

Debbie Havens - Fwd: Central School

From: Jan Brown <jan-billbrown@bresnan.net>
To: <mayorandcommission@helenamt.gov>
Date: 2/1/2017 7:36 PM
Subject: Fwd: Central School

Sent from my iPad

Begin forwarded message:

From: Jan Brown <jan-billbrown@bresnan.net>
Date: February 1, 2017 at 5:49:38 PM MST
To: mayorandcommission@helenamt.com
Subject: Central School

I encourage you to approve the demolition permit for Central School so that a new school can be built on the site. I attended Central in 1st and 2nd grades (1948-1950) and 7th grade (1954-1955) and loved the school. It will be sad for those of us who attended Central to see it gone, but we need to think of our children, grandchildren, and future generations of students, not the past.

Education is different today than when I was at Central, when there were no computers, no required energy conservation measures, no ADA requirements, no concern for educating developmentally challenged children, and far less neighborhood traffic, to mention only a few of the differences. A new building would better address these and the many other modern needs than would renovation, which usually ends up costing far more than anticipated.

A new, modern school building that incorporates some of the physical features of the existing Central School will be an asset to Helena and future students. This has been studied for too long already, and the School Board has finally made a decision. I hope you will concur and approve the demolition permit. Thank you. Jan Brown, 906 Madison Ave., Helena.

Sent from my iPad

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From: Curt Synness <curt52s@bresnan.net>
To: <PAttardo@lccountymt.gov>, <mayorandcommission@helenamt.gov>
Date: 2/1/2017 12:10 PM
Subject: Central School

To whom it may concern,
I am opposed to the demolition of Central School, so I strongly suggest
the permit to demolish the school is denied.
I am in favor of remodeling Central instead.

Thanks,
Curt Synness
1015 9th Ave.
Helena, MT
594-2878

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DB

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Debbie Havens - Downtown Business Owner supports the Demolition Permit

From: Peter Dan Sullivan <peterdan@sullivanfinancialgroup.com>
To: "mayorandcommission@helenamt.gov" <mayorandcommission@helenamt.gov>
Date: 2/1/2017 11:13 AM
Subject: Downtown Business Owner supports the Demolition Permit

Dear Mr. Mayor and Commissioners,

As a downtown business owner and home owner in Helena's wonderful historical district, I implore you to support the Helena School District #1's Bond and issue the Demolition Permit of the current Central School. I believe a new vision and energy is needed in this part of Helena to get families inspired to purchase properties and live in our wonderful town.

I have a friend whose house has sat on the market for over a year that is six blocks away from Central School and not ONCE has been shown to anyone with children. I spoke to three different families with children in the past year who could afford this home and all them chose to buy in Montana City because of the newer, modern school.

Let's get kids back in our historical neighborhoods.

Sincerely,
Dan Sullivan

Peter Daniel Sullivan, CFP®
Sullivan Financial Group
111 N. Last Chance Gulch, Suite 3-C
Helena, MT 59601 [406-443-6300](tel:406-443-6300)

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Debbie Havens - Central School Demolition

From: Tom Brooke <tombrooke1229@gmail.com>
To: <mayorandcommission@helenamt.gov>
Date: 2/1/2017 10:21 AM
Subject: Central School Demolition

Mayor Smith and Commissioners,
Please authorize the school district to proceed with the demolition of Central School. This is the prudent course of action ultimately resulting in a safe facility with building designs meant for future generations. We need to move forward rather than spending an uncertain higher amount retrofitting what was. Historic preservation remains by virtue of building on the existing site.

Tom Brooke
(B. Thomas Brooke)
1008 Woodbridge Dr
Helena, MT. 59601

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From: Pat Cotter <pat.cotter2126@gmail.com>
To: <mayorandcommission@helenamt.gov>
Date: 2/2/2017 12:54 PM
Subject: Central School

To the mayor and the commission:

I would like to respectfully assert my support for a vote to demolish Central School and rebuild it. I am an ardent supporter of preserving arts and architecture that are important aspects of our heritage. However, when it comes to the education of our children, our primary focus must be upon the safety and conduciveness of the educational environment. A building that is safe and state of the art, with room for students to explore and grow, is pivotal to the educational experience of our children. Please support a rebuilding of the school to accomplish these important goals.

Thank you for your consideration. Sincerely,

Patricia Cotter, 993 LeGrande Cannon, Helena, MT

Sent from my iPad

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Debbie Havens - Central School

From: John Ilgenfritz <jgilgenfritz@msn.com>
To: "pattardo@lccountymt.gov" <pattardo@lccountymt.gov>
Date: 2/2/2017 6:02 PM
Subject: Central School
CC: "mayorandcommission@helenamt.gov" <mayorandcommission@helenamt.gov>

Dear members of the Heritage Tourism Council,

I believe that the educational benefits of a new building outweigh the desire to "save" Central School as we know it.

Some have compared rehabbing Central School to the remodel of the Myrna Loy. This is comparing apples to oranges. The Myrna is open to the general public, while schools are funded for the education of our children.

The primary value of a school building is on the inside where learning takes place, not its external appearance. A remodel limits the possibilities Helena's children deserve.

There have been many contentious education discussions over the past 25 or so years, but the community had never, in my memory, failed to pass a school bond until recently when we failed to pass not only a school bond, but a fairground bond and two detention center bonds.

I am concerned if this demolition permit is not issued, the result will be delay, delay, delay and further heated discussions over what to do. Failure can be contagious and the tax avoidance folks are just looking for a reason to vote down another bond.

I believe Mignon Waterman in her February 2 letter to the editor said it well. If you have not read it, I recommend you do so.

Countless hours have been spent by the trustees and superintendent on this issue. Their recommendation is to build, not restore. I urge you to support the issuance of a demolition permit so we can move forward to returning the Central School kids to their home. They have waited long enough.

Respectfully,

john ilgenfritz
1001 harrison ave.
helena, mt. 59601
406 449-6839

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Debbie Havens - Central Elementary School

From: Teresa Geremia-Chart <tgerechart@gmail.com>
To: <mayorandcommission@helenamt.gov>
Date: 2/2/2017 7:28 AM
Subject: Central Elementary School

Dear Commissioners and Mayor Smith,

We are writing to request that you approve the demolition and construction of a new Central School on Warren St. Central is our neighborhood school and whereas we are partial to preserving historic buildings, (our home on Warren St. was built in 1890 and we renovated this home over the past 20 years), we recognize the need for a new, state-of-the-art school in the downtown area for three reasons:

First, and most importantly, students deserve a new facility with the tools, equipment, and other features that will enable them to learn and compete in our modern world. Teachers deserve to teach in a suitable facility as well.

Second, the Central School neighborhood, one of the oldest in Helena, would benefit from a new thriving school to restore the residential character of this area of town. The sale of homes in this historic area began increasing when Central was closed a few years ago. Many of these homes are historic and are being sold for use as rentals rather than being renovated. A new school could be designed to complement the character of the historic neighborhood.

Third, downtown area would benefit greatly from a new school. We located in the downtown area 22 years ago because we love the culture and spirit of downtown. Unfortunately, our downtown has been diminished in recent years as businesses relocate to the eastern part of Helena, or Helena Ave., attracted by newer construction. A new school on the Central site would help the downtown flourish and draw residents and businesses to his area of our city. A new school on the Central School site would both benefit our children, our neighborhood and our downtown.

Sincerely,

John F. Chart and Teresa Geremia-Chart

536 N. Warren St.

Helena, MT 59601

Teresa Geremia-Chart, Partner
Sage Solutions Nonprofit Consulting
406.461.6997
sagenonprofitconsulting.com



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Comments on the Permit Application to Demolish and Remove the Central School and Gym in Helena's City Center

The upcoming Central School decision before the Heritage Tourism Council and the City Commission is not just about students, it's also about the city's heritage, neighborhoods, and the urban fabric of the historic downtown area.

The District's Board of Trustees has made its decision – to provide a school on the Central School site. This can be accomplished either by constructing a new school (following demolition of both the school building and the even older historic gym); or renovation of and use of the existing structures which have historic designations. The evidence that was presented at the District's hearings shows that either choice can provide an up-to-date educational environment at comparable costs.

Other cities in Montana and many other parts of the country have renovated older school buildings to meet today's educational and teaching needs, insure structural safety and security, while preserving the historic character and value of the area around it as well as the structures themselves. It is unclear to me why this option was not given equal consideration with building a new structure.

I believe that a new one-story school building, as proposed, will be out of keeping with the historic character of the immediate area and in downtown, which was a goal stated in the adopted Downtown Plan.

Furthermore, attending a school in an historic structure is a unique opportunity that many of today's students will not have the chance to experience; and renovating Central would add to their appreciation of the City's history and the importance of the history of the City and downtown which a new school cannot provide.

In considering this decision, I urge the Council and Commission to recognize the historic "value" added by retaining and reusing older structures. The City's balance sheet, unlike the District's, is not just about what is presented in a proposed construction estimate. As a relative newcomer to Helena (I have been coming here every year for the last 38 years and full-time for the last ten years), I often hear comments about previous City decisions that resulted in the removal of historic structures and those negative impacts on the downtown.

This is a decision about whether to set a precedent and remove part of the City's historic heritage, instead of preserving it. Have the criteria used for the historic designation no longer apply to these and other buildings in the area? **This is the City's choice, not the District's.**

Note: These are personal comments. The Citizens' Council has not yet taken a position on this matter

Sumner Sharpe
Vice Chair, Helena Citizens Council

February 5, 2017

Dear Mayor Smith and City and Heritage Preservation Commissioners:

I am not in favor of the demolition of Central School. I have studied and written about Helena during much of my career, and I am very, very concerned about the future of this town. It is not a matter of preservation versus our children as the school board would portray it. The issue is much larger than that. Central School and its future is an issue that certainly would affect our children, but it is an issue that will also affect Helena's economy and its future as a community. The bigger picture is just as important as providing twenty-first century education for our children and the two are not incompatible. There should be no choice here. Helena has the opportunity not only to provide excellent classroom facilities but to also protect the historic character that makes Helena unique among all other Montana cities.

The school board has shown us no plan for a new school at the Central location. The one board member who spoke for nearly twenty minutes on his school vision—arms radiating from a central core—sounds very much like a space station sprawling over our the historic landscape. Such a design has proven disastrous for lockdown situations, would leave little room for necessary parking and playground space, and would virtually destroy a huge chunk of the integrity of the Helena Historic District.

Aside from providing twenty-first-century classrooms which everyone agrees is the goal, a main consideration should be protecting the historic view shed. The Cathedral of St. Helena is a community focal point and important to Helena's iconic skyline. Whether we building a new school or renovate Central or combine both new and renovated, the school's physical siting and appropriate architectural design should be a major concern. What goes on that prominent rise will not only affect the immediate neighborhood and property values therein, but will also impact the larger community, its economy, and the historic integrity of a town whose history is the single thing that makes it attractive to visitors and residents alike. A lack of sensitive planning makes a decision to remove old Central—and the complementary 7th Avenue gym—appallingly irresponsible.

The school board has used misinformation and fear as the means to the end they are unswervingly set upon. Central teachers have been told that in a disaster, the renovated building would collapse and there would be no proper exit. That is absurd. Correcting those concerns would be the main objective of any renovation. The school board has maintained that there is a danger of contaminants, that sinks cannot be provided in renovated classrooms, and that the building can never be made seismically safe. All those claims are ridiculous. A renovated school must meet the same standards required of a new school and can absolutely enjoy the same amenities.

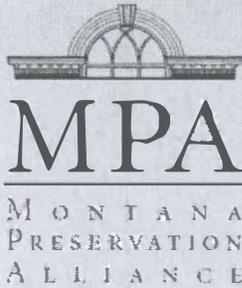
I was not here to see the Novelty Block, the Marlow Theater, or the other 233 buildings fall during Urban Renewal. Nor did I see the demolition of old Helena High School. But I did

witness the dismantling of the Shober House, the demolition of the St. Helena Catholic School, and the city's destruction of the 1870s Bell House next to the new city jail. I was one of the authors of the Helena Railroad Depot Historic District. That historic district was less than a year old when the city approved removal of one of its PRIMARY resources (the priest's residence attached to St Mary's Church). I could cite other examples as well, but the point is that this is not a very good track record for a historic city whose single major industry, besides state government, is tourism.

We have a fantastic opportunity to have it both ways—a safe, renovated school with twenty-first century learning opportunities—perhaps with historically compatible additions—appropriate to the neighborhood. I hope the city will consider the significance of that prominent rise and the role it plays in Helena's future as a destination. Please do the right thing: vote no on demolition. Tell the school board to do what it should do: renovate Central School and the 7th Avenue gym for continued use.

Sincerely,

Ellen Baumler
729 11th Avenue
Helena, MT 59601



February 5, 2017

Lewis & Clark County Heritage Tourism Council
Mayor Jim Smith and Helena City Commission
316 N Park Ave
Helena, MT 59623

Re: Demolition Permit Application by Helena School District
for Central Elementary School, 402 Warren Street

Dear Mayor Smith, City Commissioners and Heritage Council Members,

I am writing on behalf of the Montana Preservation Alliance [MPA], founded in 1987, a statewide non-profit with the mission to save and protect the state's historic places, traditional landscapes and cultural heritage. The MPA has long been a leader in the arena of historic preservation in our state, and we specialize in creative thinking and forging practical solutions to the challenges posed when significant historic properties are threatened with demolition.

We are saddened by the pending application from the Helena School District (HSD) to demolish Central School, the city's most historic school building and one of the most prominent historic buildings in downtown Helena. Central School is an early 20th century, unreinforced masonry building, typical of the construction of the period. There is nothing wrong with the building that cannot be fixed through renovation and seismic reinforcement, using modern engineering methods in standard practice throughout the geologically active West. Numerous studies, engineers and architects have all attested to the feasibility of preserving this building; a renovation and sensitive addition would enable Central School to meet the district's targets for 21st century learning.

We urge your denial of this application, and we offer the following comments for your consideration:

Significance

Since opening in 1915, Central School has crowned Helena's downtown skyline, and welcomed neighborhood children every fall for almost 100 years. With a 1921 design by George Carsley, a leading Montana architect in that era who worked in partnership with renowned American architect Cass Gilbert, the building introduces a highly developed example of Collegiate Gothic Style to the Helena Historic District which was listed in the National Register of Historic Places in 1972. Central School and its nearby counterpart, the 7th Avenue Gymnasium have always been highly prominent buildings that eminently contribute to the significance, both historical and architectural, of Helena's Historic District.

120 REEDER'S ALLEY
HELENA, MT 59601
406.457-2822
www.preservemontana.org
info@preservemontana.org

There is also no question, and staff of the Montana State Historic Preservation Office have confirmed this, that these buildings also meet the significance criteria under the National Historic Preservation Act of 1966 for listing in the National Register, independent of their status as contributors within the Helena Historic District.

Helena City Historic Preservation Planning

The City of Helena learned much from its regrettable Urban Renewal era, which resulted in the destruction of more than 240 historic buildings. In 1989 the City of Helena and Lewis and Clark County created a combined historic preservation program and established the nine-member, volunteer Historic Preservation Commission (HPC) – the framework to encourage the preservation of the remaining historic downtown and surrounding neighborhoods that comprise the core of the community. That is the role now fulfilled by the Lewis & Clark County preservation officer and Heritage Tourism Council, still jointly funded by Lewis & Clark County, and the City of Helena.

Since then, City growth policy and downtown plans have embraced historic preservation and the City has promoted preservation of the Helena Historic District in many ways: surveys to expand the district, publication of design guidance for downtown Helena, encouragement of preservation tax credit and tax abatement projects, annual preservation awards, educational displays and programs on downtown history, and heritage tourism, walking tours and interpretive signage throughout the district. All build on the foundation of the town's history and share that history with school children, visitors and residents alike. The Helena Fire Tower is the symbol of City government, and both the Helena Business Improvement District and the Helena Downtown Incorporated promote preservation of the city's downtown in defining their character.

The City's 2011 Growth Policy summarizes the City's commitment to its historic districts: "Historic districts consist of many individual structures that essentially tell a community's interwoven story. The fabric of historic districts can be delicately held together by the context of the development. A historic district is no longer viable and can be delisted if too many alterations occur and the context and historic integrity are destroyed. Inclusion in a historic district provides many benefits to property owners, including tax abatements, income tax credits, and signage. The loss of a historic district designation can negatively affect the owners of contributing buildings that may not be a primary building. Recognizing the importance of maintaining the historic districts, the City has adopted a demolition review process for historic buildings and districts." (*City of Helena 2011 Growth Policy, p. 9-6.*)

Demolition Review Ordinance

A permit is required by the City for all demolition proposals, and for demolition of a historic building, additional consideration is required according to City of Helena Code: Title 3 Chapter 15 Review Process for Demolition of Historic Buildings. Indeed, required attachments under C (1) Description of Proposal directs applicants to explain "what will be demolished, what will be built in its place" and to "include drawings and photos to describe the project in its entirety." (emphasis added)

On August 11, 2014, when demolition of Central School came up in relation to the HSD May 2015 Bond Election, then-City Attorney Jeff Hindoien provided a memo on the subject that outlined the objective of the City's historic preservation ordinance and the factors for consideration by the preservation commission and City commission, which must rely on the applicant to provide enough information on their intended project for the City to make an informed decision:

“The public policy aspects of a land use decision are those implicated by the structure of the municipality’s or county’s land use regulation itself. In this particular context, the stated policy objective of the HCC §§ 3-15-1 *et seq.* is “to protect and preserve the historical and archeological heritage of Helena”, and that objective is to be secured through the HPC’s and the Commission’s consideration of various factors attendant to any request for a demolition permit, i.e.,

- Possible alternative options for the property, such as alternative designs, grants, tax credits, tax abatements, purchase, land exchanges and building relocations;
- The architectural and/or historical significance of the structure, its relationship to the district, and/or its relationship to a larger project;
- The nature of the surrounding neighborhood and how the applicant proposes to protect the integrity of the surrounding neighborhood; and
- Cost estimates for restoration or repair as opposed to demolition”

(Jeff Hindoien, City Attorney, August 11, 2014 Memo to Mayor and Commission, cc: Ron Alles, City Manager and Sharon Haugen, Community Development Director, Subject: Request for Legal Opinion, Helena City Code §§ 3-15-1 et seq. Demolition of Historic Buildings, Miscellaneous Procedural Questions)

“In this particular situation, it appears that any request by the School District for demolition permits will be part and parcel of a proposal to replace those structures with a new K-5 facility on the same site. As a general observation, an application for a demolition permit with no plan for re-development is qualitatively different than an application for a demolition gesture that is coupled with a proposal for new development on the same site. The latter scenario should, in theory, provide a specific framework for much of the dialogue contemplated by the ordinance, i.e. discussions regarding the reasons for the requested demolition, restoration vs. reconstruction comparisons, alternative design possibilities, the relationship of the existing structure to the district of which it is part and/or its relationship to a larger project, etc.” *(ibid.)*

Inadequacy of the Pending Demolition Proposal

Accordingly, when the proposal involves the demolition of an outstanding historic building such as Central School, the applicants must provide plans and drawings describing the project in its entirety, and since it is publicly-owned, ideally would work with City staff to ensure that more, rather than less, information was presented to enable informed dialogue and consideration of the proposal.

Unfortunately, the Helena School District has not presented enough information to provide a specific framework to enable a dialogue contemplated by the ordinance. Because they have no architectural drawings for a new school, and the board members themselves have not yet agreed on what a school at the Central site might actually entail (as evidenced by the various discussions at the most recent December 13 and January 10 HSD Board meetings), the pending request for a permit to demolish Central School comes with no clear description of the project in its entirety. There is no guarantee of what a new facility will be, or what will happen to the property if the HSD is granted a demolition permit and then fails to pass a school bond.

Unlike other communities including Billings and Missoula which recently passed school bonds with highly detailed architectural plans fully shared with the public prior to their vote, the HSD is hard pressed to say what they intend to build with new bond funds, and specifically for Central School, how a new building would compare to historic Central in size, scale, quality, design, and longevity, and how much a new building would specifically cost or what would even be feasible to construct on the sloping Central property.

Lacking specifics for a new school design, it is not possible to assess, nor does the HSD demolition permit application adequately address, the questions of compatibility with the surrounding historic district, and impacts that demolition of Central School and construction of a new building (and potentially, a very large prefabricated metal double gymnasium as listed in the demolition permit cost estimates) might have to the integrity and continued listing of this area of the Helena Historic District, which has suffered other losses nearby, including the HSD's Home Arts building, the Methodist Church and Shober House.

Building Issues

The demolition permit does, however, cite seismic issues and code deficiencies as a rationale for demolishing Central School. We would like to address these two factors.

Seismic Issues:

It is important to note that complete demolition and replacement of this school is unnecessary—the Helena School District commissioned six engineering and architectural studies on Central School and Seventh Avenue Gym over the past decade and all say they can safely be refurbished. None have said the buildings were failing or should be demolished. Rather, all agreed the school needed to be seismically reinforced to meet current codes, and that doing so was feasible.

Code Compliance:

There are numerous ways that Central School does not comply with current building codes, but that is true of all the schools in Helena. Rather than cite these issues as a reason to tear the building down, it should be noted that any extensive renovation, just like any new construction, would be required to meet the current International Building Code. None of the professional evaluations of the building have suggested that would not be possible to bring Central School into compliance with current building codes through renovation of the building.

Other Unknown Factors:

To our knowledge, the HSD has not considered the known fact that the Central School property formerly served as a 19th century burial ground. And, though human remains were removed from the site prior to school and auditorium construction in the historic past, in 1983 during Cruse Avenue construction, the last time there was on-site excavation, human remains were unearthed on the west side of this property. Any inadvertent discovery of human remains would trigger compliance with Montana law governing human skeletal remains and burial sites.

Feasible Alternative

In recent months, Montana Preservation Alliance evaluated the potential to seismically reinforce and refurbish historic Central School and the Seventh Avenue Gym from an architect's perspective, and drew up several potential floor plans and site plans demonstrating that the buildings could in fact be renovated to meet or exceed HSD targets for a 21st century elementary school. In addition, using the figures in the prior professional reports, comparisons to the newly renovated Billings schools, and those presented in the application for demolition permit, it also appears that the cost to renovate rather than demolish Central School would be roughly equivalent to building new. And in Billings, their project director reported that it was \$6 less per square foot to refurbish their historic elementary schools than new construction costs. (MPA's work on this is being presented at the HPC and City Commission demolition hearings and is available on-line at www.preservemontana.org/centralschoolhelena).

Recommendation: Denial of this Proposal

We recognize that the HSD Board of Trustees serves in a demanding role and we respect their service on behalf of the community. Clearly, the funds for repairs, renovations and new schools are long overdue in Helena. However, their proposal to sacrifice a much-loved historic building when it could feasibly be refurbished damages the City's longstanding efforts to preserve the character of downtown and the Helena Historic District.

Furthermore, if the district is to be held to the same standard as other property owners seeking to demolish National Register-listed properties in Helena, then City staff erred when they deemed this application complete. Doing so has placed an exceptional amount of pressure upon the Heritage Tourism Council and then the City Commission to make a hasty decision without adequate information. If the City were to approve a demolition permit based upon this incomplete application, the precedent set by that action threatens to undermine demolition review by the City of Helena in future.

HSD has been well aware of the City's demolition permitting requirements for at least two years. By submitting an application that clearly lacks the requisite drawings and plans that are routinely required of others seeking to demolish historic properties, and by delaying their application until the last minute for purposes of their desired May 2017 bond election, they created a major roadblock for themselves.

In closing, we offer this solution. City denial of a demolition permit for Central School does not mean that HSD cannot still craft bond language for funds to support school construction at Central School. Supt Copps has stated that HSD can build on the Central property without a demolition permit. The HSD is now soliciting proposals from architectural firms to design schools under their bond – they could retain a firm with the expertise to take a hard look at all the information on record about Central School and Seventh Avenue Gym, get fuller engineering analysis and arrive at a design solution that retains the integrity of Central School and transforms the facilities into exciting 21st century space.

Preservation can mean a range of things and demolition can be selective. In denying this permit, the City can request that HSD more fully explore options for preserving the integrity of Central School in its plans, offer its support and invite the district back for further discussion when they have design plans and drawings. The ordinance states that if denied, the applicant cannot reapply for 6 months, unless the City Commission finds there are changed circumstances sufficient to warrant a new application. So, in other words, the HSD could pass its bond, and come back when they have a concrete proposal in hand, in 6 months or perhaps before.

We offer our assistance in identifying a solution that preserves the heritage of Central School, and thank you for your consideration of these comments.

Sincerely,



Executive Director
Montana Preservation Alliance

August 11, 2014

To: Mayor & Commissioners

cc: Ron Alles, City Manager
Sharon Haugen, Community Development Director

From: Jeff Hindoiem, City Attorney 

Subject: Request for Legal Opinion
Helena City Code §§ 3-15-1 *et seq.* – Demolition of Historic Buildings
Miscellaneous Procedural Questions

Introduction/Background

Helena Elementary School District No. 1 is contemplating a bond proposal for improvements relating to multiple facilities across the entire district. One discrete part of that bond proposal contemplates the demolition of the present Central Elementary and 7th Avenue Gym facilities and their replacement with a new (and larger) K-5 facility on the same site. Although neither structure is individually listed on the National Register of Historic Places, efforts were taken less than a year ago by the State Historic Preservation Office (SHPO) to “clarify the status of the two buildings as contributing resources” within the Helena Historic District. The District itself was apparently listed back in 1972.

To the extent the properties can be viewed as “contributing”, they qualify as “historic” structures for purposes of Helena City Code (HCC) §§ 3-15-1 *et seq.*, and any demolition would thus require the issuance of a permit by the City of Helena. The process for the consideration of an application for demolition under HCC §§ 3-15-1 *et seq.* is generally as follows:

- Pre-application meeting conducted between applicant and Lewis & Clark County Heritage Preservation and Tourism Development Council (“HPC”) and/or HPC staff;
- Application is submitted at some point after pre-app meeting – City Commission must approve or deny the application “within sixty (60) days after a complete application has been submitted”;
- HPC conducts a “legally advertised public hearing”, where it:
 - “ . . . shall review and evaluate the information provided for the application requirements, the architectural and/or historical significance of the structure, its relationship to the district and/or its relationship to a larger project, consider testimony on the proposed demolition and any other relevant information.”
- After conducting the hearing, HPC “shall make a recommendation to the city commission for the approval or denial of the demolition application”;

City of Helena, Montana

- City Commission then holds a public hearing to consider the application, where it:

“ . . . shall consider the information provided to the HPC, the HPC recommendation and any other relevant information.”

If the City Commission approves the issuance of the demolition permit, the permit is to be issued by the Building Department immediately. If the application is denied, no further application can be considered for the subject property for a six (6) month period from the submission of the initial application.

On July 12, 2014, Commissioner Haque-Hausrath requested a formal opinion from the City Attorney as to whether the proposed demolition of Central School is truly a quasi-judicial action for purposes of implicating concerns over ex parte dialogue, and that opinion is being separately provided. However, at the July 16, 2014 Administrative Meeting, Commissioner Haque-Hausrath also raised the following questions in connection with this process:

- Does the status of the applicant here as a public body affect the process? and
- Can the City Commission potentially condition any approval of a requested demolition permit on passage of the School District’s bond proposal?

Commissioner Haladay also raised a question as to what standard of review would be applied by a Court that might be called upon to review any decision by the City Commission to grant or deny an application for a demolition permit under HCC §§ 3-15-1 *et seq.*

Analysis

A. Status of the Applicant as a Public Entity

It is my opinion that the status of an applicant for a demolition permit under HCC §§ 3-15-1 *et seq.* does not – in and of itself -- alter or affect the process that has to be followed by the HPC and the City Commission in reviewing and acting upon the application. There is nothing in the text of the ordinance that makes reference to the identity or character of the owner of a historic structure (i.e., individual v. corporation v. governmental entity). Rather, the ordinance language is simply drawn in reference to a generic “historic structure” and a generic “applicant.”

Commissioner Haque-Hausrath’s observation that the demolition of a historical building owned by a public entity may have broader public policy implications is correct. However, those broader public policy considerations are ones that are to be addressed and resolved by the elected officials responsible for governing the entity that owns that public building. For example, in this particular context, Article X, Sec. 9 of the Montana Constitution vests the supervision and control of schools in each school district in an elected Board of Trustees. That elected Board of Trustees “shall have the power and responsibility to hold in trust all real and personal property of the district for the benefit of the schools and children of the district”, and is further authorized to build and dispose of school buildings. See §§ 20-6-602 and 603, MCA.

City of Helena, Montana

Thus, at least in this particular context, the decision as to whether to demolish and reconstruct a given school building versus renovating that particular school building, the decision as to how large or how small a given school building should be and the decision as to where a given school building should be located are all decisions that are constitutionally and statutorily entrusted to the elected Board of Trustees and/or the electors of a school district, not to the elected officials of the county where that school building may be located and not to the elected officials of a municipality where that particular school building may be located.

While some of those actions by school officials may also trigger land use regulation by county or municipal officials (i.e., subdivision, zoning, water/wastewater, demolition, construction, etc.), those generic land use regulation processes do not inherently implicate the consideration of all of the underlying "public policy" aspects of the school facility decisions themselves. Rather, the public policy aspects to be considered in a land use decision are those implicated by the structure of the municipality's or county's land use regulation itself. In this particular context, the stated policy objective of HCC §§ 3-15-1 *et seq.* "is to protect and preserve the historical and archeological heritage of Helena", and that policy objective is to be secured through the HPC's and Commission's consideration of various factors attendant to any request for a demolition permit, i.e.:

- Possible alternative options for the property, such as alternative designs, grants, tax credits, tax abatements, purchase, land exchanges and building relocation;
- The architectural and/or historical significance of the structure, its relationship to the district and/or its relationship to a larger project;
- The nature of the surrounding neighborhood and how the applicant proposes to protect the integrity of the surrounding neighborhood; and
- Cost estimates for restoration or repair as opposed to demolition.

B. Conditional Approval of a Demolition Permit

It is my opinion that the City Commission can, if it is so inclined after full consideration of the matter and at the conclusion of the public hearing process, impose reasonable conditions attendant to the approval of the issuance of a demolition permit. Any "conditional" elements should, however, be directly tied to the specific factual backdrop of any given permit request as developed through the application and hearing process.

The concept of "conditions" relating to preservation of photographs, building materials and things such as plaques or monuments are fairly typically in the historic preservation context. *See e.g., Historic Hornell, Inc. et al. v. City of Hornell, et al.*, 859 N.Y.S.2d 903 (N.Y. Supreme Court, Steuben County 2008)(code enforcement officer had authority to vary or impose conditions on issuance of demolition permit); *State ex rel Crown Investment Group, LLC v. City of Bend*, 206 Ore. App. 453, 136 P.3d 1149 (Ore. App. 2006) (reference to stipulated conditions for demonstration of satisfactory asbestos abatement and conveyance of minor historical artifacts). Thus, any decision to approve the issuance of a demolition permit in this case could certainly include reasonable conditions along those lines.

In this particular situation, it appears that any request by the School District for demolition permits will be part and parcel of a proposal to replace those structures with a new K-5 facility on the same

City of Helena, Montana

site. As a general observation, an application for a demolition permit for a historic structure with no plan for re-development is qualitatively different than an application for a demolition gesture that is coupled with a proposal for new development on the same site. The latter scenario should, in theory, provide a specific framework for much of the dialogue contemplated by the ordinance, i.e., discussions regarding the reasons for the requested demolition, restoration vs. reconstruction comparisons, alternative design possibilities, the relationship of the existing structure to the district of which it is part and/or its relationship to a larger project, etc. If the demolition permit application is advanced by the School District as part of a specific plan for re-use of the subject property (i.e., reconstruction of a new 4-3 K-5 facility), then imposing a condition (or conditions) on the issuance of the demolition permit that would require adherence to the plan specifics as presented to the HPC and/or City Commission would be permissible.

Again, the key here would be to ensure a clear linkage between the specific context of the demolition permit application and any conditions imposed on the permit. If the permit application here is submitted in the context of a bond proposal to pay for the demolition and re-construction on the site, then conditioning the issuance of the demolition permit upon the successful passage of that particular bond proposal would be permissible.

C. Standard of Review

It is my opinion that the standard of review for any decision by the City Commission to approve or deny a demolition permit under its ordinance would be an abuse of discretion standard. *See e.g., Town & Country Foods, Inc. v. City of Bozeman*, 2009 MT 72, ¶ 13, 349 Mont. 453, 203 P.3d 1283. Under that type of standard, the courts give deference to the decisions of the local authorities and an abuse of discretion occurs only when the information upon which the municipal entity based its decision "is so lacking in fact and foundation that it is clearly unreasonable." *Id.* at ¶¶ 13-14.

City of Helena, Montana

Debbie Havens - Request to Approve Permit

From: Robert Funk <bobfunk@gmail.com>
To: <mayorandcommission@helenamt.gov>
Date: 2/6/2017 3:18 PM
Subject: Request to Approve Permit

Dear Mayor and Members of the City Commission:

I am contacting you today in regards to the Permit Application to Demolish and Rebuild Central School. As a member of the Helena Citizens Council whose District encompasses families who wish they were sending their children to Central School, I find it necessary to inform you that every person I've spoken to in District 2 supports the City Commission approving the permit. This includes business leaders, community leaders, parents, retirees, and teachers.

By approving the permit, you are allowing Helena voters to decide whether or not we will invest in our schools. I respectfully believe that this is a choice that should be made by the voters.

The truth of the matter is that too many kids are being forced to bus long distances away from their homes and attend school in facilities which are simply not appropriate for learning.

The proposed bond is different from past bonds. First, it costs less. Second, it applies to ALL K-8 students. Thirteen schools will be positively impacted by this bond, no schools will be closed, one school will be re-opened, and 5,000 students will benefit from improved safety and technology. I think it's also important to note that this bond will positively impact our students most in need at Bryant elementary.

Finally, this permit does not exclude a new Central School from retaining its current character, which is not the original school, either.

Let us not fail to see the forest for the trees. We can do a lot of good for Helena's youth this year.

Sincerely and respectfully,

Bob Funk

IIICC District 8

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Heritage Preservation & Tourism Development Council
316 N. Park Ave
Helena, MT 59623
RE: Central School Demolition

RECEIVED

February 1, 2017

FEB 06 2017

LEWIS & CLARK COUNTY
Community Development & Planning

Members of the council:

Our names are Sean and Patricia Burke. Our sons Aaron and Ryan attended Central School, before its closure, and Central-Linc, following the closure. As of this year, both boys are now enrolled at Helena Middle School. Today we are writing to support the construction of a new modern facility on the Central School site.

When Central School was first closed, it felt as if our neighborhood had been broken. However, the profound loss we felt had less to do with the shuttering of a historic building than the absence of activity in its halls. Central School was the heart of our neighborhood – a place where our small community could come together to educate, develop, and celebrate our children. Central School's importance stemmed from its singular focus, a calling that we as parents hold above all others – our children.

After years of discussion and false starts, our school board has finally settled on a bond proposal that may have enough support to succeed. However, well-intentioned arguments against the demolition of Central School appear to be threatening this momentum. Based upon the failure of past bond measures involving the school, we fear that the board's current proposal may constitute Central's last chance. We would hate to see the bond fail, saving the shell of a historic building at the expense of a neighborhood.

We have always valued Helena's historic architecture and have worked over the past 20 years to remodel and renovate a number of its historic homes. Based on our experience with older structures, we are all too aware of the unforeseen issues that lay hidden in and beneath their walls. This is especially true for sites that have been pieced together with multiple buildings. Given these unknowns, renovation budgets and timelines are often very unpredictable. We would also like to point out that a repair to one portion of an older structure can sometimes result in damage to another. In some cases, this damage is not caught until the building is already inhabited. Renovating Central's current structure is far too prone to setbacks and potential failure in the future. After all they have been through, the Central students and staff deserve better.

Central students deserve a new high-tech school designed from the ground up to serve their developmental and educational needs for many years to come. The Central faculty deserves a space that provides new possibilities, rather than constraints. And the Central community, after years of waiting, deserves a sound, problem-free school that their children can call home.

We understand that Central School is a historic building, and we will always have fond memories of our children's time there. However, we feel that in making your decision, you should first weigh what is best for one of Helena's historic neighborhoods and her children. Please consider accepting the school board's proposal to demolish the existing structures at the Central School site to make way for a modern facility. Thank you for your time and efforts.

Sincerely,

Sean and Patricia Burke



Debbie Havens - Please deny Central Demolition Application

From: Katherine Haque-Hausrath <kmhausrath@gmail.com>
To: <pattardo@lccountymt.gov>
Date: 2/6/2017 7:05 PM
Subject: Please deny Central Demolition Application

Dear Ms. Attardo and Members of the Heritage and Tourism Council,

I am writing to ask you to recommend that the City Commission deny the demolition permit request for Central School. Although I would like to see a school returned to the property as much as anyone, the Helena School District has submitted an incomplete application that does not allow for an evaluation of the effect of this demolition on the historic neighborhood. What we do know of the proposal shows that it does not meet the criteria in Helena's demolition of historic properties ordinance. The School District has acknowledged that it is feasible and cost-effective to renovate Central. (Note that the last bond proposal was based on renovation of Central.) Further, the bond will provide a source of funding, and the School District could use INTERCAP loans to repair the structure right now. Also, Central has incomparable historic value to our historic district and city and demolition would be an immeasurable loss that would be regretted for years to come.

Section 3-15-6 outlines the requirements of an application, and the application submitted does not meet the following criteria:

- C. A brief description of the proposal and the reason demolition is requested.
- D. A brief description of the surrounding neighborhood and how the applicant proposes to protect the integrity of the historic district if demolition is proposed.

It is impossible to tell what impact this proposal will have on the surrounding historic neighborhood, because no plans or detailed drawings have been submitted for the replacement building.

Currently, Central and 7th Street Gym play a key role in tying Helena's historic downtown to one of Helena's oldest neighborhoods, the South

Central neighborhood. Central is a primary part of Helena's skyline from downtown and the west side. With just a brief drawing of a one-story building (which may not work on the property), the public and HTC cannot know what the new Central and gym will look like from downtown. We also can't tell what it will look like to the neighboring historic structures, such as the houses on 7th street (like mine), most of which were built in the 1800s.

Demolition permits for historic structures are very unusual, so it is important that the HTC review them carefully for conformance with the ordinance. During my four years on the City Commission, I only remember one permit for total demolition; it was for a rotting stable house on Spencer with no real historic value, unlike Central. Despite that, more detail was provided by the applicant as to the replacement structure than has been provided by the School District.

Approving demolition of this gem of a historic building when Central could be renovated sets a dangerous precedent for the future protection of Helena's historic structures. Accordingly, although it is politically difficult, I ask you to recommend denial of demolition due to insufficient information about the replacement building. The School District could then work with the City to pass its bond and develop a true recommendation for the structure on the site, and come back to the City at that point, if demolition is still desired.

Thank you for your consideration.

Regards,

Katherine Haque-Hausrath
Helena, MT

Sent from my iPhone

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FEB 07 2017

CLERK OF COMMISSION
CITY OF HELENA

Committee members and residents of Helena,

As a staff, we at Central have had many discussions about the future of our school. Over the past few years, there have been many suggestions about the fate of the Central School building. This bond season has brought new discussions about the building: whether to preserve or demolish it. Though as a staff we may not all agree on the details, we whole-heartedly agree that we need a school building that will meet the needs of our students.

We need classrooms that have closet storage space, sinks, high speed Internet, and 1000 square feet of workspace. We need floors which contain easily accessible bathrooms, have wide hallways large enough for student storage lockers, have breakout work rooms/spaces for students to receive support from a staff member, and that are fully handicapped accessible. We need a library that has a separate space for a computer lab so that our students can use modern technology without interrupting library teaching time or sacrificing book display space for computer tables and carts. We need a cafeteria space that does not double as a gym so that our P.E. classes do not have to wait while breakfast and lunch are cleaned up before they can get into their activities. We need entrances and exits that are closely monitored, planned and safe; where students and guests funnel past an office which has good visibility; where all exterior doors firmly close to ensure safety during the school day and over the weekend. We need a building that will allow for additional, growing space for our students in number and in need; adequate space for special education, space for CSCT and speech to accommodate small groups of 5-7 students and/or parents, room for our 2 school counselors and 1 school psych to work with students and hold meetings, a room for our Indian Ed coach to meet with students, and enough room to encourage our community volunteers to come and help when they are able.

The old Central building did not offer most of these, and the renovation plan proposed by some would make the old Central building workspace even smaller. Although many of our staff members have deep ties to the building itself, we are not willing to compromise the wellbeing of our students in order to save a building. Many on our staff have wondered if it would be possible to save the façade of old Central and build a new building behind. We have wondered if this type of compromise would allow for a more acceptable fate for Central in the eyes of many residents. However, we are not architects or contractors, and thus our focus has always come back to the kids of Helena and what they need to be successful while in our care. This is the information we do have and that we feel it is vital to share.

Our teachers have spoken out at previous city meetings about our desire to have closure to this temporary fix at the Lincoln campus. We are struggling to safely work and study in an environment with an active persistent natural gas leak, floor tiles that are cracked and peeling, and a host of other building issues. Our student population is growing, both in numbers and in need, and over the next few years we will need additional workspace (classrooms) for students to inhabit. At Lincoln, we do not have the space to accommodate the growth in student numbers. Although additional portable buildings can be a temporary solution, we are again looking at a

temporary fix for a persistent issue. The bottom line is that we need a permanent solution, a school home, in which we can work and study and grow.

We urge you as a committee to consider the needs of the modern student, the modern teacher, and the modern school. We are not asking for a modern building, but the changing needs of the students in Helena would warrant a considerable change to any school building on the old Central site. Making classrooms and workspace smaller in order to retrofit and preserve a building does not serve the needs of our kids. We need to think of the needs of our students first; they surely deserve the best we can give to them.

Sincerely,
The Central School staff

Helena City Commission
316 N. Park Ave
Helena, MT 59623
RE: Central School Demolition

RECEIVED

February 1, 2017

FEB 07 2017

CLERK OF COMMISSION
CITY OF HELENA

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Sincerely,

Sean and Patricia Burke



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FEB 07 2017

Fourteen years ago, I wrote the following letter, published in your Turn article in the Helena Independent Record. I do not believe we have yet learned our preservation lesson. To the north of Central School, we lost two beautiful Helena icons that evoked history lessons. In their place stand two parking lots and I ask what story do they tell about our community? How many of you know the history of the two buildings I wrote about in 2003? I implore the Helena School board and the Helena community not to destroy another piece of our precious history.

Your Turn article published in 2003:

After savoring every image in the wonderful new Montana Historical Society, Independent Record publication *Lost Places, Hidden Treasures*, Ellen Baumler and Dave Shors have affirmed my commitment in the quest to preserve Helena's and Lewis and Clark County's historic treasures. All citizens of Montana need to become active in preserving Montana's heritage for future generations. I mourn the loss of those buildings decimated by Urban Renewal, and I have become more determined to protect those buildings that have survived.

I want to make the community aware of two buildings that are being considered for destruction. The demolition of Bishop Gilmore School on Warren Street is slated in new building plans that the Catholic Diocese has presented to its parishioners. The Methodist Church is considering demolishing the Shober House on Lawrence Street. These two buildings reflect specific architectural styles that are part of Helena's history. Also, these buildings hold the legacies of two prominent religious cultures in Helena.

I implore each of you to look around the streets of Helena and realize that pieces of her history, our heritage, have disappeared, and more will disappear if we, her citizens, do not make a concerted effort to preserve and protect the stone and mortar of the Queen City. That name evokes a picture of majesty and royalty. Drive to Warren Street and Eleventh Avenue and look at Bishop Gilmore. Is not that a majestic building that conjures up images of queens and kings seated on its front steps? Did we not learn lessons from Urban Renewal and the demise of majestics like the Marlow Theatre? Please implore those in charge to spend their money on renovation, not demolition. Applaud those that create new life from the old. Cases in point are the Cooney

Home, the Hrella building in East Helena, and Child's Carriage House, just to name a few.

When we tear down our historic buildings, we bury their stories and much of their history in the rubble. What would be lost if we had only photographs to experience the regal beauty of the state Capitol? We need to have the physical presence of this history, to be able to walk in and view the beauty and splendor of architecture, We need to feel the presence of past generations, to smell the mortar, wood and paint with which the building was built, to caress the strong granite walls and to feel the satin texture of its woods, to hear the walls tell their stories and taste a piece of our past.

Sandi Smith

562 State

Helena, MT

Retired Teacher

Member of the former Lewis & Clark County Historic
Preservation Commission

Member of the former Lewis & Clark County Historical Society
Planning Board