



Agenda

CITY CLERK'S OFFICE

DATE 2/14/11

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ARCHAEOLOGICAL REVIEW COMMITTEE MEETING

THURSDAY, February 17, 2011 –4:30 p.m.

LAND USE CONFERENCE ROOM

A M E N D E D

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. APPROVAL OF MINUTES: January 20, 2011.

E. OLD BUSINESS

F. NEW BUSINESS

1. Case #AR-04-11. Approval of a Final Treatment Report for 531.65 sq. ft. at First Judicial District Courthouse Complex, on the northeast corner of Sandoval Street and Montezuma Avenue, LA 156207 and LA 167408, Santa Fe, New Mexico. (Historic Downtown District). Requested by Steven A. Lakatos for Gundar Peterson. (David Rasch).

G. ADMINISTRATIVE MATTERS

H. COMMUNICATIONS

I. MATTERS FROM THE COMMITTEE

1. Ratify elections of officers.

J. BUSINESS FROM THE FLOOR

K. ADJOURNMENT

For more information regarding cases on this agenda, please call the Historic Division at 955-6605. Interpreters for the hearing impaired are available through the City Clerk's office at 955-6520, upon five (5) days notice.



Agenda

CITY CLERK'S OFFICE

DATE 2-9-11 TIME 1:55

SERVED BY Camille Vigil

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CITY OF SANTA FE
ARCHAEOLOGICAL REVIEW COMMITTEE
Land Use Conference Room
February 17, 2011

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<u>CASE #AR-04-11. APPROVAL OF A FINAL TREATMENT REPORT OF THE RESULTS OF ARCHAEOLOGICAL MONITORING FOR 534.65- SQ. FT. AT THE FIRST JUDICIAL DISTRICT COURTHOUSE COMPLEX, ON THE NORTHEAST CORNER OF SANDOVAL STREET AND MONTEZUMA AVENUE, LA 156207 AND LA 167408, SANTA FE, NEW MEXICO. (HISTORIC DOWNTOWN DISTRICT). REQUESTED BY STEVEN A. LAKATOS FOR GUNDAR PETERSON</u>	<i>Recommend Approval with corrections</i>	3-11
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RATIFY ELECTION OF OFFICERS	Approved	
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ADJOURNMENT Melessia Helberg, Stenographer		

**MINUTES OF THE
CITY OF SANTA FE
ARCHAEOLOGICAL REVIEW COMMITTEE
~~Land Use Conference Room~~
City Councilors Conference Room
February 17, 2011**

A. CALL TO ORDER

A meeting of the Archaeological Review Committee was called to order by Jeremy Kulisheck, Chair, at approximately 4:30 p.m., on February 17, 2011, in the City Councilors Conference Room, City Hall, Santa Fe, New Mexico.

B. ROLL CALL

Members Present

Jeremy Kulisheck, Chair
Gary Funkhouser
James Edward Ivey
Tess Monahan
David Eck

Others Present

David Rasch, Staff Liaison
Stephen Lakatos, OAS
Jack Hiatt, St. Catherine's Indian School
Don L. Helberg for Melessia Helberg, Stenographer

Audience

Gundar Peterson, Daniel B. Stephens & Associates
John Kovacs, NMED-PSTB
Susan Von Gunter, NMED-PSTB
Tom Golden, Daniel B. Stephens & Associates

There was a quorum of the members of the Committee in attendance.

NOTE: All items in the Committee packet for all agenda items are incorporated herewith to these minutes by reference; and the original Committee packet is on file in, and may be obtained from, the Historic Planning Division.

C. APPROVAL OF AMENDED AGENDA

Chair Kulisheck said the caption for Item E(1) Case #AR-04-11 is incorrect because it does not match the title of the report before the Committee. He asked Mr. Rash if the caption can be changed and Mr. Rash said yes. Chair Kulisheck would like to change the caption as follows:

Case #AR-04-11. Approval of ~~a Final Treatment Report~~ Results of Archaeological Monitoring for 531.65 sq. ft. at the First Judicial District Courthouse Complex, on the northeast corner of Sandoval Street and Montezuma Avenue, LA 156207 and LA 167408, Santa Fe, New Mexico. (Historic Downtown District). Requested by Steven A. Lakatos for Gundar Peterson.

Mr. Rasch said the Agenda was amended at the City Clerk's request to ratify the election of the Chair and the Vice Chair, but that doesn't appear on this Agenda, although it was published as an Amended Agenda, so that has to be included on this Agenda.

MOTION: Tess Monahan moved, seconded by Jake Ivey, to approve the Amended Agenda as Amended.

VOTE: The motion was approved on a voice vote, with Gary Funkhouser, James Ivey and Tess Monahan voting in favor of the motion, none voting against and David Eck absent for the vote.

D. APPROVAL OF MINUTES

David Eck arrived at the meeting

January 20, 2011

The following corrections were made to the minutes:

Page 3, paragraph 11, line 3: Change "survey" to "property."

Page 6, paragraph 1, line 2, change "ceding" to "exceeding."

Page 10, paragraph 6, line 3, change "protection" to "detection."

Page 11, paragraph 8, line 1, delete "the treatment plan is that the."

Page 13, paragraph 8, line 3, correct as follows: "He said when...."

Page 13, paragraph 8, line 5, change "work" to "word."

Page 14, last paragraph, place a quotation mark after "that."

Page 16, paragraph 2, line 1, add a clarification that the Permitting software, referred to by Mr. Rasch is the HTE system in the Building Permits Division.

MOTION: Jake Ivey moved, seconded by Tess Monahan, to approve the minutes as amended.

VOTE: The motion was approved unanimously on a voice vote.

E. OLD BUSINESS

There was no Old Business.

F. NEW BUSINESS

1. **CASE #AR-04-11. APPROVAL OF A FINAL TREATMENT REPORT FOR 531.65 SQ. FT. AT FIRST JUDICIAL DISTRICT COURTHOUSE COMPLEX, ON THE NORTHEAST CORNER OF SANDOVAL STREET AND MONTEZUMA AVENUE, LA 156207 AND LA 167408, SANTA FE, NEW MEXICO. (HISTORIC DOWNTOWN DISTRICT). REQUESTED BY STEVEN A. LAKATOS FOR GUNDAR PETERSON. (DAVID RASCH)**

[STENOGRAPHER'S NOTE: The Committee voted to change the caption of this Case, as published and then took action on a request which was not noticed appropriately. The caption as corrected by the Committee is as follows:

CASE #AR-04-11. APPROVAL OF A FINAL TREATMENT REPORT OF THE RESULTS OF ARCHAEOLOGICAL MONITORING FOR 531.65 SQ. FT. AT THE FIRST JUDICIAL DISTRICT COURTHOUSE COMPLEX, ON THE NORTHEAST CORNER OF SANDOVAL STREET AND MONTEZUMA AVENUE, LA 156207 AND LA 167408, SANTA FE, NEW MEXICO. (HISTORIC DOWNTOWN DISTRICT). REQUESTED BY STEVEN A. LAKATOS FOR GUNDAR PETERSON. (DAVID RASCH)

Mr. Lakatos said he would like to clarify that the square footage should be 1,636.02 sq. ft., instead of 531.65 sq. ft..

Chair Kulisheck said that was deleted from the caption in the approval of the Agenda, noting the amended caption.

Mr. Lakatos provided a brief background of the project from 2007, which is contained in the Results report. He said the fascinating part of the project is how well the archival research balanced the archaeology and vice versa.

Mr. Ivey said he has no comments on the Results.

Mr. Funkhouser said with regard to the chapter on Natural Environmental and Cultural Setting, beginning on page 5, under Paleoenvironment, he agrees this is representative of the regional climate, but there are no independent studies. He said you could "flip the things," and still get the same results, noting this is a technical point, and they're not independent in the strictest sense.

Mr. Lakatos asked if he would "say these are the same data."

Mr. Funkhouser said the data is highly correlated, and probably true because they are reflecting the same climate. The climate is correlated across that space as well.

Mr. Funkhouser said, with regard to the Arroyo Hondo report, "there is something about the graph that bothered me, and I'm not sure what it is, but this scale doesn't look to me like ten year running averages. And I couldn't find the "space it out." [Mr. Funkhouser's remarks here are inaudible] He asked Mr. Lakatos to "check that out."

Mr. Funkhouser said if you look at it, there clearly are two parts. "This" part is archaeological wood and "this" part is the living wood, and you can see the spacing of the two. He said he feels these spikes are driven by "like one tree or something," and he would be reluctant to make inferences about the "stuff up to about a thousand," based on that, and is sure it is the sampling size. He said it's probably just one tree and the reason he got "this incredible variance." He doesn't know what to do about getting more recent stuff out. He said if he would like he can try to get it for it, but he doesn't know where it is published. He said the marked stuff here is a little dated, "it's like 1981."

Mr. Funkhouser asked, "Where did the graph come from," and asked if Mark did that.

Mr. Lakatos said no, he entered all the Rose data.

Mr. Funkhouser said, then you know these are running averages and it seems pretty clean at that scale.

Mr. Lakatos said "Maybe so, but I'll have to check those."

Responding to Mr. Funkhouser, Mr. Lakatos said the Rose data is from 1981.

Ms. Monahan said she appreciates the historical merit and likes the way it was organized and likes the expertise provided by the members which she found to be articulate and informative. She asked, on page 61, under summary, where he said he found blue beads from a rosary which he describes as a "wound blue bead," and asked what he means by that.

Mr. Eck said it is a technique of winding on something while it's molded.

Ms. Monahan said then it isn't wound by wire, but it is the technique of creating it, and Mr. Lakatos said this is correct.

Ms. Monahan asked if the human remains were put with others, and Mr. Lakatos said this is correct.

Ms. Monahan asked if any of the remains were Native American.

Mr. Lakatos said, "They are indeed Native American."

Ms. Monahan asked if the remains have been repatriated.

Mr. Lakatos said the final disposition plan is on file with State HPD, and that is what they will follow for this particular individual, so individuals from that site will be interred based on the disposition plan, including the other six individuals.

Mr. Eck, referring to page 70, asked to which teeth he is referring in the discussion of teeth on the left side of the page at the very bottom. He said he believes that would be solved by correcting the next to last sentence as follows: "The two mandibular premolars have more enamel, suggesting the corresponding maxillary premolars were lost ~~after~~ before the incisor and canine."

Mr. Lakatos said he will clarify that.

Chair Kulisheck said he thinks it is an excellent report, extremely informative and just very high quality in terms of its production and content. He thanked "OAS and you and the folks" for the excellent report.

Chair Kulisheck said he has comments, the first on page 1 with regard to how the strategy to approaching this particular project came about while doing the archaeological investigation, particularly the choice to approach this as a monitoring project as opposed to a data recovery project. Also, that seems to be a decision that "you all" reached in consultation with the State Historic Preservation Division, and Mr. Lakatos said this is correct.

Chair Kulisheck asked how that consultation was done, noting he saw no documentation of that consultation referenced – was it done by phone, face to face, letter or what.

Mr. Lakatos said he has a letter on the monitoring plan which was submitted. He said, basically, the idea that they knew part of the project was falling within or very close to the known site where they had done data recovery. It's continuity was of contiguous nature with the transects of paving, and they figured that was the best approach. Also, because the piece of land where the trench was extended onto the known site was "right up against" the Santa Fe [inaudible] building, as where they had demolished the [inaudible] condo. So, the likelihood for the ~~incidents~~ incidence of pottery there was very minimal. Beyond that, there were no known site remnants, and they didn't know that site was going to extend farther north, and couldn't predict [inaudible]. He said based on the set criteria, they presented HPD with a monitoring plan for this project.

Chair Kulisheck said it seems to him that the original project already satisfied the requirements of the Ordinance, in terms of the extent of the site that was excavated initially. He said one thing which would have been helpful would have been to include the documentation of the letter report with this report, because the Committee wasn't involved in the development of the monitoring plan, and since that was the result of an agreement between Mr. Lakatos and the State. He asked, in the future, that Mr. Lakatos include items like this in the packet when he brings issues before the Board where pre-consultation has taken place between him and SHPO.

Chair Kulisheck said there appears to be an enormous amount of information on-line, and he just heard some great presentations from the people at the Laboratory of Tree-Ring Research, which has an

enormous amount of information at its website. He said Mr. Lakatos could just download that information and it wouldn't be necessary to enter it again.

Mr. Rasch asked if non- members can see the reports from the Laboratory.

Chair Kulisheck said yes, all of its publications and data are public information. He said if he can't find the data he is looking for, he would recommend sending an email to any of the people there at the Laboratory, and ask for any better data available, noting he is using Rose's data from 1981.

Mr. Lakatos said there is no problem in getting the information and they need to think of a way to make that information available, because he doesn't think reconstructions are available to the public.

~~Mr. Eck~~ Mr. Funkhouser said a lot of stuff has been updated since they did the Arroyo Hondo and he can check with Jeff on that.

Chair Kulisheck referred to page 26. He said in the discussion of manual excavation in paragraph 3, Mr. Lakatos discusses bulk sediments from the hand-excavated grid units, and says, "Unless previously determined to be modern or recent overburden or otherwise of a redundant nature, all hand-excavated fill was screened through 1/4 inch mesh hardware cloth." He asked Mr. Lakatos to explain what he means by "otherwise of a redundant nature."

Mr. Lakatos said, "In general, that first mantle of asphalt base course, and then below the base course almost entirely across the project area was a mixture of glass, metal, nuts, bolts, wire, but depending on where you were in the project area, that content varied. And we sampled some of that within the Judicial Complex area and found out that to be actually whatever was razed in that general area that's kind of what you ended up with. So we were feeling like okay, we have a sample of this which we systematically collected. We can profile this. We can look at this a number of ways, both vertically and horizontally. So we felt collecting more of that, trying to quantify that material is redundant."

Chair Kulisheck said then it refers specifically to that uppermost stratum that falls just beneath the modern cap.

Mr. Lakatos said, "Those strata that we had actually sampled in other places, below the modern cap and right above that sandy clay layer, but, like I said, depending on where you are in the project area, that layer varied in its content and thickness."

Chair Kulisheck said in the next paragraph, Mr. Lakatos talks about bulk construction materials, and says, "In most cases, however, these types of materials were quantified in the excavation notes by recording the type and quantity of each item." He asked what measures were used in terms of quantifying the items."

Mr. Lakatos said, "Capital counts."

Chair Kulisheck referred to page 27, where Mr. Lakatos says, "Vertical treatment of deposits varied according to their nature." He said he presumes this refers to the uppermost layer to which Mr. Lakatos referred earlier. Chair Kulisheck further quoted, "Although the spatial relationships among artifacts in noncultural deposits are rarely meaningful, horizontal and vertical control were maintained when appropriate." He is uncomfortable with the phrase, "artifacts in noncultural deposits," and asked if there is a better terminology to use instead to refer to the nature of those mixed deposits of limited interpretative potential. He would prefer to see that, rather than noncultural, because the very presence of artifacts would suggest that it was a cultural layer, but the nature of the redeposition of that layer and the mixture of that layer has severely limited... you had exhausted its data recovery potential which I think would be a better way to put it. You might want to... obviously I'm not being particularly succinct, and I think maybe that's what you were aiming for. But I think noncultural is... I think is confusing in that respect, because, to be quite frank, I find it inaccurate. But, I am wholly sympathetic with the perspective that yes.... of why you've chosen to... cease... or felt like you were complete in your analysis of that and you've exhausted the data recovery potential. I'm sympathetic to that, but I believe the terminology should be changed in this particular section."

Chair Kulisheck referred to Table 1 on page 35. He said, although Mr. Lakatos doesn't have to add it for this particular report, in future reports he believes it would be beneficial if he would include the metric of the excavated volume, at least an estimate, especially where each unit and trench is variable, especially for a report prepared for the State, noting this Committee also is here to see that it satisfies the City requirements.

Chair Kulisheck referred to page 37, right hand column in Dean Wilson's discussion of Native American Ceramics. Chair Kulisheck said in discussing the dating of it, Mr. Wilson says, "However, given the rarity of biscuit ware types and the absence of glaze ware types from these contexts, occupation mainly during the middle to late fourteenth century is most likely." Chair Kulisheck said that should be thirteenth century. He said on page 69, in Nancy Akins' discussion of the burial, she refers to the occupation as the late thirteenth to early fourteenth century, and suggested perhaps Mr. Lakatos might want the two authors in alignment, in terms of dating.

Chair Kulisheck said David Snow's "Brief History of Montezuma Avenue and the Surrounding Area," is a great section, especially the discussion of the road surface, and the road's relationship to the Capitol building. He said the discussion of Montezuma Avenue is on pages 75-78. He said since an XRF was run on the medallion, it would be interesting to run an XRF on some of the road materials. He said Mr. Lakatos can decide to do or not do that.

Mr. Lakatos said the medallion was found early on and he brought it up to Mark McKenzie because it was highly debatable, in their office, who designed it, what it dated to, and to try and subside some of that, "I had them to XRF it." He said they did collect some samples of the limestone and it is [inaudible].

Chair Kulisheck said, "It's just that Dave has so much here, could it be from here, could it be from here, and so on and so forth, and I thought, just run that sucker on the XRF machine and see what comes out."

Chair Kulisheck said on page 79 under Mr. Snow's "Observations on a Partial Cobble Foundation," he says in paragraph 2, "As such it reflects what might be only an occasional departure from the common assumption that only adobe bricks comprised the basic building blocks of Colonial and later Hispanic construction." Chair Kulisheck said his observation is that he knows of several places in the State where cobble construction has appeared in buildings that looked like they are adobes, but once you start to remove the mortar, you can see that they are indeed cobble construction. He said the two places he can recall this is in the Jemez Valley in the area north of Jemez Pueblo, where there are territorial and early statehood structures, late 1800s to early 1900s the classic American adobes period defined by Beverly Spears, and you get the plaster off and they're built out of cobbles. He has also seen this in the Valdez and Arroyo Hondo. Chair Kulisheck said, "So, I wonder if this construction method is actually quite a bit more common where cobbles are available for construction material.... and seeing it on either end of the region makes me wonder how common it is."

Chair Kulisheck said he noticed that in the report, "he" separated the comments pre-contact and post-contact for prehistoric and historic. He thinks that's good in terms of going part of the way to the need for our discipline to recognize that Native American history did not begin with the appearance of Europeans in the new world, and gives recognition and voice to the fact that Native American history is the history of Native Americans since they first arrived on this continent, regardless of whether or not Europeans were here "to write it down or not." He is glad "he" made that identification in terms of making this switch.

Chair Kulisheck said he would say the report still references Native American history relative to European history, and if we're going to really move and realign the way we use our vocabulary in talking about the history of Native Americans and in talking about the archaeological exploration of that history, "I think we can just talk about what's going on in Native American history relative to the chronology. So, rather than talk about pre-contact Pueblo, or pre-contact Anasazi, or pre-contact Native American history, it seems we could have just talked about it in terms of late coalition and early classic, rather than doing it as a reference to whether Europeans are around to write about it or not."

Chair Kulisheck said, "This is a really hard thing for us to break because we've built the whole infrastructure of archaeology around that divide, and so it is difficult. We recognize it. We recognize the problem. It's clear that you recognize it in your change of terminology. It is important within its history itself, rather than to European history. So, that's just an observation. You don't need to go back and find every reference to it in here, or make any changes vis a vis that, that was just a bug I wanted to put in your ear."

Mr. Lakatos said, "I completely agree and one of the... just the amount of ways we are trying to talk and explain these things to audiences who may not be familiar with... well you talk about classic, and some folks and some folks don't necessarily.... so in some ways trying to reference it to what our world is, our world view.... again, I agree with you that I could easily have said these are the Native American components..."

Chair Kulisheck said, "I'm sympathetic with that viewpoint as well, because it is true that the non-archaeological world, in addition to the majority of the archaeological world still thinks about it that way. They think about pre-history, and so, in a way we still have to reference to that as well. Yeah. I'm sympathetic to your approach. That's all I have."

Chair Kulisheck said this Committee will be making a recommendation to the State Historic Preservation Division, and asked the motion reflect that.

Mr. Eck said, "On the graph, the Arroyo Hondo, which is annual precip, even in parentheses I think it should be defined because I suspect that's like prior July current June.... and people will think that's January through December."

Mr. Lakatos said he will clarify that and get with the Chair on the update.

Ms. Monahan said on the application, the square footage doesn't match what he said, and asked if that should be changed.

Mr. Lakatos said the square footage is the larger number.

Ms. Monahan said it is her understanding this Committee doesn't approve these kinds of reports and only accepts them as being submitted to us.

Chair Kulisheck said what we are doing is to say we have accepted them and find them to be acceptable, and find them to be in conformance with the City Ordinance.

Mr. Rasch said you also can make recommendations for changes as well.

Mr. Lakatos asked if there is a way he can communicate this Committee's comments and changes to HPD, so they will know that they met and the comments were.... [Mr. Lakatos was interrupted here by Mr. Rasch.]

Mr. Rasch said the best way to do that is in Memorandum form, once the minutes are approved, with reference to those minutes with its comments and concerns.

MOTION: Tess Monahan moved, seconded by Jake Ivey, that with respect to Case #AR-04-11, that the Committee recommend approval to the State Historic Preservation Division, for the Results of Archaeological Monitoring at the First Judicial District Court Complex, on the northeast corner of Sandoval Street and Montezuma Avenue, as requested by Steven A. Lakatos for Gundar Peterson, with the incorporation of the Committee's aforementioned comments and suggestions.

VOTE: The motion was approved unanimously on a voice vote.

Responding to the Chair, Mr. Lakatos said he can provide the NIAF form when he provides the Memorandum.

G. ADMINISTRATIVE MATTERS

There were no administrative matters.

H. COMMUNICATIONS

There were no communications.

I. MATTERS FROM THE COMMITTEE

1. RATIFY ELECTION OF OFFICERS

Chair Kulisheck said at the previous meeting he offered the opportunity to be Vice-Chair to Tess Monahan because she was in attendance, and asked if she would like to offer the same opportunity to Mr. Ivey.

Ms. Monahan said she would, because if she is chairing the meeting, she doesn't get to vote.

Mr. Rasch said Ms. Monahan can vote in the case of a tie.

Chair Kulisheck said Ms. Monahan expressed some hesitation about being Vice Chair since she isn't an archaeologist or professionally involved in archaeology, but she was willing to accept the nomination. He asked Mr. Ivey if he would like to serve in that capacity.

Mr. Ivey said no. He asked Ms. Monahan if she would prefer not to serve.

Ms. Monahan said she can chair a meeting in the absence of the Chair, and is willing to accept this office.

Mr. Ivey said he just retired, and at this time, would rather Ms. Monahan serve.

MOTION: Jake Ivey moved, seconded by Gary Funkhouser, to ratify the election of Jeremy Kulisheck as Chair, and Tess Monahan as Vice-Chair, which was done at the meeting of January 20, 2011.

VOTE: The motion was approved unanimously on a voice vote.

OTHER

Chair Kulisheck said he will not be able to attend the first meeting in May, May 5, 2011, and asked Ms. Monahan to chair that meeting, if there are cases to be heard on that day.

Responding to a question from the Committee, Mr. Rasch said members who will be absent should call him at 955-6577, or Camille Vigil at 955-6605.

Chair Kulisheck asked Mr. Rasch if he has had the opportunity to follow up with Phil Bové regarding the Meadows Road acequia.

Mr. Rasch said he has not, noting he has talked with other people about it and they can't figure out what is going on, and he will continue to pursue this and report back to the Committee.

J. BUSINESS FROM THE FLOOR

Jack Hiatt, former Land Use Director, and currently a consultant to the New Mexico-St. Catherine's Indian School project, said he is here to request guidance and not a decision since this item was not on the published agenda.

Mr. Hiatt said his client made application for major demolition, and in reviewing the applicable ordinance, he realized that this Committee is an integral part of the decision making process. He is here to ask for guidance from the Committee in terms of the process.

Mr. Hiatt said he was told by Mr. Rasch that no landmark building has ever been approved for demolition in the history of Santa Fe. He said they will be going before the Historic Design Review Board and the City Council for permission to demolish four landmark buildings as well as several non-landmark buildings. His client is anxious to move forward and has asked him to make a presentation to this Committee in two weeks and to present the archaeological report they received yesterday done by the Federal Government's contractor.

Mr. Hiatt said this is the natural place to divert from what is agreed on. He has in mind a procedure which will take a different path. He provided Mr. Rasch with a bound and unbound copy of that report. He said he too is enamored by the historical comments, and got bogged down in reading the history of the area. He said in reading the substance of the report, he does not believe we will be seeing a lot of archaeological issues. However, he is proposing a compromise he hopes is acceptable, which is how to approach the archaeology during demolition with the "blessing" of this Committee.

Mr. Hiatt said he is proposing to look at the non-landmark buildings first and take them down to grade and slab as quickly as they can, then bring in an archaeologist on site for footings and the slab. He said it seems to him, to do that, it would be helpful for the Committee to have "this" report before you to consider their request at the next meeting of the Committee.

Mr. Hiatt said he will do whatever he can to facilitate this process so they can move forward in an expeditious manner.

Mr. Rasch said he believes Mr. Hiatt needs a little more advice, noting the property lies within two historic districts: the Historic Downtown and Suburban, and Mr. Hiatt needs to ask which is the more restrictive.

Mr. Rasch said the archaeological report offered by Mr. Hiatt isn't done by a City-approved archaeologist under City Code.

Chair Kulisheck asked if this is a federal undertaking.

Mr. Rasch said, "Not yet."

Mr. Hiatt said, "We anticipate that the Veterans Affairs Department will make an offer to purchase anywhere from six to twelve of the eighteen acre property. He said if you are familiar with the property, it's just the ballfield. The next six acres has both the landmark and non-landmark... and the federal government would prefer that we will adhere to the work and all agree to build a cemetery while we are there."

Mr. Rasch said there also is a cemetery on site.

Chair Kulisheck said the only thing he can say is that the purpose of this Committee is to review the work that has been conducted by the archaeologist and ensure that it conforms to the City Ordinance governing archaeological investigations and that is exactly what we will do. His understanding is that the report is submitted to this Committee by the Historic Preservation Division in a timely manner prior to the meeting so that all Committee members have the opportunity to review that report, so Mr. Hiatt doesn't need to supply the report to this Committee at this point, because it will be supplied by the HPD to Mr. Rasch. He said it is his understanding, which Mr. Rasch has communicated to Mr. Hiatt, that if it is a problem that the report was conducted by an archeologist and a firm which have not been approved by the City, that would disqualify its consideration under the Ordinance, so this is a problem Mr. Hiatt needs to pursue with the Historic Preservation Division to correct that. He asked Mr. Rasch how this can be corrected.

Mr. Rasch said his advice to Mr. Hiatt was to get someone from the approved list to go over the report to see where there are deficiencies and correct those and do whatever work is necessary. He said since it is in the Historic Downtown District, some trenching will be required which hasn't been done, and things such as that, and Mr. Hiatt's client will need to fill those out to City standards.

Chair Kulisheck asked if that would satisfy the permitting requirements under the Ordinance, and Mr. Rasch said yes. Chair Kulisheck said his advice to Mr. Hiatt would be to follow Mr. Rasch's advice in this matter.

Mr. Hiatt said he was Mr. Rasch's supervisor for 3 years and he always did that.

Mr. Rasch said he likes the idea of following the procedure we did with Ron Winters at Villa Alegre, where they allowed the demolition to clear and do the thorough investigation, unless the Committee would

prefer going around the buildings first and then follow with demolition.

Chair Kulisheck asked if they did the demolition first and then the archaeological at Villa Alegre, and Mr. Rasch said yes.

Mr. Rasch pointed out that the Villa Alegre buildings were from the 1960s, and the buildings to be demolished are no earlier than 1925.

Chair Kulisheck asked Mr. Eck his opinion.

Mr. Eck said some decision as to the historicity of the buildings and the allowability of demolition should be decided first, before they go and put trenches in the ground. However, if they are deemed to be historic through one interpretation or another, and can be demolished, he believes we should put the trenches in the ground before the buildings are demolished. This, just in case we learn something that might not be possible to learn after the minimal disturbance that would occur during demolition. He would hate to lose something by not looking when the opportunity presented itself.

Chair Kulisheck said then the distinguishment you are making between these and the Villa Alegre buildings is that the Villa Alegre buildings were not historic themselves.

Mr. Eck said that led him to not see it as the same case.

Mr. Hiatt said this is not a Historic District. These are landmark buildings, but the grounds are not historic in that sense, and doesn't know why that decision was made.

Mr. Rasch said it relates to the letter we got from Jan Biella.

[Too many people talking at the same time here to transcribe]

Mr. Rasch said in April the CPRC will be re-examining the boundary of the State Register features. He said currently there are individual features, the cemetery and some rock gateposts. However, according to Jan Biella, they have misinterpreted the intent of the nomination form and are considering expanding the boundary of this State Register feature to include the vacant land, including the ball field, noting this will happen in April.

Mr. Hiatt said it is convoluted, and there are differences between the State and City in terms of what was done. He said, from his point of view, in the best of all possible worlds for his client, this report indicates to him it reaches conclusions in the executive summary that there are minimal archaeological finds. He said he hopes to be able to move forward with the vertical demolition and then get to the archaeological side. He said this obviously is a judgment call to be made by this Committee. However, if there is minimal impact, hopefully they can move forward with the non-landmark buildings at this time, noting they have to "fight this fight before the H-Board and the City Council on the way."

Chair Kulisheck asked Mr. Eck his reason for saying that archaeology should not take place prior to the resolution of the historic issues surrounding the buildings.

Mr. Eck said it seems that the requisite testing would be required, and would be a non-issue if the ultimate decision is, "no, the building must be preserved, and we can't change the context they sit in, so why would we want to tear it up, looking for archaeology that would potentially never be bothered" if that is the decision.

Mr. Hiatt said they provided their request to the Historic Design Review Board in two ways. They made an application which considers three areas which we will cherry pick first. He said, "One, let us demolish the non-landmark buildings right away. They shouldn't care, I don't think they will. Secondly, let's go to the map on the landmark buildings. As you pointed out, nothing will be done vis a vis the landmark buildings, first of all, until we have a plan that is acceptable to you. Secondly, we can postpone that easily at the next meeting and put us off because we're not going to get there for a while. But, I would say the logic, if it works for the non-landmark, it could work for the landmark. But, you're right, we have to go through that exercise if we're going to demolish them, and I think that makes some sense. And the third part of this, is we will be making alterations to three landmark buildings which shouldn't have so much controversy attached to them. But the client has asked to postpone that just to simplify all this."

Ms. Monahan said then this report will be ~~adopted~~ adapted by an approved archaeologist and then submitted to this Committee, which she doesn't believe can be done in two weeks. However, it would depend on Mr. Hiatt's relationship with that person, their schedule and what could happen, and whether Mr. Hiatt's client is willing to bear that expense. She said, "I'm not even sure it's appropriate now, because we can't get this sequence worked out."

Mr. Hiatt said he anticipated this, and already has contacted an approved archeologist, and the archaeologist has already reviewed the State Register nomination packet and made a proposal to his client, and he expects the archaeologist to be ready in two weeks. He said given what he heard this afternoon, he will tell the client that "we" aren't coming back to the Committee without a report.

Mr. Ivey said he is somewhat confused by some of the terminology. He said you keep using the term landmark, and asked if they are referring to a National Landmark.

Mr. Rasch said they are eligible for designation as a City landmark, and also are on the State Register.

Too many people talking at the same time to transcribe Mr. Ivy's question

Chair Kulisheck said the correct term is "State Register of Cultural Properties."

Mr. Ivy said he would prefer if they stay with State Landmark or City Register phrase, and "you cause way too many flinches with that landmark term."

Mr. Hiatt said he is concerned about the division of property between two historic districts, noting most of the demolition work occurs in the Suburban. He said, "So, I would argue at least, you consider taking the more minimal standard. It wouldn't make any difference, frankly, if you adopted the compromise that we proposed which would allow us to remove the [inaudible], and then bring the archeologist in. It could happen, I think, either way. Is that correct David. Do you understand what I'm saying."

Mr. Rasch said yes, although he also hear's Mr. Eck's concern. He said the Historic Downtown District covers most of the larger historic structures. Outside of the Historic Downtown District there are 3 landmark, private residences that are to be demolished. He said most of the non-landmark structures are in the Suburban District, noting one is in the Historic Downtown District, right next to, within 10 feet, of one of the landmarks that you want to demolish as well."

Chair Kulisheck asked Mr. Rasch the standard for this particular undertaking – if they meet the standard for the Downtown Historic District and meet the standard for the Suburban District.

Mr. Rasch said he believes that the practice is to apply the stricter standard for the entire lot. He said this isn't Code, but it has been practice.

Mr. Eck said he thought it was in the Code.

Chair Kulisheck said staff should verify this for Mr. Hiatt so he can proceed with certainty.

Mr. Hiatt said he will meet with Mr. Rasch at the next opportunity and "talk out whatever issues remain," and try to come to an agreement before coming to this Committee.

Mr. Rasch asked what is the Committee's recommendation if the Code is not clear in this regard.

Chair Kulisheck said he would like an opportunity to review the Code, and recommended the other members of the Committee do so as well, so we are informed about it when we come to the meeting to consider this issue.

Chair Kulisheck said we have resolved the issue of how to proceed with the review which was done by an archeologist which is not approved by the City. He said there is then the issue of the demolition.

Mr. Rasch said the authority on demolition of the non-landmark buildings is with the Historic Design Review Board. He said the jurisdiction on the landmark structures lies with the Governing Body.

Mr. Hiatt asked if it is the sense of this Committee and the Chair that you, as a Committee, won't consider the federal report unless it is presented by an approved archaeologist.

Chair Kulisheck asked Mr. Hyatt what he means by "federal report."

Mr. Hiatt said, "The federal government, in anticipation in doing their due diligence and preparation to make an offer to my client to buy the property, had, two or three months ago, contractors and sub-contractors on site to do the archaeology."

Unidentified said that was an archeologist from Albuquerque.

Chair Kulisheck said, "Yes, and they did so because they were concerned about the issue of anticipatory demolition under 36 CFR 800."

Mr. Eck said, "Therefore the NIAF was still with the Department of Veterans Affairs as the lead agency, all with the assumption that it was part of a federal..."

Chair Kulisheck said, "It will be part of a federal undertaking. However, what you are saying, Mr. Rasch, David Rasch as opposed to David Eck, is that that.... that there is this issue of the City undertaking that must be resolved. So, even though there have been requests to do this work, because of the concern under 36 CFR 800 for ~~anticipated~~ anticipatory demolition, you do not consider this a federal undertaking at this time."

Mr. Rasch said, "No. Not at this time."

Chair Kulisheck said that is what he needed to clarify. He said, in the reference to a federal report, what we are trying to do is take this federal report and turn it into a City report, and Mr. Rasch said this is correct.

Chair Kulisheck asked if the report also needs to be considered by the State because of the State Register of properties. Is this another thing that needs to be resolved.

Mr. Rasch said he presumes so, even though it is private property. However, because of the conflict with the State Register and the hearing April, he believes it is due diligence to go to that as well.

Chair Kulisheck said then his recommendation is that "you" consult with the State Historic Preservation Division to see what would be the appropriate content of the report, since "this one" has been prepared to federal standards, and to be sure that it meets State standards and City Ordinance.

Mr. Hiatt said then this Committee wants to hear from somebody approved to do the archaeology, regardless of the report. And if he or she can make a satisfactory representation to "you" that all reported issues meet your needs, then he believes they can be successful.

Chair Kulisheck said the last matter is a recommendation to Mr. Hiatt regarding how the report should be worded, in terms of its recommendation to the sequence of archaeological investigation relative to demolition. He said his understanding is that excavation is required in the Downtown Historic District.

Mr. Rasch said this is correct.

Chair Kulisheck asked if approval by the Committee for archaeology is dependent upon approval by other departments. *[Stenographer's note: Apparently someone said it is, but there was nothing audible on the tape.]*

Chair Kulisheck asked the sequence of approval.

Mr. Rasch said the demolition permit typically cannot be granted until the archaeological clearance is granted unless this Committee provides for a different process, because it is any ground disturbance that requires archaeological clearance.

Ms. Monahan said, then the consultant, after reviewing what is available, could devise a couple of options, and Mr. Rasch said yes. Ms. Monahan said then they could present that to this Committee and we could make a recommendation.

Mr. Rasch said yes, reiterating that the only difference between Villa Alegre and this project, is that this project involves structures which are more than 75 years old.

Mr. Hiatt said he would think there would be more opportunities for archaeology in Villa Alegre than on the hill.

Mr. Rasch said that did not turn out to be the case.

Chair Kulisheck said his feeling is, to meet the terms of the Ordinance, that the excavation needs to take place prior to the demolition, commenting he wonders how that relates to the timing of the H-Board approval, so that Mr. Hiatt's client doesn't spend money doing archaeology for a project that will not go forward and so potential archaeological deposits are not disturbed for a project that is not going forward.

Mr. Rasch said it is easy for the non-landmark structures to be approved, and he assumes that will happen in two weeks.

Chair Kulisheck said then Mr. Rasch is saying this Committee could issue a variance which would allow that demolition to go forward.

Mr. Rasch said yes, and if the Committee decides to go in this direction, we would want those boundaries established so they don't go outside of those areas near listed landmarks and just do the areas where the non-landmarks are located. He said this is a possibility. He said, because of the pending sale of the property, he is worried about partial clearance, and if that is going to be recorded on a plat, and commented that we need to get into all of that.

Mr. Ivey said that becomes very complicated.

Mr. Hiatt said perhaps it would be best for the next meeting to clearly mark the landmarks.

Mr. Rasch said, truly, most of the non-landmarks are far enough away from the landmarks, except for number 17, that they can clearly be marked in the ground.

Ms. Monahan said the consultant needs to make that recommendation.

Chair Kulisheck said he doesn't feel he can make a recommendation at this time with the limited information he has at this time, and asked the Committee its feelings regarding making a decision at this time.

Mr. Hiatt said he has heard enough to inform his client. He will be making a presentation to the Committee in two weeks, and the Committee can then make its recommendation.

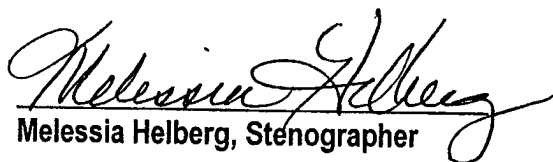
It was the consensus among the Committee to wait at least until the next meeting to make a decision, provided the appropriate information is provided and all questions have been answered.

K. ADJOURNMENT

MOTION: Jake Ivey moved, seconded by Tess Monahan, to adjourn the meeting.

VOTE: The motion was approved unanimously on a voice vote, and the meeting was adjourned at approximately 6:00 p.m.

Jeremy Kulisheck, Chair


Melessia Helberg, Stenographer

