



MEETING AGENDA

Duluth Heritage Preservation Commission, Special Meeting
To view the meeting, visit <http://duluthmn.gov/live-meeting>

Monday, November 9, 2020, 12:00 PM
(Note: Special Date, Time, and Location)

Call to Order and Roll Call

Annual Meeting

1. Election of Officers
2. Discussion on Bylaws and Potential Proposed Changes

Unfinished Business

3. Update on RFP for Design Guidelines for the Duluth Commercial Historic District

Communication and Other Businesses

4. Unified Development Chapter (UDC) Proposed Text Change for Historic Preservation
5. Update on EAW Related to the Proposed Demolition of Two Structures that Contribute to the Historic Character of Downtown Duluth.
6. Correspondence: US Army Corps of Engineers, The Rehabilitation of the Piers and Headwall of the Duluth Vessel Yard (30 Day Public Comment Period), October 28, 2020
7. Consideration of Minutes from 8/24/20


Adjournment (Next Scheduled Meeting, Monday, December 14, 2020)

NOTICE: The Heritage Preservation Commission will be holding its November 9 2020 Special Meeting by other electronic means pursuant to Minnesota Statutes Section 13D.021 in response to the COVID-19 emergency. Some members of the Board will be participating through video conference. Due to the COVID-19 emergency and the closure of City facilities, public comment will not be taken in person. However, members of the public can monitor the meeting and provide public comment on agenda items through WebEx Events. Visit <https://duluthmn.gov/live-meeting> to access the meeting. The public is also encouraged to submit written comment to planning@duluthmn.gov prior to the meeting. Please include "HPC Agenda" in the subject line, and include your name and address and the agenda item you are speaking to. Please note that all public comment is considered Public Data.



Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802

 218-730-5580

 planning@duluthmn.gov

MEMORANDUM

DATE: November 5, 2020
TO: Heritage Preservation Commission
FROM: Steven Robertson, Senior Planner
RE: Summary of Items for November 2020 HPC Meeting

Election of Officers

According to the bylaws, no officer shall serve more than 2 years connectively. Both President Fortney and Vice President DeRoche are concluding their first year of service in the respective offices. Both may elect to serve another term, but would be ineligible to serve again in the same offices come November 2021.

ARTICLE VI - ELECTION OF OFFICERS

6.1 Terms. Officers shall be elected at the annual meeting of the HPC. Terms of office shall be for one (1) year and no member shall hold the office of president or vice president for more than two (2) years consecutively. Officers shall serve until replaced by a duly elected officer in accord with these procedures.

6.2 Nominating Committee. The president may appoint a nominating committee to report to the HPC prior to elections, but nomination of officers may also be made from the floor.

6.3 Majority Required. Candidates for office receiving a majority vote of the entire membership shall be declared duly elected.

6.4 Vacancies. Vacancies occurring in offices of the HPC shall be filled forthwith by regular elections procedure.

Bylaws

The bylaws were last updated in 2013. The HPC may elect to make no changes to the bylaws at this time and leave them as is, or recommend that staff suggest written changes in specific sections (such as subcommittees or agendas) for further discussion at a subsequent meeting, for ultimate review as an interim amendment.

ARTICLE XIII - AMENDMENT OF BY-LAWS

13.1 Amendment Procedure. These by-laws and rules of procedure may be amended at the annual meeting by majority vote of commissioners in attendance and notice and copies of any proposed amendments shall be given all commissioners along with meeting notice. No interim amendments shall be allowed unless each commissioner receives at least thirty (30) days' written notice of intent to amend, including the date, time and place such amendment will be voted on, and an exact copy of the amendment as proposed. Interim amendments require majority vote of the entire membership (four) of the HPC for passage, and in such instance only, HPC members will be allowed to vote by written proxy.

Update on RFP for Design Guidelines for the Duluth Commercial Historic District

Staff will have a brief verbal update at the meeting.

Unified Development Chapter (UDC) Proposed Text Change for Historic Preservation

Planning Staff are recommending a change to the zoning code related to designation of historic structures. In the past it has been understood, but not explicitly stated with clear deadlines, that once a property is designated as local historic landmark, a preservation plan is expected to be submitted. Staff are recommending that a clear timeline be entered into the code. See underline text below. HPC comment on the suggested change is requested.

50-37.8 Historic resource designation.

A. Application.

1. The heritage preservation commission may, upon its own motion, propose and hear applications to designate a building, structure, site, or object as a local historic landmark. Any property owner or contract purchaser may petition the heritage preservation commission to designate their building, structure, site, or object as a local historic landmark;
2. The application provisions of Section 37.1.B shall apply to the extent they are consistent with subsection 1 above;

Procedure.

1 Review and recommendation by heritage preservation commission.

The heritage preservation commission shall review the application, submit the application to the planning commission, conduct an investigation and public hearing pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H, make a recommendation to council, and report on the historical, cultural and architectural significance of the buildings, structures, sites or objects proposed for designation. The report shall also attempt to determine the economic status of the property or properties by providing information such as assessed value, recent real estate transactions and other appropriate data. A copy of the report shall be sent to the state historic preservation officer for review and comment in accordance with MSA 471.193. Any comments made by the planning commission and state historic preservation officer regarding a proposed designation must be included in the commissioner's recommendation to the council;

2 Review and recommendation by planning commission.

The planning commission shall review the application and make a recommendation to the heritage preservation commission and council. In its review and recommendation, the commission shall consider potential effects on the surrounding neighborhood, economics, environment and other planning considerations;

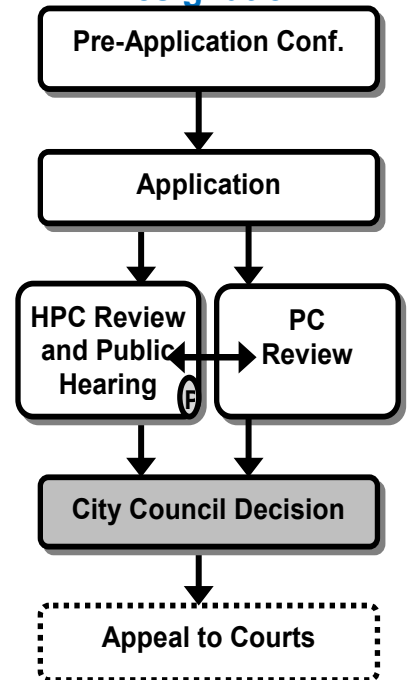
3 Designation by council.

Upon receipt of the report and recommendation of the heritage preservation commission, the council shall make a decision to approve, approve with modifications or deny the designation, in whole or part, based on the criteria in subsection C below. The council action shall be by ordinance;

4 Preservation Plan.

Within one year of City Council approval of the designation, a preservation plan must be submitted to the Heritage Preservation Commission for review. The Heritage Preservation Commission may approve, approve with modifications, or deny the preservation plan;

Historic Resource Designation



(P) Indicates Public Hearing Required

5 Registration of historic sites.

The city clerk shall record or file with the county recorder the legal description of all properties affected by the council action **that also have an approved preservation plan.** The city clerk shall also distribute an official list of all locally designated historic preservation landmarks and districts to the land use supervisor and the state historic preservation officer;

Update on EAW Related to the Proposed Demolition of Two Structures that Contribute to the Historic Character of Downtown Duluth.

DEDA has awarded a small contract to WSB to prepare an Environmental Assessment Worksheet (EAW) for the proposed demolition of two structures that contribute to the historic character of downtown Duluth, the Hacienda Del Sol and Duluth Oriental Grocery. The project has not begun yet, but the tentative timeline provides for a 30 day comment period around February 2021; EAWs will be distributed to the members of the HPC for their review. The Planning Commission is the deciding body for EAWS (not City Council).

Heritage Preservation Commission
August 24, 2020 Special Meeting Minutes
Web-Ex Meeting Format

Due to the COVID-19 emergency, the HPC members participated through video conference from home. The meeting was held as a Special Meeting pursuant to Minnesota Statute 13D.021 in response to the Covid-19 emergency.

Call to Order and Roll Call

President Jessica Fortney called to order the meeting of the Heritage Preservation Commission (HPC) at 12:02 p.m. on Monday, August 24, 2020.

Attendance: (Via WebEx video conferencing – all votes conducted via roll call)

Attending: Ken Buehler, Stacey DeRoche, Jessica Fortney, Brandon Hartung, Mike Poupore, and Sarah Wisdorf

Absent: Meredith Anderson

Staff Present: Steven Robertson

Unfinished Business

1. Amendment to PL 20-054 Historic Construction Permit (Exterior Signage), Temple Opera Building at 201 East Superior Street. Senior Planner Steven Robertson gave an overview. Bell Bank is the occupant, but the building is owned by the original owner. Two wall signs and a corner sign are being proposed. Ken Buehler had a question about the flag sign, but it was answered in the staff packet. Michael Poupore asked if city staff had any comments. Robertson stated at first city staff didn't think it would meet HPC approval. Poupore asked if there were any pitfalls in the current design. Robertson noted it is still pending UDC sign review. Poupore asked if this is not the final design, why should they weigh-in now? Robertson explained the permit review flow. The HPC needs to weigh-in first. If HPC approves, or approves with conditions, it would go to city planner, Chris Lee for sign review. Buehler asked about the signs' lighting. Are they front or back lit? Robertson stated the lighting will be in cabinets directed outward. Poupore objects to the corner sign. The applicant is invited to comment.

Applicant: Steve Terman addressed the HPC. The parapet sign would be installed above the cornice. It would not interfere with the building's important architectural elements. The square footage of the sign is roughly only ½ the size of what is allowed. Robertson noted the entry sign and walls signs are within size limits. Terman stated the sign anchoring will be in mortar joints to preserve the historic stone.

Commissioners: Buehler stated he is comfortable with the corner sign and feels it is less intrusive. Poupore noted the type set of the flag sign is changing the streetscape of the historic district. Chair Fortney stated if the sign is bright and glaring, would it fit into the HPC Preservation Plan? It may be out of the surrounding areas' character. Poupore stated it is intrusive in the historic district. Buehler noted the casino is across the avenue. Stacey DeRoche noted the sign's font and modern design are unfortunate, but the company is not going to change their logo. She asked if it could be less obtrusive? Poupore noted a solution could be to minimize the signage. DeRoche suggested a vertical sign might be more appropriate. Buehler asked the applicant if it is an all or nothing proposal. Can they remove the side sign? Terman stated the first proceedings for the lease is signage. This is what determines the location of their business. He can't

emphasize enough the importance of signage. He explained the letters of Bell Bank are the only part of the sign that is illuminated. They did their best to preserve the historic aspects of the building. It is a commercial building, but they will end their lease and move on, if it is not successful. Buehler asked the applicant rep why they decided on this area. Terman stated Bell Bank wanted to enter the Duluth market and has a business relationship with the property owner. Terman agrees it is a challenging area, and this step is one piece of the puzzle.

Public Comment: No speakers.

Commissioners: Buehler noted the signage and the need for the bank to mark its territory. He feels the bank would be a welcomed addition. He is concerned about the next business coming in. Will there be another flag sign for a new business? They are setting a precedent. Chair Fortney noted the parapet and entrance signs are okay, but has hesitation on the protruding sign on the building. Sarah Wisdorf noted the flag sign and asked if the applicant would agree to actual flags. She referred to Wells Fargo's flags. Terman shared a memo he had which shows old brackets attached to the building and that there was already a precedent set from a previous tenant. He noted there would be a maintenance issue if they used real flags. Chair Fortney agreed with Buehler about future businesses going in and what their signs would look like. Terman stated Bell Bank has rented the entire building, so there won't be additional tenants.

MOTION/Second: Buehler/Wisdorf support the historic construction permit for Exterior Signage, for the Temple Opera Building at 201 East Superior Street.

VOTE: (5-1, Poupore Opposed)

New Business

2. Discussion on RFP for Design Guidelines for the Duluth Commercial Historic District. Robertson stated he will share with the commissioners a draft of the RFP language for them to review when ready. Buehler noted how all projects have been moving slowly due to the pandemic and wished staff good luck. The HPC is okay with the proposed timeline.

Communication and Other Business

3. Consideration of Minutes: July 13, 2020
MOTION/Second: Wisdorf/DeRoche approve the minutes

VOTE: (6-0)

Adjournment at 12:52 p.m. (Next meeting scheduled for Monday, 9/14/2020 or Monday, 10/12/2020, unless there is no new or pending items to discuss)

Respectfully,

Adam Fulton – Deputy Director
Department of Planning and Economic Development

HERITAGE PRESERVATION COMMISSION BY-LAWS

CITY OF DULUTH

ARTICLE I - IDENTITY

- 1.1 This organization shall be known as the Heritage Preservation Commission of the City of Duluth, hereafter referred to as the HPC.
- 1.2 The administrative office and mailing address of the HPC shall be the Planning Division Office, Room 409, City Hall, Duluth, Minnesota 55802.

ARTICLE II - ORIGIN AND POWERS

- 2.1 The HPC was created by Ordinance No. 8938 adopted 4-17-89 by the Duluth City Council pursuant to Minnesota Statute 471.193. The HPC serves in an advisory capacity except in respect to approving or disapproving modifications to Heritage Preservation Landmarks or Districts.

ARTICLE III - DUTIES AND OBJECTIVES

- 3.1 The HPC is designed to serve in an advisory capacity to the City Council and Administration and is further empowered to perform certain quasi-judicial functions.
- 3.2 The objectives of the Commission are to safeguard the heritage of the City of Duluth by preserving sites and structures which reflect elements of the City's cultural, social, economic, political, engineering or architectural history; to protect and enhance the City of Duluth's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry; to enhance the economic viability of heritage preservation landmarks and districts through the promotion of their unique character; to enhance the visual and aesthetic character, diversity and interest of the City of Duluth; to foster civic pride in the beauty and notable accomplishments of the past; and to promote the use and preservation of historic landmarks and districts for the educational and general welfare of the people of the City of Duluth. To achieve these objectives, among others, the HPC shall: (a) recommend to the Duluth City Council designation of heritage preservation landmarks and districts based on established criteria; (b) adopt heritage preservation guidelines specific to individual heritage preservation landmarks and districts; (c) review construction and demolition activities proposed within designated heritage preservation landmarks to ensure compliance with the adopted heritage preservation guidelines; (d) maintain an inventory of all historic areas, places, buildings, structures and similar objects within the City of Duluth; (e) review local

applications to the National Register of Historic Places per the provision of the Certified Local Government designation if applicable; (f) work for the continuing education of the citizens of Duluth with respect to the historic and architectural heritage of the City; (g) advise the Duluth Planning Commission as to the historical or architectural uniqueness of residential properties for purposes of allowing Bed and Breakfast establishments; and (h) serve as a forum for citizen input with regard to the above-mentioned tasks and objectives.

ARTICLE IV - MEMBERSHIP

- 4.1 Members. The HPC shall consist of seven citizen members who are eligible voters residing within the city limits of Duluth. Five (5) of the members shall be appointed by the Mayor, subject to confirmation by the City Council. One (1) member shall be appointed by the St. Louis County Historical Society and another member shall be appointed by the Duluth Planning Commission. All members shall be persons who have demonstrated an interest in the historical, cultural or architectural development of the city or who own property within a heritage preservation district. At least two (2) of the members appointed by the Mayor shall be preservation-related professionals.
- 4.2 Terms. Members shall be appointed for terms of three (3) years. Any vacancy in membership shall be filled by the appropriate appointing body with Mayoral appointees subject to confirmation by the Duluth City Council.
- 4.3 Removal. HPC members shall be subject to removal by the Mayor for just cause, but only after notice and opportunity for a hearing before the City Council and only with the approval of the Council.
- 4.4 Absenteeism. If any member fails to attend three (3) consecutive regular meetings of the HPC without satisfactory explanation, notice of such failure shall be forwarded to the appropriate appointing body with the request for removal and replacement of such member on the HPC.
- 4.5 Expenses. HPC members shall serve without salary. Costs for mailing notices, preparing and distributing minutes and other meeting materials, along with other clerical expenses shall be paid by the City of Duluth.

ARTICLE V - OFFICERS

- 5.1 Titles. The officers of the HPC shall be a president, vice president and secretary. The president and vice president shall be citizen members of the HPC. The secretary shall be the Manager of the Planning Division, Department of Planning and Development of the City or his or her designee (amended 11/24//92).

- 5.2 Duties of the President. The president shall preside at all meetings, appoint committees, rule on procedural questions subject to reversal by a two-thirds (2/3) vote of members in attendance, exercise the same voting rights as the other members and carry out such other duties as are assigned by the HPC.
- 5.3 Duties of the Vice President. The vice president shall act in the absence or inability of the president to act and in such instances shall have the powers and functions of the president.
- 5.4 Duties of the Secretary. The secretary shall be responsible for notifying all members of meetings, drafting and circulating agendas, performing research work and preparing reports as are necessary to fully advise the HPC of all facts on matters before it, keeping on file all official records and reports of the HPC, keeping written record of HPC meetings, transactions and actions, serving required notice of all public hearings and public meetings, maintaining and circulating minutes, reporting on and attending to the correspondence of the HPC.

ARTICLE VI - ELECTION OF OFFICERS

- 6.1 Terms. Officers shall be elected at the annual meeting of the HPC. Terms of office shall be for one (1) year and no member shall hold the office of president or vice president for more than two (2) years consecutively. Officers shall serve until replaced by a duly elected officer in accord with these procedures.
- 6.2 Nominating Committee. The president may appoint a nominating committee to report to the HPC prior to elections, but nomination of officers may also be made from the floor.
- 6.3 Majority Required. Candidates for office receiving a majority vote of the entire membership shall be declared duly elected.
- 6.4 Vacancies. Vacancies occurring in offices of the HPC shall be filled forthwith by regular elections procedure.

ARTICLE VII - MEETINGS

- 7.1 Annual Meetings. An annual organizational meeting shall be held in November of each year. Election of officers shall be conducted and proposed amendments to by-laws may be acted upon.
- 7.2 Regular Meetings. Regular meetings of the Commission shall be held on the fourth Tuesday of each month at a time and place agreed upon by the Commission at a prior meeting. In the event that the regular meeting date falls on a legal holiday, the meeting shall be held on the following day.

- 7.3 Special Meetings. Special meetings may be called at the discretion of the president or at the written request of at least five (5) members who shall convey such request to the secretary.
- 7.4 Notice of Meetings. Notice in writing of annual meetings setting forth the time and place thereof shall be delivered to all HPC members at least twenty (20) days in advance of such meetings; notice in writing of each regular meeting shall be sent to all members at least five (5) days in advance of such meeting and notice in writing of any special meeting shall be sent to all members at least five (5) days prior to such meeting; and all notices shall state the time, place and purpose of such meetings.

ARTICLE VIII - PRE-MEETING PROCEDURES

- 8.1 Agenda. The agenda for each meeting of the HPC shall be developed in writing by the secretary subject to approval by the planning director and president.
- 8.2 Application Deadlines. No matter shall be placed on the HPC agenda unless a written request or petition, along with the required forms, legal descriptions, maps, drawings, etc., have been submitted to the Planning Department in proper and correct form and unless the following timetable has been observed:
- (a) Designation of Heritage Preservation Landmark. Requests to consider an individual property, parcel, place, building, structure, work of art or other object for designation as a Heritage Preservation Landmark must be received by the Planning Department at least four (4) weeks prior to the HPC meeting at which action may be taken. Applicants shall meet informally with Planning Department staff prior to submittal of such applications in order to preliminarily discuss required drawings and possible planning implications.
 - (b) Designation of Heritage Preservation District. Requests to consider a contiguous collection or group of lands, parcels, sites, structures, buildings or objects for designation as a Heritage Preservation District must be received by the Planning Department at least eight (8) weeks prior to the HPC meeting at which action may be taken. Applicants shall meet informally with Planning Department Staff prior to submittal of such applications in order to preliminarily discuss application requirements and planning implications.
 - (c) Certificates of Approvals. Applications for certificates of approvals for proposed modifications to Heritage Preservation Landmarks and Districts which require review by the full HPC must be received by the Planning Department at least four (4) weeks prior to the HPC meeting at which action may be taken. Applications for certificates of appropriateness which meet the criteria for committee or staff action do not have submittal deadlines. However, in cases where approval by committee or staff is not

given, applicants must meet the required submittal schedule for the full HPC outlined above.

(d) All other matters: For all matters other than those mentioned in (a), (b) and (c) above, all applications and referrals, including required legal descriptions, certified sufficient petitions, maps, drawings, etc., shall be received by the Planning Department at least three (3) weeks prior to the HPC meeting at which action may be taken.

8.3 Reference to Committee. Either the secretary of the HPC or the president may refer proposals to a HPC committee before placing such matter on the agenda, and in such event, the pertinent committee shall meet and consider said matter and report action taken or recommendation to the full HPC. Also, any three (3) members of the HPC, may prior to or during full Commission discussion, require that a matter be considered by a HPC committee.

8.4 Reports. The secretary shall prepare a technical study or report on all matters to be heard by the full HPC and shall mail such reports to HPC members before the meeting at which action may be taken.

8.5 Withdrawal. If a petitioner or applicant desires to withdraw a matter from the agenda, such request must be submitted to the secretary in writing, and if any public notice has been given, any persons appearing at the noticed hearing on said petition or application shall be entitled to testify at said hearing.

ARTICLE IX - MEETING PROCEDURE

9.1 Rules of Order. Unless otherwise specifically designated, Roberts Rules of Order, as most recently revised, shall govern meeting procedure.

9.2 Quorum. A majority of the currently serving membership of the Commission shall constitute a quorum for meeting purposes. A majority vote of the members present shall be required to transact business or make binding decisions in behalf of the Commission.

9.3 Conflict of Interest. Whenever a Commission member shall have a direct or indirect personal or financial interest in an application or petition before the Commission, such member shall declare such interest and shall not participate in any hearing on said matter; shall absent himself from the room during all deliberative sessions or Commission discussion on said matter; and shall in no event vote upon said matter. When there is question as to the existence of a conflict of interest, the president shall make ruling thereon.

9.4 Suspension of Rules. The commission may temporarily suspend its rules by a majority vote of members in attendance.

- 9.5 Appearance of Petitioner. No application or petition shall be given final approval unless the applicant or petitioner appears personally or by representative at hearing called thereon, or makes satisfactory explanation or presentation in lieu thereof.
- 9.6 Agenda. Order of business at regular meetings shall be as follows:
1. Call to order.
 2. Roll call or determination of quorum.
 3. Public hearings.
 4. Consideration of minutes.
 5. Communications.
 6. Report of final disposition of matters previously before the Commission.
 7. Reports of officers, staff and committees.
 8. Consideration of matters regarding Commission action.
 9. Other business.
 10. Adjournment.
- 9.7 Dispensation. A motion must be made and voted upon in order to dispense with any item on the agenda.
- 9.8 Non-Agenda Matters. No binding or final action may be taken on any matter not on the written agenda except by unanimous vote of the members in attendance or a majority of the entire membership.
- 9.9 Tabling. A tabling motion, if passed, has the effect of laying the matter over until the next regular meeting unless otherwise specified.

ARTICLE X - PUBLIC HEARING PROCEDURE

- 10.1 Public Testimony. Any person desiring to speak to the HPC during an official public hearing shall be heard prior to any determination of the matter in question. Such testimony shall be accompanied by the person's name and address for the public record. Letters received in lieu of oral testimony shall become a part of the public record and be considered prior to any final determination of the matter by the HPC.
- 10.2 Time Limits. The president of the HPC may establish such time limits on testimonies as are reasonable to provide for an efficient meeting so long as all interested parties are given a chance to testify.
- 10.3 Termination of Hearing. Upon close of public hearing no further presentation shall be allowed except upon suspension of the rules.

ARTICLE XI - COMMITTEES

11.1 Standing Committees. There shall be standing committees appointed by the president. The review power of each and membership shall be as follows:

A. Design Review Committee. The Design Review Committee shall be comprised of three members of the HPC and shall be the authority to approve moderate alterations to designated Heritage Preservation Landmarks and Districts which are consistent with the appropriate adopted Preservation Guidelines. Such moderate alterations include the following:

1. reroofing/roof alterations such as adding skylights or dormers;
2. freestanding accessory structures of 1,000 sq. ft. or less;
3. masonry finishing;
4. chimney construction;
6. signs; and
7. similar alterations, subject to the approval of the president of the HPC.

The Design Review Committee may also rule on whether the structures within R-1, R-2 or S Zoning Districts proposed to be Bed and Breakfasts meet the requirement of being architecturally or historically unique.

B. Staff Review Committee. The secretary of the HPC and designated planning staff shall be the authority to approve minor alterations and modifications to designated Heritage Preservation Landmarks and Districts which are consistent with the appropriate adopted Preservation Guidelines. Such minor alterations include the following:

1. reroofing, with original materials;
2. rear porch and/or deck additions;
3. fences, retaining walls and landscaping;
4. freestanding accessory structures of 600 sq. ft. or less;
5. exterior cleaning, refinishing, tuck pointing;
6. replacement of windows, siding, trim or doors;
7. installation of doors or windows in rear elevations;
8. chimney reconstruction;
9. awnings;
10. screening walls or fences for parking lots, trash dumpsters and mechanical/electrical units;
11. work done under utility or sidewalk permits; and
12. similar work, subject to the approval of the chair of the Design Review Committee.

- C. Designation Initiation Committee. The Designation Initiation Committee shall be comprised of three (3) members of the Heritage Preservation Commission and shall be responsible for conducting an ongoing inventory of historic properties with the City of Duluth. The committee shall in a preliminary way evaluate the significance of the properties on the inventory and, together with the secretary of the HPC, recommended qualified properties to the full HPC for designation.
- 11.2 Special Committees. The president of the HPC may appoint such special committees and chairs thereof as he or she may from time to time deem necessary.

ARTICLE XII - POLICY

- 12.1 Policy Statement. Written statements of any policies of the HPC shall be drafted and maintained at the City Planning Division office.
- 12.2 Policy Revision. Said policies may be revised, amended or added at any regular or special meeting by a majority of the entire membership (four) and shall be reviewed by the HPC or a committee thereof annually.
- 12.3 Policy Availability. The staff shall advise petitioners, applicants or other interested persons of applicable portions of said policies upon request.

ARTICLE XIII - AMENDMENT OF BY-LAWS

- 13.1 Amendment Procedure. These by-laws and rules of procedure may be amended at the annual meeting by majority vote of commissioners in attendance and notice and copies of any proposed amendments shall be given all commissioners along with meeting notice. No interim amendments shall be allowed unless each commissioner receives at least thirty (30) days' written notice of intent to amend, including the date, time and place such amendment will be voted on, and an exact copy of the amendment as proposed. Interim amendments require majority vote of the entire membership (four) of the HPC for passage, and in such instance only, HPC members will be allowed to vote by written proxy.

ARTICLE XIV - EFFECTIVE DATE

- 14.1 These by-laws adopted the by the Heritage Preservation Commission of the City of Duluth are effective on November 28, 1989.



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, DETROIT DISTRICT
477 MICHIGAN AVENUE
DETROIT MI 48226-2550

October 28, 2020

SUBJECT: The Rehabilitation of the Piers and Headwall of the Duluth Vessel Yard

TO: All INTERESTED AGENCIES, PUBLIC GROUPS, AND CITIZENS

The U.S. Army Corps of Engineers (USACE), Detroit District, is proposing a Memorandum of Agreement (MOA) with the Minnesota State Historic Preservation Office (SHPO) regarding the rehabilitation of North and South Piers and Headwall (collectively referred to as the Structures) of the USACE Vessel Yard in Duluth, Minnesota. This notice is provided pursuant to Section 800.6 of 36 C.F.R Part 800, Protection of Historic Properties, and Section 106 of 54 U.S.C. Subtitle III, National Preservation Programs. A copy of the MOA will be provided upon request or can be reviewed online at <http://www.lre.usace.army.mil/> by clicking on the link to "Other Public Notice" in the bottom left corner.

The proposed undertaking will keep the essential form and function of the Duluth Vessel while ensuring that the project area is updated to current safety standards while also protecting existing historic structures from storm events and allow the facility to continue in its historic use. The North and South Piers and Headwall have all been impacted by high lake levels, storm events, and vessel traffic and in their current conditions threaten the safety of personnel working in the Vessel Yard and the continued, effective operation of the Vessel Yard itself. Additionally, due to internal structural failures and undermining, the Structures are no longer safe to use and the USACE can no longer use the North Pier for vessel securing.

The USACE has considered several alternatives regarding the future of the Structures: Alternative 1: No Action, Alternative 2: Reconstruction, and Alternative 3: Rehabilitation. The No Action alternative consists of the USACE taking no action to repair or rehabilitate the failing Structures. This alternative was discarded as it would lead to the eventual disuse of the Duluth Vessel Yard and destruction of the Structures themselves. Alternative 2 consists of restoring the Structures to the same condition prior to their exposure to high lake levels, storm events, and vessel traffic. The Structures have undergone such degradation that they are likely not salvageable with most materials unsuitable to be reused. Therefore, Alternative 2 was not considered feasible and was discarded. Alternative 3 consists of altering the Structures in such a way that the facility can continue to meet current and future mission requirements, while also meeting modern safety standards and protecting existing historic structures. The undertaking will involve repairing existing surficial concrete associated with the outer edges of the Structures, encapsulating them with new concrete and a curb, and installing steel-sheet pile around the perimeter ultimately resulting in the Structure being enlarged by three (3) feet on all sides and a raised height of eight (8) inches. Alternative 3 has been selected as the recommend repair as it will ensure that that the Vessel Yard can continue to serve its primary function by providing a safe and functional area for current and future USACE operations and provide protection from future climate change related issues.

The Vessel Yard Historic District is listed on the National Register of Historic Places (NRHP) and the Structures to be altered are contributing resources to the historic nature of the Vessel Yard. The USACE, in consultation with the SHPO, has determined that the proposed undertaking will have an “adverse effect” on the historic nature of the Vessel Yard, as the activities needed for adequate rehabilitation will modify the size, profile, and design of the historic features and will significantly change the setting of the historic district’s buildings and engineering features.

The USACE has provided its determination to the SHPO pursuant to 36 C.F.R. Part 800, the regulations implementing Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 306108). The USACE and SHPO have reached a tentative agreement regarding mitigation of the undertaking’s “adverse effect”, the terms of which are outlined in the proposed MOA. Under the MOA, the USACE will carry out recordation of the Structures in accordance with “Minnesota Historic Property Record Guidelines (updated June 2009)” Level I Documentation standards.

Additionally, the USACE has agreed to develop interpretive signage that addresses the history of the USACE Duluth Vessel Yard with a focus on the deteriorating effects of changing climate and rising Great Lakes’ water levels on the historic engineering features (including the Structures). The interpretive signage will be developed and installed within one (1) year of substantial completion of the proposed project. The signage will be displayed at the Lake Superior Maritime Museum, Duluth, St. Louis County, Minnesota and possibly outside of the Vessel Yard for at least one (1) year.

To assist in development of the MOA for the rehabilitation of the Structures, we are requesting members of the public to express their views and submit comments regarding the proposed project within thirty (30) days from the date of this notice. If no comments are received by the end of the thirty (30) day review period, it will be assumed that no comments are forthcoming. Please provide all comments by email to CommentsVessel-Yard@usace.army.mil with the subject line “Duluth Vessel Yard.”

Sincerely,



Charles A. Uhlarik
Chief, Environmental Analysis Branch

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