

**HISTORIC PRESERVATION COMMISSION  
Butte Silver Bow Council Chambers  
5:30 P.M.**

**March 7, 2023**

**Members Present:** Steve Hinick, Mitzi Rossillon, Bobbi Stauffer, John Weitzel, John Riordan, and Jennifer Petersen

**Excused Absence:** Tracy Miller

**Staff:** Kate McCourt, HPO

- i. **Call to Order:** The Historic Preservation Commission Meeting was called to order at 5:30 PM
- ii. **Roll Call:** One member absent, and a quorum established.
- iii. **Reading/Approval of Minutes:** Minutes were approved unanimously. Mr. Hinick moved to accept them with no changes, Mr. Riordan seconded.
- iv. **Public Comment – Items on Agenda:** None
- v. **Basin Creek Caretakers House Project Update**

Ms. McCourt (HPO) told the Commission that she has not been out to the house within this past month but assumes that John Snider is working when the weather allows on window installation. HPO is plugging along on research for the National Register of Historic Places nomination. Feedback on focus of nomination has come from the State Historic Preservation Office. While it is difficult to find information linking the esteemed architecture firm Link & Haire to the building itself (short of their signatures on the blueprints), Butte Water Company history, Link & Haire's importance in Montana, and the Craftsman Bungalow style will be the focus.

**vi. Staff/Member Report**

-The HPO reported that the Certified Local Government (CLG) grant application to the State Historic Preservation Office was submitted and accepted and has gone to contract.

-The Jacobs House had an incident in January in which the pipes froze and burst, and the basement flooded. Dayspring restoration was hired to dry out the basement and mitigate the moisture damage. Stahley Engineering will do an assessment of the foundation to make the sure the building is adequately supported after the flooding event. The National Park Service (NPS) has released a new report, Guidelines on Flood Adaptation for Rehabilitation of Historic Buildings, that will be followed.

-The World Museum of Mining's (WMM) St. Patrick Mission is in need of assistance due to listing further each year. HPO and Government Buildings Dept. joined with WMM team in visiting the building and discussing grant opportunities. In a few short years, the building will have been in its current location for 50 years. Lack of foundation needs to be addressed, and log re-chinking is also necessary.

-HPO and BSB Water Operation Dept are teaming up with the US Forest Service (USFS) on a Determination of Eligibility for the road between the Caretaker's House and the Reservoir at Basin Creek. Projects are simultaneously occurring in that area, and USFS asked BSB to prepare the document which will clear the way for their Section 106 obligations, essentially sharing the work.

-An online forum is occurring through the Urban History Association, and the Malmstrom Airforce Base Historian has asked the HPO to sit on the three-person panel to discuss careers in cultural resource management that occur outside of academia. Dr. Ciara Ryan of the Foundation for Montana History is also participating.

-Speaking of Dr. Ciara Ryan, she will be presenting a paper called "Ethnic Patriotism: Butte's Irish Community, 1880 — 1920" at the B'Nai Israel Cultural Center on March 23<sup>rd</sup> at 6:30.

-NPS representatives from Colorado are visiting Butte in May. They are coming to Helena to visit a few sites and plan on making a day trip to Butte. Great opportunity to show off our Landmark District. Mr. Hinick said that maybe the Park Service can bring some complimentary copies of updated SPO Standards for Rehabilitation.

**vii. New/Old Business:**

- **Design Review COA: 401-409 West Park St (Old YMCA)**

Ms. McCourt explained that while this project COA has been reviewed before, Lesley Gilmore has come back to update the Commission on the first phase of the project: the first and second floor windows facing Park and Washington Streets. After many back-and-forth discussions with the building owners and contractors, the owners have committed to Andersen Series 100 fibrex single-hung windows with simulated, divided lights. They will all be operational and matching in appearance with the current windows. Should this phase go well, they will use the same windows for the rest of the building.

Mr. Hinick asked if the windows will be offset as they are in the photos, larger on the bottom and smaller on top. He asked if they are fixed pane above and double-hung below. Ms. Gilmore explained that the smaller window above is a transom and the bottom, larger window would be single hung. She believes some of the transoms are operable and some are not. Mr. Hinick said that some elevation drawings would have been helpful. He said that some window openings have six distinct windows and others have two. He specially asked about the tripartite window at the southeast corner of the building, and whether that would be double-hung or not. There was some confusion as to where he was looking because the front elevation photograph has the bottom covered up by the address of the building. Focusing on the photograph of a window on the west side of the entranceway, Ms. Gilmore said that the transom was operable but in this case, she didn't believe that the sash on the larger, lower window was operable. She pulled up the original drawings on her computer, but stated that she still couldn't tell. The bottom line is that if they were operable

to begin with, they will be operable again. In the case of the window openings flanking the doorways, they are fixed, and others are operable.

Mr. Hinick asked about the exterior window color. She said that they are limited to four colors but will go with the closest tone. They will sand away at the paint to try to expose the color as best they can. Ms. Rossillon said she was glad they were steering away from white windows because they tend to look jarring. A darker color would be more appropriate. Ms. Gilmore agreed that the tapestry brick is a character-defining feature of the building, along with the stone, and the windows should not take away and distract from it.

Mr. Hinick asked Ms. Gilmore if there is an overall plan for this project. She explained that they are moving slower on the YMCA because the ExerDance and Rudolph's (75 and 65 East Park St.) buildings are being restored first. When they are complete, their income will help fund the YMCA restoration. This could be five years; it will be a long-term project. Interior layout design is not complete. They want to get moving on the lower floor windows, first and foremost.

The HPO added that the building has been mothballed to BSB standards and will be checked annually.

Ms. Rossillon asked about the grille patterns, and wanted to make sure that the exact patterns that they are now can be replicated. Ms. Gilmore said that Andersen assured her they can do that. Simulated divided lights will be used, with grilles on both the interior and exterior of the windows.

Ms. Rossillon said that she appreciates the simulated divided lights with permanent grilles on interior and exterior, which will help make them look original. However, she believes that the building is important enough that she is disappointed that restoration, rather than replacement, was not the formal decision, at least for the first and second floors. She finds it hard to support the COA. She also asks that they consider rock screens for the lower windows, as they are broken constantly. She is concerned about the longevity of the investment on the first few floors where panes are often broken.

Mr. Riordan said that, while we would all like to see particular things, when we have a project of this size, we have a decision to make regarding the expense of having 230 windows to replace. St. James Hospital project is repairing windows, but it is a great difficulty to find a capable person to do the work and they might not be saving any money by taking such a project on. All he sees in this project is that there are a vast number of windows, and the owners are intending to follow the Commission's preferences of using approved Andersen 100 windows, with "grates," and agree about color choices. Ms. Stauffer brought up the question of the price difference for full divided light versus simulated divided light windows, and asked if there was an answer. Ms. Gilmore said that they are still waiting for pricing on simulated divided lights. Mr. Hinick asked to clarify the difference, in that neither option is actually individual panes of glass with glazing holding them together, but full divided light simply have spacers inside two panes of glass where the muntins are, rather than simulated snap-on muntins. Mr. Hinick said a bronze color would look handsome on the building.

Mr. Hinick made a motion to move forward with the Andersen Series 100 windows with simulated divided lights, and asked that any new information be shared regarding discovery of the original color- unless it is white. Mr. Riordan seconded. Mr. Weitzel also mentioned the efficiency of the new window technologies and believes that they should go with the most efficient option for energy use. The final vote was five “yay” and one “nay” from Ms. Rossillon. Motion carried.

- **Design Review COA: 130 West Galena Street – Mural Project**

Ms. McCourt showed a photo of the colorful façade and noted that the Inventory form from the 1980s states that the building has integrity loss from the first-floor storefront being altered. The owners have done a great job of accenting the character defining features on the brickwork of the façade. This is a continuing series of murals from a SARTA grant that was funded several years ago. This is a contributing building to the National Landmark District. She said that the mural is not overpowering, and it follows the mural guidelines approved by the HPC. She recommends approval of the mural.

Mr. Hinick moved to approve the mural on the east wall of 130 West Galena Street. Jennifer Petersen seconded. Motion carried unanimously, and immediately after, Ms. Rossillon commented about the history of the mural guidelines, created in 2021. She said that the HPC was told that a design review committee would be formed specifically to make decisions based on the art itself. Moving forward, she said that it is imperative that this committee be formed as more and more murals are funded with public incentives. She stated that designs might come up that are inappropriate, but if they meet the mural guidelines, HPC will not be able to base decisions on artwork itself. She asks that this committee be formed soon.

Mr. Hinick echoed the sentiment and said that a committee had been formed for artwork put along the fence of the parking garage. Perhaps a committee like that could come together to discuss murals as well.

- **Discussion: Butte-Silver Bow Demolition Grant Program**

Ms. McCourt started the discussion by saying that the HPC has not discussed this yet, the reason being that it has been her understanding that the demolition assistance program was intending on following the Ordinances put in place. When the HPO receives a demolition permit, it would then trigger the involvement of HPC. She mentioned that this money is a public incentive, and some of these buildings could be part of the Landmark District. There has been a lot of talk in the press lately about “extra bureaucracy,” and we are part of that bureaucracy, as we should have a say in these demolitions when these grant applications come in. She showed the HPC the permit itself and some snips of definitions from the Ordinance itself. The HPO asked the Chief Executive to include the question, “Is your property listed as contributing to the Butte-Anaconda National Historic Landmark District? If unsure, contact (the HPO with phone number).”

The HPO said this is the time to make our public comments regarding this process, as we have not gone on public record before regarding this matter. Mr. Hinick noted that the application does say,

“Historic Preservation Commission approval, if needed,” and as the HPC does review these demolition applications, he asked if we would receive them as they come up, or in a packet of several- and how much weight would the HPC have in the matter?

John Riordan, who notably spearheaded the campaign, answered by going into the history of the program, and the districts involved. District 8 is Mr. Riordan’s old neighborhood, and he says that he was approached by some constituents from that district, asking him if would do something about the houses in the neighborhood that are neglected and boarded up, and as a result have become high crime areas. He brought the issue to the Chief Executive and Budget Director, and they were able to carve out \$225,000 for the program. He said the earmarked houses already met all of the criteria, but since it is public money, they determined there had to be applications. Mr. Riordan, as a BSB Commissioner and also a HPC Commissioner, does not feel that this application or program has interfered with the HPC at all, or if it has, very minimally. He says that there is a misconception that people on the council don’t know what is going on, but they read the Ordinances and they do. In some situations in dealing with these homes, the ordinance wasn’t followed. It is important to have the HPC there to work with the Executive and Legislative branches of government to work through these issues and maybe be able to save some of these homes in the neighborhoods that are filled with blight. He wants everyone to know that the HPC or historic preservation has not been slighted by the Council, because they believe in the Ordinance.

Ms. Stauffer said that she remembered in the beginning, Mr. Riordan assured the HPC that the homes slated for demolition had already been through the Historic Preservation Ordinance process. She thinks it is wonderful to have a source of money for demolition of such approved properties. She said she supports the program as long as HPC is not skipped in the process, when the homes have been through HPC and the board is in agreement that there is nothing more that can be done with them. Mr. Riordan said that in the past a lot of these homes were left “up in the air.” He mentioned the HPC-approved demolition on Placer Street that has finally been completed, but a lot of the projects have started the process but have not been completed. He listed the houses that have already come down, and mentioned two that are scheduled on Wyoming Street.

Mr. Hinick said that if a property is earmarked for demolition, and it is a valuable historic building, then it would come through HPC as it normally would. But this application is asking for more information and essentially grading the application. HPC might have already approved a building for demolition, but the grant could still be denied if the project does not meet the criteria of the application. He doesn’t see any problem with the application at all. If they need approval, HPC can give it to then, if they do not, such as in the case of a “condemned” property like the Blue Range, or a hazard, like if a fire takes place, it is out of our hands. The HPO clarified that at BSB we do not “condemn” buildings as that word has been used quite a bit lately and it is simply not something that happens. Generally, we have a Dangerous Buildings Ordinance that is designed to promote abatement plans for unsafe buildings.

Ms. Rossillon asked if she was commenting on the application itself or the program in general. Ms. McCourt said both. Ms. Rossillon said that the application says “homes and buildings”, but it is her understanding that this program is for residential properties only. She would rather it be clear, and

that in the first line that it says, “urban blight and abandoned residential property.” She liked the objectives but thinks it should also say “promote historic preservation.” Our comprehensive plan says that historic preservation should be considered during every undertaking. She believes that language in the application has done that – by calling out the removal of neglected properties, that promotes historic preservation. The application should also make it clear that when a building is proposed for the program, it must meet the criteria for a demolition request, and the property owner should be made aware of this, before they come before the HPC, that there are, “demolition alternatives” listed in the Ordinance. She said that it is critical that the HPO or an HPC member be on the selection committee so that they can tell them that they have to undergo these alternative steps that the Ordinance requires, or they should not be selected as a recipient of the funds.

Mr. Hinick responded that HPC is included in the process by the line “HPC approval, if required.” As HPC members serve at the will of the Chief Executive, he could appoint one of them to this committee if he so chooses. He says that the HPC is an advisory board, and not able to make this decision of who is granted the money; he inquired as to the amount of power the HPC actually has in this matter. The HPO responded that yes, HPC is an advisory board, but their rulings have enough weight that they would have to be appealed directly to Council (the higher body) in order to be repealed.

Ms. Rossillon said that she is only making this comment so that potential applicants are made aware that the HPC has our own Ordinance to follow. She wants to avoid situations where everyone else on the review committee agrees to a demolition, but then the applicant must stand before HPC and is given a new set of rules. If the applicant is not aware of the rules ahead of time, HPC will look like the “bad guy,” and that is not appropriate. The applicant should also be made aware that, in redevelopment of the property, any new construction should also be reviewed by the HPC as a demolition condition. She believes that all of this information should be provided to the applicant ahead of time so that there are no surprises when the applicant is going through the process.

Ms. Rossillon also asked these questions, as a taxpayer rather than a Commission member: Regarding the professional contractor, would the person have experience in demolition? Is the grant money being paid to the owner, or directly to the contractor? If it is going to be paid to the contractor, then, as a taxpayer, she believes that they should be required to get more than one bid.

Mr. Weitzel then asked if these buildings have already been designated to be torn down. Mr. Hinick said he doesn’t believe there is a list and asked Mr. Riordan directly. He said no because the sequence of the program has not been determined yet. Mr. Weitzel continued that if they are talking about buildings beyond repair, with police and fire presence, health violations, then those houses have to be demolished. But what about the person who wants the house next to them torn down so they can have a yard? That wouldn’t be appropriate. Are there any criteria now that allows for a building to be considered beyond repair, to prevent the neighbor that wants a bigger yard from being allowed to apply for this grant to be rid of a house that is not in disrepair? Mr. Riordan said that the money is designated for those buildings that are in real disrepair and the owners can’t afford to tear them down. He says that this is not a lot of money. The Council

estimates they can use it for four to seven houses. Mr. Riordan specifically mentioned 739 S. Main Street as a house that has been problematic since 2010, and yet is still standing. The vagrants that squat in that house will probably return as soon as the snow melts. It's time that something is done about this house to save the neighborhood. Mr. Hinick agreed and said that when these houses require signing off or comment from HPC, they will be brought before us.

The HPO said that they should be, and commented that regarding 739 S. Main Street, the BSB staff finally got their chance to visit this building last week. We (BSB staff) cannot just enter these properties, and in regard to the applicants, in that case we couldn't find the owner and they are not an applicant. BSB put in a lot of background work to set foot in that building, and it required a warrant and a police escort to do so. No one has dropped the ball on these properties; we have to go through the steps to do things legally and appropriately. Mr. Hinick clarified that if the homeowner is unable to be found and does not apply, BSB would have to step in as the proponent of the demolition of a blighted building. The HPO reiterated that there are a lot of hoops to jump through to get to that spot, but ultimately that would be the goal.

Mr. Weitzel asked how you tell a person that they are inept and should not own property, as he has seen this happen time and again when buildings are run into the ground by incompetent owners. He doesn't know how we can address this private property issue. When someone endangers a child, the government can step in and remove the child from the situation. But when a building is endangered, we all must watch it deteriorate. What can we do ahead of time? Mr. Hinick said that is a question we simply cannot answer. This is a good program and the HPC will work with the people of Butte to make it happen.

**viii. Announcements**

None.

**VII. Public Comment not on the agenda**

None.

**Adjournment:** Mr. Hinick adjourned the meeting. 7:00 PM

Respectfully submitted, Kate McCourt HPO