

**CITY OF BLACK HAWK
HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
TUESDAY, OCTOBER 17, 2017**

1) CALL TO ORDER

The regular meeting of the Historic Preservation Commission was called to order by Chairman Hailey at 11:40 p.m. in the City of Black Hawk Council Chambers, 211 Church Street, Black Hawk, Colorado. This was a special meeting time to accommodate the Commission, since they were present for the Gregory Street ribbon cutting ceremony held earlier that morning.

Commission Members Present: Lynnette Hailey, Chairman
Curtis Linder, Commissioner
Larry Linker, Commissioner

Absent (Excused): Patricia Torres, Vice Chairman
Tom Gish, Commissioner

Staff Members & Elected Officials Present: Cynthia Linker, Community Planning & Development Administrator
Sara Forbes, HPC Secretary
Tyler Lundsgaard, City's Owner's Representative (NV5)

Public Present: None

Chairman Hailey noted for the record that a quorum was present.

2) CONFLICTS OF INTEREST

A. None

3) PUBLIC COMMENT

B. None

4) APPROVAL OF MINUTES

A. HPC Meeting Minutes – September 5, 2017

Chairman Hailey opened this item for approval and requested a motion to approve the meeting minutes from September 5, 2017, as submitted. Commissioner Linker moved to approve the minutes, and was seconded by Commissioner Linder. There was no discussion and the motion passed unanimously.

5) CONSENT AGENDA

A. None

6) HISTORIC GRANT APPLICATIONS

A. *Grant Project Updates:*

Administrator Linker provided updates on the current grant projects:

- **241 Dubois St** – There have been no real problems on this project and the general contractor is currently slightly ahead of schedule. The utilities are going in and they will be spraying foam insulation soon. The windows and siding are nearly completely installed.
- **211 Horn St** – There have been numerous concrete pours and all have gone well. They are working on back filling now and will start framing soon.
- **121 Marchant St** – Since the City told the Homeowners that the Program has been put on hold after the Homeowners had their renters move out, the City is paying the Homeowner back rent and some utilities for the lost period. The City also paid to have it exterminated and cleaned.
- **187 Clear Creek St** – The City will also pay for lost rent at this property, but the property manager has asked the City to help with renovation costs to make the property rentable again. The City Manager has declined, noting that the current condition of the home is due to neglect and lack of regular maintenance. The property manager has until tomorrow to submit receipts for utilities paid during this time frame or those will not be reimbursed.

B. *Exterior Paint Program* –

- All of the houses have been painted and the invoices have all been processed, with just one check left to be signed over to the paint contractor.

C. *State Audit*

- Administrator Linker announced that the audit findings for the 3 gaming towns in Colorado would go in front of the Legislature on Monday, December 4, 2017.

D. *Guides to Program Revisions: Resolution #59-2017*

A review of documents to catch all references to the 10-year provision for the Historic Preservation Easements, which has been reverted back to “in perpetuity”, found an additional reference to it in the Guides to Program. It has been edited and City Council readopted the revised version of the document.

Administrator Linker noted, for the record, that three of the properties in the Program had references to the 10-year provision in their Preservation Easement documents. All three property owners were asked to sign a First Amendment to their easements clarifying that the easement is in perpetuity and cannot be removed after 10 years. This is technically just a formality as the Resolution is the legal instrument for reverting the conditions back to the original version.

One of the homeowners signed the First Amendment to the Preservation Easement. Another homeowner never responded back to the City after repeated attempts. The third homeowner refused to sign the First Amendment. In any case, the 10-year clause is null and void and all Preservation Easements with the City of Black Hawk are in perpetuity.

7) CERTIFICATES OF APPROPRIATENESS

- ***Resolution HPC 01-2017: A Resolution of the Historic Preservation Commission approving a Certificate of Appropriateness, determined to be minor, for the rehabilitation of historic rock walls and the minor rehabilitation of the historic outbuilding on the property located at 241 Dubois St.***
 - This item has already been approved by the HPC, but it was decided that a formal resolution needed to be drafted by the City Attorney to be signed by Chairman Hailey and Secretary Forbes. This signed resolution will be attached to and recorded in the project files.

- ***Resolution HPC 02-2017: A Resolution of the Historic Preservation Commission approving a Certificate of Appropriateness, determined to be minor, for the rehabilitation of historic rock walls and to conditionally approve the minor rehabilitation of the historic outbuilding on the property located at 211 Horn St.***
 - This item has already been approved by the HPC, but it was decided that a formal resolution needed to be drafted by the City Attorney to be signed by Chairman Hailey and Secretary Forbes. This signed resolution will be attached to and recorded in the project files.

- ***211 Horn Street Certificate of Appropriateness: Demolition of the Non-Historic Portion of the Outbuilding***

Administrator Linker shared with the Commission that initially Staff believed this proposed change to the outbuilding at 211 Horn would be considered “minor” in nature and could, therefore, be approved by the Commission, but the City Attorney notified her that any demolition would always be considered “major” and would require City Council approval. Chairman Hailey and Administrator Linker both agreed that the Commission and Staff need to get more concrete guidance on what is considered “minor” vs “major”.

Administrator Linker provided some background on the outbuilding at 211 Horn and noted that it was included in the original Certificate of Appropriateness which was approved on May 24, 2017 approved under Resolution 38-2017. It has now been proposed that the non-historic portion of the shed be demolished.

City Staff reviewed the proposed application against the City of Black Hawk Municipal Code Section 16-368 (the Certificate of Appropriateness section), Section 16-431 (the Demolition section), Residential Design Guidelines Chapter 11 (Demolition section), and the Historic Preservation Easement, as well as the Secretary of the Interior’s Standards for Rehabilitation #2 & #9.

Staff Findings:

- The National Park Service listed 211 Horn Street as a non-contribution building in the 1991 National Historic Landmark nomination and noted there was a gable roofed shed (the verbiage in the 1991 survey of Black Hawk notes this outbuilding as gable, when it is in fact a shed roof) with vertical wood

siding that appeared to be historic. However, since the property was considered non-contributing, it is not included as a contributing structure.

- The proposed demolition would not negatively impact the status of the property, or the character of the historic district as a whole.
- This proposal also meets the City of Black Hawk's Residential Design Guidelines as well as the Secretary of Interior's Standards for Rehabilitation.
- Staff Suggestion: If any items in the non-historic addition are identified as salvageable, it is recommended that the identified items be removed, protected during demolition, and either re-used in the rehabilitation project, left with the homeowner or donated to an architectural salvage company. This would be a Conditional Approval.
- Administrator Linker noted for the record that the reason for the proposed demolition is to maintain the historic integrity of the historic portion of the wood shed. The General Contractor was not willing to warranty the work on the historic portion of the shed if the non-historic portion was not made weather-tight (new roof). Given the cost of the shed's scope of work, the City wanted to be assured that the improvements they put into the historic portion of the shed wouldn't be compromised. In order to get the warranty, the homeowner either had three choices:
 - pay to bring the non-historic portion up to code-compliant condition
 - have the non-historic portion demolished
 - have the scope of work for the entire shed (historic portion and non-historic portion) removed from the project

The Homeowner chose to have it removed.

- Staff finds the scope of work to demolish the non-historic portion of the outbuilding wood shed, leaving the existing concrete slab in place, in order to maintain the historic integrity of the historic portion of the wood shed to be in conformance with the review criteria.

Administrator Linker then advised the Commission to discuss if there is sufficient evidence that the Certificate of Appropriateness application meets the intent of the criteria outlined in the Sections 16-368 and 16-431 of the Black Hawk Municipal Code, Chapter 11 of the City of Black Hawk Residential Design Guidelines, and Black Hawk Guide to Programs – Preservation Easement, and the Secretary of the Interior's Standards and Guidelines for Rehabilitation No. 2 and No. 9.

1. Is there sufficient evidence that the non-historic portion of the wood shed is suitable for demolition? **Commission Response: Yes**

2. Is there sufficient evidence that the proposed demolition would not negatively impact the status of the property, or the character of the historic district as a whole? **Commission Response: Yes**

3. Has the non-historic wood shed been adequately documented if demolition is approved? **Commission Response: Yes (photographs, site plan and demolition process given to General Contractor)**

Administrator Linker reminded the Commission that if they determine that a recommendation for “conditional approval” is appropriate, the discussion should focus on which elements should be included as conditions. If the Commission determines that a recommendation for “denial” is appropriate, the discussion should focus on which elements do not meet the intent of the program and guidelines or if the proposed work would not appropriately promote preservation of the historic character of the City. The Commission shall make a recommend for “Approval”, “Conditional Approval”, or “Denial” of the Certificate of Appropriateness application for demolition of the non-historic wood shed at 211 Horn Street as submitted and included in this staff report.

Chairman Hailey asked if there were further questions. Hearing none, and based on what she had heard, she entertained a motion to recommend to the Board of Aldermen **APPROVAL** of a Certificate of Appropriateness for the demolition of the non-historic portion of the outbuilding wood shed at 211 Horn Street based on the criteria set forth in the staff report dated September 12, 2017. The Certificate of Appropriateness demolition application for 211 Horn Street meets the intent of the criteria outlined in Sections 16-368 and 16-431 of the Black Hawk Municipal Code, Chapter 11 of the Black Hawk Residential Design Guidelines, the Black Hawk Guide to Programs – Preservation Easement, and Secretary of Interior’s Standards for Rehabilitation No. 2 and No. 9.

Commissioner Linder moved to recommend to the Board of Aldermen **APPROVAL** of the Certificate of Appropriateness for demolition of the non-historic portion of the wood shed outbuilding at 211 Horn Street and Commissioner Linker seconded the motion. The motion passed unanimously.

8) RECOMMENDATIONS FOR LOCAL HISTORIC DESIGNATION

A. None

9) COMPREHENSIVE PLAN AND/OR OTHER PLANS

A. None

10) COMMUNITY OUTREACH AND EDUCATION

A. “Building Colorado” Workshop Follow-up

Secretary Forbes reported that the workshop held September 28th & 29th was a success with about 50 participants. There had been a lot of positive feedback from the participants and they are all looking forward to the next workshop in Fall 2018. Secretary Forbes will put the workshop evaluation forms in the Dropbox for the Commissioners to review, if they desire.

Additional Fall Workshop(s) have been budgeted for 2018. The Commission discussed possible ideas for the next workshop. Secretary Forbes noted that, with the continued construction planned on Gregory Street, doing a Stained Glass Workshop would not be feasible since a field trip to the Evangelical Church to look at their stained glass windows would not be likely.

Administrator Linker suggested the topic for the next workshop be tailored to address feedback the City receives in the state audit. Some suggestions were:

- How to Survey a Historic Property
- How Does the Secretary of Interior Standards Deal with Non-Contributing Properties?
- How to Handle Interior Renovations on a Historic Property

The Commissioners discussed the options and also possible workshop presenters and agreed that this was a good plan for 2018. Administrator Linker asked that at least one of the days be a Tuesday to ensure more Commissioners could attend.

B. CML Boards and Commissions Basics Workshop (October 25, 2017)

- So far, only Chairman Hailey is registered to attend this workshop. Commissioner Linder is not able to attend. Secretary Forbes asked Commissioner Linker to let her know by Friday if he would like to get registered.
- Administrator Linker asked Secretary Forbes to attend, as well.

C. Nuts & Bolts of a CLG Workshop

- Secretary Forbes shared a flyer for the upcoming workshop in Walsenburg, CO on October 19-20, 2017
- Administrator Linker shared an email she received from Mark Rodman with details of what would be expected if the City of Black Hawk decided to host one of these Nuts & Bolts of a CLG Workshops in 2018. After some discussion, Chairman Hailey recommended that the City not host in 2018, but that the Commissioners try to attend one of the workshops instead and then consider hosting the workshop in 2019 or 2020. Chairman Hailey requested that Staff share the list of 2018 Nuts & Bolts workshop locations as soon as they receive it.

D. 2018 CPI Sponsorship Update

- Administrator Linker stated that the \$10K has been included in the 2018 Budget for another Platinum Sponsorship to CPI, but it is not clear if that line item will be approved by City Council in early December. She noted that since it is not certain until that late date, the City would get no benefit from the marketing perks that go along with that level of sponsorship. The City will not be producing any marketing materials for this year's Saving Places Conference, nor will they have a booth at the Preservation Marketplace. Chairman Hailey suggested that if the \$10K is approved for 2018, it be saved so that it can be put toward the 2019 Saving Places Conference so that the City would know ahead of time and could benefit from the marketing benefits. Commissioner Linder made a motion to recommend to City Council that the sponsorship money included in the 2018 Budget for CPI sponsorship be utilized for the 2019 Saving Places Conference sponsorship. Commissioner Linker seconded the motion.

11) OTHER BUSINESS

A. *The Alliance Review: News from the National Alliance of Preservation Commissions*

Secretary Forbes informed the Commission that electronic copies of the Alliance Review have been put in the HPC Dropbox folder called "Alliance Review" for their reference. In addition, an index with all article titles back to 1984 is also in the Dropbox and to let Secretary Forbes know if they'd like to get a copy of any of those older articles. Administrator Linker encouraged the Commissioners to use this as a resource as some of the articles are very informative and relevant. Secretary Forbes noted that she would see if any of the articles correlate to the topics planned for the next Fall Workshop, and if so, would make the articles available for the Workshop.

12) COMMISSIONER COMMENTS

A. *None*

13) ADJOURN

With no other business, Chairman Hailey requested a motion to adjourn the meeting. Commissioner Linker moved to adjourn the meeting, seconded by Commissioner Linder at 12:18 p.m.

RECOMMENDED AND APPROVED:

BY:



Sara Lang Forbes
City of Black Hawk Historic Preservation Commission - Secretary

BY:



Lynnette Halley
City of Black Hawk Historic Preservation Commission - Chairman

BY:



David D. Spellman, Mayor
City of Black Hawk Board of Aldermen

BY:



Corey Y. Hoffmann
City of Black Hawk Attorney