**REGULAR MEETING OF THE WALLACE PLANNING, ZONING**

**AND HISTORIC PRESERVATION COMMISSION**

**FEBRUARY 7, 2018**

Chairman Sherman called the meeting to order at 6:00 PM in the council chambers.

**Roll Call**: Commission members present: David Sherman; Carleen Bunde; Jennifer Carrico; Gail Featherstone; Dirk Burhans; David Bond. Absentee: David Copelan

**Flag Salute**

**Minutes:** Commission member Bond made the motion to approve the minutes of the January 3, 2018 meeting. Seconded by Commission member J. Carrico. All Ayes. Motion Carried.

**Old Business:**

David Sherman wanted it noted that the agenda for the February 7, 2018 meeting needed to be amended to reflect that, 18-02 - #3 Bank Street-Demolition of Structure, needed to be put on New Business.

**New Business:**

**18-02 - #3 Bank Street-Demolition of Structure**

Commissioner Bond made a motion to approve the Certificate of Appropriateness for 18-02. No one seconded the motion. Chairman Sherman stated he was going to stay close to the historic code and he stated there is a provision that if anyone testified against an application then he is not allowed to sign the certificate for 14 days during which time they have a chance to file the provision. Discussion held on what constitutes an intervener.

Rick and Indy Berhardt were present with their attorney, Mike Branstetter. Mr. Branstetter began by calling his first witness Brian Rehnborg, owner of Silver Valley Construction. Previously in 2017 Mr. Rehnborg estimated rehabilitation and restoration costs of this home to exceed $85,000 (Exhibit #1), which he still stands by. He stated that there was very little salvageable with what is existing of the structure and that there were other issues, including rot to framing, hillside sloughing into the back of the house, inoperable plumbing, inoperable electrical, no foundation.

Mr. Branstetter then asked Indy Behrendt, owner of #3 Bank Street, questions concerning this property. She reviewed and answered questions about the following exhibits -

* Exhibit #2: Quitclaim Deed dated March 2016 with legal descriptions.
* Exhibit #3: Plot map- showing lots 7 and 0.
* Exhibit #4: Shoshone GIS form. Assessed valuation -8,729-Lot 7=$460.
* Exhibit #5: Assessment-different years-(pg 1) $1,000, 2017 (pg2) $1,000
* Exhibit #6: 2017 Assessment Lots 4, 5, & 6 and portion of 7 and all of 0.
* Exhibit #7: A-G photos of structure in Indy’s opinion showing all of the unsalvageable materials and extent of deterioration of property.

Indy stated that the property is uninsurable, too expensive for them to restore either by contractor or do-it-yourself restoration due to the extent of the deterioration. In her opinion this structure is not safe and a liability. Mr. Branstetter asked Ms. Behrendt between 2016 and the beginning of 2017 if the Commission, or any member of the commission, brought her a proposal or came to her for negotiations to put together a plan to assist in the preservation, rehabilitation, restoration or repair of the structure. Mr. Behrendt replied no. Mr. Branstetter stated that Mr. Sherman stated there was a 180 hold put on this to perform some of these things and when the Behrendts came in late 2016 another 30 day continuance was added. Mr. Branstetter asked during that same timeframe, either in 2016 or 2017, did any private person, or private group, contact you to negotiate or put together a proposal to rehabilitate, restore, presence or rehabilitate the structure. Indy answered no. Mr. Branstetter asked Indy if anyone came and looked at the structure in 2017 from the public. Indy answered no. Mr. Branstetter asked if Rick Welliver from a boxing club came and talked to her. Indy replied no. Mr. Branstetter asked what would be done with the property if you were allowed to demolish the building. Indy stated she would plant grass and flowers and make it look nice.

Mr. Branstetter then called Rick Behrendt. Mr. Branstetter asked Rick Behrendt what his occupation is. Rick stated that he is retired from the Coast Guard, worked as a journeyman carpenter after that. After injury in the service, he was not able to work and is currently on medical disability. Due to this, he feels he is unable to perform any restoration to the property. He also stated it is not economically feasible for them to repair the structure.

Mr. Branstetter called Chris Pfahl- a local engineer who is licensed and works for Silver Valley Engineering and is also a land surveyor. He was asked in 2017 to look at the property and he submitted a report marked Exhibit 8. It was his determination that there is no foundation, seal plate beams are rotted, back of the house has part of the hillside sloughing off into it, stairs are rotten, and is also infested with pack rats who have destroyed most of the already rotting wood. There is no serviceable electrical, or plumbing. In his opinion, there is nothing salvageable with the house and is beyond reasonable repair. As it sits today, it is hazardous and is surprised it is still standing especially with the last winter. He also believes in his opinion that the bid given from Silver Valley Construction is low.

People attending the meeting were then asked to state their name and give their reason for or against the demolition of the house on 3 Bank Street. They are as follows:

* Shauna Hillman – No comment.
* Don Lien-Would like to see the building saved but not on this property. He says after hearing from the owners, it should be torn down.
* Fulton Gadbois- Says it should be tore down. Cities rules are too vague. No guidelines on old houses. Dave Sherman at this point states that Title 12-8-13 does state procedure and reads it out loud.
* Anita Price- (she is not a resident) She believes it should be torn down.
* Sally Utley – Does not want the structure tore down. She believes something can be done to save it.
* Cindy Lien-Stated it is a lot to ask of someone to put $85,000 into something. She believes it should be torn down.
* Archie Hulsizer- Previous owner. Gave a brief history on the building. Deeded it to Behrendts. Sewer and water have been shut off. In favor of tearing it down.
* Ryder Gaueraux –In favor of tearing down the structure. Originally he thought the structure was listed as a contributory property.

\*At this point Chairman Sherman stated that he was going to assume anyone that was not at this hearing still believes the way they believed when they testified at the last hearing. Mr. Branstetter stated he didn’t think that assumption could be made. Discussion was held.

* Linda See-In favor of saving the building. Hoping it could be restored to a studio or something. Make use of the structure without having to put a lot of money into it.
* Jim See-Statement during last hearing was read by David Sherman. He would like to see the building saved.

Chairman Sherman, at this time, brought up the possibility of an Idaho State Law that protects a homeowner if someone were to be injured on their property, but could not quote chapter or verse. Discussion was also held on 180 day period in regard to the Certificate of Appropriateness. Discussion was also held on if someone actually did come and speak with the Behrendts about the possibility of restoring or selling the property. Mr. Branstetter stated he thought Mr. Sherman’s comments were a conflict of interest for a Chairman.

Mike Branstetter stated that he disagrees with how Title 12 states an ”Intervener” and also stated that no one has followed up with the Behrendts to help save the property. Mr. Branstetter then read Idaho Law 36-16-04 and stated that you cannot ask the homeowner to count on this law if someone were to be injured on their property. Mr. Branstetter also brought up the commission’s decision to allow 208 Cedar Street to be torn down. He stated it was unfair to deprive Rick and Indy the right to the private, peaceful and full enjoyment of the property.

At this time, David Sherman stated that he feels the city council should decide on this matter. David Bond reminded the commission that there was still a motion on the table to approve the Certificate of Appropriateness for demolition. Carleen Bunde seconded the motion. Roll Call Vote: Bond Aye; Bunde Aye, Chairperson Sherman Nye; Carrico Aye, Featherstone Aye, Burhans Aye. Motion Approved.

Meeting adjourned at 8:10.

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David Sherman, Chairperson

Attest:

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Kristina Larson, City Clerk