



Heritage Preservation Commission  
October 22, 2013 Meeting Minutes  
Room 303 – Duluth City Hall

Call to Order

Chairperson Woodward called to order the meeting of the Heritage Preservation Commission (HPC) at 11:00 a.m. on Tuesday, October 22, 2013.

Roll Call

Attending: Kristi Johnson, Patricia Mullins, Tom Vaughn and David Woodward

Absent: Ken Buehler, Nicole Smith (Excused)

Public Hearings

Motion to change the agenda and **table** public hearing item C (the landmark designation for St. Peter's Church). The HPC will still note any comments from the public.

**MOTION/SECOND:** Woodward/Vaughn

**(4-0)**

- A. Historic Construction/Demolition Permit for Roof Repair and New Handicap Ramp at the Carnegie Library, 101 W. 2<sup>nd</sup> St., by Accend Services, Inc. (PL13-130). The review by SHPO was not completed in the 30-day time frame. The immediacy to complete the roofing is of utmost importance. The handicap ramp was discussed. It has been revised to access the platform near the front doors. A handrail will not be needed due to the mild slope of the ramp to the rear of the existing parking lot. Visible changes from the street will be minimal. Chair Woodward suggests a provisional permit to complete the roof work. Once SHPO completes their review, Chair Woodward would support a special meeting to address the approval of the handicap ramp. Kristi Johnson verified that the roofing material will match. Chair Woodward asked for a revised cover sheet for the certificate of appropriateness, so they can approve the roofing request. No comment from the public.

**MOTION/Second:** Woodward/Mullins - to accept the application for the roof and parapet work. A special meeting regarding the handicap accessible ramp will be held once the decision from SHPO is relayed.

**(4-0)**

- B. Local Historic Preservation Landmark Designation for Chester Park United Methodist Church, 819 N. 18<sup>th</sup> Ave. E., by First United Methodist Church and Stacey Dimberio (PL13-123). The two churches have merged, and they would like to see the Chester Park building be open for other uses, in particular a dance studio. The building has historic value: both architecturally and in terms of its importance to the community. The church supports the proposed buyer's plans to maintain building. Chair Woodward asks if they will be seeking historic tax credits. Stacey Dimberio stated it sounds like a good idea. Public comment: Glen Fillipovich of the Duluth Preservation Alliance addressed the HPC. They are in support of the adaptive reuse of this building.

**MOTION/Second:** Woodward/Vaughn - to accept the application for local landmark status.

Chair Woodward listed the next two needed steps. The first is a preservation plan and the second step is any modifications will need a certificate of appropriateness (historic construction/demolition permit).

- C. Local Historic Preservation Landmark Designation for St. Peter's Church, 810 W. 3<sup>rd</sup> St., by the Heritage Preservation Commission (PL13-134). Chair Woodward shared the latest occurrences. HPC's primary responsibility is to locate and nominate local landmarks. Up until the UDC (Unified Development Chapter), the HPC had the authority to nominate properties regardless of the owner's consent. The HPC can't "put" properties on the landmark status, they can only "nominate"/recommend properties for the City Council's approval. There are opportunities for the landowner to disagree with the nomination. The UDC now states the owner, or an owner's representative, must be the initiators of the application for landmark status. Question asked if in the past there was ever a nomination for landmark status against the owner's wishes. Per Chair Woodward, since 1989 there was not. Johnson commented she was previously on the Minneapolis HPC who **did** have nominations against the owner's wishes. Patricia Mullins clarified that it doesn't put restrictions on property, just the designation that the property was an important part of history. Chair Woodward stated local landmark status is a great tool to preserve historic structures and also the heritage of Duluth. It would be unfortunate if the UDC language takes away the HPC's mission to nominate properties. The diocese doesn't want to maintain the building due to costs. Question was asked if funds are available once it's designated with local landmark status. Per Chair Woodward, yes funds are available including legacy funds and matching CLG (Certified Local Government) grant funds. Keith Hamre (Director of Planning and Construction Services), and Chuck Froseth (Land Use Supervisor), joined the meeting and addressed the HPC. Hamre noted the difference between nomination and designation. Now the UDC states the application for nomination must be presented by the owner or someone who has a contract to purchase. The City's concern is if it's taking away the owner's property rights. The City has been in contact with Michael Koop of the State Historic Preservation Office who is going to bring the issue to the Attorney General's office. City Attorney, Nate LaCoursiere, is also looking into the City's protection/liability. The City supports tabling the item until a policy decision has been made with the Planning Commission and the City Council. Does the City want to move forward with nominations/designations when property owner is not in agreement? This decision could put the City at risk for future lawsuits. Per Hamre, the question is if the City is comfortable with the risk, and if so, the City would, therefore, need to change the UDC. Chair Woodward noted before the new UDC language there was no official barring of the nomination and any lawsuits would be after the fact. The new UDC language would protect the City before the fact. Chair Woodward asked Johnson about her experience with the Minneapolis HPC. She stated it was up to the HPC and the City Council. The owner could relay their wishes against the process, but the nomination could move forward anyway. Per Hamre our attorneys are looking into State Statute for land use law, and the process and procedures for rezoning, variances, and special use permits. The UDC didn't specifically contemplate how the HPC's process fits in. The Planning Commission and City Council will ask what is the difference between this situation and the situation when the Planning Commission rezones an owner's land from residential to commercial without being requested by the property owner? They have a locally adopted Comprehensive Plan which states that it is the future land use they want to see. That enables the Planning Commission to allow the rezoning to match. This analogy is used, because it is a good model for the HPC

moving forward. Hamre noted specific questions: What is the process? Why this property? What are the criteria? What is the methodical planning process? These steps will help build a solid case to prepare for any possible future litigation. Per Chair Woodward, there is a criteria process that the HPC abides by. In this case, local significance is deemed by the research done by the application itself, and then the HPC, along with SHPO decides on the validity of the significance. Per Chair Woodward, the negative aspect of this is that communities (including Rochester) lose CLG status, and then the HPC's role is compromised. Hamre stated there is a practical concern. If the owner does not consent, what happens to the property? We don't want to see the owner disinvest. City wants to encourage re-use in a positive aspect. Per Chair Woodward this case will make the HPC stronger as they weed through issues that should have been addressed when the UDC was created. Hamre noted there have been four revisions to the UDC already, and there is room for improvement. It's difficult to incorporate one set of guidelines for many different groups. Per Woodward, regarding this nomination, it's not feasible at this point. He noted the semantic difference between nomination and designation. If SHPO concurs then the HPC could recommend nomination to the Planning Commission for eventual designation. Chair Woodward appreciated the public's input and welcomed speakers.

City Councilor Sharla Gardner addressed the HPC. She represents the district in which St. Peter's Church is located and supports the local landmark designation. Parishioners and community members have voiced to her their concerns about what the diocese has done so far: taking out windows, taking out statuary and now the radiators. She used to live in the neighborhood and noted the historical importance of the church especially for the Italian American community.

Chair Woodward noted, according to the National Historic Preservation Act, normally religious entities are exempt from national or local landmark status, but because this church is a representative entity for an ethnic community and provides not just a religious home, but a community center for an ethnic group that was very important in development of northeastern Minnesota and Duluth.

Jim Fisketti (4825 Jensen Rd.) addressed the HPC. He is a history teacher in Duluth and supports the local landmark designation. His grandfather helped put the church together. He feels the church is an extremely important historic monument. The church was built by Italian stonemasons and is architecturally significant.

Bill Irving (826 W. 3<sup>rd</sup> St.) addressed the HPC. He owns property (former school) adjacent to the church. He supports the designation of the church itself, but notes the property is split and is concerned that designation of the entire property will limit the access to his property on 8<sup>th</sup> Ave. W.

Cheryl Moebakken (1021 W. 8<sup>th</sup> St.) addressed the HPC. She is an Italian-American and supports the local landmark designation. She has lived in the neighborhood all her life and feels the church is culturally significant.

Judith Johnson (635 W. 3<sup>rd</sup> St.) addressed the HPC. She lives in the neighborhood and supports the local landmark designation. She feels it will be a great loss if the church is torn down.

Glen Filipovich (1331 E. 7<sup>th</sup> St.) addressed the HPC. He is a member of the Duluth Preservation Alliance and supports the local landmark designation. He met with the bishop years ago and clarified that the HPC did not meet with the diocese which was incorrectly reported by the media.

Colleen Ferrian (resident) addressed the HPC. She lives across the street from the church and supports the local landmark designation. She feels it is an important part of their neighborhood. She supports adaptive reuse.

Chair Woodward encouraged the public to attend the next HPC meeting which will be November 26, 2013 at 11:00 a.m.

Robin Mainella addressed the HPC. She strongly supports the local landmark status and hopes the church is saved. She is frustrated with the diocese and feels the issues come down to money. She hopes this situation serves as an example for future cases, and doesn't want to see demolition due to neglect.

Chair Woodward thanked the speakers and noted this topic will be continued at the HPC's next meeting.

#### Old Business

Pre-nominations for Other Properties in Duluth:

Chair Woodward noted the HPC's intention to have a public meeting next month to nominate both Enger Tower and the Clayton Jackson McGhie Memorial for landmark status.

Tom Vaughn shared his review of the SHPO Statewide Historic Preservation Conference that he attended in Lansboro, Minnesota in September.

Patricia Mullins had to leave the meeting. Quorum requirements no longer abide. Chair Woodward noted the rest of the agenda items can be discussed at the next meeting.

#### Adjournment

**MOTION/Second:** Woodward/Vaughn to adjourn at 12:45 p.m.

Respectfully,



Charles Froseth, Land Use Supervisor