existing wall has degradation of the mortar in the brick matrix and fragments of mortar have fallen behind the tails of the joists and filled in the voids that would have allowed us to simply pull this structure back into alignment. At this point it would be a significant undertaking to remove the brick masonry around the end of each joist considering the spacing of the joist from the interior and being able to pull them back into a position to make the exterior masonry wall stable again. Repointing of the exterior, removing and replacing some of the deteriorated mortar at least on the inner and outer wythes of this triple wythe wall, would be required. So, significant renovation would need to be done. My rough estimates on a potential stabilization is somewhere between \$600,000 and \$800,000. It is often more cost effective to remove and replace something even if you are reusing the bricks and rebuilding the same features. A new building could certainly work in the history of the façade, but there would certainly be a cost associated with that. General cost of stabilization and a low renovation on that part of the building would be \$1.3 million. If we were truly trying to preserve the interior, I believe we would be closer to \$2 million for a higher-end historic renovation of that facility.

Mr. Hoffman added, the snowfall should be a wake-up call to all of us. It's very cold now with relatively light snow, but in the next month or two we are going to start to get our heavy wet snow. Mr. Fieldman has indicated the condition of the roofs on these buildings and the possibilities of what could occur if one or both of those roofs should collapse. So, I think time is of the essence in this deliberation. Mr. Fieldman has also stated the cost of doing historic preservation and that would also take time, time that as a registered engineer myself I don't believe we have. Thank you.

Mr. Hinick asked if there were any other comments from the Commission or questions for the applicants?

Ms. Rossillon said she had a question for the structural engineer. What do you estimate the cost of rehabilitation of the warehouse portion to meet the Staacks'

needs? Mr. Fieldman said it would probably be about \$500,000. That would include rehabilitation of both floors and nearly complete replacement of the roof of the structure.

Ms. Rossillon said excuse me when I said warehouse, I meant the auto repair shop.

Mr. Fieldman responded that would really depend on the amount of rehabilitation. He asked if the current plan had a cost associated with it.

Ms. Rossillon said the current plan has some things identified but no associated costs and she is curious as to what that cost would be.

Mr. Ed Staack addressed the Commission. He stated I'm not a public speaker or an engineer. I was born in this town and I've been in business for 55 years. My son is taking the business over; he will be the fifth generation of business people on my mother's side in this town, starting in mid-1800s. I was looking for a space to grow our business, basically for my son and employees. I'm 70 so it doesn't do me any good, but I'm looking toward the future for my son, my family, and my employees. I approached Larry about this building; we talked about it. Initially there was no intention of tearing anything down. I've looked at this for months and months and it just evolved and got worse and worse. I finally came to the conclusion that the two-story section and the warehouse could not be saved with any feasible amount of money. It's too bad; it's the way it is. I'm a handyman. I have a building I bought in the 1980s that I've been working on ever since and I'm still not quite done. We have an old house here that we bought that was dilapidated, run down, probably ready to cave in too and we fixed it. I would be willing to do it if it was possible. #1 You can't be in it to remodel it because it could fall on your head. #2 You can't store anything in it, and you can't get insurance on it. So, it's really no value the way it is. After the two sections (6,000 square feet total) are torn down there is still over 8,000 square feet remaining. He said he could take out the front wall of the cribs and rebrick the back (south) wall. This back wall is in really bad shape and crumbling, but I think that for \$200,000 it could be made to look like a brick building, intact and solid. It would be a nice looking brick building on the outside. So that answers that question. Any other questions?

Mr. Fieldman responded to Ms. Rossillon's questions about the cost to rehabilitate the auto repair shop. Using the same costs that I was using on the other sections, it would be \$197,700. That is his take on the restoration as well, so we are very close.

Ms. Rossillon asked, so somewhere between \$200,000 and \$300,000 would be the estimate?

Mr. Fieldman said yes, in the \$ 200,000 range for the exterior masonry repair.

Ms. Russo asked if she could make one more comment. She said, I'm part owner of the building so I ask the preservation committee and all the concerned citizens to understand that all the brick on that building including that brick that they want to rehabilitate is all the same crumbling nature. We had my son work on that building a couple years ago and it crumbled under his fingers when he was painting it. Also, I just want to reiterate that it is a private sale. That is all and thank you for listening.

Mr. Hinick said Commissioners we have a decision to make on this project. Are there any other comments from the Commission or questions you would like answered?

Mr. O'Leary stated he had a question for the engineer: Just to make sure I understand, is that front façade (at the cribs), that is a structural brick wall, not just veneer?

Mr. Fieldman said that is correct it a load-bearing masonry wall.

Mr. Gerbrandt said he would like to make some comments: I'm a member of the HPC. Just to give everyone some idea of my credentials, I was a civil engineer for 14 years not a structural engineer and I taught engineering for 26 years at Montana Tech. More importantly, I've been a rehabilitation remodeler in Uptown Butte for the past 20 years and have taken on four projects comprised of buildings that had to be stripped down to the stud walls and have foundations added with some jacking up. I successfully rehabilitated four buildings that were on their way to demolition, residences and apartment buildings that are now on the tax rolls. The current house that I'm working on in Walkerville was slated for demolition by Butte-Silver Bow. My partner and I asked for it to go back on the market and we were able to obtain it in an auction. It had several walls that had crumbled and a roof that had fallen in. That building right now is just about ready for residence by my partner who is going to move in. So, I have some experience with what looks like very sad buildings in Butte.

Ms. Russo stated that none of the Commissioners had ever walked in the East Mercury Street brothel.

Mr. Gerbrandt responded that I have been in the building. He asked Mr. Hoffman not to get excited; he didn't break and enter. I went in the old brothel with your acquaintance, Dan Slazenger, to get some materials that he was retrieving. I was on the first and second floors. I didn't do an inspection; we were just there to remove some materials, but I have been in the building and came out alive, didn't have any bricks fall on my head.

Mr. Gerbrandt continued: In my opinion the building can be rehabbed, and I would recommend a couple of things. First, Mr. Hoffman, I have been in some talks with Ms. McCormick, our Historic Preservation Officer; she thinks that she can come up with some funding for a second opinion on the integrity of the building and maybe someone who would be there purposely to look for ways to save it rather than reasons to demolish it. I would urge you to get a second opinion. I would also urge you to take a little more time to find a buyer that would be interested in renovation other than demolition. Personally, I'm okay with demolition of the east side warehouse; I don't think the east side warehouse or the auto repair shop are nearly as historically significant. The cribs section is very unique architecture that explains the building just by looking at it. I really think that a proposal to demolish the East Mercury Street brothel is a proposal against tourism and also a proposal against the economy in Butte-Silver Bow. I urge that this building be saved. Thank you very much.

Mr. Hinick asked if there was anyone else on the Commission who would like to chime in?

Ms. Rossillon said I have a few comments: First, the safety issues identified are concerning but that does not sway my opinion, particularly given the rarity of this resource. It is only right that 56 East Mercury be given the same consideration that 135 East Park has received in terms of time from posted as dangerous to partial demolition -- that being an extended period, during which a considerable effort was made to find a new owner. That is what we should expect for 56 East Mercury particularly that portion that we are calling the cribs. Unfortunately, even though the look for a new owner in the case of 135 East Park was not successful, at least the attempt was made. Therefore, I would like to direct the Historic Preservation Commission's attention to the Historic Preservation Ordinance and what it says regarding a demolition request. Section 4.K identifies demolition alternatives, meaning alternatives to demolition that the applicant must, I used the word must because it is in the text, consider before the HPC will approve the demolition request including but not limited to adaptive reuse, rehabilitation, transfer of ownership or operation, and relocation of building. In the case of the cribs, the adaptive reuse and rehabilitation that is proposed for what Mr. Staack intends to do with the property is not appropriate. Relocation can be dismissed; the building can't be moved. However, in terms of transfer of ownership and operation the ordinance says, and I quote, "if a property owner does not have the financial resources to rehabilitate an otherwise useful economical viable building, the owner will offer to sell or lease the property and make a reasonable effort to advertise the property for sale." The ordinance further states owner shall provide the HPC supporting documentation including proof of advertisement for sale, lease, or relocation for a minimum of 90 days in a local newspaper or with a local realtor and an analysis

of offers made. Furthermore, it says in Section 12.B the intent of the review is to ensure that all viable alternatives are considered. The opportunity of transfer of ownership has not been considered according to the terms that are outlined in the ordinance. So, although the property was made available two years ago, we have no proof of that and information of it being available for 90 days. But, more importantly, with today's interest in residential and commercial property in Butte, two years ago is the same as two light years ago. There have been properties that people have been anxious to snap up for reasons that mystify me, but we cannot second guess what new investors might be interested in. Although the Certificate of Appropriateness quoted Section 12.H that HPC may invoke a 45-day demolition delay to allow more time for demolition alternatives, that does not negate Section 4.K of the same ordinance that says demolition alternatives must consider transfer and that consideration must be demonstrated before the HPC will make the ruling. I'm sure other people would like to discuss at this time. After that I have a motion. Thank you.

Mr. Hinick said that he has a comment: The imagery of the building is a little bit mystifying in a way to most people that have driven by that building. I suppose because this group and historic family of people have a feeling for these buildings [they see it]. John Q Public doesn't necessarily know that was a brothel, and I know that the building had small apartments that you could step in and take a look inside this very small crib. A rehabilitation could entail a somewhat small demonstration of what went on there. I don't necessarily think it is the most historic building in Uptown Butte. That being said, the building has been used as a backdrop for a fairly successful movie, Don't Come Knocking. It was an international film; the director and producer used it in that film because it is a fairly interesting façade -- not necessarily a brothel, but it is an interesting façade.

Ms. Rossillon read a statement: The HPC finds that the applicant does not address one of the demolition alternatives that ordinance #14-11 section 4K requires, that alternative being transfer of ownership. While the crib is not economically viable for Staack Inc.'s business model, only through the required advertising it be can concluded the same is true for other interested buyers if they exist.

Ms. Rossillon made a motion: As required by ordinance, the owner will provide the HPC supporting documentation of an effort to transfer ownership to another party, including proof of advertisement for a minimum of 90 days. Bobbi Stauffer seconded the motion. The voice vote in favor of the motion was unanimous.

Ms. Stauffer commented: I just want to say the most important part of this building is the façade of the cribs. Once you look at it you never forget what it is.

I would hate to rob future generations of being able to time travel in that way and pick up a piece of Butte's past, to be able to envision it. I'm not interested in preserving the warehouse or auto repair shop, if they have to go. If the facade of the cribs could stay, I think that is paramount. We would be losing a big tourist attraction if we do not do everything to save that facade at least. I appreciate Staack's; they are a great Uptown business. But I also think there are plenty of other places that a warehouse could be built. Thank you.

Ms. McCormick made a comment: I wanted the opportunity to comment after the vote. I'm on the Mai Wah Board and we worked very hard to get grants, including great assistance for the URA, to rehabilitate our historic building. The Mai Wah, like a lot of the older buildings in Uptown Butte, is constructed of soft brick which suffers even more denigration if painted. The Mai Wah's west wall had been painted and the paint was basically what was holding the outer brick, similar to the cribs. The Mai Wah's mason took off the outer layer of damaged brick and either turned the brick around or used replacement historic brick to rebuild the layer, while the inner brick was saved. He also rebuilt the parapet walls on the east and west side, and he did some masonry repairs on the front facade. That work was done for about \$70,000. The building was also re-roofed, four skylights reconstructed, and all the windows and doors on the facade restored. The Mai Wah is a beautiful building again and contributes to the historic character of Butte and our growing tourism industry. I think the Blue Range cribs is a building that will attract investors and would be eligible for all kinds of grants. I would just hope that Mr. Hoffman and Mr. Staack could consider that.

c. **Determination of Eligibility: 2505 State St.**

Ms. McCormick started the discussion for 2505 State St. by stating the requirements of the Historic Preservation Ordinance, as there is a lot of misconception out there. The Historic Preservation Ordinance applies county wide, not just to the Landmark District. The National Register status of properties in our Landmark District has already been determined so when someone is proposing a demolition, I just need to check if it contributes to the district or not. This is not the case with the Flat; most of that area has not been inventoried. Since I have been Preservation Officer, demolition permits have been requested for at least 30 historic-age properties on the Flat. Our local historic preservation ordinance is clear about the requirement that our program follow the National Register process, which is based on federal law. Therefore, we must consider if a property is listed or eligible for listing on the National Register. When evaluating the National Register status of historic-age property on the Flat, our first consideration is if the property is a contributing element of a potential historic district or not. We have not identified a potential district on the Flat so far. If not part of a potential historic district, the evaluation must then consider if a property is individually eligible for the National Register on its

own merits. If a property is determined not eligible on its own merits, or a non-contributing element of a historic district, or not within a historic district, then there is no preservation review of a demolition permit request.

Floral Park is different from other residential neighborhoods on the Flat that we have looked at so far. It was built up and settled largely in the 1910s and 1920s with infill construction continuing into the early 1960s. There are great examples of period architecture surviving today, primarily middle-class homes. I researched the history of the neighborhood and determined that it is significant under Criterion A as one of the largest and most intensely developed neighborhoods on the Flat between the early to mid-20th century. This makes it unique from most other neighborhoods on the Flat. If you looked at the Country Club neighborhood, for example, it was platted at the same time as Floral Park in the 1910s when Butte was booming, but its development was much slower to progress. The Country Club was intended to be a more exclusive neighborhood with more restrictions and more expensive homes. These, along with other factors, contributed to why that took so long to develop. In my professional opinion, Floral Park also has significance under Criterion C for its architectural merit. It was beyond the scope of this current project to fully define a historic district nor are there any plans to formally list Floral Park in the National Register as a historic district. That would require preparation of a nomination, and 80 percent of property owners would have to agree to the listing. What I have done is a determination of eligibility which was triggered by a request to demolish a historic-age house in that neighborhood.

The determination of eligibility for a potential Floral Park historic district was based on a sample area. I looked at the buildings in the area with assistance from Mitzi Rossillon. We determined whether each building in the area could contribute to a district or not, based on its age and integrity. The National Register requires at least a 60/40 ratio: 60 percent contributing and 40 percent non-contributing. We determined the sample area's ratio as 73 percent contributing and 27 percent non-contributing.

Ms. McCormick then reviewed the determination of eligibility for 2505 State St. The Craftsman house dates to the neighborhood's historic period of significance and retains sufficient integrity to contribute a potential historic district. The Montana Historic Property Form prepared for 2505 State St. is attached and made part of the minutes.

A letter from the owner of 2505 State Street, Ms. Jennifer Smith Mitchell, was read. It is attached and made part of the minutes.

Mr. Hinick asked the Commission for comments.

Ms. Rossillon stated: 2505 State St. is obviously a National Register-eligible property. Maybe some of you that know me think, 'What does a historic archeologist know about historic architecture?' I have been a professional, cultural resource person for more than 40 years and I have been doing eligibility determinations even as a historic archeologist which have been accepted by the historic preservation office since about 1988. I have looked at districts and individual buildings, and over the years of looking at those, there is no doubt in my mind that this Floral Park is an eligible district and that 2505 is a contributing element. I just want to say one more thing: If there is any doubt in the mind of the HPC or any other individual at this meeting or elsewhere, this determination should be forwarded to the State Historic Preservation Office for review and comment.

Mr. Gerbrandt said: I'm not a professional historic archeologist or historian. I'm just an ex-carpenter and ex-engineer. I went to look at 2505 State St. at the time of a scheduled inspection by the HPC. When I arrived, no one else was there and I called in and was informed that the inspection had been canceled. I was really disappointed that we didn't get to go inside and verify conditions. I drove around the neighborhood instead and fell in love with Floral Park. It's a wonderful neighborhood. Congratulations to all you residents that live there. It seemed to me even as an amateur and not a professional this was a neighborhood with historic significance. I'm certainly going to follow the lead of our two experts on the Commission. Thank you.

Mr. O'Leary had a question for Ms. McCormick: We are first determining its eligibility and then we're considering the demolition COA correct? They are two separate things?

Ms. McCormick said they are two separate things. If the Commission recommends that 2505 State St. is not eligible, then a Demolition COA will not be considered. We only do demolition reviews for historic properties. The first necessary step in the process for 2505 State St is the determination of eligibility.

Ms. Rossillon moved that the HPC concur with the HPO's opinion and recommendation on the eligibility of 2505 State St. as a contributing element of a potential Floral Park historic district. Mr. Hinick asked if there was a second to the motion. Mr. Gerbrandt seconded the motion.

The roll call vote was five in favor of the motion and two opposed, with opposing votes made by Mr. Hinick and Mr. Weitzel.

d. **Demolition COA: 2505 State St.**

Ms. McCormick reviewed the Demolition COA for 2505 State St. Her recommendation is to invoke the 45-day delay. The COA is attached and made part of the minutes.

Ms. Rossillon said the comments she has are remarkably similar to those she made for 56 East Mercury but perhaps more detailed. Section 4.K of the Historic Preservation Ordinance identifies that alternatives to demolition must be considered. One alternative is adaptive reuse and rehabilitation, among other things concerning the opportunity for an economic rehabilitation. According to the ordinance, this must include a realtor estimate of the fair market value of the existing property and a contractor's estimated cost to rehabilitate the property or equivalent information. In this particular case, the documentation that was provided by Ms. Mitchell was not made by a real estate agent or contractor. I would say that burden of providing information for this demolition alternative has not been met. Concerning the transfer of ownership alternative, the owner is to offer a property for sale or lease. The specifics of the required supporting documentation have already been mentioned in this meeting. The last alternative, relocation, also has not been carried out by proponent at this time. The relocation of the building, according to the ordinance, is a last resort. Supporting documentation for proof of sale, lease, or relocation is required. I know Ms. Mitchell has put some information together regarding what it would cost for someone to relocate the house. However, it is up to the person who may wish to move a building to determine what is the cost and if they want to do it or not. The only way we can find out is if the property is advertised according to the specifications of the ordinance.

Ms. Michell responded. I have been in construction since 1974, the historic preservation restoration business for 25 years, and an estimator and project manager for large government contractors on multi-million dollar projects in multiple states. I have a degree in construction engineering, two semesters away from an architecture degree, and a minor in industrial arts. I've been in construction first-hand and I have an extensive amount of background in order to put those numbers together. I'm retired so I cannot put a business name to that. I did get estimates from the only house mover around here and \$35,000 was the starting number. That wasn't even taking it down the road raising all of the power lines and access to the highways and freeways. He also said that nobody wants these houses anymore because they are too damn expensive to move plus you have to buy the lot, have a foundation at the new lot, and rewire and replumb to the current code. It goes on and on and on plus the cost of your lot. I put together the best numbers I could from all the information I gathered from contractors and my own experience and from looking at real estate prices and everything else. I was not trying to pull the wool over anybody's eyes. I have made a really good effort at getting the building moved and the HPO was

not in favor of that whatsoever, but I made the effort anyway. This building is not worth saving; it's too big to move and too small to live in. That's pretty much what the mover said. He wouldn't take it because he has really, really good buildings that he can't hardly give away. I made a good effort to look at all the alternatives, to price out all the alternatives, and find all the options and lay them out. We are not going to rent that building, we are not going to sell that building, it can sit there and rot if you people want to keep it as your own historic little club house.

Ms. Stauffer asked if the house had been advertised as available for sale to move?

Ms. Mitchell said no she did not because the HPO did not want it moved. She was adamant about it. I thought well I could advertise it anyway but then after the mover told me, 'you're talking \$35,000 and up', it's cheaper to demolish it. I can do that for \$15,000. I would have liked someone to move it and I have asked a ton of people and they have said it would be good for someone to move it and I say ok, do you know anybody? No. Do you want it? No. Nobody wants it. It's a lousy, lousy floor plan. The whole thing has to be completely remodeled to make it livable inside. It has no nice features. I've looked at zillions of Craftsman bungalows and jiminy Christmas this doesn't even have a colonnade, staircase, fireplace, it doesn't even have neat moldings. It's really a lousy cheap home. A musician built it so he couldn't have had a lot of money. So, they probably got the sales version off the Walmart shelf.

Ms. Stauffer said I accept your rights as a private property owner. I also completely see that it is a contributing element to that area, and I guess I would like to see the house advertised for sale for relocation. Perhaps there is someone that would be interested in moving before I would vote to tear it down.

Ms. Mitchell said the mover told her that state law changes in such a way that it's just killing the moving business. The cost to Northwestern Energy for raising lines and all of that is also killing the cost for moving buildings. And with the cost, the price of properties going up, it just isn't penciling out for anybody. I can advertise it, but there's not going to be any takers. I've given you the numbers and you can see it's out of my cost and somebody else's cost it's over \$400,000.

Mr. Gerbrandt said Ms. Mitchell I have to take some of your statements with a grain of salt. I really wish you would have allowed the HPC to enter the property so that we could verify that it's a horrible, horrible house with a horrible floor plan. Secondly, I just rebuilt a whole house about the same size for \$56,000. No one is demanding that you return this to a pristine historic condition. You are

certainly allowed to restore it or fix it up in any way you see fit unless you're asking for public assistance with that. Thank you.

Ms. Mitchell said so the HPO wanted to do the tour and we looked at the zoning codes and the requirements and there is a posting and a written notice requesting for that. We never got that. My husband is highly susceptible to Covid; he has heart issues and all kinds of things. That house has holes in the floor and a little dinky, narrow staircase to the attic. There are all kinds of hazards in that house. Either my husband or I or both of us would have to be there for anybody to tour it. So now you're exposing us to Covid. We are older; we are almost both 70 and it's a hazardous situation. The liability issues alone -- I don't want anybody walking around in that house. It has forced air furnaces, big holes in the floor, holes along the walls, and the narrow staircase is like a ladder and it doesn't have any handrails. I could not allow somebody else to go touring around in that house. So I'm sorry, but the house needs to go. It is so close that the roof overhangs on our property line and the other neighbor is so close, too. This has no privacy. That house was just like plopped in there with no thought to the other neighbors. It's on a 45 ft. wide lot, while most of the houses in Floral Park are on 60 ft. wide lots; in fact I would say well over 90 percent of them. We watched the house deteriorate for 20 years. The paint's gone; [there are] huge icicles, water dams, and this really lousy metal roof that wasn't put on correctly. The chimneys are coming apart and ready to fall, broken windows, I mean this just goes downhill. Nothing has been painted in 30 years and the garage is deteriorating so fast because it's all fiberboard and I'm just sick of looking at it. So, we bought it; we took down three trees that were dangerous. We've already put the money into this property just to make it safe and to take care of this ugly issue that doesn't fit with the Floral Park area.

Ms. Rossillon said she had a motion to read: The applicant has not addressed any of the demolition alternatives with proper supporting documentation as outlined in the ordinance. I move that the owner provide the specified documentation efforts to consider adaptive reuse and rehabilitation, transfer of ownership or operation, and relocation of building for 2505 State Street as per the specifications stated in the Historic Preservation Ordinance 14-11, Section 4.K. At the time that information is provided, the HPC will rule on a revised COA that includes alternatives to demolition that the applicant must consider. There was not a second to the motion.

Ms. Stauffer moved to invoke a 45-day delay during which time the property owner be required to advertise the house for sale to be moved. Mr. O'Leary seconded the motion.

Ms. Rossillon said it is an outrage that the property is not being considered for resale to another party who could fix it up and take care of it. I know of parties

right now that would buy that property, that would fix it up, and certainly for an amount less than what was identified and either rent it out or occupy it themselves or turn it over to another owner with restrictions on how it must be kept up. For us to ignore the fact that this property can survive on its current place and on its current position is an outrage.

A roll call vote on the seconded motion was five in favor and two opposed with Ms. Rossillon and Mr. Gerbrandt providing the opposing votes.

Mr. Hinick said he would like to inform the applicant that she can go to the City Council if she doesn't agree with our recommendations.

e. **CDGB Project: Hotel Finlen, 100 E. Broadway –**

Ms. McCormick reported that the owners of the Hotel Finlen have been awarded a grant from a HUD program, the Community Block Development Grant Program. This grant falls under the purview of our programmatic agreement (PA) with the SHPO and the National Park Service on HUD-assisted undertakings with the potential to affect historic properties. Per the PA, BSB has assumed the Section 106 responsibilities of the federal agency. A Preliminary Architectural Review (PAR) for the project has been completed. It is a very lengthy document. Essentially the owners are proposing rehabilitation and infrastructure improvements so that the long-abandoned 2nd and 3rd floors of the hotel's east tower can be rehabilitated for reuse as hotel rooms. A PDF copy of the PAR has been provided to Commission members. Due to its length, however, it will not be attached and made part of the minutes.

BSB has written to the State Historic Preservation Office (SHPO) initiating consultation on this project. The SHPO provided written comment on the PAR as follows:

...SHPO believes that a project of this scale and magnitude has the possibility to beneficially impact, not only the Hotel Finlen but the surrounding area as well. The proposed renovation of the guest rooms on the annex's 2nd and 3rd floors have the potential to revitalize the Hotel itself and aid in the renaissance of Uptown Butte. After review of the PAR and given the historic status of the building in question SHPO would like to recommend the retention as of many character defining features as possible throughout this rehabilitation. While the rehabilitation itself assumes changes will occur, the historic nature of the building is unquestionable, and all efforts should be taken to protect the character of the building. This should include ensuring that infrastructure updates are as minimally impactful to the building's architectural features and public spaces as possible. SHPO anticipates and looks forward to

additional consultation regarding the rehabilitation of Hotel Finlen as plans and drawings develop further.

Ms. McCormick said this is a very exciting project and BSB looks forward to seeing it move forward.

Mr. Hinick moved that we concur with the PAR and that the redevelopment of the Hotel Finlen as proposed has great potential for growth and revitalization in the Uptown. Mr. O'Leary seconded the motion. The voice vote in favor of the motion was unanimous.

- VI. **Staff/Member Report:** None
- VII. **Announcements:** None
- VIII. **Public Comment – Items Not on the Agenda:** None
- IX. **Adjournment:** The meeting was adjourned at 8:15 PM.