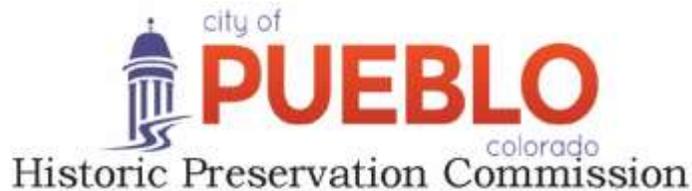


Maria Tucker
Chair

Chris Markuson
Vice Chair

Laurel Campbell
Secretary



Kristi Alfonso

Mark Mehelich

Andy Sanchez

Vacant

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Historic Preservation Commission
Thursday, August 13 –12:00 p.m.
City Council Chambers – 1 City Hall Place

Minutes

MEETING CALLED TO ORDER

The meeting was called to order at 12:00 p.m. with Chairperson Maria Tucker presiding

Commissioners Present: Maria Tucker, Chris Markuson, Laurel Campbell, Kristi Alfonso, Mark Mehelich and Andy Sanchez

Commissioners Absent:

Staff Members Present: Steven Meier, Planning Director, Dan Kogovsek City Attorney, Paul Willumstad, City Attorney, Todd Zeiller, Sr. Planner

I. APPROVAL OF MINUTES

Minutes approved March 12, 2015

II. PUBLIC HEARINGS

III. OLD/NEW BUSINESS

Discussion about thirty day designation for the Steam Plant

Maria Tucker: Meeting called to order. Is there any old business to discuss? No. Move on to new business.

Laurel Campbell: Should we have Mark step down as a commission member?

Dan Kogovsek: I do not understand your role in the process? What interest you have if any outside of being a commission member.

Mark Mehelich: As far as getting designated, I have no interest. I have financial interest in potential development that hasn't taken place yet

Dan Kogovsek: We get into a situation where there is a conflict of interest Mr. Mehelich your presentation however limited is a problem.

Mark Mehelich: Would it be possible for me to speak as representative of the developer for discussion then I can leave the room.

Dan Kogovsek: The problem is sometime perception is greater than the reality. If the perception is to the public that you are using your position as a board member to advance your project the even if

it's not reality the perception is it's a conflict of interest. So it gives us cumbrance to have board members participating in a private application.

Mark Mehelich: So I should step out of the room and then come back.

Maria Tucker: We will move item 4 up and discuss administrative approvals. Certificates of appropriateness for paint colors.

Steven Meier: These are for your review more of an FYI for your review. No official action will need to be taken, any questions?

Laurel Campbell: Id was driving buy house on Greenwood that was demolished.

Steven Meier: we will check on house on greenwood that was demolished.

Laurel Campbell: I was surprised by demo thought it was part of a district.

Maria Tucker: Mark will recuse himself from Steam Plant discussion.

Laurel Campbell: Has there been any information on the demo of the 3 houses by the Health Center.

Steven Meier: We do not know anything as far as the demo of those homes.

Laurel Campbell: Would it be proper for me to send an email?

Maria Tucker: Mark has recused himself.

Dan Kogovsek: I am concerned that we wouldn't be here today if Mark had not contacted Todd and said to put his item on the agenda. As a City Commissioner you have a standard of care and so bespeaks a little bit of him using his influence to get a meeting, already canceled, to advance a private agenda. These are my words not Todd's. I am just a little concerned that we are here today by a board member who should not be doing this. Black Hills 5 expedited an application for demolition, I intervened on behalf of the City of Pueblo filed an objection and said we would not approve a fast track application. PUC agreed said we will not accept the application because City intends to issue an RFP to go out and come up with a plan to redevelop the property. We went through the RFP process. There was one application filed by Mark Mehelich. The RFP staff received was not a bona fide document. There was no financial backing to redevelop the property. The City then withdrew the objection to the demolition permit application. Black Hills agreed to give Pueblo time to file another application by Sept 1. Mark Mehelich contacted the PUC attorney in Denver and asked to extend the deadline on the moratorium on demolition. The PUC attorney asked Council and the City manager about extending the moratorium. Council and the City Manager did not agree to extend the moratorium. PUC is now able to proceed with the demolition. From our perspective they can proceed with demolition and get a demolition permit. Besides being a conflict of interest it also seems to be another tactic by Mark Mehelich. I am here to give you the background.

Maria Tucker: As a board we need look at Mark's communication and roles. I think it's our responsibility to get progress reports.

Steven Meier: If demolition permit comes through then they would start mitigation. It would be signed off at the counter.

Maria Tucker: How long does it take for demo permit to be approved?

Steven Meier: Almost instantly, we make sure all items to be reviewed are considered. Historic building, utilities, etc.

Dan Kogovsek: Right now you do not have an application. Landmark designation may be done by council HPC or owner as a cultural resource and be dedicated. You need to have the permission of the owner and cannot force it through. If I was the lawyer for Black Hills I would certainly say follow the city ordinance.

Laurel Campbell: Then we can't apply because we don't own the building. I thought we could apply.

Paul Willumstad: There is an inconsistency in the ordinances one says property may be designated by city council, HPC or the owner. That is 4.14.8.b of the Code. Then 4.14.6.10 says HPC, with the approval of the owner, may nominate the individual cultural resource. Seems if I was a lawyer for

Black Hills I would say the City Ordinance must be followed which does not give the ability to do a designation on an involuntary basis.

Maria Tucker: I know we have no teeth or standing. Can we at least write a letter to Council saying HPC does not support the demolition? I don't know if it matters can we send it to the PUC?

Dan Kogosic: There is a process. An application has been filed. The request has been objected too. In order to intervene Mr. Mehelich, may or may not, I don't know. Testimony can be taken, letters can be written. PUC will then take that under advisement.

Maria Tucker: I know but is there anything we can do?

Dan Kogosic: The City is not in the practice of initiating applications. The City acts upon applications brought the us.

Laurel Campbell: In order to trigger the 106 review for something like this, has it already been done? Does it have to be done?

Dan Kogosic: No, you or City Council may make a decision which is appealable. 106.8.4. of the Colorado Rules of Procedure. Black Hills would then state the decision was arbitrary and capricious and would appeal. Black Hills is not short of lawyers or a war chest to litigate. At this point you don't have anything to act upon. I am not comfortable with what Mark did. I am also not comfortable with someone who has developed an interest in it and I'm not sure it is appropriate.

Maria Tucker: We got the information through the grape vine and decided to hold a meeting.

Dan Kogosic: Todd was just doing what he was asked to do.

Maria Tucker: Then there is probably nothing more HPC can do with this. We should sleeve mark what a developer and we can do with this process. Do we have any other business? I make a motion to adjourn.

ADJOURN: 1:23 pm