

City of Duluth
Planning Division

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SPECIAL MEETING

Preservation Commission Member
Duluth Historic Preservation Commission
Duluth, MN 55802

- I. Chair David Woodward called a special meeting of the Duluth Historic Preservation Commission for 2:30, Wednesday, January 25, 2012, in Room 303.
- II. Roll Call: Donald Dass, Drew Digby, Wayne Gannaway, Tim Meyer and Carolyn Sundquist and David Woodward

Members Absent: Ken Buehler

- III. Consideration of Minutes - December 15, 2011, Informal site visit at St. Peters Church
- IV. Old Business

1. St. Peters Church Update

Old Business: Woodward stated that we had attempted to go through the nomination process for St. Peters Church as a historical landmark. We were under the idea that we had the authority to do this but we did not have the right to do it. Their lawyer had recommended they get legal council. It was clarified by the city attorney's office that we cannot nominate properties or districts without the consent of the owners. This goes against SHPO standards. We will be looking into this more and we need further clarification on historic districts. Gannaway stated that the UDC allows us to do this as we operate as a semi-quazi commission and are accepting SHPO's regulations. Digby stated that they can make a formal proposal to make sure that it conforms with federal and state laws historic resources and to advise them on the UDC regarding the annual updates. Woodward stated that historic resources in the nation says that the documentation to 50.37.18 states that a property owner or contractor unless a Digby asked if we would need a formal application or if the HPC can designate it.

Sundquist stated that the HPC had written the nomination. Digby stated that we should go ahead and do this with the state and local regulations. Woodward thinks that their first step would be to work with the city to change this. Then the city would have the property

owners involved with it. Sundquist stated that this is different from 28.a, our former ordinance, as they were assured of the conditions of 28.a. Sundquist added that Bob Zaller stated that the HPC has no authority to even write the application. There is nothing that states that the nomination can be written but there is nothing that prohibits the process from that point. The city council votes on and puts in place the actual landmark designation. The HPC holds a public meeting and it is provided to the City Council as they could hold a second public meeting.

Digby asked if he should withdraw his proposal pending additional research so that they can get a response from SHPO. Woodward stated that they referred to the Umbrella permit. Sundquist said that they had a meeting and voiced their concerns to Alison Lutterman. She added that Bob Zaller said that the HPC has no authority to even write the nomination. When you look at the UDC, There is nothing that states that the nomination can't be written and proceed with the process and there is nothing that would prohibit the process getting to that point. Woodward stated that an application can be submitted by an owner. Digby stated that there is nothing that prohibits us with this process. Gannaway added that it isn't an application but a nomination. Who would we give the nomination to? It would be us. Getting through the city council could be difficult. Sundquist added that we are 'recommending to the city council designations of historic landmarks and districts based on the Staff's criteria'. Digby had read the procedures and they made the decision to have it at the January meeting. The checklist was carried out in our procedures at the January meeting.

Woodward stated that when the lawyer called him he had assumed wrongly that they had the application to look at. Meyer asked if the Italian American group could make the nomination, which they could not. Digby stated that our Bylaws are clear and we need to do a little more research. Gannaway said that the clearest way is to say that we believe that we should have that authority. Gannaway added that if the City cuts us off, we can promote this and get this issue to the public which could be somebody from UMD or elsewhere. There are also a lot of parishes being closed in Duluth. Woodward would like to get state legacy funds. Digby has withdrawn his proposal so that they can do additional research. Gannaway added that there is a certain ceremony to de-consecrate parishes. Parishes that have a lot of debt are not sold but the ones with no debt sometimes are the ones to be sold off to get the proceeds of the sale. He stated that the state statute doesn't allow us to put in applications.

- I. Reports of Officers and Committees
 1. Planning Commission (past issues and future issues) – Drew Digby

Higher Education Small Area Plan. School Re-Use and Downtown Planning. The city is nearing an end of a process to come up with a small area plan for the higher education district. This is important to us that there it is a high likely-hood of fairly dramatic changes across the east hillside in the next 5-10 years. If it goes as everybody wants it, they would have student housing where it belongs - by the University. They need to have the neighborhoods as strong as possible as the students move out, how can we be assured the historic areas are protected? Sundquist stated that we need to have up to date surveys. With the results of the surveys these are the eligible properties and the areas that we want to protect. Woodward requested that all three of these come across our desk and be involved in all of these properties. Digby stated that they just had a joint public meeting

on this. Digby asked if someone would write a recommendation for resource surveys and make sure that all resources are available (tax credits). Meyer stated that they don't have a staff and that is why we have a disconnect. Drew added that there is no additional staff and there are issues not being dealt with due to staffing. Keith Hamre is now the Interim Manager and there may be some restructuring. The Mayor may be replacing Cindy. There is a lot of pressure of doing more sustainable development. Gannaway agreed that sustainability is important.

II. New Business

III. 1. 2012 CLG Grant

The Deadline is in February. Gannaway talked with Koop and it doesn't sound like they would get matching funding. Mike Koop stated that Legacy match funds can be used for this. He proposes to write the grant and email out for comments so that they get it in before the deadline. He might ask Keith for matching funding. Koop added that Central High School is not old enough to be historic.

Mark Lambert is waiting for his plan in March. Some of the people are for this and others that are very opposed. We also have a form based code downtown and some of the landlords think they can do anything they want to. It is also on hold right now.

Sundquist stated that there had been an agreement for Sacred Heart and the city is not upholding their end. Sundquist volunteered to draft a letter on this.

MOTION/Second: Sundquist/Woodward to **DRAFT** a letter regarding the Agreement for Sacred Heart.

2. Legacy Grant

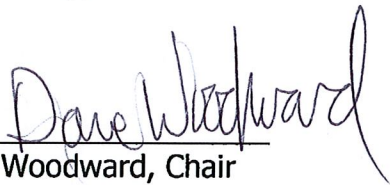
Sundquist said that Keith handles the contractor portion but they need to do the entire portion of it. Woodward said that he will work with Keith on this.

XI. Other Business

Sundquist stated that they received a letter from the Center for American Indian Resources at 211 4th Street West. Mary Ann Heideleman sent the letter and stated that there was an agreement by the city and Sacred Heart and the city is not upholding this. The HPC wrote a letter of support for the Cities Grant application to repair the Bell Tower. The city is not maintaining the alley to take care of some of the water issues. The HPC encourages that the city work with Sacred Heart regarding the water issue in the alley. They wrote a letter of support and encourages the City to state their support as well. She stated that there was an agreement on keeping up with this.

XII. Adjournment

Respectfully,

A handwritten signature in cursive script that reads "David Woodward". The signature is written in black ink and is positioned above a horizontal line.

David Woodward, Chair