

APRIL 2, 2019

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

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

Members Excused:

Staff: Mary McCormick, HPO
Mariah Brothers, 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. Roll Call – Roll call was taken, and a quorum was established.

III. Reading/Approval of Minutes – Mr. Hinick called for approval of the minutes of the March 5, 2019 meeting. Mr. O’Leary made a motion to approve the minutes of March 5, 2019. Mr. Weitzel seconded the motion. The voice vote in favor was unanimous.

IV. Public Comment – Items on Agenda – None.

V. NEW/OLD BUSINESS

A. Demolition Certificate of Appropriateness Application: 1004 Iowa Street

Ms. McCormick reported on a Demolition Certificate of Appropriateness (COA) application for 1004 Iowa Street. This COA application is attached and made part of these minutes.

McCormick noted that Butte-Silver Bow received 1004 Iowa on tax deed in 2018. It is a small brick house and a mirror twin of the house next door at 1002 Iowa. Both houses are contributing elements of the National Historic Landmark District. The house at 1002 Iowa was extensively damaged by a fire in late January 2019. The Butte-Silver Bow Fire Marshall condemned

1002 Iowa and ordered the house's immediate demolition, which evoked the public safety exclusion section of the Historic Preservation Ordinance. At that time, the Land Sales Committee decided to pull 1004 Iowa from an upcoming tax auction, which would have been the second time for the property to be offered. It was decided that it would be best to wait until after 1002 was demolished. Since then there has been a request to demolish 1004 Iowa as well. The fire-damaged house at 1002 is still standing.

At the Land Sales Committee's request, Butte-Silver Bow Planning Director, Lori Casey asked National Affordable Housing Network's Construction Manager, Todd Hunkler to inspect 1004 Iowa to see if it could potentially be rehabilitated under the NSP3 program. Mr. Hunkler's inspection report is included with the COA application. It noted numerous problems such as lots of debris and trash, mice infestation, human feces, mold, and the possibility of asbestos, lead paint, smelter dust, and radon. Mr. Hunkler noted that the hazardous materials are commonly found in all the old houses in uptown Butte. Mr. Hunkler concluded that rehab of the house wouldn't pencil out due to NSP3's higher standards and because it is such a small house.

Ms. McCormick commented that is distressing to see a house with so much trash and debris inside. Her inspection noted, however, that its brick walls are straight, and the house overall appears to be in good structural condition. The roof is leaking, which has resulted in the moldy insulation. The mess inside the house is no worse than numerous other houses that BSB has put out on developer's packets. In terms of a historic property, the house retains integrity and is an architectural gem. Ms. McCormick further noted that in working with the Community Development Department, she has definitely seen an upswing in people looking for historic houses to rehabilitate.

Ms. McCormick stated her recommendation to deny a demolition permit at this time and request Butte-Silver Bow to proceed with placing the house/property out for tax auction. If not sold, the property would then be available for the developer's package program.

Chief Executive Dave Palmer attended the meeting and thanked everyone for their service. He noted that it was his recommendation to bring 1004 forward tonight. He said the house at 1004 was scheduled to go to the 2nd tax sale and just before that happened we had the fire at 1002 Iowa. At that time we looked at the condition of 1004 Iowa which we already owned. It was my decision that it was in bad shape and should be taken off of the tax sale and 1002 and 1004 should be demolished at the same time. We have been working with Town Pump and they have some houses they are now looking at for infill development and I looked at these two lots together and thought it would be a perfect location for the infill if someone was so inclined to do that. One of the many times we get calls in my office is because of houses like 1002 and 1004. You saw a picture and you will see more pictures when

Ed is up here of all the garbage inside which collects rodents and everything else. So, the people on the other side of the house are complaining and the whole neighborhood complains all the time about the condition of it. I am not against historic preservation by any means but sometimes you have to look at what you have to start with and see if it is worth it or is there a better option to move forward and how are we going to alleviate the concerns that people have if we leave it in the condition it is in. We still get all of the complaints from the neighbors and everything until it takes place. It could go through the process and be offered. It could even go as far as a developer's packet and we may not even get any takes on it because it is only 500 square feet. It is a real small building to start with. It needs a lot of work and it takes a lot of money to invest in it to make anything out of it. It was my decision to try to move it forward this way. Make it one developable lot for infill development in the historic area and hopefully you look at all the options here and consider it carefully. Thank you.

Mr. Ed Randall stated I am the Community Enrichment Director for Butte-Silver Bow. I don't think it is necessary to show the other pictures and the presentation we sent. I think you get the general information of the condition of the home. We received many calls before 1002 burned down regarding 1002 and 1004. The indigent were in and out of 1002 although it was owned by a private citizen and 1004 we have had to secure several times. As you are aware I work directly for the Chief Executive and this is what we do. We go and try to repair properties, so they don't go into this condition. I believe the Chief Executive said that we have many of these little homes that are out there just like this. I don't want you to get the idea that we are the demolition department because we are not. We have worked on our ordinances and we have established several different ordinances so that this doesn't happen. We have the vacant building ordinance right now that we are revamping to include some mothballing policies, so this doesn't happen. We are working every day to improve properties. In the case of 1004 it is approximately 522 square feet. As the Chief Executive stated we would like to do some infill. This is a neighborhood that could definitely use some beautification. I am willing to answer any questions. We looked at other ideas through the Land Sales like National Affordable Housing Network. I think it would be a player in this also if the two structures weren't there, but I can't guarantee that. We do have some different options. It would be my high recommendation that 1004 be demolished. Our department is following every study we have. One of the issues we have when we talk to people that have come into town is that we have an over abundance of some of these properties. We want to save every one of them. Some like this I think with the size about 500 square feet, a one bedroom, it is in severe condition, that we should do what is appropriate for Butte-Silver Bow and that neighborhood and demolish the structure. Thank you very much for your time. I do know that you have a difficult job.

Ms. McCormick stated if this property were demolished it wouldn't be appropriate for NSP3 because that would be anticipatory demolition. NAHN is not going to go down that route. I have a question for Mr. Randall, we talk about debris and infestation of mice. Now that Butte-Silver Bow owns the property is there a potential that Butte-Silver Bow can go in and clean up the trash and get the house secure while the developer's packet program proceeds? Would that be so much more expensive to do that than to demolish both these buildings and then have the cost of relocation of a Town Pump house there?

Mr. Randall stated as far as the Community Enrichment Department is concerned we are obviously a government department and we have to balance our funds, the taxpayer money, with what is right and wrong. Now if the body decided to keep this home obviously we are going to have to do something because we do have neighbors that live there, and we would have to look at doing something. We have discussed this, and we don't believe that it is a good bang for the taxpayer dollar. I think most of the community would agree with that. I think it would be very difficult for us to sell that we are spending probably 3 to 4 thousand dollars on a property this size and condition in this neighborhood of taxpayer dollars. We aren't grant funded or anything and then hope that we get it to sell in November or we get a developer's packet that is appropriate for this area. That someone is going to come in and say they want to buy it to rent or whatever. Where is the balance of funds to go into this to improve the property versus living in a one bedroom, 500 square foot home with very limited property. So, I guess the short and long answer is we are obviously going to do something. It is a Butte-Silver Bow property. The Chief Executive has asked us to take care of all our properties. It is starting to get difficult. You have seen the snow. We have had several places collapse on us, some older buildings and I am not saying this wasn't an abnormal winter, but things are catching up to us. We have many properties like this. We have indigents living in them and starting fires in the last couple of years because of this. It is getting to be a case of an emergency. So, we will do whatever we have to do. I am not certain it is the appropriate thing to do. Thank you.

Mr. Hinick asked if the Commissioners had any questions.

Mr. Weitzel stated I lived on Fremont Street and recently we went through and permitted the house right across from my parent's house to be torn down. I have seen the desecration of that neighborhood. Over the years the squatters and druggers have been in there and everything else. I looked at the infill at Center Street and Main Street and I find that to be very welcoming. With everything wrong and the size of this house I just don't see anyone investing in it to get their money back. My own opinion on this is I just really don't see how anybody wanting to invest any money would get their investment back. Thank you.

Mr. Hinick asked if there were any more comments.

Mr. O'Leary stated I have a couple of comments. First one being if we tear both of these houses down this is still a non-conforming lot. It is less than 6,000 square feet and you will have to get a variance to be able to put a house there. Second, it has no alley access which means the only access is from Iowa Street. Additionally, I don't think that anybody is going to touch this thing as a bare lot. I wouldn't. Before this meeting I made a couple phone calls to a couple of my clients. I sell real estate. I asked them if this was something they would be interested in as a developer's packet. Basically, a sound structure but only 500 square feet and they enthusiastically said yes. I think it is absolutely appropriate to give this house a chance to go out on a developer's packet and see if there are people out there to invest the money. Because if we simply just tear it down it never gets the chance to do that. Talking about appropriateness for Butte-Silver Bow and what is the most appropriate thing to do here. If this thing isn't interesting to any developer as a bare lot, then it sits on Butte-Silver Bow tax rolls forever as a bare lot that collects trash and becomes a forever problem. Something that Butte-Silver Bow has to mow and pick up trash. Whereas if we turn this house over to a developer packet and they properly develop it, it goes back on the tax rolls and provides money back into Butte-Silver Bow's pocket other than taking money out. So, I think there is absolutely no reason why we should be demolishing this building without giving it a fair shot at a developer's packet.

Mr. Hinick asked if there were any further comments.

Mr. Gerbrandt stated we have heard lots of opinions about this some of which I agree with and some I don't. Uptown Butte is kind of a city of 500 square foot houses. This was a mining town. This wasn't a millionaire's town and our historic district is full of neighborhoods that have 500 square foot houses. It is part of our history. I think it is a cute little house. It is brick rather than wood. It has some fancy little brick work on the top. It is a shame the mirror image house on the left burned down but that is something that we can't control. I don't think this is an emergency. We weren't told this was an emergency. I agree with Mary. I walked around this house and the walls do not have cracks; they are straight. I was not able to get inside but looking through the windows there was a lot of trash in the house, but it is not trashed. So, I don't think there are dire conditions here and I agree with Russell that there would be people interested in picking up this house either at a tax sale or with a developer's packet. So, I am not in favor of demolition. Thank you.

Ms. Stauffer stated I too feel this little house deserves a chance. I think the sooner 1002 gets torn down the better. That does seem to be an emergency and it may increase the attractiveness of 1004 Iowa tenfold. Small houses are

getting more and more popular. It doesn't seem like a real attractive place for the Idaho Street houses from Town Pump. It seems like it deserves a chance and once it gets that chance if it is unsuccessful there will still be the opportunity to tear it down if it has to be, but it just doesn't seem like with the growing interest in Butte and in small houses that tearing it down would be in the best interest of the community at this time.

Ms. Rossillion stated I agree with many of the thing that Russ, Butch and Bobbi said. I would be remiss if I didn't tell an anecdotal story or two. That being 12 years ago I bought a house on Granite Street that was 600 square feet and the distance between it and the house on the east I can't walk down that little space with my shoulders straightened because it is too narrow, and the other side is narrow to the lot line as well. I had the opportunity there to make it a larger house by doing a bump up on the top because of the roof line. So, I know it is a different situation, but I know personally as someone who bought a house that was only 600 square feet that people are willing to do it. Our obligation here as the Historic Preservation Commission is to look at whether or not the building is historic, if it has integrity, and if other alternatives are available. It is not our job to consider what may be in the best interest of the County in terms of modulating its costs or pleasing the neighbors and so our only consideration can be about what is the best way to treat a historic property and therefore, I just have to agree with the previous Commissioners I just mentioned and their points concerning this property.

Mr. Hinick stated I think the historic integrity of these 2 houses is the fact that they are 2 mirrored image houses. I think that having one solo diminishes the impact of the composition that they have. It is pretty impressive that they took the 2 houses and did a mirror image and when the mirror image goes away I wonder how attractive that side wall etc. would be on that little house. Like I say I think it did contribute as a pair. Singularly I don't think they contribute as much. I understand Butte-Silver Bow's idea that if they were going to demolish one it would be probably more cost effective to demolish both at the same time. I do sympathize with Butte-Silver Bow and the predicament they are in and the fact that this is a contributing element. However, historically it has lost some of its value because of the mirror image going to go away.

Mr. Hinick asked if there were any other comments.

Ms. Rossillon made a motion that the Historic Preservation Commission to invoke Ordinance #14-11, Section 12-H which is the section that says the Historic Preservation Commission is authorized to invoke a 45-day demolition delay to allow more time for demolition alternatives to be explored or to conduct additional relevant research regarding the request. Specifically, during that 45 days I would like the Historic Preservation

Commission to be able to access the interior of the building in order to settle any questions it may have about the building condition and rehabilitation.

Mr. Gerbrandt stated that is a very intriguing idea to me to get to look at the inside of the building before making a snap judgement and so I would second that motion.

The voice vote in favor of the motion was 4 yes and 2 opposed.

- B. Determination of Eligibility: 1913 South Montana Street. Ms. McCormick summarized the history and integrity of the house at 1913 South Montana, a location outside the National Historic Landmark District. This information is recorded on a Montana Historic Property form, which is attached and made part of this minutes. McCormick recommended the property is not eligible for listing in the National Register of Historic Places due to a lack of significance and integrity.

Mr. Hinick asked if there were any comments.

Mr. Gerbrandt made a motion to concur with the Historic Preservation Officer's not eligible determination.

Ms. Stauffer seconded the motion.

The voice vote in favor of the motion was unanimous.

VI. STAFF/MEMBER REPORT-

Town Pump's Platinum and Montana Project

Ms. McCormick gave a short update on the Town Pump's Platinum and Montana Street Project.

VII. ANNOUNCEMENTS – None

VIII. PUBLIC COMMENT – ITEMS NOT ON THE AGENDA - None

IX. ADJOURNMENT - The meeting was adjourned at 6:30 p.m.