

**MINUTES OF THE
STATE OF NEW MEXICO
CULTURAL PROPERTIES REVIEW COMMITTEE**

August 12, 2011

This meeting of the State of New Mexico Cultural Properties Review Committee was called to order by Vice-Chair Rick Hendricks at approximately 1:00 p.m. on the above-cited date, in the State Capitol, Room 317, 490 Old Santa Fe Trail, Santa Fe, New Mexico.

Vice-Chair Hendricks characterized the CPRC as a statutory body charged with identifying and advising on the protection of the State's cultural properties. CPRC meetings are run by parliamentary procedure. He asked that the attendees follow those rules, sign in and turn cell phones off.

A quorum was established with the following members present:

Members Present:

Rick Hendricks, Vice-Chair
Reginald Richey, Secretary
Douglas Boggess
Clarence Fielder
Ronald Toya

Members Absent:

George Bolling

State Personnel Present:

Jan Biella, Interim SHPO
Tom Drake
Michelle Ensey
Susie Hart
Harvey Kaplan
Terry Moody

Dorothy Moore
Robyn Powell
Mona Valicenti, Assistant AG (arrived at 2:20 P.M.)
Dorothy Victor
Zack Schandler, Assistant AG (departed at 2:20 PM)

[Sign-in Sheet on file at HPD]

APPROVAL OF AGENDA

Vice-Chair Hendricks asked for a motion that the following amendment be made to the order of business on the agenda:

- Move the *Election of Officers* from Item 11 – New Business to be heard before Item 3 and then resume with the agenda as published.

- ★ Member Richey moved to accept the Vice-Chair's amendment to the agenda. Member Fielder seconded and the motion passed unanimously.

NEW BUSINESS - ELECTION OF OFFICERS

- ★ Member Richey moved to nominate Rick Hendricks as Chairman. Member Toya seconded and the motion passed unanimously.
- ★ Member Toya moved to nominate Member Richey as Vice-Chairman. Member Boggess seconded and the motion passed unanimously.
- ★ Member Richey moved to nominate Member Toya as Secretary. Member Fielder seconded and the motion passed unanimously.

REVIEW OF MINUTES – June 9, 2011

Member Fielder moved to approve the June 9, 2011 minutes as submitted. Member Richey seconded and the motion passed unanimously.

REVIEW OF MINUTES – June 10, 2011

Member Fielder asked that the following change be made to the June 10, 2011 minutes:

- Page 19: change meeting date from October 15 to October 14
- ★ Member Fielder then moved to approve the minutes as amended. Member Boggess seconded and the motion passed unanimously.

CHAIRMAN'S REPORT

Chair Hendricks reported that in the absence of a formal Chair there is no report. However, Chair Hendricks signed tax credit forms as required and signed a letter addressed to the Administrative Law Division requesting a number for a proposed rule.

STATE HISTORIC PRESERVATION OFFICER'S REPORT

Jan Biella, Interim SHPO, reported that under the HPD's National Park Service grant each state is required to develop a 5-year plan that describes a vision for historic preservation in the state. The current plan is brief, visual, and has lots of stories that discuss preservation efforts in New Mexico. The HPD anticipates following a similar format for the next 5-year plan.

The HPD has engaged in public education and outreach over the past year to discuss the state plan and has gathered comments from the public through a questionnaire designed to assist HPD with developing the new state plan. These comments are available for the committee to review.

The outcome of the comments overall is an endorsement of the current plan and its goals. Some commenters questioned the necessity of maintaining the current fifth goal, expanding diversity and reaching out to new communities, as a separate and highlighted goal or whether it should be incorporated into the other four goals which are 1) expand and strengthen public knowledge, 2) fund historic preservation, 3) incorporate historic preservation into planning, and 4) expand and strengthen advocacy and legal protections for cultural resources in the state. HPD would like the fifth goal incorporated within the other four goals.

Ms. Biella encouraged the assistance of the committee. The plan is not just for how things are done within the HPD but is a plan to incorporate the roles of others to participate and use when implementing preservation.

The current plan does not deal with specific targets or expectations but the new plan will review HPD's programs, the role of CPRC, and the goals and specific strategies for next 5 years. The new plan will address the expectations of where we'd like to be in five years.

The plan will conclude with the discussion of preservation and roles of our partners, our office, and different levels of government as we work together toward the same goals with budget reductions.

A final draft should be ready for the committee at the October meeting.

- ★ Member Fielder moved to accept the SHPO's report. Member Richey seconded and the motion passed unanimously.

SITE PROPOSALS – State Register of Cultural Properties

Gene's Tire Repair [Albuquerque, NM, Bernalillo County]

Terry Moody, HPD, introduced building owners, Mr. and Mrs. Kutvirt and Mr. Ed Boles, Planner with the City of Albuquerque. The *Gene's Tire Repair* nomination is eligible to the State Register of Cultural Properties under the thematic classification of architecture and commerce. The building's period of significance is 1950 – 1956. With a little more development this nomination could be national register eligible under the *Auto-oriented Commercial Development in Albuquerque, New Mexico, 1916 -1956* Multiple Property Documentation Form (MPDF).

Gene's Tire Repair is representative of the MPDF Property Subtype A: Commercial Strip Buildings. The building is modest but illustrates the post WWII dynamics that were occurring in Albuquerque. Following WWII, Albuquerque had a commercial and population boom. The size of the city increased from 11 square miles to 49 square miles. This resulted in the expansion of highway and arterials which led to auto-oriented businesses replacing pedestrian-oriented

businesses. Post WWII buildings are reminiscent of Mid-Century Modern commercial building with regional vernacular concrete block walls, inset double-doors, large storefront windows, and brick detailing.

Member Richey inquired about the current use of the property and wanted to know the extent of the site. Mr. Kutvirt responded that it is currently used as warehouse space for his business and that will not change. The lot is 50' x 150' and the building is 30' x 60'.

Mr. Kutvirt mentioned that he was preparing to renovate the front of the building and Mr. Boles of the City of Albuquerque approached him and asked if he had considered a historic designation for the building. After speaking with Mr. Boles, the owner was interested in applying for historic designation of the building and in rehabilitating the storefront to reflect its historic period.

Member Richey asked what the neighborhood is like. Mr. Kutvirt responded that it is mixed: a couple of automotive shops built in the late 1940s but most of the buildings in the neighborhood have been altered. Rehabilitating this building might help characterize the historic post-war era of this section of 4th Street.

Member Toya mentioned that he attended a meeting [City of Albuquerque North Fourth Street Revitalization committee] recently on the rehabilitation of 4th Street and noted that a problem with the building is that it is very close to the street which could have right-of-way issues that could come into play.

Member Richey asked if 4th Street is the former main road. Mr. Kutvirt said that prior to 1937 it was Route 66.

Member Toya thought the building had merit. He noted that the buildings are very close to the road and if a median is put in there would be very little room for four lanes. Member Toya wondered if the committee [City of Albuquerque North Fourth Street Revitalization] looks at that when considering how to upgrade the area. Mr. Kutvirt said that most buildings that were built during the 1940s and 1950 but have been altered beyond recognition.

Member Richey asked if the owner anticipated doing anything with the south and north elevations. Mr. Kutvirt responded that only facade work is being considered at this time.

Mr. Richey noted that with the large storefront windows the building looks more like a laundromat rather than a tire repair store and asked Mr. Boles if he could speak on the issue.

Mr. Kutvirt noted that lots of other commercial buildings of the period were built with large storefront windows.

Mr. Boles said that others have expressed Mr. Richey's opinion and that there are no service bays in the building as one would expect. Gene's Tire Repair is the best name for the building to date

based on Mr. Kutvirt's search. Mr. Boles stated that there is probably more to the story but it has not been discovered yet but the building name is a secondary issue. He mentioned that this may be a speculative building. The building was used as a furniture store at one time as well. The storefront is very dramatic and the windows are as large as they can be for a building of that size. Member Richey thanked Mr. Boles for the clarification of the buildings usage over time because previously he could not envision it could be used as a tire repair business.

Chair Hendricks asked how this building rates as an example of this type of building on an arterial in Albuquerque. Mr. Boles responded that as a stand-alone store, this is one of the best examples of a small building from the post WWII period of this sub-type.

Member Richey asked if anything could be done about the side elevations because it seems to be unfinished and suggests that it is unworthy of register designation. Ms. Moody said that the defining elements of this period include concrete block and wood which is typical and important character-defining characteristic of this period.

Member Richey thought maybe sand-blasting the entire side of concrete block to create a uniform color and removing the conduit might help. Chair Hendricks noted that older image did not have the conduit.

Mr. Boles cited the MPDF author Chris Wilson noting that auto-oriented commercial buildings were built with space and separation between the buildings. Previously the stores had been built along Main Street and were pedestrian-oriented with virtually no space between buildings. The utilitarian material was hidden due to the close proximity of the buildings. Exposure of these materials should not be a demerit for determining worthiness and the building retains its basic design quality in the facade.

Ms. Moody said that the goals in nominating the building are to preserve the building and apply for state tax credits. If the property is listed then the owner can move forward with the rehabilitation of the building's facade.

Member Fielder noted that "This building is a victim of the period in which it was built. We cannot put our standards on it but rather accept it as it is."

Member Richey stated that he would like the concrete block cleaned up and uniform in color and did not realize that the City had been conducting a study and wondered how the building fits in with the neighboring structures and the City's plan.

Mr. Boles noted that Member Toya had mentioned there was a study for the planning of 4th Street [by the City of Albuquerque North Fourth Street Revitalization committee] and that the planning process was completed for the 4th Street area. The hope is that 4th Street becomes more amenable to pedestrians. There's a driveway on the south side of the lot, which provides access for the vacant north portion of the lot, so it does have the potential for re-use. Mr. Boles further stated

that the building stands out in spite of its modesty. Member Richey agreed that the facade is intact and that re-use is important.

- ★ Member Fielder moved to place *Gene's Tire Repair* to the State Register of Cultural Properties. Member Boggess seconded and the motion passed unanimously.

SITE PROPOSALS – Official Scenic Historic Markers

Old Silver City Cemetery "Memory Lane" Established ca. 1882 [Grant County]

Tom Drake reported to the committee that the original *Old Silver City Cemetery* historic marker was erected in 1971 and dedicated by State Historian Marc Simmons, as reported by local media at the time. The original marker disappeared during the reconstruction of Highway 180. The members of the *Town & Country Garden Club* initiated the original marker in 1971 and again initiated the replacement marker with corrections and enhancements to the former text. The former location of the marker is not suitable given the changes to the highway and the proposal is to place the marker closer to the cemetery.

Member Richey noted that Sheriff Harvey Whitehill is a very prominent citizen in Grant County and a friend of Billy the Kid, and would like him mentioned on the marker if he is buried in the Old Silver City Cemetery. Mr. Drake noted that there are many unmarked burials and assured Member Richey that he would substantiate whether or not Sheriff Whitehill is buried at the Old Silver City Cemetery with the *Town and Country Garden Club*.

- ★ Member Richey moved to approve the Old Silver City Cemetery marker contingent upon investigation of Harvey Whitehill and that his name is added to the marker if he is buried in the Old Silver City Cemetery. Member Fielder seconded and the motion passed unanimously.

Chair Hendricks would like the record to reflect that Marc Simmons was never the State Historian.

COMMITTEE MATTERS

Rules & Regulations: Update on New Rule for State Register Nominations

Ms. Biella updated the committee on the developments in drafting the State Register rule. The draft rule is consistent with recommendations from Secretary Gonzales and in discussions with the Secretary and others that a rule for the State Register be created. There is a need that the rule be written in such a way that it can draw on federal rule and be compatible and companion to the federal rule for listing in the National Register of Historic Places.

Ms. Biella noted that in creating the draft she copied the text verbatim from federal rule 36 CFR Part 60 and looked at register rules from Arizona, California, Illinois, Virginia, Utah, and Washington. Illinois and Virginia were a good fit to federal rule and to the state law. She put together common sections and included and addressed numerous issues, including definitions, format and content, which prescribes a way to write nominations, how the

committee hears nominations, the notification process, criteria, multiple properties and multiple ownership.

Ms. Biella sent the discussion draft to Chair Hendricks and Member Boggess for review and they provided comments, followed by a conference call and meeting to go through the specifics of the proposed rule. Based on those comments, final revisions were made. The new rule is Title 4, Chapter 10, Section 18 and has been approved by the Administrative Law Division.

The next steps will be to send the draft rule to Attorney General's office for legal review, the Administrative Law Division for formatting, followed by the public process. The target date for completion is December 31st.

Chair Hendricks asked Zach Schandler, Assistant Attorney General, for direction as to whether he, as Chair, could direct the Attorney General's office to provide legal review and return their comments on the proposed rule within a couple of weeks or if a motion from the committee would have to be made. Mr. Schandler indicated yes, the Chair could direct the AG's office to do so.

Chair Hendricks then directed the Assistant Attorney General for the CPRC to work with Ms. Biella, Interim SHPO, in finalizing the draft rule.

SUBCOMMITTEE MATTERS

Part 1 Amendments

- ★ Member Richey moved to approve the part 1 amendment for **315 Wellesley NE, Albuquerque**. Member Fielder seconded and the motion passed unanimously.
- ★ Member Richey moved to approve the amendment for the project [metal roof and solar panel installation] for the **El Raton Theater, Raton**, as submitted with the condition that the applicant provide to HPD for approval scaled architectural drawings of details at important roof junctions as requested by staff, and that there be continuing staff or subcommittee consultation as necessary. Member Toya seconded and the motion passed unanimously.

Part 1s

- ★ Member Richey moved to approve the Part 1 application for **10 Link St NW, Albuquerque**, for both roof submittals, with the condition that no roofing material is visible from the street at the parapets, nor visible from the common areas at the canals or parapets, that there be continuing staff consultation, and that the project be approved by the Architectural Committee at La Luz. Member Fielder seconded and the motion passed unanimously.
- ★ Member Richey moved to approve the Part 1 application for **4 Arco Ct. NW, Albuquerque**, with the condition that the project be approved by the Architectural Committee at La Luz. Member Fielder seconded and the motion passed unanimously.

- ★ Member Richey moved to approve the Part 1 application for the **Garoffolo House, 1908 Griegos Rd NW, Albuquerque**, with the condition that a revised estimate for the bathroom work be submitted to staff for approval prior to construction. Member Fielder seconded and the motion passed unanimously.
- ★ Member Richey moved to approve the Part 1 application for the **Cassidy Casita, 924 Canyon Rd #5, 6, and 7, Santa Fe**, with the condition that there is no foam visible on top of the perimeter parapets, fascia or edges, nor any added thickness at the perimeter edge; and, that scaled details be provided to staff for review and approval prior to work demonstrating the perimeter edge conditions. Member Fielder seconded and the motion passed unanimously.

Part 2s

- ★ Member Richey moved to approve the Part 2 application for **315 Sandia Rd NW, Albuquerque, in the amount of \$6,101.08 for a 50% credit of \$3,050.54**. Member Fielder seconded and the motion passed unanimously.
- ★ Member Richey moved to approve the Part 2 application for the **O.D. Wait House, 1606 Silver SE, Albuquerque, in the amount of \$8,385.46 for a 50% credit of \$4,192.73**. Member Fielder seconded and the motion passed unanimously.
- ★ Member Richey moved to approve the Part 2 application for **2000 Silver Ave SE, Albuquerque, in the amount of \$5,320.04 for a 50% credit of \$2,660.02**. Member Fielder seconded and the motion passed unanimously.

PERMIT MATTERS

Applicants for Listing on the SHPO Directory

- ★ Member Boggess moved to approve the application for listing on the SHPO Directory under Architectural History for Tony Atkin. Member Fielder seconded and the motion passed unanimously.
- ★ Member Boggess moved to approve the application for listing on the SHPO Directory under Historic Architecture for Sam Sterling. Member Fielder seconded and the motion passed unanimously.
- ★ Member Boggess moved to approve the application for listing on the SHPO Directory under Historic Architecture for Tony Atkin. Member Fielder seconded and the motion passed unanimously.
- ★ Member Boggess moved to untable the application for listing on the SHPO Directory under Archaeology as Principal Investigator/Project Director for Joanne Tactikos. Member Richey seconded and the motion passed unanimously.

- ★ Member Boggess then moved to approve the application for listing on the SHPO Directory under Archaeology as Principal Investigator/Project Director for Joanne Tactikos. Member Richey seconded and the motion passed unanimously.
- ★ Member Boggess moved to approve the application for listing on the SHPO Directory under Archaeology as Supervisory Archaeologist/Crew Chief for Lillian Greenawald. Member Richey seconded and the motion passed unanimously.
- ★ Member Boggess moved to untable the application for listing on the SHPO Directory under Archaeology as Supervisory Archaeologist/Crew Chief for Thomas Jones. Member Fielder seconded and the motion passed unanimously.
- ★ Member Boggess then moved to approve the application for listing on the SHPO Directory under Archaeology as Supervisory Archaeologist/Crew Chief for Thomas Jones. Member Richey seconded and the motion passed unanimously.
- ★ Member Boggess moved to untable the application for listing on the SHPO Directory under Archaeology as Supervisory Archaeologist/Crew Chief for Linda Schilling. Member Richey seconded and the motion passed unanimously.
- ★ Member Boggess then moved to approve the application for listing on the SHPO Directory under Archaeology as Supervisory Archaeologist/Crew Chief for Linda Schilling. Member Richey seconded and the motion passed unanimously.
- ★ Member Boggess moved to approve the application for listing on the SHPO Directory under Cultural Anthropology for Tony Atkin. Member Richey seconded and the motion passed unanimously.

Applicants for a 2011 General Archaeological Investigation Permit

- ★ Member Boggess moved to approve the 2011 general archaeological investigation permit application for Gulf South Research Corporation provided that the applicant submits the field forms. Member Richey seconded and the motion passed unanimously.

Applicants for a 2011 Annual Unmarked Human Burial Excavation Permit

- ★ Member Boggess moved to approve the 2011 annual unmarked human burial excavation permit for the Office of the Medical Investigator, Dr. Wendy Potter and Monica Mondragon. Member Richey seconded and the motion passed unanimously.

Project Specific Permits for Archaeological Investigations on State Land

- ★ Member Boggess moved to approve the project specific permit for the Office of Contract Archeology, University of New Mexico for archaeological excavation of LA 47821, LA 127051 and LA 157279 located Near Lake Roberts on New Mexico Department of Game and Fish Lands

in Grant County, provided that future map submittals depict the north arrow. Member Richey seconded and the motion passed unanimously.

[Committee break 2:00 P.M. – 2:12 P.M.]

Chair Hendricks asked for a motion to amend the agenda to include a brief update on St. Catherine's from the Interim SHPO.

- ★ Member Fielder moved to amend the agenda as stated by Chair Hendricks and motion passed unanimously.

Ms. Biella received an email from Mr. Polk, attorney for owner of St. Catherine's, and he asked that the committee be informed that on the HPD's website it states that generally speaking the committee does not list a property to the State Register under owner objection.

Another representative of the owner is working on gathering additional information on the buildings at St. Catherine's, including construction drawings and when building changes were made. The hope is to bring additional information to the CPRC's October meeting. The owner has a desire to have the contributing status of a couple of some of the buildings and the size of the district reconsidered.

OLD BUSINESS

Historic Preservation Loan Fund Update: Completed & Current Loans

Dorothy Victor, HPD, provided a loan fund update to the committee. The loan fund was initiated in 1987 to provide low interest loans to property owners for the restoration, rehabilitation, repair and to meet building code of registered properties or that are contributing properties to a historic district on the State Register.

Loans are low-interest five-year loans administered by the HPD in partnership with local banks. The bank maintains all fiduciary responsibilities.

Since 1988 the state legislature has appropriated \$400,000 for the revolving loan fund. The fund has loaned \$747,258 and leveraged \$3,059,875 in rehabilitation dollars. For every \$1 in state funds loaned, \$4 was leveraged in private and federal funds. Thirteen loans have been made in nine counties. The majority of borrowers have utilized the tax credits for rehabilitation of qualifying properties.

Current Status of the Loan Fund

Currently the loan fund balance is \$340,082 from legislative allocations and interest. \$94,234 of the fund balance is outstanding from three active loans: 1) Hall Hotel, Magdalena, 2) the Winternitz Building, Las Vegas, and 3) the El Raton Theatre, Raton.

Completed Loans

Two loans were completed in 2010 – 2011, 1) Salgado in Albuquerque for a roofing project, which has been repaid, and 2) Eklund Hotel in Clayton.

Eklund Hotel [Clayton, NM, Union County]

Ms. Victor described the three-story Eklund Hotel as a preservation success. The Eklund Hotel is listed on both the State and National Registers. The nineteen owners completed the rehabilitation in 9 months and utilized the state and federal tax credits and the preservation loan fund. After four years of business, financial problems arose resulting, in part, from the increase in fuel prices and the economic downturn. HPD worked with the bank and the USDA [Rural Development], guarantor of the loan, to try to figure out a way for the hotel to remain solvent but the owners could not reach an agreement and the hotel closed. The property was in receivership for 22 months and was sold last February. HPD received 7% of the sale, \$82,692.17, which is counted against the loss, leaving the state with a loss of \$64,949.82. HPD did, however, accrue interest of approximately \$22,000. It is important to keep in mind that public money is not part of the loan guarantee and loans are risks.

State Fiscal Year 2011 Loan Reconciliation

There are differences in the loan fund balances as reported by HPD and the Department's Administrative Services Division (ASD). Both Division's are working together on the fund balance reconciliation, which resulted from several factors, including the SHARE financial accounting system transfer from the previous accounting system and clerical error. Ms. Victor assured the committee that the HPD is conscientious about handling the loans correctly and reconciliation will occur. Difficulty arises when one wants to utilize the loan fund and there is a balance difference.

NEW BUSINESS

Preservation Loan Fund Priority Ranking [September 1, 2011 – August 31, 2012]

Ms. Victor briefly went over the preservation loan fund priority ranking for September 1, 2011 – August 31, 2012 and the criteria guidelines and priority ranking for eligible properties, and activities that are ineligible for loan assistance [on file at HPD].

All projects must meet the Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*. HPD retains the authority to deny a project if funds are received from another entity and that entity has a negative on the preservation of the building or the State and National register status of the building.

- ★ Member Fielder moved to accept the Preservation Loan Fund Priority Ranking for September 1, 2011 – August 31, 2012. Member Richey seconded and the motion passed unanimously.

Member Toya wanted to know how this priority ranking differs from the previous ranking. Ms. Victor responded that the content is basically the same but worded differently so that it's easier to understand. For example, the last paragraph under "priority ranking" regarding new

construction, the previous ranking stated that "...the Historic Preservation Division *may deny a project* if work funded by other parties..." now states "...the Historic Preservation Division *retains the authority to deny a project* if work funded by other parties...". All changes are minor and have not affected the content of previous priority rankings.

Member Toya asked if the priority ranking is available to the public prior to the meeting. Ms. Victor responded that it typically has not been, and the committee adopts the ranking for the year, and then it gets posted unless the committee directs otherwise.

Member Toya wanted to know if the changes are minor enough to not be available to the public prior to the meeting. Chair Hendricks stated that if there were major changes the committee would make it available to the public prior to the meeting.

MainStreet Revolving Loan Committee Seat

Chair Hendricks directed Ms. Victor to send Alan Watson a letter indicating the committee's desire to retain him as the CPRC's designee for the MainStreet Revolving Loan Committee.

Code of Conduct and Ethics

Each member signed and submitted a Code of Conduct and Ethics form.

FY12 Open Meetings Resolution


- ★ Member Toya moved to adopt the FY12 Open Meetings Resolution. Member Fielder seconded and the motion passed unanimously.

DATES OF NEXT MEETINGS

The dates of the next two meetings will be October 14 and December 9.

ADJOURNMENT

- ★ Member Boggess moved to adjourn at 2:50 P.M. Member Richey seconded and the motion passed unanimously.



Rick Hendricks, Chairman