



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Meeting Agenda

### Heritage Preservation Commission.

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Monday, September 12, 2022

12:00 PM

Council Chamber, Third Floor, City Hall, 411  
West First Street

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#### **1 Call to Order/Determination of Quorum**

#### **2 Public Hearings**

#### **3 Consideration of Minutes**

#### **4 Communications**

Launch of MnSHIP Sep 1 2022 (Data Search Tool)

SHPO: 106 Review of Lakewood Pump House (8130 Congdon Blvd)

#### **5 Report of Final Disposition on Matters Previously Before the Commission**

#### **6 Reports of Officers, Staff and Committees**

#### **7 Consideration of Matters Regarding Commission Action**

2022 Preserve Mn Conference

#### **8 Other Business**

Condition of Arch at Old Main Park

#### **9 Adjournment**

Heritage Preservation Commission  
August 8, 2022 Meeting Minutes  
Council Chambers – City Hall

1) Call to Order and Roll Call

Vice-President Jessica Fortney called to order the meeting of the Heritage Preservation Commission (HPC) at 12:00 p.m. on Monday, August 8, 2022.

**Attendance:**

Attending: Stacey DeRoche, Jessica Fortney, Jess Mccullough, and Kal Randa

Absent: Ken Buehler and Brandon Hartung

Staff Present: Adam Fulton and Cindy Stafford

2) Public Hearings

N/A

3) Consideration of Minutes

July 11, 2022 HPC Meeting

**MOTION/Second:** DeRoche/Mccullough approved the minutes

**VOTE: (4-0)**

4) Communications

N/A

5) Report of Final Disposition of Matters Previously Before the Commission –

PL22-105 Proposed Demolition of 118 East First Street - This item was tabled from the last HPC meeting. Deputy Director Adam Fulton gave an overview. This is a rough portion of East First Street, which is creating safety issues for the community.

**Commissioners:** Kal Randa stated he is interested in the future plans for the site. Jess Mccullough asked if the applicant made any assessments on if the exterior façade of the building could be saved. Deputy Director Fulton noted they have a purchase agreement and funds to save the façade do not exist. Stacey DeRoche noted the upcoming passage of the Downtown Historic Guidelines. How would those effect this property. Deputy Director Fulton noted the guidelines do not have an enforcement effect. The guidelines create a stronger sense of what the community wants. New construction will not be reviewed by the HPC. Mccullough asked about the building façade, and if the new owner was interested in saving it.

**Applicant:** Jeff Anderson of MSA Professional Services, Inc. (who represents the owner – Kevin Ruhnke) addressed the commission. He explained he had no more information than he had last month. Contractors were not interested in providing them with a restoration estimate. There are no future plans available. He noted Commissioner Mccullough’s question about the façade and noted the ability to recycle materials is appropriate, but the plan is to demo the building. Commissioner Randa asked the applicant about future plans. Anderson stated they have a potential buyer, but no definite plans.

**Commissioners:** Fortney sees the safety concerns involved. The proposed Downtown Historic Guidelines are not set in stone. DeRoche noted the Guidelines are so the city can have control over what is developed there. If it is sold now, what are the ramifications? Deputy Director Fulton noted they are not seeing a level of interest on First Street. No investor will pour money into the area unless these issues are addressed. If the property is demolished, the new building will need approval based on the UDC (Unified Development Code). Conformity to the proposed Downtown Historic Guidelines is not in the UDC, and might not be. We as a community need to address the blight issue, and restore a level of confidence for the opportunity for investors. A

parking lot is not probable, but it is not impossible. Surface parking lots are not ideal for the community. Fortney notes the condition of the building as falling down, and makes a motion.

**MOTION/Second:** Fortney/Randa approve the certificate of appropriateness for the demo of 118 East First Street

**VOTE: (4-0)**

6) Reports of Officers, Staff and Committees

Deputy Director Fulton noted Sarah Wisdorf accepted a job in New York, and will no longer be able to serve on the commission. He noted the HPC's decision to deny the certificate of appropriateness for the demo of 102 East Superior Street will now be heard at the city council meeting.

7) Consideration of Matters Regarding Commission Action

2022 Preservation Conference – Deputy Director gave an overview. The conference will be held on 9/14/2022 – 9/16/2022. If commissioners are interested, they should contact Steven Robertson.

8) Other Business

N/A

9) Adjournment

Meeting adjourned at 12:30 p.m.

Respectfully,

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Adam Fulton – Deputy Director  
Department of Planning and Economic Development

**From:** [Adam Fulton](#)  
**To:** [Steven Robertson](#); [Jennifer Moses](#)  
**Subject:** FW: New procedures for Submitting and Using SHPO's Files  
**Date:** Tuesday, August 23, 2022 2:14:59 PM

Please share with applicable staff.

**Adam Fulton** | Deputy Director, Planning & Economic Development | he/him/his | **City of Duluth** | 411 West First Street, Duluth, MN 55802 | 218-730-5325 | [afulton@duluthmn.gov](mailto:afulton@duluthmn.gov)

**From:** Minnesota Department of Administration <Admin\_Minnesota@public.govdelivery.com>  
**Sent:** Tuesday, August 23, 2022 8:04 AM  
**To:** Adam Fulton <afulton@DuluthMN.gov>  
**Subject:** New procedures for Submitting and Using SHPO's Files

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**State Historic Preservation Office  
(SHPO)**

*August 23, 2022*

## Important Updates and New Requirements as the SHPO Transitions to a Digital Minnesota Historic Inventory System

The SHPO Team has missed seeing researchers in the office the past two years, but we've also been busy planning and managing several projects that will move Minnesota's Statewide Historic Inventory out of a paper format and into a web-based application with mapping. The Minnesota Statewide Historic Inventory Project (MnSHIP) is currently in development with plans to launch the summer of 2023. The SHPO, in partnership with MnDOT and contractors, have been organizing and scanning two million pages of the statewide historic inventory and National Register of Historic Places files that will eventually be uploaded into MnSHIP.

In order to prepare for the launch of the MnSHIP application, beginning September 1, 2022, we are asking that (1) all new inventory forms and survey reports be submitted to the SHPO in electronic PDF format, and (2) geospatial data for each inventoried property be included. Please refer to this [webpage](#) that provides further guidance on submitting new inventory forms to the SHPO as well as how to access both scanned and paper research files during this transition. You may contact SHPO's Cultural Resources Data Manager, Jim Krumrie with questions at [jim.krumrie@state.mn.us](mailto:jim.krumrie@state.mn.us) or 651-201-3299.

We thank you for your support of these interim requirements as we make this transition to improve both the quality and accessibility of Minnesota's cultural and historic resource information.



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September 8, 2022

**VIA EMAIL ONLY**

Duane Castaldi  
Regional Environmental Officer  
FEMA, Region V  
U.S. Dept. of Homeland Security  
536 South Clark Street, Floor 6  
Chicago, IL 60605

RE: BRIC 4513.4  
Duluth Water Treatment Plant Power Backup  
8130 Congdon Boulevard  
Duluth, Saint Louis County  
SHPO Number: 2022-0649

Dear Mr. Castaldi,

Thank you for continuing consultation regarding the above-referenced undertaking. Information received in our office on July 20, 2022 has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108), its implementing federal regulations, "Protection of Historic Properties" (36 CFR Part 800), and per the Section 106 Programmatic Agreement (PA) executed in 2014 among the Federal Emergency Management Agency (FEMA), our office, and the Minnesota Division of Homeland Security.

On May 18, 2022 we wrote to your agency providing comments on efforts to identify properties within the undertaking's Area of Potential Effect and disagreement your No Adverse Effect for the federal undertaking. We appreciate your agency's consideration of our comments in pursuing a modified design for the proposed undertaking in an effort to avoid adverse effects to historic properties.

We have now completed a review of your submission dated July 20, 2022 which presents the documentation associated with the revised scope of work for the federal undertaking (*Documentation Continuing and Concluding Section 106 Consultation for a FEMA-Funded Undertaking*, dated 7/20/2022). Our comments are provided below.

**Define Federal Undertaking and Area of Potential Effect**

We understand from the July 20<sup>th</sup> submission that the revised federal undertaking involves funding from your agency to improve operation and resiliency at the Lakewood Water Treatment Plant which includes:

- Installation of a new generator and additional equipment adjacent to the addition (1989) to the Water Treatment Building and Backwash Building (1975), as well as relocation of utility lines from overhead to underground, north of Congdon Boulevard; and
- Installation of an electrical equipment building, two transformers, a generator, and an access driveway on a vacant site south of Congdon Boulevard and to the west of the Lakewood Pump House complex.

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**MINNESOTA STATE HISTORIC PRESERVATION OFFICE**

50 Sherburne Avenue ■ Administration Building 203 ■ Saint Paul, Minnesota 55155 ■ 651-201-3287

[mn.gov/admin/shpo](http://mn.gov/admin/shpo) ■ [mnshpo@state.mn.us](mailto:mnshpo@state.mn.us)

AN EQUAL OPPORTUNITY AND SERVICE PROVIDER

We agree that your agency's definition of an Area of Potential Effect (APE), as described in narrative and documented on Figure 57 of your July 20<sup>th</sup> submission, is appropriate to our understanding of the nature and magnitude of the federal undertaking and takes into account its potential direct and indirect effects.

### **Historic Property Identification Efforts**

#### *Archaeology*

Taking into consideration the additional areas within the revised scope that will experience ground disturbance, we agree with the agency conclusion that there are no recorded archaeological sites in the APE and that the likelihood of intact archaeological sites is low at this location. Therefore, we agree with the agency determination that an archaeological field survey is not warranted for the undertaking as it is currently proposed.

#### *Historic/Architectural*

As indicated in our previous letter, although the evaluation of this property is outdated, we do agree with the agency determination that the **Lakewood Pump House and Surge Valve Building** [SL-DUL-0455] is a historic property eligible for listing in the National Register of Historic Places (NRHP). As acknowledged in your recent letter, this property is also a local landmark as designated by the City of Duluth.

Also, as discussed in our previous letter, absent a formal intensive level survey and evaluation meeting the Secretary of the Interior's *Standards for Identification and Evaluation*, it is our opinion that the associated historical significance supports your agency's determination and we will consider the **Water Treatment Building and Backwash Building** [SHPO Inventory Number Pending] a historic property *eligible* for listing in the NRHP for purposes of completing Section 106 review of this federal undertaking only. We agree that this property is likely part of a larger, potential Lakewood Water Treatment Plant Historic District which also includes the Lakewood Pump House, Surge Valve Building, and surrounding landscape.

### **Assessment and Finding of Effect**

In order for our office to agree with the agency finding that the proposed undertaking will avoid adverse effects, the proposed modifications within or directly adjacent to the historic property boundary must be designed appropriately. Typically, this means treatment and design consistent with the Secretary of the Interior's *Standards for Rehabilitation* (Standards) and associated guidelines.

Our May 18<sup>th</sup> letter indicated that the proposed new equipment placement on the north and east of the Water Treatment Building is appropriate per the Standards. We understand by your July 20<sup>th</sup> submission that the scope in this area has not changed, therefore our comment is still valid.

Based upon information provided in your July 20<sup>th</sup> submission, we agree with the agency determination that the size, scale, and new location proposed for the above-ground equipment and structures, which will be in a wooded area to the west of the Lakewood Pump House and Surge Valve Building, meets the Standards and will not adversely affect the historic property.

Therefore, we concur with your agency's finding that the federal undertaking, as it is currently proposed, will have **no adverse effect** on historic properties provided that the condition listed in your July 20<sup>th</sup> submission is met.

### **Consulting Party and Public Participation**

Thank you for providing a summary of consultation that your agency has had with the Fond du Lac Band of Lake Superior Chippewa and the Duluth Heritage Preservation Commission since our May 18<sup>th</sup> comment letter was issued.

Implementation of the undertaking in accordance with this finding, as documented, fulfills your agency's responsibilities under Section 106. If your agency receives written objection to the finding of effect from a consulting party or the public following issuance of this comment letter, then your agency will need to notify our office of the disagreement pursuant to 36 CFR § 800.5 (c)(2)(i). If your agency does not carry out the undertaking as proposed, including, but not limited to, a situation where design changes to the currently proposed project diverts substantially from what was presented at the time of this review, or design changes involving undisturbed ground are made for the undertaking following completion of this review, then your agency will need to reopen Section 106 consultation with our office and others pursuant to 36 CFR § 800.5(d)(1).

If you have any questions regarding our review of this undertaking, please contact me at (651) 201-3290 or [sarah.beimers@state.mn.us](mailto:sarah.beimers@state.mn.us).

Sincerely,



Sarah J. Beimers  
Environmental Review Program Manager

Cc via email:

Stephen Robertson, City of Duluth  
Nick Dorochoff, FEMA