



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Meeting Agenda

Heritage Preservation Commission.

Monday, June 13, 2022

12:00 PM

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

1 Call to Order/Determination of Quorum

2 Public Hearings

PL 22-090 Proposed Demolition of 102 East Superior Street (F.K.A. Astoria Hotel)

3 Consideration of Minutes

April 11, 2022

4 Communications

Mn Historic Tax Credit Ending June 30, 2022

City of Bemidji Seeking Input on Historic Commissions

5 Report of Final Disposition on Matters Previously Before the Commission

Lincoln Park Improvement Project MOA

6 Reports of Officers, Staff and Committees

7 Consideration of Matters Regarding Commission Action

8 Other Business

9 Adjournment

Heritage Preservation Commission
April 11, 2022 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.

1) Call to Order and Roll Call

President Ken Buehler called to order the meeting of the Heritage Preservation Commission (HPC) at 12:00 p.m. on Monday, April 11, 2022.

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

Attending: Ken Buehler, Stacey DeRoche, Jessica Fortney, Jess Mccullough, and Mike Poupore

Absent: Brandon Hartung, and Sarah Wisdorf

Staff Present: Steven Robertson, and Cindy Stafford

2) Public Hearings

None at this time.

3) Consideration of Minutes

March 14, 2022 Regular HPC Meeting

MOTION/Second: Poupore/Fortney approved the minutes

VOTE: (5-0)

4) Communications

Grant Application Skyline Parkway – Cindy Voigt of city engineering addressed the commission and gave an overview. There are grant opportunities available for federal highway money. She would like a letter of support from the HPC. They would like to submit a draft application to the MN Department of Transportation (DOT) by 6/6/2022. They propose to add a bi-way marker to capter the history of Barden Peak. The grant money dollars across the country are highly competitive. Chair Buehler asked what the local match is. Voigt stated the minimum is 20%, but they are proposing 5% more, so 25%. Mike Poupore asked if this proposal will go through SPHO. Voigt affirmed. Jess Mccullough thought the historic marker could reflect Native American Place names. Voight thought this was a good idea, and appreciated the input. Mccullough noted Ojibwe consultation would be beneficial. Chair Buehler agreed and noted the Indigenous Commission feedback would also be beneficial

MOTION/Second: Poupore/Mccullough authorize letter of support

VOTE: (5-0)

2022 Historic Preservation Conference – Steven Robertson gave an overview. The press release **was shared in the HPC's packet. They are still waiting to see if their grant is approved. More** info in May. Chair Buehler noted HPC members for the conference committee include himself, Poupore and Fortney. He asked the other commissioners to put some thought into it, and forward ideas to committee members.

Armory Grant Award – Per Robertson no action is needed. The Armory is a historic structure, so construction permits will be seen by the HPC. Poupore noted there is a grant for asbestos

removal, which is a huge deal and will help the Armory's life span. Chair Buehler added the armory is on Duluth's bonding bill list. Mccullough asked about the current plans for the Armory. Poupore serves on the Armory Board and noted they are proposing a food hall, with room for a museum, office space, and other interesting components including pickle ball and auditorium space.

NAPC Cincinnati, Ohio, July 13-17 – Per Robertson contact staff if HPC members are interested. There may be a limited travel budget to help with costs.

Rethos Places Reimagined issue 1, 2022 – Per Robertson no action is needed, but he shared the official document with the HPC.

Expansion of Rooftop Cell Equipment, Old Munger School – Per Robertson, this **doesn't really effect the view shed. It won't impact the historical property standpoint.**

5) Report of Final Disposition of Matters Previously Before the Commission –
Historic Review of future Demolition Projects in Historic Districts – Robertson stated there will be a memo next month. Emails between SHPO and city staff led the city's attorneys to agree that the city wasn't handling the contributing national contributing properties properly. MN Rules on EAW's subsection 31 – historic places – language is very broad. It not only for local designated properties, but includes national sites. Some historic review could be EAW, 106, HPC review or SHPO issues a determination that the property is non-contributing. A similar circumstance happened in Northfield, MN. Robertson thanked the HPC for their diligence.

6) Reports of Officers, Staff and Committees
Robertson noted the planning commission will meet virtually tomorrow at 5 p.m. Nothing pertains directly to HPC matters.

7) Consideration of Matters Regarding Commission Action
None at this time.

8) Other Business
Poupore **noted the HVAC renovation in City Hall. He would like to see the city's plans and SHPO's responses before anything get under way. Robertson noted SHPO is behind in their responses, but will share their comments regarding the HVAC work when they respond.**

9) Adjournment
Meeting adjourned at 12:35 p.m.

Respectfully,

Adam Fulton – Deputy Director
Department of Planning and Economic Development



Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802

218-730-5580
planning@duluthmn.gov

MEMORANDUM

DATE: June 8, 2022
TO: Heritage Preservation Commission
FROM: Steven Robertson, Senior Planner
RE: PL 22-090, Application for the Demolition of a Contributing Structure to the Duluth Commercial Historic District

On April 18, 2022, the city received a zoning application from the owner of 102-108 East Superior Street requesting HPC approval to demolish the structure.

According to the **"Historic Resources of Downtown Duluth, Minnesota, 1872-1933"**, submitted to the National Register of Historic Places, 2005, the structure was constructed in 1905, and was known as Duluth Marine Supply. It is also known to citizens as the old Astoria Hotel, as well as the Old Town Antiques, Chinese Dragon, and the Bullseye Building. It is considered to be contributing to the historic district.

The revised administrative process required before the City of Duluth approves a demolition permit for a structure contributing to a historic district is clarified in Mn Rules 4410.4300 subpart 31:

Historical places.

For the destruction, in whole or part, or the moving of a property that is listed on the National Register of Historic Places or State Register of Historic Places, the permitting state agency or local governmental unit is the RGU, except this does not apply to projects reviewed under section 106 of the National Historic Preservation Act of 1966, United States Code, title 54, section 306108, or the federal policy on lands, wildlife and waterfowl refuges, and historic sites pursuant to United States Code, title 49, section 303, or projects reviewed by a local heritage preservation commission certified by the State Historic Preservation Office pursuant to Code of Federal Regulations, title 36, sections 61.5 and 61.7. This subpart does not apply to a property located within a designated historic district if the property is listed as "noncontributing" in the official district designation or if the State Historic Preservation Office issues a determination that the property is noncontributing.

The Duluth Heritage Preservation Commission is a Certified Local Government commission. It has the authority to review this project. While there has not been an example of the HPC reviewing this type of zoning application in the recent past, there were a handful of examples state wide last year. The most relevant being either the 324 Broad Avenue Building Demolition in Albert Lea (process: EAW) and the 212 Division Street Building Demolition in Northfield (process: HPC action).

On Tuesday, June 7, 2022, at 12:00 pm, HPC Commissioners Wisdorf and DeRoche and City Staff Robertson toured the structure.

Included with this memo is the application, cover letter from property owner, and structural engineering report from Northland Consulting Engineers. Two public comments were also included. Written comment or recommendation from SHPO staff was requested, and may be received before the June 13th meeting. In addition the minutes and staff report and related documents from the Northfield demolition project (Archer House) are included as an example/reference document.

The June 13, 2022, meeting is a public hearing to be held at noon in the City Council chambers on the third floor. The process for a typical public hearing is:

- Short staff overview or summary on the project or zoning application,
- Comments or short presentation from the project proposer,
- Commissioner questions or clarifications on items presented by staff or project proposer,
- Public hearing, accepting testimony from members of the public,
- Public hearing is closed, and commissioner discussion and motion.

According to the bylaws:

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.

After closing the public hearing and reviewing all the appropriate information, the HPC may:

- Make a motion to approve the zoning application (Certificate of Appropriateness) allowing the demolition. The motion will have to include findings to support the motion.
- Make a motion to deny the zoning application, denying the demolition. The motion will have to include findings to support the motion.
- Table the item until the July 11th meeting, but tabling the item should be accompanied by specific information requests to allow the HPC to take action on the zoning application at their next meeting.

Note that if the Certificate of Appropriateness is approved and the demolition of this structure is allowed, the project proposer would still need to receive a wrecking permit from the City of Duluth, and follow any additional regulatory requirements (lead and asbestos removal, site security and safety, soil stabilization, public utility cut-offs, etc).

Decisions of the HPC are able to be appealed to the City Council within 10 calendars days of the decision.

**Application for
CERTIFICATE OF APPROPRIATENESS
for Duluth Heritage Preservation Landmarks and Districts**

Please complete this application as it pertains to your project. Attach all information required, including a scope of work form.

Location of Building: 102-108 E Superior Street Duluth, MN 55802
(Street Address) (City, State) (Zip Code)

Hotel Astoria Unknown
(Historic Name) (Architect Name(s) - if known)

Owner: North Creek Investors II, LLC 150 N Wiget Lane, Ste 250, Walnut Creek, CA 94598 925-933-4000
(Name) (Street Address, City, State, Zip Code) (Daytime Phone)

Applicant: Contractor Veit & Company, Inc. 14000 Veit Place, Rogers, MN 55374 612-490-0174
(Applicant's Name, if other than owner) (Street Address, City, State, Zip Code) (Daytime Phone)

Owner's Signature: _____ **Date:** _____

TYPE OF WORK PROPOSED

- Exterior Restoration Addition to Building Landscaping Signs New Construction
 Interior Restoration (COA may not be required - please check building's preservation plan)

EXTERIOR ALTERATIONS (CHECK ALL THAT APPLY)

- Windows
- Doors
- Siding
- Roof change
- Chimney
- Lighting
- Facade
- Other

Checklist of items needed for application:

- Scale drawings of all building elevations impacted by change
- Photos of current condition of all building elevations impacted by
- Detailed specifications and scope of work
- Materials to be used (color number, sample of material & that which is being matched, name of manufacturer & material)
- Detailed drawings of new windows, doors, or other features in scope of work

Description of proposed changes:

Demolition of building

Reason for changes: Out of date with building and fire codes. Deteriorating structure.

Location of changes on building: _____

ADDITION TO BUILDING

Description of addition: _____

Reason for changes: _____

Location of addition on site: _____

Reason for addition: _____

Size: _____

(Number of Stories) (Length) (Width) (Height)

Architect: _____ () - _____
(Name) (Street Address, City, State, Zip Code) (Phone)

Contractor: _____ () - _____
(Name) (Street Address, City, State, Zip Code) (Phone)

Checklist of items needed for application:

- Scale drawings of all building elevations impacted by change
- Photos of current condition of all building elevations impacted by change
- Detailed specifications and architectural drawings of existing structure
- Detailed specifications and architectural drawings of new construction (Including but not limited to materials to be used on exterior and architectural elements - color numbers, samples of materials & samples of existing materials being matched, name of manufacturers & materials)
- Site plan showing existing and new construction

LANDSCAPING:

Description of proposed landscape changes: _____

Reason for changes: _____

Location of changes on site: _____

Checklist of items needed for application:

- Detailed architectural landscape design plans to scale with building elevations shown
- Detailed site plans to scale
- Material samples and existing materials samples
- Photos of existing landscape and structures to be impacted.
- Detailed scope of work and specifications.
- Photos of statues, structures, etc. to be incorporated, if appropriate

SIGNS

Purpose: _____

Location: _____

Size: _____

Material: _____

Description: _____

Checklist of items for application:

- Architectural drawings of all building elevations related to new sign - must illustrate the location of both proposed and existing signs and method of lighting (if any).
- Architectural drawings of all proposed signs illustrating style(s), noting dimensions, materials, method of attachment to building or below ground structure, if free-standing, etc.
- Samples of all materials to be used (specific colors).
- Associated lighting, specifications, photos and/or catalog cuts
- A full description of the work to be performed.
- If prefabricated sign, photos and name of manufacturer, model number, etc.

INTERIOR RESTORATION

Description of proposed interior changes:

Reason for interior changes: _____

May 18, 2022



Heritage Preservation Commission
Duluth, Minnesota

Dear HPC Members;

Veit & Company, Inc. has submitted a request for demolition of the building located at 102-108 East Superior Street as the request of its owners and ZMC Hotels, the manager of the building. This building is listed as a contributing structure as part of a proposed historic district in Duluth. While this building may have some small details that represent the overall architecture of the city, it has been altered and deteriorated to a point where it is no longer recognizable as a good representation of the city's architecture.

Members of this Commission may be familiar with the exterior of the building and some parts of the interior if you patronized any of the businesses. ZMC Hotels would like to invite the Commission to a tour of all areas of the interior and exterior showing our causes for concern. Hard hats and flashlights would be required as well as acknowledgement that the owners and ZMC Hotels are not liable for any injury. There are many hazards inside and the building does not meet standard building codes in general or for ADA accessibility.

This building was originally constructed as the Hotel Astoria in 1906. It is noted in articles that by 1908 the hotel was popular between unmarried couples. Gambling, selling liquor without a license, fights and even a murder-suicide also plagued the hotel. The troubles continued until the hotel closed in 1929 due to a fire that destroyed the building's roof and the parapet stonework above the roofline. Much of the third floor has been unusable since then. The heavily scorched brick and timbers below the roof and on the 3rd floor were left and are still visible today.

Many businesses have taken up residence in the building at various times in its history and it has experienced plenty of vacancies as well. It has been home to grocers, mechanics, restaurants, cleaners, plumbers, screen printing, and more over the years. Most recently the building was occupied by the Chinese Dragon Restaurant (108), Hucklebeary Stationary Store (106), and Old Towne Antiques (102).

Over the years, as businesses have taken up residence, changes were made to the interior. Very little if anything from its days as the Hotel Astoria still exists. Many windows have been removed and/or boarded up due to damage, decay or just not being where the current tenant of the building needed them at that time. The store fronts on Superior Street have been altered

over the years. The store front on Michigan Street has also changed significantly with the installation of four garage doors. Currently, all three Superior Street store front doors have been broken as well as a second story window on the Michigan Street side.



In 2017, the building was purchased by North Creek Investors II, LLC and ZAC NC Asset Investors, LLC and leased to Zenith Asset Company, LLC, an affiliate of ZMC Hotels, LLC. It became known internally as the Bullseye Building as that was the name of the business operated by the sellers at the time of acquisition.

The building has been plagued by issues that come with an aged structure. Decades of little or no maintenance or improvements have left the building in a state of decay that is beyond recoverable and not economically viable, particularly in today's climate of costs and labor.

The exterior of the building is cracked and falling to the ground. The brick on the east side of the building used to be protected by the building next to it. That building was removed in 2005 which then exposed the non-glazed brick to the elements of northern Minnesota. Years of rain, snow, and ice have cause bits of the brick to break off. In some places the damage appears significant. The arched masonry above the windows is poised to come down as soon as any one of the bricks breaks loose. You can see cases where it is the force of the bricks against each other holding it up and nothing else. Many of the windowsills are breaking apart as well.

The roof leaks and has been repeatedly patched. It is now beyond patchwork repair. With the spring 2022 thaw, multiple leaks provided a good stream of water that was enough to reach the second story. The roof needs to be replaced. A quote was obtained in early 2020. Then the pandemic hit, and no further action was taken. This quote has been updated in 2022 but does not include replacing the roof decking. It is likely that it would need to be replaced once the roof is off due to being exposed to moisture repeatedly over the years. Since the decking lies on top of the burnt timbers left from the 1929 fire, it is also likely that these would be required to be replaced to support a new roof and decking.

The interior of the building is exposed brick and drywall. In the basement the brick and stone walls are crumbling, and, in some cases, they have simply fallen away. On the third floor there is an interior brick wall and then the exterior brick wall. In one part, the interior wall has bowed in by several inches. As mentioned previously, much of the brick on the third floor is charred from the 1929 fire.

North Shore Architectural was invited to tour and determine if there was any architectural salvage to be obtained from the building prior to demolition. They found none that was beneficial to them.

There is no real heat or air conditioning in the building. At one point there was a rooftop unit but it long ago stopped working. The Chinese Dragon owners had a window unit for air conditioning and a small furnace to heat the space. The basement and second story of the other tenants were heated with mounted Hot Dawg units. Air conditioning was provided by window units. There is no heat or air conditioning on the third floor. The building has no insulation.

As with any older structure, plumbing leaks occur. In this building, particularly beneath the restaurant, multiple leaks from the bathrooms and kitchen have been repaired. Parts of the

floor beneath the restaurant have fallen into the basement level in areas due to water and grease leaking through it over decades.

In 2021, multiple sewer pipes beneath the concrete basement were found to be collapsed. Repairs included above ground rerouting and cutting up parts of the concrete floor to replace below ground pipes. The decay was so bad that the pipe was falling apart as plumbers were trying to find good pipe to connect replacement PVC. Cameras show collapsed pipes beyond accessibility. The entire concrete floor would need to be removed to replace the sewer pipes completely. Repair of all remaining sewer pipes was not completed due to determining that the building should be demolished.

The building has two water mains coming in from Superior Street. One main was permanently shut down by the city at owner's request in 2021 due to leaking which was flowing into the basement. To repair this would have required tearing up the newly laid Superior Street and sidewalk at significant cost. Tenant water was rerouted from the other water main which also shows significant signs of decay and leaking, but less than the main that was shut down.

The building has long been a harborage for rodents as there are many holes and crevices leading into the structure. Pest control routinely removed from the site. The deterioration of the building has created many access points which have been filled in as they are found. As rodents will do, they find new ones.

Due to the condition of the building, it has never been able to garner proper downtown Duluth rents. It has a net operating loss year over year.

Contrary to what you have heard or seen in the media, there is no current plan to put in a parking lot or ramp. At no time were the owners or ZMC Hotels contacted for comment on any news report. The space will be leveled, covered in class 5 gravel, and will have barriers to prevent parking on the site post-demolition. At this time, there is no plan on paper as to what may be built on the site in the future.

Currently, we are trying to manage illegal entry into the building. Multiple attempts have been made in the short time it has been vacated and there has been one successful entry. All three store front doors on Superior Street have been smashed. Once all work inside the building has been completed, if a permit to demolish is not available, we will have to board up the doors and possibly windows to prevent any trespassing and potential liability of people entering the building. The last thing we want is someone to illegally enter and get hurt or start a fire which could lead to injury to responding personnel as there are staircases to nowhere, many nooks to get lost in, and too many other hazards.

Having this dilapidated eyesore in downtown Duluth is not beneficial to the people who live and visit here, particularly given its proximity to the Lakewalk access on the corner of Superior Street and 1st Avenue East. Based on the extensive decay and damage to this building, we respectfully request that HPC allow this building to be removed.

Please reach out to me to get a tour scheduled for HPC members. My contact information is below.

Your time reading this is appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Anne Stratioti".

Anne Stratioti
Operations Administrator
11 E Superior Street, Ste 170
Duluth, MN 55802
218-529-7711 direct
astratioti@zmchotels.com

Structural Engineering Report

Date: April 11, 2022

Project: 102 E Superior Street – Bullseye Bldg- Condition Review

Recipient: Anne Stratioti- ZMC Hotels – 11 E Superior Street, Suite 170, Duluth, MN

Email: Astratoti@ZMChotels.com

NCE Job : 22-202

Regarding: **Structural and Envelope Condition Review**

This report is based on our observations, our calculations and our discussion on site with you.

We visited the site on 4-08-2022 and toured the entire facility with you. We have since performed a few preliminary calculations to determine the existing floor and roof capacities as those values are potentially relevant to the re-use of the existing building.

Observations: (refer to photo pages)

1. The structure is a wood framed (2) level plus basement building with masonry exterior walls. The superior street / Michigan street sides are approximately 100' in length and the Avenue / adjacent parking lot sides are approximately 114' in length.
2. The exterior walls are solid brick, uninsulated, supported on a stone foundation wall system. All exterior walls are in poor to very poor condition. All the exterior walls need to be cleaned and tuckpointed to prevent further deterioration. In several locations the brick is loose, brick lintels have failed, stone windowsills are failed and need to be replaced.
3. The Superior Street level and second level framing generally consists of 2x13 wood joists spaced at 16" on center. The framing is supported either by masonry walls or by steel beams and columns. The typical span of the joists is approximately 20'. Interior floors are slightly permanently deflected, especially at the superior street level in some locations.
4. The roof framing generally consists of 2x12 wood ceiling framing and 2x6 roof framing built-up from the ceiling to form a roof slope. The south-east corner of the building has experienced a significant fire which damaged a large portion of the roof framing and a small portion of the floor framing in that corner.
5. The roofing is old, leaking in many locations, it is not insulated and requires replacement.
6. The existing interior stairway system is not compliant with current codes for rise / run measurements.
7. The existing elevator is freight use only and likely not in accordance with current code for people.
8. The second level, superior street side brick wall is bowed inward at one location and should be repaired.
9. The existing sidewalk vault support system at the east end of the building is deteriorated and requires structural repairs.

Professional Opinions:

1. The exterior brick is in such poor condition, especially at the window openings, that significant brick repair, new lintels and window replacement will be required if the building is to be renovated. The exterior is also not insulated.



2. The roofing system requires replacement and would need insulation to be added if the building were to be renovated. However, to add insulation, the roof would likely need to be reinforced to meet the MN Conservation Code for existing buildings.
3. The floor capacity is acceptable for residential, or office uses on both levels, however the Superior Street level would require reinforcing if retail or restaurant uses were desired per current MN Conservation code.
4. A new elevator and internal stairs would be needed if the building were to be renovated.

Summary:

In our professional opinion, given the needed structural repairs, the needed envelope repairs, the needed vertical transportation renovations described above etc., it is likely more economical to replace the existing building than to renovate and re-purpose this structure.

Respectfully,

Jon E. Aamodt PE
Principal Partner

Professional Certification:

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

A handwritten signature in black ink that reads "Jon E. Aamodt".

Jon E. Aamodt, P.E.
MN Reg. No. 24838

Date 04/11/2022



Photo 1: Existing West elevation looking east



Photo 2: Existing West Elevation looking east



Photo 3: North exterior wall looking south



Photo 4: North exterior wall looking south



Photo 5: East exterior wall looking west



Photo 6: East Exterior wall looking west



Photo 7: Existing East exterior wall looking west – close-up view of brick conditions



Photo 8: Close-up view of brick condition on west exterior wall looking east



Photo 9: Close-up view of masonry condition at south elevation looking north



Photo 10: Close-up view of masonry condition at southeast corner of the exterior.



Photo 11: Close-up view of existing east exterior wall masonry condition.



Photo 12: Close-up view of existing east exterior wall masonry condition



Photo 13: Rear (south side) is not ADA accessible.

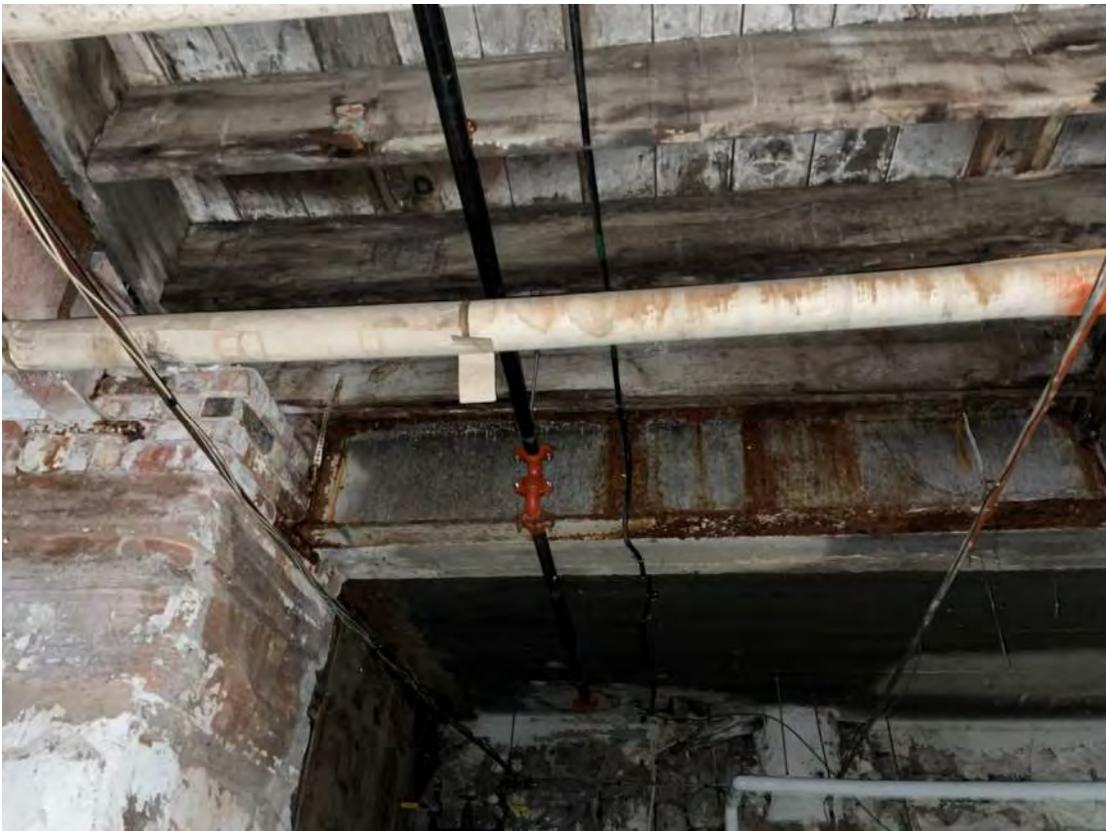


Photo 14: Existing sidewalk vault support and existing wood floor framing near entrances is generally in poor condition



Photo 15: Existing sidewalk vault support is generally in poor condition

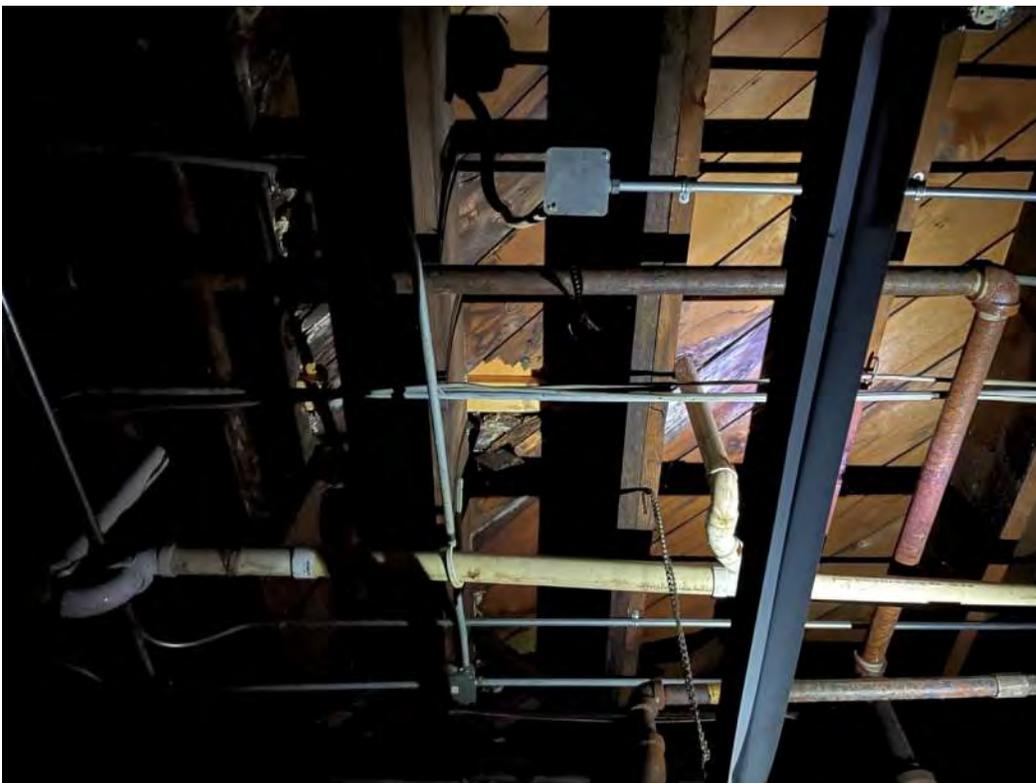


Photo 16: Existing floor framing is damaged by long term plumbing and envelope leaks at several locations inside the building.



Photo 17: Based on our discussions, the sewer connection to the street is in need of excavation and replacement



Photo 18: Rainwater on the upper floor level due to deteriorated roofing.



Photo 19: Interior stairs are not to current code rise / run or fire separation issues and would need to be replaced if major renovation were undertaken



Photo 20: Existing ceiling joist and roof joist system does not meet current code for snow load, is currently not insulated.



Photo 21: Existing roof joists that have been severely damaged due to fire.

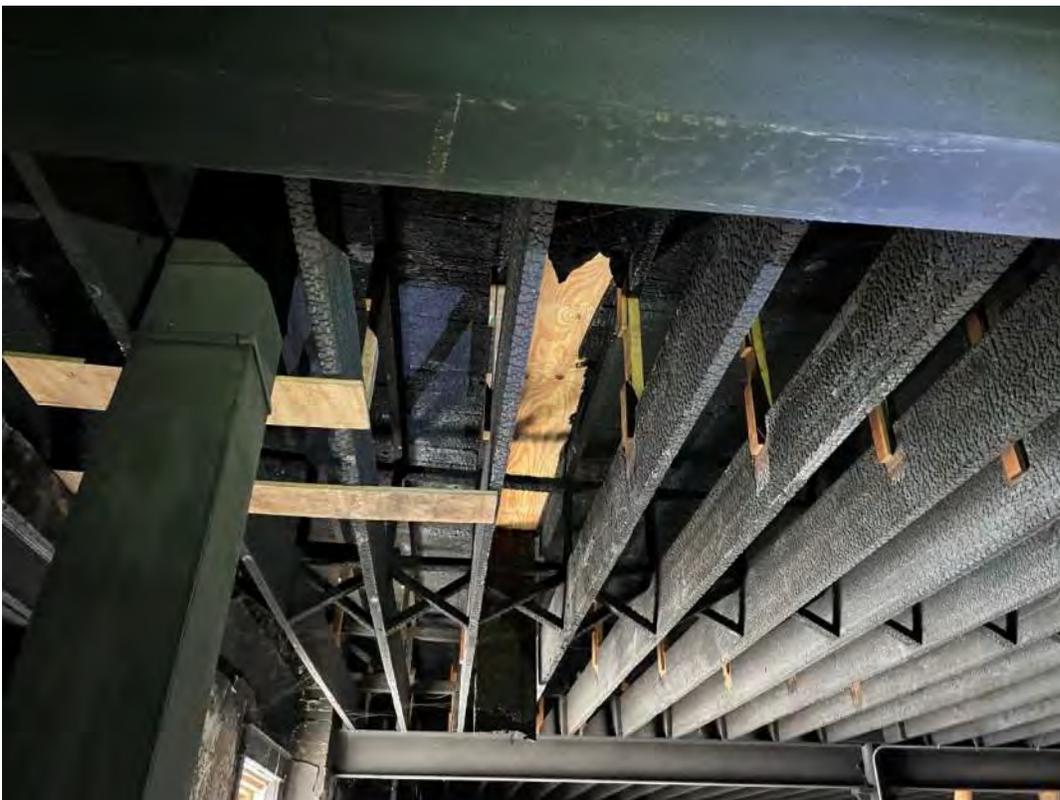


Photo 22: Existing roof joist framing severely damaged due to fire.



Photo 23: Existing wet flooring on the upper level due to roof leaks.



Photo 24: Existing north wall is bowed inward due to poor construction methods and water infiltration.



Photo 25: Existing freight elevator, would require significant upgrades or replacement if a significant renovation were to occur.



Photo 26: Existing interior finishes are old and need updating.



Photo 27: Existing interior finishes are old and require updating.

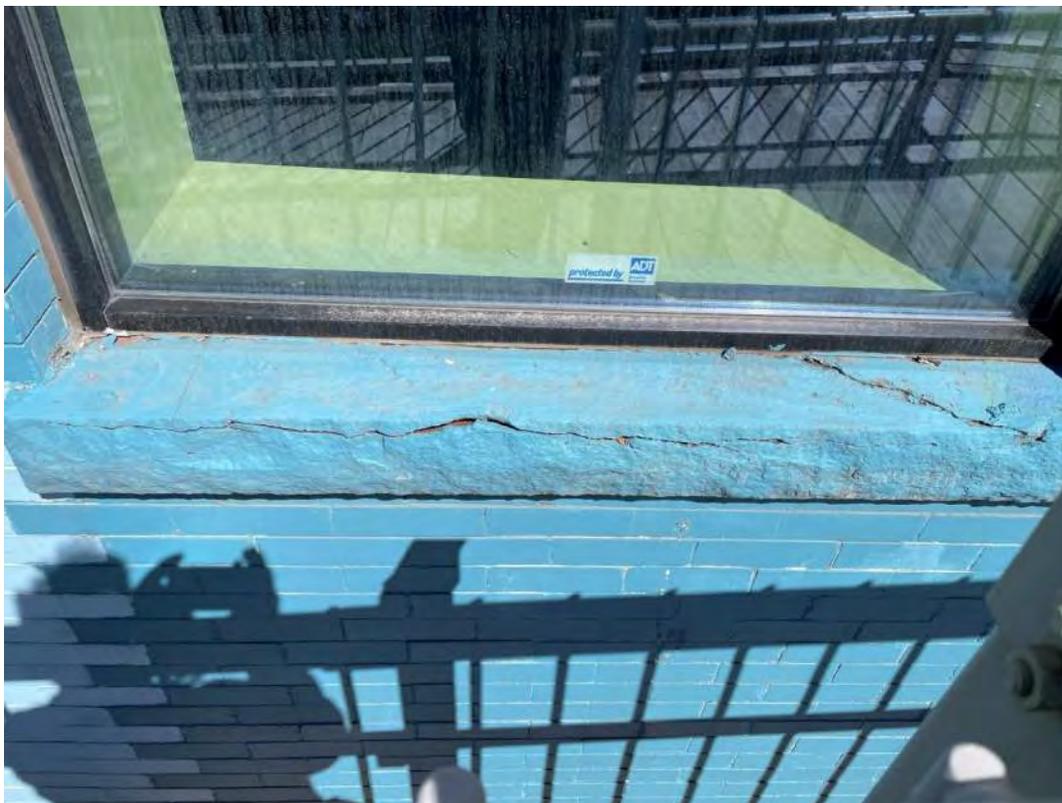


Photo 28: Existing exterior window sill – typical at the perimeter, many are broken and require replacement.



Photo 29: Typical exterior lintels are loose and failing and require replacement

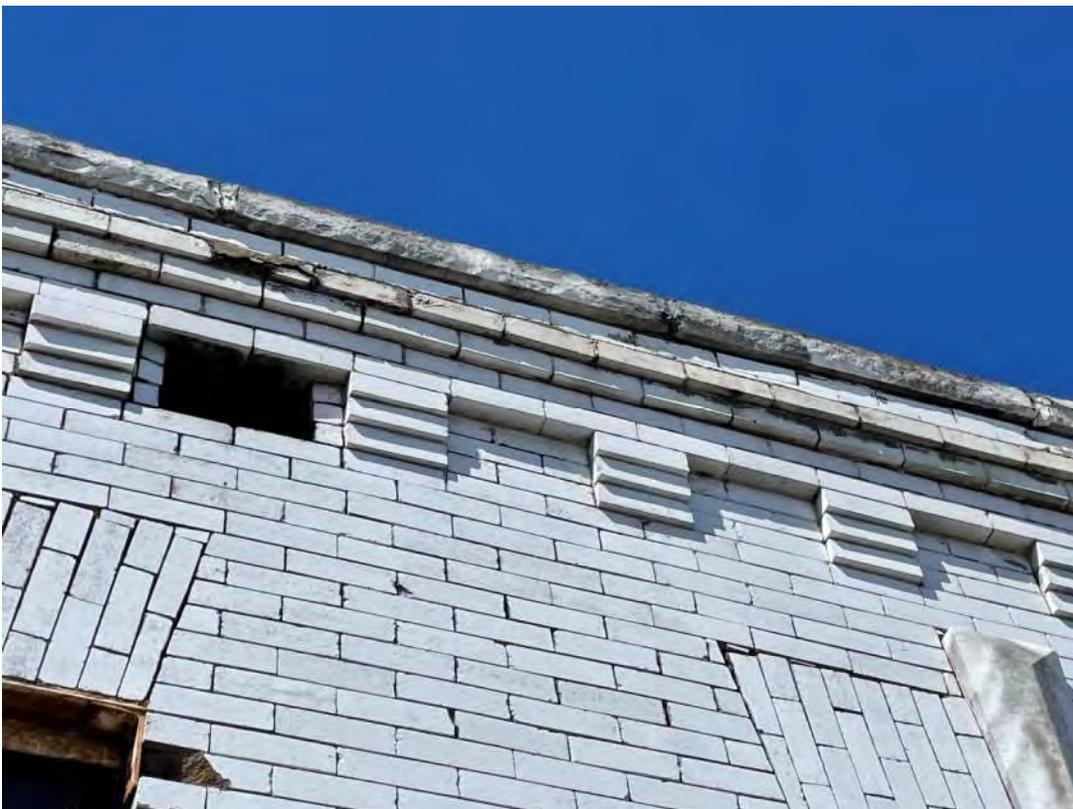


Photo 30: The existing parapets are deteriorated, missing or loose brick and exterior needs tuckpointing to prevent further deterioration.



Photo 31: Exterior southeast corner – note the spalling brick due to moisture intrusion, freeze thaw cycles causes a spall, which falls to the ground.

United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

Name of property
Duluth Commercial Historic District
County and State
St. Louis County, Minnesota

Section 7 Page 20

place of the large red sandstone head. A series of twenty-eight vertical brick corbels sit above a wide band of brick and support the red sandstone string course.

On the western façade, the first floor is composed primarily of a flat expanse of brick wall and red sandstone foundation stones that step up in response to the steep south/north slope of the site. The façade is enlivened by four columns of brick quoins that divide the façade into three bays. The northernmost bay contains a door opening with an oversized red sandstone head and two large window openings with heads formed from three brick voussoirs. The openings were filled with plywood panels at an unknown date. A matching window is located in the middle of the center bay, but it too is covered with plywood. The second floor mirrors the arrangement of the south façade with the exception of the outer two bays, which contain a pair of double-hung windows instead of the single opening.

- 30. Historic Name: Duluth Marine Supply**
Current Name: Old Town Antiques and Books/Hip Stuff/Chinese Dragon
Address: 102-108 East Superior Street
Date: 1905
Architect: unknown
Contributing

This is a two-story painted brick commercial building sited on the southeast corner of the intersection of Superior Street and First Avenue East. The building has a rectangular footprint with its primary façade on Superior and a secondary façade facing First Avenue. Four cast iron columns from the original storefront system are visible at the first floor level, but much of the north storefront has been altered from its original appearance through the insertion of new aluminum frame storefront windows and doors, new bulkheads, and new canopies and plywood panels with signage that cover the transoms. A continuous series of pressed metal panels was attached to the brick above the transom level, providing a visual separation between the first and second floors.

The second floor of the main façade is divided into three bays, two smaller outer bays articulated by brick quoins and a much larger center bay that is characterized by six slightly recessed individual bays. The two outer bays have two window openings each of which holds a new fixed aluminum frame window with a cut stone sill and a large flat brick arch with a thin stone keystone. A small rectangular brick recess is positioned immediately above each window, with a cut stone sill and a series of four horizontal corbels at the head. Two small elliptical recesses flank the rectangular panels, with frames formed from brick headers and a narrow stone keystone mirrored at the top and bottom of the frame. Each recess in the central bay contains a new fixed aluminum frame window sitting on a cut stone sill that extends the full width of the recess. The head is made up of a flat brick arch with a narrow stone keystone that extends through the center of a projecting segmental arch resting on the flat arch. A row of six vertical brick corbels finish the top of the recess, which steps out to a flat brick panel that is capped by a serrated profile below a projecting metal cornice. There is no clearly defined parapet (the result of a fire in 1929 that destroyed the parapet), and the wall is simply terminated with a thin metal coping.

The west façade slopes down to incorporate a third story at the rear or south end of the building, but this is largely hidden by a large pedestrian ramp placed immediately adjacent to the building. The façade is roughly divided into three bays, with the northernmost bay representing a continuation of the north façade onto the west. The northernmost bay is a compilation of features found on the front façade, with aluminum storefront windows and

United States Department of the Interior
National Park Service

**National Register of Historic Places
Continuation Sheet**

Name of property
Duluth Commercial Historic District
County and State
St. Louis County, Minnesota

Section 7 Page 21

canopies at the first floor, and brick quoins defining the edges of the second floor bay. A single new fixed aluminum frame window has a cut stone sill and a large flat brick arch with a narrow stone keystone. A row of brick corbels sits below the same serrated profile and metal cornice seen on the front façade. The same treatment is repeated at the southernmost bay at the second story level. The first floor is largely unarticulated, with five fixed aluminum frame windows piercing the wall in the five southern bays. The central portion of the second floor contains nine window openings with cut stone sills and brick flat arches with stone keystones. The openings are filled by a mix of materials, including new aluminum frame fixed windows, plywood sheeting and smaller fixed window units surrounded by plywood infill. Three horizontal brick corbels lead up to a long parged strip at the top of the brick wall, most likely resulting from the removal of the pressed metal cornice in 1971.

- 31. Historic Name: NA**
Current Name: Parking Ramp, Fond-du-Luth Casino
Address: 107-109 East Superior Street
Date: 1987
Architect: unknown
Non-contributing

This is a four-story red brick parking structure serving the adjacent Fond-du-Luth Casino. It does not fall within the period of significance for the historic district. The construction of the building resulted in the demolition of the Oppell Block, constructed in 1889 for Oppell Dry Goods and designed by noted Duluth architect, Oliver G. Traphagen.

- 32. Historic Name: Sears Parking Lot**
Current Name: Muffler Clinic
Address: 110-116 East Superior Street
Date: 1923
Architect: unknown
Non-contributing

This is a one-story service building with an L-shaped plan containing office space and seven garage bays. Due to alterations, it is considered a non-contributing building in the historic district.

- 33. Historic Name: Peterson Buffet**
Current Name: Lake Place Building
Address: 118 East Superior Street
Date: 1911
Architect: unknown
Contributing

This two-story limestone Neo-Classical Revival building with a rectangular footprint originally was constructed as a restaurant and converted to a beer garden in 1941. The sidewall exposed on the west façade has been parged with a stucco-like material at an unknown date. The first floor was radically altered from its original appearance in 1949 through the addition of new wood frame fixed windows and a leaded fan light, a new single light wood door, new stucco panels, cast details and facing over the original limestone, and new polished granite bulkheads.

From: David Siebert <>

Sent: Thursday, May 26, 2022 5:35 PM

To: astratioti; planning <planning@DuluthMN.gov> **Cc:** David Siebert

<>

Subject: Demolition of Building

I am the owner of Duluth Candy Co. across the street from the building known as the Old Astoria hotel and I would like to share my thoughts on the building. A company from California bought the building and gave plenty of notice on their intentions to put up a new building on the property (I believe that the news covered the story, but could be mistaken on this point.)

The tenants were told there was a new owner and that at some point they would need to move out. When the notice came to vacate, the tenants were given plenty of time to move. The Preservation Society did nothing during any of the previously mentioned steps until the building was completely vacated and a crew had already gone through removing all the required items prior to applying for a demolition permit. Then the Preservation Society decided to make noise and hold up progress on the property.

I find the actions taken by the Preservation Society quite disgusting!

I have tried to contact the Preservation society twice with no response and would like to ask 2 questions:

1. Do they have the money to buy the building outright from the owner and fix it up? If not, then they should not be allowed to demand what is done with the property.

2. The building does nothing for the Duluth downtown area, it does not stand out, it has no major historical significance, and needs more repairs done to it than it may be worth. Why is the Preservation Society making Duluth look like a slum? The Cozy Cove is another example of buildings beyond functional repair that are, in my opinion, being held Hostage.

As a business owner I will say that I miss the businesses that were there because we helped each other and there was greater foot traffic in the area. I will also tell you that I would greatly appreciate an expedient decision to tear the building down so that the homeless do not break in and end up burning the building down. The empty building looks horrible and needs to be demolished. The last point I will make is that the business that bought the property has the right to do with it as they see fit and to allow the Preservation Society to hold the City of Duluth and this business hostage over a badly dilapidated building is wrong..

I will do my best to attend the meeting.

thank you for your time

David Siebert

--

Steven Robertson

From: Steven Robertson
Sent: Tuesday, May 31, 2022 8:50 AM
To: 'rod raymond'
Cc: Miles Ringsred
Subject: RE: Follow up on Astoria Hotel, 102-108 E Superior St

Thank you for the email.

We typically include public correspondence with our staff report and agenda when sending information to our boards and commissions. I want to verify that you want me to forward this to the HPC as public information.

Please let me know if that was your intent. Thank you!

From: rod raymond <rodraymond@gmail.com>
Sent: Thursday, May 26, 2022 1:58 PM
To: Steven Robertson <srobertson@duluthmn.gov>
Cc: Miles Ringsred <miles.ringsred@gmail.com>
Subject: Re: Follow up on Astoria Hotel, 102-108 E Superior St

Thanks Steven, as a business owner in the neighborhood historic structures like this enhance our business.

Tearing this historical building down and turning it to a parking lot would hurt our business. So I would like to know how our voices will heard.

We adamantly oppose tearing down this building.

You may not know this but I owned the Carlson bookstore building (also known as the lange motor building). My building looked exactly like the Astoria before I restored it. Now it's home to Blacklist brewing and other businesses. It adds character to the district and helps my businesses (the Brewhouse, Oliver Inn, Rathskeller, Evolve Yoga) thrive.

I've CCed my attorney on this note and will forward this to other members of the Historic Arts and Theater district committee.

I truly hope the historic commission and other powers that be will save this building. We can't build them like this anymore.

...Cheers to the good life!

On May 26, 2022, at 11:58 AM, Steven Robertson <srobertson@duluthmn.gov> wrote:

Hello. You had emailed us several weeks ago about the old Astoria Hotel, 102-108 E Superior Street. The property owner has submitted a zoning application for demolition of this structure. Since this structure is contributing to the historic nature of the downtown historic district, a review by the Historic Preservation Commission is required. This letter is being mailed out today (see attached).

Let me know if you have any questions. Thank you!

Steven Robertson | Interim Manager | **City of Duluth** | 411 West First Street, Room 160, Duluth,
MN 55802 | 218-730-5295 | srobertson@duluthmn.gov



Legislation Text

File #: HPC Res. 2021-001, **Version:** 1

Meeting Date: November 17, 2021

To: Members of the Heritage Preservation Commission

From: Mikayla Schmidt, City Planner

Certificate of Appropriateness for the Proposed Demolition of 212 Division St. S. - Archer House.

Action Requested:

The Heritage Preservation Commission is asked to review and make a motion on the Certificate of Appropriateness to demolish 212 Division St. S. - Archer House.

Summary Report:

On October 14, 2021, the Heritage Preservation Commission (HPC) reviewed the Certificate of Appropriateness application from Manawa, LLC requesting to demolish the Archer House in its entirety and clear the site at 212 Division St. S.

Commissioners discussed the request for demolition, considered questions of historical structure given multiple additions and continuing deterioration of the structure, and identified additional information they would expect to review before making a final decision. City Attorney Scott answered questions about the details of this request and the Commission's options of action.

The HPC approved postponing any decision on the certification to request information from the applicant detailing the possibility of rehabilitation of the original 1877 section of the structure and/or its facade based on technical engineering evaluation and cost estimates so that it can be considered by the Commission.

Manawa, LLC has provided a memo, plans that outline the potential scope necessary to pursue new construction (while saving 1877 facade) and cost projections for the effort.

Several questions arose during and after the October 14, 2021 HPC meeting. Attached to this staff report is a memo where staff attempts to clarify some of those questions.

**The below staff report is the same as the one in the October 14, 2021 HPC agenda packet.*

On November 12, 2020, the Archer House sustained a fire, which began a series of events that leads to the condition the building is in today. The applicant, Manawa, LLC, has applied for a certificate of appropriateness to demolish the Archer House.

The Archer House is located within the Northfield Commercial Historic District, making it a heritage

preservation site. The Northfield Commercial Historic District is listed in the National Register of Historic Places (NRHP) and the Archer House is a contributing building to the Northfield Commercial Historic District. The property owner therefore needs approval to demolish the building by the Heritage Preservation Commission (HPC) through a certificate of appropriateness (COA) application.

The MN State Historic Preservation Office (SHPO) was asked, by city staff, to provide feedback on the COA for the proposed demolition on September 15. The SHPO has provided a response letter on October 4, which is attached to the staff report, along with a letter and additional documentation on the building from the applicant. SHPO was provided all of the information provided in the attachments in the Sept. 15 email, except for the Archer House Redevelopment TIF Final Report. That report was sent to SHPO on October 11.

The City Council is to consider deeming the Archer House a “substandard building” at their November 2 meeting. This action does not authorize demolition, but recognizes the condition of the property and reserves an opportunity to consider Tax Increment Financing in the future. It is best practice that the City contracts with a consultant that conducts a report for the Council to review. In this case, City staff contracted with LHB to complete the work. This consultant was also retained for the redevelopment report required for the properties that existed on the site of the 5th Street Lofts TIF request. The Council is aware that the HPC has the decision making authority and will be reviewing the certificate of appropriateness for the demolition of the Archer House.

If the COA is approved by the HPC, the applicant would demolish the Archer House with private funds. Consultation with SHPO is therefore not required because the proposed demolition will not utilize any federal or non-federal (state, county, local) public funds or require any federal or state approvals or licenses/permits. If public funds or any federal or state approvals or licenses/permits were used or required then there would be a requirement for consultation with SHPO under either Section 106 of the National Historic Preservation Act (federal) or Minnesota Statute 138.665 (non-federal public).

The HPC is being presented with two resolutions for this COA. One for approval of the COA for the demolition and the second for the denial of the COA for the demolition. Staff recommends approval of the COA for the demolition of the Archer House. The following criteria and findings are in support of the approval of the COA. Both resolutions are attached with findings.

The Northfield city ordinances outline, in Chapter 34 - Land Development Code, Section 8.5.8, the Heritage Preservation Commission's Certificate of Appropriateness process and approval criteria. The HPC shall consider the following in evaluating an application for a certificate of appropriateness for a zoning certificate and/or building permit. Criterion (1) below must be met and criteria (2) through (5) shall be considered:

Findings for Criteria 1 (That it fully complies with all applicable requirements of this Land Development Code (LDC)):

1. The Northfield Land Development Code regulates the use of property and site design standards and the absence of structures, improvements or use of the property, will not create conflict with LDC regulations.

2. The demolition of the Archer House will result in a vacant site, which will be an interim

condition for the property. Redevelopment of the site will be subject to provisions in the LDC.

3. The HPC finds the requested COA complies with all applicable requirements of the LDC.

Findings for Criteria 2 (That the proposed action is in harmony with the intent of the H-O district):

1. City Code Chapter 34, Section 2.5.3, Historic Overlay District (H-O) defines the purpose of the H-O district as follows:

(A) **Purpose.**

- (1) The city council declares as a matter of public policy that the preservation, protection, perpetuation and use of areas, places, buildings, structures, and other objects having special historical interest or value is a public necessity and is required in the interest of the health, safety, welfare and prosperity of the people.
- (2) Additionally, this overlay district has the purpose to:
 - (a) Safeguard the heritage of the city by preserving sites and structures which reflect elements of the city's cultural, social, economic, political, visual or architectural history;
 - (b) Protect and enhance the city's appeal to residents, visitors and tourists and serve as a support and stimulus to business and industry;
 - (c) Foster civic pride in the beauty and notable accomplishments of the past; and,
 - (d) Promote the preservation and continued use of historic sites and structures for the education and general welfare of the people of the city.
2. The H-O district purpose also states that structures should be protected or preserved in the interest in the health, safety, welfare and prosperity of the people.
3. The demolition of any structure within the H-O district can affect the cultural, social, economic, political, visual or architectural history. The Archer House has been an identifiable and iconic structure in the Northfield Commercial Historic District. This structure suffered significant damage due to a fire that occurred on November 12, 2020. The owners determined that restoration is not a viable option. The Property, in its current condition, is no longer contributing to the quality or experience of the H-O district, and poses risks to the public health, safety, welfare and prosperity.

Findings for Criteria 3 (That the proposed action would complement other structures within the H-O district):

1. The HPC action on COAs is dominated by requests for modifications to existing structures, windows, doors and signs. Demolition is a rare consideration, and the circumstances of a tragic fire even more so. The HPC recognizes that the current condition of the Property does not complement other structures within the H-O district and actually detracts from them and has become a threat to the public health, safety, welfare and prosperity.

Findings for Criteria 4 (That the proposed action is consistent with the Downtown Preservation Design Guidelines):

1. The Downtown Preservation Design Guidelines identify different project categories. Two of those categories include Demolition (for buildings that are structurally unsound or visually intrusive) and New Construction (for filling gaps in the streetscape). The design guidelines state:

In some cases, renovation is no longer a cost-effective solution for a neglected building. When a building has outlived its stability and purpose, demolition may be justified. In such cases, opportunities for the creation of open space, off-street parking and/or new development should be carefully studied. Any contemplated new use should be designed to complement the character of the streetscape.

2. The design guidelines then describe “New Construction” as:

“An important element in a historic downtown is the quality of infill construction. The desired effect of new construction in a district is to complement existing structures. It is important that new construction not be allowed to dominate or overpower its more historic neighbors. Its basic design elements (size, mass, material, color) must be compatible with surrounding structures. These guidelines will suggest ways of achieving this.”

3. Prior to November 12, 2020, the property owners did make investments to maintain the property and continue the use as a hotel with ancillary retail and restaurant uses. The current condition of the property is the result of a significant fire. Following the fire, the owners of the Archer House were prevented from taking action on the building between November 2020 and April 2021, as the site was controlled by the insurance company and fire investigators. During this time significant additional damage occurred to the structure as hoods and other items were removed while investigating the precise cause of the fire. In addition to the nearly two million gallons of water used to put out the fire, there was significant damage done to the exposed building from rain, snow and repeated freeze and thaw cycles during this period. With the main center structure being heavily damaged by fire, smoke and water, and the southern end of the building having been saturated during the initial fire and suffering additional damage and deterioration in subsequent months, the only portion of the building that is structurally sound and not in need of a substantial rebuild is the north end of the structure that was added in the late 1980s.
4. Under these circumstances, it is appropriate and consistent with the Downtown Preservation Design Guidelines to allow for the demolition of the fire-damaged Archer House structure and afford an opportunity for high-quality infill construction that complements existing structures in the H-O district consistent with the New Construction guidelines.

Findings for Criteria 5 (In the case of removal or demolition, that the structure could not be rehabilitated and

used for a conforming purpose with reasonable efforts or whether the structure is without substantial historic or architectural significance):

1. The HPC considered the September 3, 2021 letter from Manawa, Inc., the Property owners, and the supporting materials, which are appended hereto and incorporated herein by reference. Said materials identify significant damage to the historic portions of the structure and document the factors considered by the owners in concluding conditions do not allow reconstruction to be economically viable or practical in delivering a structure that could serve future generations.
2. The HPC finds that the Archer House could not be rehabilitated with reasonable efforts because per the Archer House Redevelopment Tax Increment Financing Report, substantial renovation is required to correct Conditions found and the Building Code deficiencies total more than 15% of replacement cost. Estimated replacement cost is \$3,602,544 and the estimated cost to correct building code deficiencies is \$727,850, which makes 20.2% replacement cost for the building code deficiencies.
3. The HPC considered the comment letter from Michael Koop of the State Historic Preservation Office (“SHPO”) dated October 4, 2021; however the HPC finds that the demolition of the Archer House on the Property is appropriate notwithstanding SHPO’s comment letter for the following reasons:
 - a. the owners of the Archer House were prevented from taking action on the building between November 2020 and April 2021 (as the site was controlled by the insurance company and fire investigators);
 - b. significant additional damage occurred to the structure during this time as hoods and other items were removed while investigating the precise cause of the fire;
 - c. nearly two million gallons of water were used to put out the fire,
 - d. significant damage was done to the exposed building from rain, snow and repeated freeze and thaw cycles;
 - e. the main center structure was heavily damaged by fire, smoke and water; and
 - f. the southern end of the building was saturated during the initial fire and suffering additional damage and deterioration in subsequent months, making the north portion of the building, the only area that is structurally sound and not in need of a substantial rebuild, which was added on in the late 1980’s.

Staff Recommendation:

Staff has presented two resolutions for the HPC to consider along with the additional documentation submitted by the applicant based on the HPC’s motion at their October meeting. The resolutions have not changed since the October HPC meeting.

Alternative Options:

1. The HPC could approve the Certificate of Appropriateness.
2. The HPC could deny the Certificate of Appropriateness. If denial occurs, the HPC will have to adopt findings to support the denial.

3. The HPC can amend either resolution to include more or remove findings.
4. The HPC could postpone voting on the item. The review period for the COA application ends January 11, 2022.

Financial Impacts:

NA

Tentative Timelines:

The applicant wishes to move ahead with the demolition as soon as possible given the current state of the building.

CITY OF NORTHFIELD, MN
NORTHFIELD HERITAGE PRESERVATION COMMISSION RESOLUTION 2021-

- WHEREAS, the applicant, Manawa, LLC, (the "Applicant"), are seeking a certificate of appropriateness ("COA") for the demolition of the Archer House in its entirety, located at 212 Division Street South in the City of Northfield (the "Property"); and
- WHEREAS, Manawa, LLC is the current owner of the Property; and
- WHEREAS, the Property is located in the Northfield Downtown Historic District, which is the current historic overlay district that has been registered with the federal government and certified by the state; and
- WHEREAS, the Property is listed in the National Register of Historic Places (NRHP) as a contributing building in the Northfield Commercial Historic District; and
- WHEREAS, the downtown historic district is considered individually and in its entirety as a heritage preservation site; and
- WHEREAS, pursuant to City Code, Chapter 34, Section 8.5.8, no activity within the H-O district shall occur on a heritage preservation site without having first received a certificate of appropriateness issued by the HPC pursuant to Section 8.5.8, Heritage Preservation Commission's Certificate of Appropriateness; and
- WHEREAS, the Property suffered significant damage from a fire that occurred on November 12, 2020; and
- WHEREAS, the owners of the property evaluated the property condition and options for the site and determined that salvaging the building is not viable or feasible; and
- WHEREAS, the owners of the property propose to demolish the remaining structure, clear the site and pursue re-development; and
- WHEREAS, pursuant to City Code, Section 8.5.8 (D), the HPC shall consider the following in evaluating an application for a certificate of appropriateness for a zoning certificate and/or building permit. Criterion (1) below must be met and criteria (2) through (5) shall be considered:
- (1) That it fully complies with all applicable requirements of this LDC;
 - (2) That the proposed action is in harmony with the intent of the H-O district;

- (3) That the proposed action would complement other structures within the H-O district;
- (4) That the proposed action is consistent with the Downtown Preservation Design Guidelines; and
- (5) In the case of removal or demolition, that the structure could not be rehabilitated and used for a conforming purpose with reasonable efforts or whether the structure is without substantial historic or architectural significance; and

WHEREAS, the Northfield Heritage Preservation Commission held a public hearing on October 14, 2021 to consider testimony from the applicants and the public related to the request for a COA by the Applicant.

NOW, THEREFORE, BE IT RESOLVED BY THE HERITAGE PRESERVATION COMMISSION OF THE CITY OF NORTHFIELD, MINNESOTA, that it adopts the following findings of fact related to the requested COA. Criterion (1) below must be met and criteria (2) through (5) shall be considered:

Findings for Criteria 1 (That it fully complies with all applicable requirements of this Land Development Code (LDC)):

- 1. The Northfield Land Development Code regulates the use of property and site design standards and the absence of structures, improvements or use of the property, will not create conflict with LDC regulations.
- 2. The demolition of the Archer House will result in a vacant site, which will be an interim condition for the property. Redevelopment of the site will be subject to provisions in the LDC.
- 3. The HPC finds the requested COA complies with all applicable requirements of the LDC.

Findings for Criteria 2 (That the proposed action is in harmony with the intent of the H-O district):

- 1. City Code Chapter 34, Section 2.5.3, Historic Overlay District (H-O) defines the purpose of the H-O district as follows:
 - (A) **Purpose.**
 - (1) The city council declares as a matter of public policy that the preservation, protection, perpetuation and use of areas, places, buildings, structures, and other objects having special historical interest or value is a public necessity and is required in the interest of the health, safety, welfare and prosperity of the people.
 - (2) Additionally, this overlay district has the purpose to:

- (a) Safeguard the heritage of the city by preserving sites and structures which reflect elements of the city's cultural, social, economic, political, visual or architectural history;
 - (b) Protect and enhance the city's appeal to residents, visitors and tourists and serve as a support and stimulus to business and industry;
 - (c) Foster civic pride in the beauty and notable accomplishments of the past; and,
 - (d) Promote the preservation and continued use of historic sites and structures for the education and general welfare of the people of the city.
2. The H-O district purpose also states that structures should be protected or preserved in the interest in the health, safety, welfare and prosperity of the people.
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for the creation of open space, off-street parking and/or new development should be carefully studied. Any contemplated new use should be designed to complement the character of the streetscape.

2. The design guidelines then describe “New Construction” as:

“An important element in a historic downtown is the quality of infill construction. The desired effect of new construction in a district is to complement existing structures. It is important that new construction not be allowed to dominate or overpower its more historic neighbors. Its basic design elements (size, mass, material, color) must be compatible with surrounding structures. These guidelines will suggest ways of achieving this.”

3. Prior to November 12, 2020, the property owners did make investments to maintain the property and continue the use as a hotel with ancillary retail and restaurant uses. The current condition of the property is the result of a significant fire. Following the fire, the owners of the Archer House were prevented from taking action on the building between November 2020 and April 2021, as the site was controlled by the insurance company and fire investigators. During this time significant additional damage occurred to the structure as hoods and other items were removed while investigating the precise cause of the fire. In addition to the nearly two million gallons of water used to put out the fire, there was significant damage done to the exposed building from rain, snow and repeated freeze and thaw cycles during this period. With the main center structure being heavily damaged by fire, smoke and water, and the southern end of the building having been saturated during the initial fire and suffering additional damage and deterioration in subsequent months, the only portion of the building that is structurally sound and not in need of a substantial rebuild is the north end of the structure that was added in the late 1980s.
4. Under these circumstances, it is appropriate and consistent with the Downtown Preservation Design Guidelines to allow for the demolition of the fire-damaged Archer House structure and afford an opportunity for high-quality infill construction that complements existing structures in the H-O district consistent with the New Construction guidelines.

Findings for Criteria 5 (In the case of removal or demolition, that the structure could not be rehabilitated and used for a conforming purpose with reasonable efforts or whether the structure is without substantial historic or architectural significance):

1. The HPC considered the September 3, 2021 letter from Manawa, Inc., the Property owners, and the supporting materials, which are appended hereto and incorporated herein by reference. Said materials identify significant damage to

the historic portions of the structure and document the factors considered by the owners in concluding conditions do not allow reconstruction to be economically viable or practical in delivering a structure that could serve future generations.

2. The HPC finds that the Archer House could not be rehabilitated with reasonable efforts because per the Archer House Redevelopment Tax Increment Financing Report, substantial renovation is required to correct Conditions found and the Building Code deficiencies total more than 15% of replacement cost. Estimated replacement cost is \$3,602,544 and the estimated cost to correct building code deficiencies is \$727,850, which makes 20.2% replacement cost for the building code deficiencies.
3. The HPC considered the comment letter from Michael Koop of the State Historic Preservation Office (“SHPO”) dated October 4, 2021; however the HPC finds that the demolition of the Archer House on the Property is appropriate notwithstanding SHPO’s comment letter for the following reasons:
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 - e. the main center structure was heavily damaged by fire, smoke and water; and
 - f. the southern end of the building was saturated during the initial fire and suffering additional damage and deterioration in subsequent months, making the north portion of the building, the only area that is structurally sound and not in need of a substantial rebuild, which was added on in the late 1980’s.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE HERITAGE PRESERVATION COMMISSION OF THE CITY OF NORTHFIELD, MINNESOTA, based on the foregoing findings and conclusions, that the request for a Certificate of Appropriateness by the Applicant for demolition of the Property at 212 Division Street South is hereby approved.

Adopted this 14th day of October, 2021.

Barbara Evans, Chair
Heritage Preservation Commission

Attest: _____
Mikayla Schmidt
City Planner

Appended Documents:

1. Memo from Manawa to the HPC 9-3-2021
2. Rebound - Archer House Structural Assessment_20210825
3. TEK Photo Lof - Archer House
4. TEK Wall Systems Doc - Archer House
5. TEK Water Damage Report - Archer House
6. Archer House Redevelopment TIF Final Report
7. Archer House demolition letter to City - from SHPO

CITY OF NORTHFIELD, MN
NORTHFIELD HERITAGE PRESERVATION COMMISSION RESOLUTION 2021-

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- WHEREAS, the Property is listed in the National Register of Historic Places (NRHP) as a contributing building in the Northfield Commercial Historic District; and
- WHEREAS, the downtown historic district is considered individually and in its entirety as a heritage preservation site; and
- WHEREAS, pursuant to City Code, Chapter 34, Section 8.5.8, no activity within the H-O district shall occur on a heritage preservation site without having first received a certificate of appropriateness issued by the HPC pursuant to Section 8.5.8, Heritage Preservation Commission's Certificate of Appropriateness; and
- WHEREAS, the Property suffered significant damage from a fire that occurred on November 12, 2020; and
- WHEREAS, the owners of the property evaluated the property condition and options for the site and determined that salvaging the building is not viable or feasible; and
- WHEREAS, the owners of the property propose to demolish the remaining structure, clear the site and pursue re-development; and
- WHEREAS, pursuant to City Code, Section 8.5.8 (D), the HPC shall consider the following in evaluating an application for a certificate of appropriateness for a zoning certificate and/or building permit. Criterion (1) below must be met and criteria (2) through (5) shall be considered:
- (1) That it fully complies with all applicable requirements of this LDC;
 - (2) That the proposed action is in harmony with the intent of the H-O district;

- (3) That the proposed action would complement other structures within the H-O district;
- (4) That the proposed action is consistent with the Downtown Preservation Design Guidelines; and
- (5) In the case of removal or demolition, that the structure could not be rehabilitated and used for a conforming purpose with reasonable efforts or whether the structure is without substantial historic or architectural significance; and

WHEREAS, the Northfield Heritage Preservation Commission held a public hearing on October 14, 2021 to consider testimony from the applicants and the public related to the request for a COA by the Applicant.

NOW, THEREFORE, BE IT RESOLVED BY THE HERITAGE PRESERVATION COMMISSION OF THE CITY OF NORTHFIELD, MINNESOTA, that it adopts the following findings of fact related to the requested COA. Criterion (1) below must be met and criteria (2) through (5) shall be considered:

Findings for Criteria 1 (That it fully complies with all applicable requirements of this Land Development Code (LDC)):

1. The Northfield Land Development Code regulates the use of property and site design standards and the absence of structures, improvements or use of the property, will not create conflict with LDC regulations.
2. The demolition of the Archer House will result in a vacant site, which will be an interim condition for the property. Redevelopment of the site will be subject to provisions in the LDC.
3. The HPC finds the requested COA complies with all applicable requirements of the LDC (not including City Code, Section 8.5.8 (D) which is specifically addressed herein).

Findings for Criteria 2 (That the proposed action is in harmony with the intent of the H-O district):

1. City Code Chapter 34, Section 2.5.3, Historic Overlay District (H-O) defines the purpose of the H-O district as follows:
 - (A) **Purpose.**
 - (1) The city council declares as a matter of public policy that the preservation, protection, perpetuation and use of areas, places, buildings, structures, and other objects having special historical interest or value is a public necessity and is required in the interest of the health, safety, welfare and prosperity of the people.

- (2) Additionally, this overlay district has the purpose to:
 - (a) Safeguard the heritage of the city by preserving sites and structures which reflect elements of the city's cultural, social, economic, political, visual or architectural history;
 - (b) Protect and enhance the city's appeal to residents, visitors and tourists and serve as a support and stimulus to business and industry;
 - (c) Foster civic pride in the beauty and notable accomplishments of the past; and,
 - (d) Promote the preservation and continued use of historic sites and structures for the education and general welfare of the people of the city.

2. The demolition of the Archer House would affect the cultural, social, economic, visual and architectural history of the community. The Archer House has been a long-standing element to the Northfield Commercial Historic District and its removal would leave a gap in the community and district.
3. The Archer House is classified as a contributing building as part of the Northfield Commercial Historic District, which is on the National Register of Historic Places.

Findings for Criteria 3 (That the proposed action would complement other structures within the H-O district):

1. Removal the Archer House, in the Northfield Commercial Historic District, would not complement the other structures within the H-O. Leaving a gap in the rhythm of buildings along Division St. S. would dramatically change the feel and streetscape.

Findings for Criteria 4 (That the proposed action is consistent with the Downtown Preservation Design Guidelines):

1. The Downtown Preservation Design Guidelines identify different project categories. Two of those categories include Demolition (for buildings that are structurally unsound or visually intrusive) and New Construction (for filling gaps in the streetscape). The design guidelines state:

In some cases, renovation is no longer a cost-effective solution for a neglected building. When a building has outlived its stability and purpose, demolition may be justified. In such cases, opportunities for the creation of open space, off-street parking and/or new development should be carefully studied. Any contemplated new

use should be designed to complement the character of the streetscape.

2. The design guidelines then describe “New Construction” as:

“An important element in a historic downtown is the quality of infill construction. The desired effect of new construction in a district is to complement existing structures. It is important that new construction not be allowed to dominate or overpower its more historic neighbors. Its basic design elements (size, mass, material, color) must be compatible with surrounding structures. These guidelines will suggest ways of achieving this.”

3. The applicant has not provided enough evidence that the Archer House cannot be renovated cost effectively.

Findings for Criteria 5 (In the case of removal or demolition, that the structure could not be rehabilitated and used for a conforming purpose with reasonable efforts or whether the structure is without substantial historic or architectural significance):

1. The HPC considered the September 3, 2021 letter from Manawa, Inc., the Property owners, and the supporting materials, and the comment letter from Michael Koop of the State Historic Preservation Office dated October 4, 2021, which are appended hereto and incorporated herein by reference. Said materials identify significant damage to the historic portions of the structure, but do not clearly identify that renovation is not economically viable or practical in delivering a structure that could serve future generations.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE HERITAGE PRESERVATION COMMISSION OF THE CITY OF NORTHFIELD, MINNESOTA, based on the foregoing findings and conclusions, that the request for a Certificate of Appropriateness by the Applicant for demolition of the Property at 212 Division Street South is hereby approved.

Adopted this 14th day of October, 2021.

Barbara Evans, Chair
Heritage Preservation Commission

Attest: _____
Mikayla Schmidt
City Planner

Appended Documents:

1. Memo from Manawa to the HPC 9-3-2021
2. Rebound - Archer House Structural Assessment_20210825
3. TEK Photo Lof - Archer House
4. TEK Wall Systems Doc - Archer House
5. TEK Water Damage Report - Archer House
6. Archer House Redevelopment TIF Final Report
7. Archer House demolition letter to City - from SHPO

MEMORANDUM

TO: Northfield Historic Preservation Commission (HPC)

CC: Mikayla Schmidt – City Planner and Mitzzi Baker – Community Development Director

FROM: Manawa LLC – The Archer House River Inn Partners

DATE: September 3, 2021

RE: Request for certificate of appropriateness and any associated permits related to Archer House River Inn demolition

As everyone in the community is aware, the Archer House River Inn suffered a devastating fire on November 12, 2020. The fire continued to burn well into the next day before being brought under control, starting the building down the path toward the condition it is in today.

For the past 24 years, since 1997, Manawa LLC has served as the owner of the Archer House and has been involved with the operation, preservation, and enhancement of the property. Since 2009, the ownership and management of the Archer House has made approximately two million dollars in investments into the building and business.

Over the years improvements included significant work on the exterior, parking lot, creating an ADA entrance, significant interior design and décor work, and the addition of four ADA public bathrooms. In addition, the smallest guest rooms were combined into larger rooms to better suit the needs of today's guests, all 36 guest bathrooms were completely remodeled, and the attic space was reclaimed and converted into a grand three-bedroom, three-bathroom suite with a great room.

In 2020, during the height of the pandemic and while the Archer House was closed, the owners made what turned out to be the last major investments into the historic inn. During this time of uncertainty for hospitality businesses, the Archer House updated guest room furnishings, art and accessories, redesigned the layout of guest rooms in order to add more sleeping capacity, redesigned the lobby, added a new breakfast room in what had formerly been A Bag Lady's space, and launched the beautifully remodeled Archer House Bar in what had formerly been the Tavern Lounge space.

These investments and the long-term commitment to the Archer House are shared with you to counter the narrative by some that the owners are not committed to historic preservation or the Northfield community. No one was more heartbroken and saddened by the loss of the venerable structure than the owners, managers and staff of the Archer House River Inn.

Following the fire, the owners of the Archer House were prevented from taking action on the building between November 2020 and April 2021, as the site was controlled by the insurance company and fire investigators. During this time significant additional damage occurred to the structure as hoods and other items were removed while investigating the precise cause of the fire. In addition to the nearly two million gallons of water used to put out the fire, there was

significant damage done to the exposed building from rain, snow and repeated freeze and thaw cycles during this period. With the main center structure being heavily damaged by fire, smoke and water, and the southern end of the building having been saturated during the initial fire and suffering additional damage and deterioration in subsequent months, the only portion of the building that is structurally sound and not in need of a substantial rebuild is the north end of the structure that was added in the late 1980s.

Given the structural issues, the poor condition of the remaining 19th century brick facade, the extensive issues to bring what remains into code compliance, and the long list of environmental issues (primarily but not limited to mold and asbestos abatement), saving and rebuilding the structure is not feasible. Further, it is important that action is taken as quickly as possible to remove the remaining structure as the site is unstable, hazardous and a severe safety liability. Because of the conditions outlined above, we request the City of Northfield and the Northfield Heritage Preservation Commission issue a certificate of appropriateness and any necessary permits so that what remains of the structure can be demolished and removed safely so planning can begin on what is next for this important site in historic downtown Northfield.

While we understand the desire to restore the Archer House to its previous state, here are just some of the issues that do not allow reconstruction to be economically viable or practical in delivering a structure that could serve future generations:

- What little remains of the historic central and south buildings of the Archer House are in poor condition including compromised painted brick walls and floor systems. Balloon framing and an open central staircase would require significant additional demolition and replacement that would leave little left of the original structure.
- The Archer House additions including the elevator tower and north end structure were poorly designed and are significant impediments to a new development that takes advantage of the Archer House's location on the river.
- The condition of what remains of the historic brick was compromised when it was painted rather than properly maintained decades ago. Even in areas where there wasn't significant fire or water damage such as the exterior south wall of the building, bricks have fallen out of the building and significant settling has occurred.
- The building's layout and elevation changes make structural and ADA compliance difficult if not impossible and cost prohibitive.
- Modern code compliance including life safety requirements would require an investment far greater than any future development's worth. Retaining or attracting new investors to the project would be impossible if required to save or reuse what remains of the Archer House and would likely result in the blighted site remaining undeveloped.
- While the Archer House worked hard to make the historic building work for today's guests, the size of guest rooms and guest bathrooms, narrow corridors, lack of accessibility, lack of dedicated parking, and obstructed views must be corrected for any new development to be economically viable and successfully serve the community.

The Archer House team has developed a scope of work, compiled a list of contractors, and have received bids to demolish the structure. Additionally, an environmental remediation company

was hired who has performed an asbestos survey to identify any asbestos containing materials that can be removed from the portions of the building that have not collapsed and that are deemed safe, prior to the demolition work. Attached are reports from TEK Environmental & Consulting Services, Tekton Engineers and an architectural assessment from Jude Hallamek of Nile Inc. sharing their analysis and recommendations. The consensus from the reports is that the property cannot be feasibly rebuilt in its current condition primarily due to structural, code and cost issues.

As part of the demolition process, the owners hope to salvage bricks, exterior details, wood and interior items, and use these for various purposes, including donating bricks to the Northfield Historical Society for fund-raising efforts.

While the owners are not yet in a position to determine what the future development at the Archer House site will look like, we are committed to working together with a chosen design firm to both honor the past history of the building and ensure that what comes next serves as an asset to the community and strengthens downtown Northfield for generations to come. Preliminary ideas for the replacement building are focused on a mixed-use concept, and input will be sought from local community members and city staff as the process moves forward.

Thank you for your consideration of our request to issue a certificate of appropriateness and any necessary permits. We look forward to answering any questions and addressing your comments.

November 8, 2021

Memorandum to: Northfield Heritage Preservation Commission

RE: Petition for Certificate of Appropriateness for demolition of the Archer House River Inn

The Archer House condition is not reparable with reasonable effort and cost. Looking to save the façade or a portion of the 1877 building is not only uneconomical, but also impractical.

Attached is a summary of costs associated with saving the exterior façade of the 1877 building along Division Street and on the south elevation. The north elevation was removed/modified for additions, as was the west elevation, so no costs or assumptions to save were considered.

The effort to 'save' the elevations will immediately put limits and restrictions regarding the program, design, both form and function, of any future redevelopment.

By saving the façade, the interior design will be forced to:

- Design spaces that will work with the window spacing, height, etc. regardless of the building program therefore limiting design and program options.
- Work with existing floor to floor heights which may not be practical for a new use, and desired standards for a rebuild in 2022
- Will restrict a design to accommodate appropriate covered parking at the lower at grade.

One of the most significant deterrents to the operation of a hotel, housing and commercial use will be the need to provide off street parking.

Trying to maintain any of the footprint of the 1877 building will not only lose valuable parking spaces but would require significant construction modifications of the existing limestone foundations, and exterior brick walls to ensure the walls can accommodate a parking layout.

It is also limiting the height of the south portion to 3 stories which further limits the size and use of a redevelopment project.

- The 1877 building does not provide a full height top floor on either the south portion, or the north portion. Again, creating design limitation on use and layout
- Saving the façade of the 1877 building would result in trying to save/maintain 144-year-old brick, which has been acknowledged to be in a deteriorating state. This is the reason the brick was painted years ago. It is not prudent to reuse the material when looking to rebuild for the next 100 years.

As noted in the structural report, the 1877 building was built with the exterior clay bricks designed as bearing walls. Any work moving forward that continues to use these deteriorating materials and the corresponding deteriorated/damaged wood joists will not be an appropriate construction approach.

We have included several attachments. One, includes plans that outline the potential scope necessary to pursue construction while saving 1877 façade. Though not construction drawings, they were developed to provide an outline of the work necessary. These were used as a basis/guideline to develop cost projections for the effort.

The cost summaries provide line items including costs for "Façade Stabilization and Structural tie in's. etc.

In order to save the 1877 façade, stabilization work will first need to be coordinated with the remaining building demo. This work will include temporary shoring on the street side to ensure the façade does not fall into the street during demolition. After the building is demolished, footings will need to be installed to support the structural steel framework that will hold the facade in place and provide new structural integrity. This scope also includes the attachment of the existing façade to a structural steel framework. This will most likely be in the form of holes drilled through the wall with threaded anchor rods running through the wall with metal plates and bolts on the building façade to tie the façade to the steel. Hidden expansion anchors will most likely not be effective because of the softness of the existing brick. These plates will be seen from the exterior elevation and remain as part of the final project.

Work on the masonry/foundation restoration will be required to address what is left of the interior side of the façade and tie it into the new building behind it. There will be extensive work to make this tie in from a structural, weather tight, and aesthetically acceptable point of view.

The cost for this effort is an increase to a redevelopment project is projected to be in excess of \$1,250,000 versus a building that would be developed working with a 'clean' site.

The combination of these costs adds an additional burden to a redevelopment and is beyond a reasonable economic cost.

It should be noted that these costs do not reflect the limitations this effort will create, (as noted above)

- Establishes design restraints to be incurred due to utilizing the exterior façade.
- Limits design for parking options.
- Continues the incorporation/use of materials that are deteriorating, and beyond their useful life.

The development team will be committed to creating a building for the Archer House site that will be sensitive to the Northfield Historic district. Though no program or design of a redevelopment has been started. The team can offer that design elements seen on the Archer House façade, and/or other buildings in the Northfield Historical Downtown will be considered for the redevelopment.

Common elements of this design include:

- Arched windows / hooded windows
- Dormers or projected windows at the upper story
- A 'tower element' (often used to emphasize the entry)
- Symmetrical facades
- Possible special architectural treatment given to upper floors
- Horizontal elements between roof/upper level and rest of the building.

In addition, as indicated previously, it is planned to save some of the bricks from the 1877 building; Attempt to save several of the window openings reflecting the arch work and brick detailing; And gather historical photos of the building for possible use in creating a historical feature/wall that can serve as an example of the history surrounding the Archer House.

Manawa again requests that the Northfield HPC grant a Certificate of appropriateness to enable the complete removal of the Archer House, and the redevelopment effort can begin in earnest.



Community Development
Department

Review of a Certificate of
Appropriateness Application to Demolish
2112 Division St. S. – Archer House

HERITAGE PRESERVATION COMMISSION

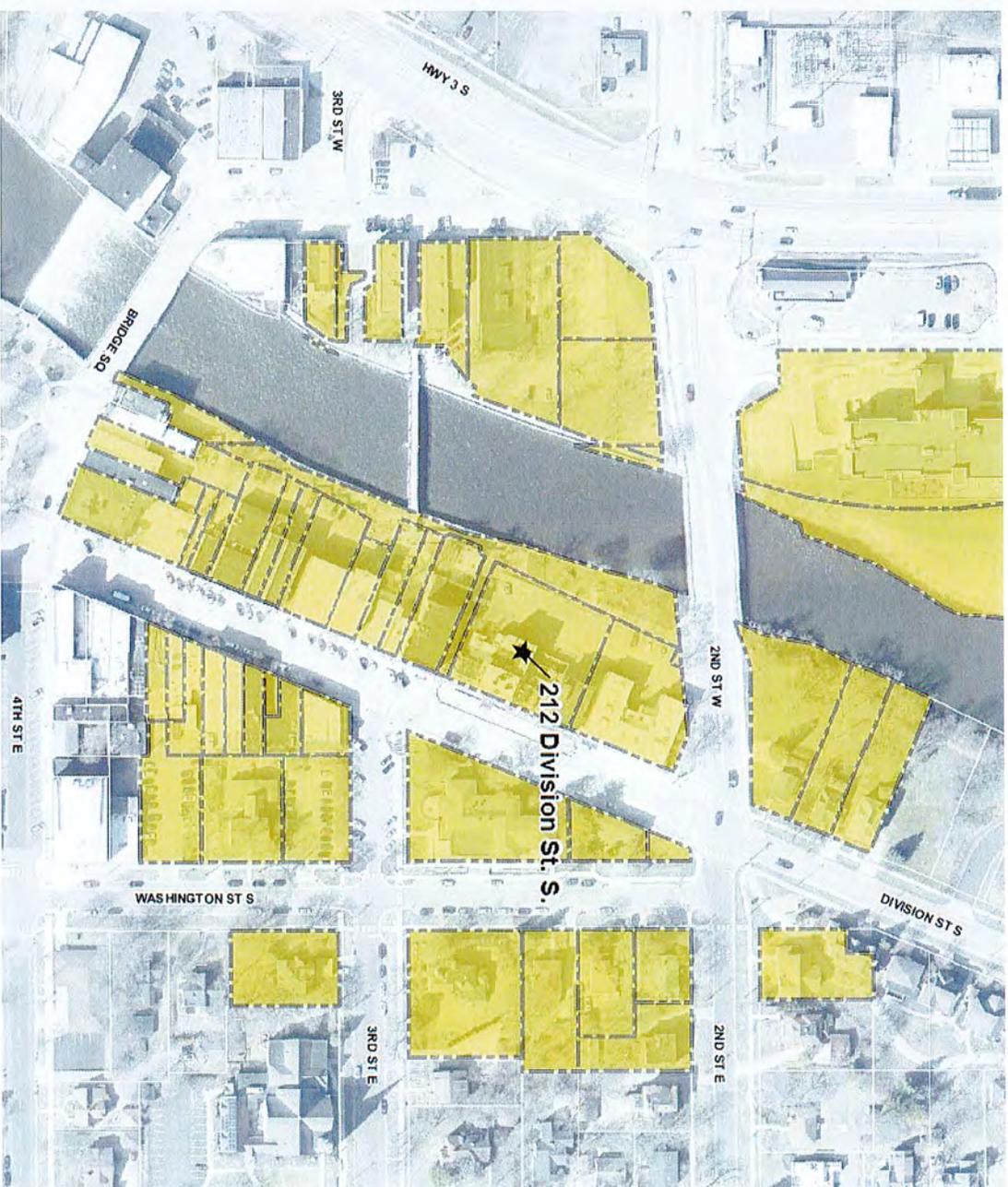
NOVEMBER 17, 2021

MIKAYLA SCHMIDT, CITY PLANNER

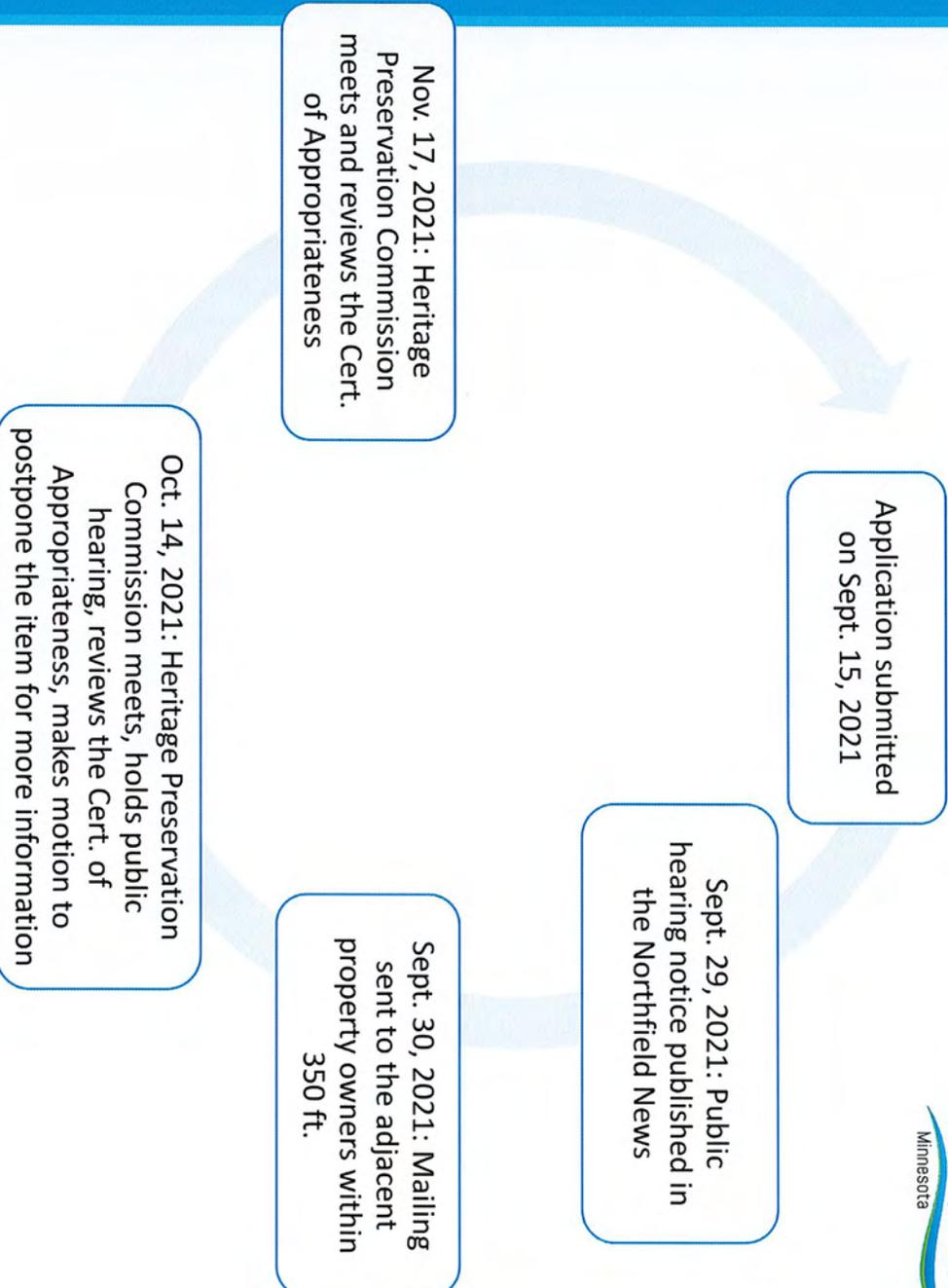


Location & Overview

- 212 Division St. S. is located on the west side of Division St., between 2nd and 3rd St.
- An application for a cert. of appropriateness has been applied for to demolish the building
- The applicant is Manawa, LLC



Timeline



Requirements to Review a Certificate of Appropriateness

- The HPC shall consider the following in evaluating an application for a cert. of appropriateness (COA):
- Criterion (1) must be met and criteria (2) through (5) shall be considered (on the following slides)
- The HPC has been presented with two resolutions – one to approve and one to deny the COA
- The following findings support the resolution to approve the COA to demolish the Archer House at 212 Division St. S. and is staff's recommendation.

Findings for
Criteria 1
(That it fully
complies with all
applicable
requirements of
this Land
Development
Code (LDC)):

1. The Northfield Land Development Code regulates the use of property and site design standards and the absence of structures, improvements or use of the property, will not create conflict with LDC regulations.
2. The demolition of the Archer House will result in a vacant site, which will be an interim condition for the property. Redevelopment of the site will be subject to provisions in the LDC.
3. The HPC finds the requested COA complies with all applicable requirements of the LDC.

Findings for Criteria 2 (That the proposed action is in harmony with the intent of the H-O district):

1. City Code Chapter 34, Section 2.5.3, Historic Overlay District (H-O) defines the purpose of the H-O district as follows:

The city council declares as a matter of public policy that the preservation, protection, perpetuation and use of areas, places, buildings, structures, and other objects having special historical interest or value is a public necessity and is required in the interest of the health, safety, welfare and prosperity of the people.

Additionally, this overlay district has the purpose to:

- (a) Safeguard the heritage of the city by preserving sites and structures which reflect elements of the city's cultural, social, economic, political, visual or architectural history;
- (b) Protect and enhance the city's appeal to residents, visitors and tourists and serve as a support and stimulus to business and industry;
- (c) Foster civic pride in the beauty and notable accomplishments of the past; and,
- (d) Promote the preservation and continued use of historic sites and structures for the education and general welfare of the people of the city.

2. The H-O district purpose also states that structures should be protected or preserved in the interest in the health, safety, welfare and prosperity of the people.

3. The demolition of any structure within the H-O district can affect the cultural, social, economic, political, visual or architectural history. The Archer House has been an identifiable and iconic structure in the Northfield Commercial Historic District. This structure suffered significant damage due to a fire that occurred on November 12, 2020. The owners determined that restoration is not a viable option. The Property, in its current condition, is no longer contributing to the quality or experience of the H-O district, and poses risks to the public health, safety, welfare and prosperity.

Findings for Criteria 3 (That the proposed action would complement other structures within the H-O district):

1. The HPC action on COAs is dominated by requests for modifications to existing structures, windows, doors and signs. Demolition is a rare consideration, and the circumstances of a tragic fire even more so. The HPC recognizes that the current condition of the Property does not complement other structures within the H-O district and actually detracts from them and has become a threat to the public health, safety, welfare and prosperity.

Findings for Criteria 4 (That the proposed action is consistent with the Downtown Preservation Design Guidelines):

1. The Downtown Preservation Design Guidelines identify different project categories. Two of those categories include Demolition (for buildings that are structurally unsound or visually intrusive) and New Construction (for filling gaps in the streetscape). The design guidelines state:

In some cases, renovation is no longer a cost-effective solution for a neglected building. When a building has outlived its stability and purpose, demolition may be justified. In such cases, opportunities for the creation of open space, off-street parking and/or new development should be carefully studied. Any contemplated new use should be designed to complement the character of the streetscape.

2. The design guidelines then describe “New Construction” as:

“An important element in a historic downtown is the quality of infill construction. The desired effect of new construction in a district is to complement existing structures. It is important that new construction not be allowed to dominate or overpower its more historic neighbors. Its basic design elements (size, mass, material, color) must be compatible with surrounding structures. These guidelines will suggest ways of achieving this.”

3. Prior to November 12, 2020, the property owners did make investments to maintain the property and continue the use as a hotel with ancillary retail and restaurant uses. The current condition of the property is the result of a significant fire. Following the fire, the owners of the Archer House were prevented from taking action on the building between November 2020 and April 2021, as the site was controlled by the insurance company and fire investigators. During this time significant additional damage occurred to the structure as hoods and other items were removed while investigating the precise cause of the fire. In addition to the nearly two million gallons of water used to put out the fire, there was significant damage done to the exposed building from rain, snow and repeated freeze and thaw cycles during this period. With the main center structure being heavily damaged by fire, smoke and water, and the southern end of the building having been saturated during the initial fire and suffering additional damage and deterioration in subsequent months, the only portion of the building that is structurally sound and not in need of a substantial rebuild is the north end of the structure that was added in the late 1980s.

4. Under these circumstances, it is appropriate and consistent with the Downtown Preservation Design Guidelines to allow for the demolition of the fire-damaged Archer House structure and afford an opportunity for high-quality infill construction that complements existing structures in the H-O district consistent with the New Construction guidelines.

Findings for Criteria 5
(In the case of
removal or
demolition, that the
structure could not
be rehabilitated and
used for a
conforming purpose
with reasonable
efforts or whether
the structure is
without substantial
historic or
architectural
significance):

1. The HPC considered the September 3, 2021 letter from Manawa, Inc., the Property owners, and the supporting materials, which are appended hereto and incorporated herein by reference. Said materials identify significant damage to the historic portions of the structure and document the factors considered by the owners in concluding conditions do not allow reconstruction to be economically viable or practical in delivering a structure that could serve future generations.
2. The HPC finds that the Archer House could not be rehabilitated with reasonable efforts because per the Archer House Redevelopment Tax Increment Financing Report, substantial renovation is required to correct Conditions found and the Building Code deficiencies total more than 15% of replacement cost. Estimated replacement cost is \$3,602,544 and the estimated cost to correct building code deficiencies is \$727,850, which makes 20.2% replacement cost for the building code deficiencies.

5. The HPC considered the comment letter from Michael Koop of the State Historic Preservation Office (“SHPO”) dated October 4, 2021; however the HPC finds that the demolition of the Archer House on the Property is appropriate notwithstanding SHPO’s comment letter for the following reasons:

- the owners of the Archer House were prevented from taking action on the building between November 2020 and April 2021 (as the site was controlled by the insurance company and fire investigators);
- significant additional damage occurred to the structure during this time as hoods and other items were removed while investigating the precise cause of the fire;
- nearly two million gallons of water were used to put out the fire,
- significant damage was done to the exposed building from rain, snow and repeated freeze and thaw cycles;
- the main center structure was heavily damaged by fire, smoke and water; and
- the southern end of the building was saturated during the initial fire and suffering additional damage and deterioration in subsequent months, making the north portion of the building, the only area that is structurally sound and not in need of a substantial rebuild, which was added on in the late 1980’s.

Action Requested

- The HPC is asked to review and make a motion on the certificate of appropriateness to demolish 212 Division St. S. (the Archer House) and adopt the findings in the resolution
- Staff has provided two resolutions (one for approval and one for denial) for the HPC to consider with findings for both
- The HPC may alter or remove findings and the HPC can ask for further information
- The HPC could postpone voting on the item. The review period for the COA application ends January 11, 2022. Staff would not recommend postponement.

43 **WHEREAS**, NPS, in consultation with the MnDNR and Minnesota State Historic Preservation
44 Office (MnSHPO), has defined the Area of Potential Effect (APE) for indirect and direct effects
45 for the undertaking as shown on Attachment A; and

46 **WHEREAS**, NPS, in consultation with the MnDNR and MnSHPO, has identified the following
47 historic properties in the APE that have been determined eligible for listing in the National
48 Register of Historic Places: Lincoln Park, Lincoln Park Bridge (Bridge L-8744/West 10th Street
49 Bridge), Lincoln Park Drive, Lincoln Park Pavilion and Zion Lutheran Church; and

50 **WHEREAS**, the NPS, in consultation with the MnDNR and MnSHPO, reviewed the “Lincoln
51 Park Improvement Project Updated and Assessment of Effects” (June, 2021), which was based
52 on the “Lincoln Park Site Improvements” (6/14/2019), the Lincoln Park Pavilion architectural
53 drawings (6/7/2021), the draft schematic plans for Lincoln Park Drive (6/29/2021), and has
54 determined that certain aspects of the Project, as described in the said documentation, have been
55 designed and are consistent with the Secretary of the Interior’s *Standards for the Treatment of*
56 *Historic Properties* which will avoid and minimize adverse effects to character-defining features
57 of the:, Lincoln Park, Lincoln Park Bridge Lincoln Park Drive, and Lincoln Park Pavilion; and
58

59 **WHEREAS**, the NPS, in consultation with the MnDNR and MnSHPO, has determined that the
60 Project will have no adverse effect on the Zion Lutheran Church; and

61 **WHEREAS**, NPS, in consultation with the MnDNR, MnSHPO, and consulting parties, has
62 determined that the removal of Lincoln Park Wall Nos. 1 and 3 as part of the Project will result
63 in an adverse effect to the Skyline Parkway Historic District and Lincoln Park; and

64 **WHEREAS**, NPS, in consultation with the MnDNR, MnSHPO, and consulting parties, has
65 determined that there is no practicable alternative that will avoid the adverse effect to historic
66 properties and has developed this Memorandum of Agreement (Agreement) to resolve the
67 adverse effects; and

68 **WHEREAS**, requirements for public involvement were completed pursuant to 36 CFR 800.2(d)
69 including presentations at public meetings, posting on the City’s website, and review by the
70 Duluth Heritage Preservation Commission, which has approved the rehabilitation plans for the
71 Lincoln Park Pavilion, a locally designated landmark, and expressed support for the Project as a
72 whole; and

73 **WHEREAS**, federally recognized Native American tribes have been invited to consult on the
74 undertaking, as summarized in Attachment B, and the Fond du Lac Band of Lake Superior
75 Chippewa has requested to participate in consultation; and

76 **WHEREAS**, the Fond du Lac Band of Lake Superior Chippewa, Duluth Heritage Preservation
77 Commission, Scott A. Marek, and Equilibrium 3 have been invited to participate in the
78 consultation and invited to concur with this Agreement; and

79 **WHEREAS**, the MnDNR has responsibilities under this Agreement and is an Invited Signatory
80 to this Agreement; and

81 **WHEREAS**, the City has responsibilities under this Agreement and is an Invited Signatory to

82 this Agreement; and

83 **WHEREAS**, the NPS initially notified the Advisory Council on Historic Preservation (ACHP)
84 and provided documentation related to the proposed Lincoln Park Improvements and the ACHP
85 declined to participate.

86 **WHEREAS**, in accordance with 36 CFR 800.6(a)(1), The NPS reinitiated Section 106 for the
87 proposed project to develop Lincoln Park in 2021 and has notified the Advisory Council of the
88 adverse effect and have provided the documentation specified in 36 CFR 800.11(e), and the
89 ACHP has chosen not to participate in the consultation pursuant to 36 CFR 800.6(a)(1)(iii); and

90 **NOW, THEREFORE**, the Parties agree as follows:

91 **STIPULATIONS**

92 The NPS is responsible for ensuring the following measures are carried out:

93 **I. MITIGATION MEASURES**

94 A. Public Interpretation-Interpretive Plan

- 95 i. The City shall prepare and implement a plan for incorporating an appropriate
96 level of public interpretation of the history and significance of Lincoln Park and
97 Skyline Parkway (Interpretive Plan). The Plan shall be informed by the National
98 Association for Interpretation's Standards and Practices for Interpretive Planning.
99 The team preparing the content and location of the Interpretive Plan shall include
100 a qualified historian who meets the Secretary of the Interior's Professional
101 Qualifications Standards (36 CFR 61).
- 102 a. Within six (6) months of the execution of this Agreement, the City shall
103 prepare a draft Interpretive Plan including themes for interpretation,
104 planned modes for delivering the interpretation, and draft text and
105 graphics for each mode. Modes may include, but not be limited to
106 webpages, interpretive signage, walking tours, and integration of
107 interpretive elements into the Project.
- 108 b. Prior to issuance of a draft Interpretive Plan, the City shall invite the
109 parties to this Agreement to a consultation meeting to discuss the proposed
110 Interpretive Plan and receive input.
- 111 c. The City shall submit the draft Interpretive Plan to the NPS and MnDNR
112 for coordination of review. Following approval of the draft Interpretive
113 Plan by MnDNR, the MnDNR shall distribute the draft Plan to the parties
114 to this Agreement for a thirty (30) calendar day review and comment
115 period.
- 116 d. Following receipt of, and in response to, comments from the parties to this
117 Agreement, the City may revise the draft Interpretive Plan. If the City

118 chooses not to incorporate a proposed change by the parties to this
119 Agreement, then the MnDNR shall provide a written explanation to the
120 parties to this Agreement and consult, as appropriate, to seek resolution.

121
122 e. The City shall submit the final Interpretive Plan to MnDNR for
123 coordination of final review with the SHPO. Following review of the final
124 Interpretive Plan by the SHPO, the MnDNR shall distribute to all parties
125 for review and comment. MnSHPO may disagree with the Interpretive
126 Plan in writing to the MnDNR. Upon receiving such comments, the
127 MnDNR and the City shall consult with MnSHPO and other parties, as
128 appropriate, to seek resolution in accordance with Stipulation III of this
129 Agreement.

130 f. Upon final approval by the MnDNR, the City shall distribute the final
131 Interpretive Plan to all parties to this Agreement.

132 g. Within two (2) years after approval of the final Interpretive Plan, the City
133 shall complete its implementation of the Interpretive Plan.

134 B. Historic Property Documentation-Property Record

135 i. Prior to commencement of any Project-related construction activity, the City shall
136 complete Level I Documentation of Lincoln Park for the Minnesota Historic
137 Property Record (MHPR) according to the provisions outlined below. All
138 documentation shall be completed by an architectural historian meeting the
139 Professional Qualification Standards in the Secretary of the Interior's Standards
140 and Guidelines for Archaeology and Historic Preservation (36 CFR 61).

141
142 a. Recordation will be completed in accordance with the "Minnesota Historic
143 Property Record Guidelines (updated June 2009)" Level I Documentation
144 standards.

145
146 b. The City shall provide the MnSHPO with a draft version of the Level I
147 Documentation for review and comment. The MnSHPO shall have thirty
148 (30) calendar days to review the Level I Documentation. The City will
149 take the comments of the MnSHPO into account in developing the final
150 Level I Documentation.

151
152 c. The City shall provide a final archival copy and a digital (PDF) copy of
153 the Level I Documentation to the MnSHPO. The City shall provide a
154 digital (PDF) copy to NPS, MnDNR, Duluth Heritage Preservation
155 Commission, Duluth Collection at the Duluth Public Library, and
156 Northeastern Minnesota Historical Collections at the Kathryn A. Martin
157 Library, University of Minnesota-Duluth. Submission of these final Level
158 I Documentation sets will constitute fulfillment of this stipulation.

159
160 C. National Register of Historic Places Nomination

- 161 i. Within two (2) years following execution of this MOA, the City of Duluth, in
162 consultation with the parties to the MOA, shall prepare a National Register of
163 Historic Places Nomination Form (NRHP Nomination) for Lincoln Park.
164
- 165 ii. The City of Duluth shall have a qualified consultant prepare the NRHP
166 Nomination in conformance with the National Park Service's Bulletin 16A *How*
167 *to Complete the National Register Registration Form*. The NRHP Nomination
168 shall be prepared by a historian and/or architectural historian who meets the *SOI's*
169 *Professional Qualification Standards* (48 FR §§ 44738-44739) for history and/or
170 architectural history, and who has successfully completed previous NRHP
171 nominations.
172
- 173 iii. The City of Duluth shall submit the first draft NRHP Nomination, and any
174 subsequent drafts, to the SHPO for formal review and comment. The SHPO shall
175 have sixty (60) calendar days to provide written comments on the initial draft
176 NRHP Nomination. Any subsequent drafts of the NRHP Nomination, up to and
177 including the final NRHP Nomination, shall incorporate any written comments
178 and recommendations provided by SHPO. As needed, review of multiple drafts
179 may be required, and SHPO shall have thirty (30) calendar days to provide
180 comments on each subsequent version after the initial draft NRHP Nomination
181 review.
182
- 183 iv. The actual nomination of the historic property to the NRHP will be at the
184 discretion of SHPO and will follow the established procedures of the National
185 Park Service (36 CFR § 60). The intent of this stipulation shall be met following
186 SHPO notification to the City of Duluth that the NRHP Nomination for the
187 historic property is sufficient and has been forwarded to the State Review Board
188 for formal consideration.
189

190 II. PROJECT DESIGN REVIEW

- 191 A. The Project plans (drawings, specifications, special provisions, appendices, etc.)
192 including plans for temporary construction -related work, shall effectively meet the
193 Project purpose and be designed consistent with the Secretary of the Interior's (SOI)
194 Standards for the Treatment of Historic Properties (36 CFR Part 68) and associated SOI
195 Guidelines for the Rehabilitation of Historic Buildings and Cultural Landscapes in an
196 effort to avoid and minimize additional adverse effects to historic properties.
- 197 B. The City shall prepare updated 90% Project plans in accordance with the SOI Standards
198 and Guidelines and submit them to the NPS and MnDNR agency review and for
199 coordination of review by parties to this Agreement.
200
- 201 D. If NPS and MnDNR find that the 90% Project plans will not expand the APE and have
202 been developed consistent with the SOI Standards and Guidelines in order to avoid
203 additional adverse effects to historic properties within the APE, NPS shall issue this
204 finding, along with an appropriate level of documentation including the 90% Project
205 plans, to the parties to this Agreement for review and comment. If there are no objections

206 to the NPS finding of 90% Project plans' consistency with the SOI Standards and
207 Guidelines and corresponding finding of effect, then the City shall finalize Project plans
208 accordingly. If there are written objections to the NPS finding of 90% Project plans
209 consistency with the SOI Standards and Guidelines and corresponding finding of effect,
210 then NPS and MnDNR will continue consultation with the objecting party(ies) pursuant
211 to Stipulation III of this Agreement.
212

213 E. If NPS and MnDNR find that the Project plan modifications will result in additional
214 adverse effects to historic properties, NPS and MnDNR shall first consult with the parties
215 to this Agreement in accordance with 36 CFR 800.6 to seek ways to avoid and/or
216 minimize the adverse effect. The parties to this Agreement shall have thirty (30) days to
217 review and provide comments on this effect finding. If it is determined that the adverse
218 effect cannot be avoided, NPS and MnDNR will consult with the parties to this
219 Agreement, and the public, as appropriate, to develop a Mitigation Plan (Mitigation Plan)
220 for the adverse effect, taking into account the character and significance of the historic
221 property and the nature and scale of the adverse effect. Any newly identified consulting
222 parties under this stipulation will be invited to sign this Agreement as concurring parties
223 pursuant to Stipulation IV.
224

225 i. The Mitigation Plan shall be developed within forty-five (45) calendar days of
226 any adverse effect finding made under this stipulation. NPS and MnDNR shall
227 provide a copy of the draft Mitigation Plan to parties to this Agreement who shall
228 have thirty (30) calendar days to provide comments on the Mitigation Plan prior
229 to the initiation of Project construction, or fifteen (15) calendar days to provide
230 comments on any Mitigation Plan prepared during Project construction.

231 a. If the parties to this Agreement do not provide comments during the
232 review periods specified in Subparagraph D(i) of this Stipulation, NPS and
233 MnDNR shall consider it final and the City will move forward with the
234 Mitigation Plan as provided.

235 b. NPS and MnDNR shall take into account any comments provided by the
236 parties to this Agreement during the review period specified in
237 Subparagraph D(i) of this Stipulation in the development of a final
238 mitigation plan. The Mitigation Plan will be final upon acceptance by the
239 MnSHPO and written notice by NPS and MnDNR. NPS and MnDNR
240 shall provide copies of all final Mitigation Plans to the parties to this
241 Agreement.

242 c. Upon completion of consultation under this stipulation, the City shall
243 ensure that the terms and conditions of the final Mitigation Plan are fully
244 implemented.

245 **III. TRIBAL MONITORING**

246 A. The City of Duluth shall develop a monitoring plan in consultation with the Fond du Lac
247 Band of the Chippewa Tribal Historic Preservation Officer (THPO) to provide for tribal

248 monitors to be present on site during groundbreaking activities that may have the
249 potential to inadvertently affect cultural resources or human remains. The City of Duluth
250 and the Fond du Lac Band THPO shall develop a budget of monitor-related expenses,
251 and the City shall contract with the Fond du Lac for them to perform the agreed upon
252 work.

253
254 B. The City shall submit the monitoring plan to the NPS for review and confirmation with
255 the THPO.

256
257 C. Following consultation with the THPO, the NPS shall notify City that the plan is
258 appropriate or outline necessary revisions. A copy of the final monitoring plan will be
259 provided to the THPO for their records.

260
261 D. The City may not begin any Project construction until the Monitoring Plan has been
262 executed.

263

264 **IV. INADVERTENT DISCOVERIES**

265 A. If previously unidentified historic properties (including archaeological sites) or
266 unanticipated effects to historic properties (including exceptionally significant finds) are
267 discovered during Project activities and reported to the City, the City shall immediately
268 halt all Project activities within one hundred (100) foot radius of the discovery, notify the
269 NPS of the discovery, and implement interim measures to protect the discovery from
270 looting and vandalism.

271
272 B. Immediately upon receipt of the notification required Stipulation V. A above, the City,
273 and MnDNR, will inspect the construction site to determine the extent of the discovery
274 and ensure that construction activities have halted, clearly mark the area of discovery,
275 and implement additional measures, as appropriate, to protect the discovery from looting
276 and vandalism, and notify the SHPO.

277
278 C. The MnDNR, in consultation with the SHPO, will design a plan for avoiding,
279 minimizing, or mitigating any further adverse effects prior to resuming Project activities
280 in the area of the discovery, if the discovery is determined to be a historic property.

281
282 D. Treatment of Human Remains: If an inadvertent discovery contains human remains, the
283 City will immediately notify the THPO, the Office of the State Archaeology (OSA), and
284 the MnDNR to comply with provisions of Stipulation V.A above and Minnesota Statutes
285 Section 307.08. Suspected human remains shall not be further disturbed or removed until
286 disposition has been determined by the OSA consistent with the Procedures for
287 Implementing Minnesota's Private Cemeteries Act (Anfinson 2008). At all times, the
288 human remains must be treated with the utmost dignity and respect, and in a manner
289 consistent with the Council's Policy Statement on the Treatment of Human Remains,
290 Burial Sites and Funerary Objects (February 23, 2007). The City shall ensure that the
291 requirements established in Stipulation V are incorporated into all appropriate
292 construction contracts.

293

294 **V. DISPUTE RESOLUTION**

- 295 A. Should any party to this Agreement object to or be unable to complete the execution of
296 any provisions of this Agreement, NPS and MnDNR shall take the objection into account
297 and consult as needed with the objecting party to resolve the objection.
- 298 B. If NPS determines that the objection cannot be resolved, NPS shall request the further
299 comments of the ACHP pursuant to 36 CFR 800.7.
- 300 C. Any ACHP comment provided in response to such a request will be taken into account by
301 NPS in accordance with 36 CFR 800.7(c)(4) with reference only to the subject of the
302 dispute; the responsibility of the parties to this Agreement to carry out all actions under
303 this Agreement that are not the subjects of the dispute will remain unchanged.

304 **VI. DURATION, AMENDMENTS, AND TERMINATION**

- 305 A. This Agreement will automatically terminate if its terms are not carried out within five
306 (5) years from the date of its execution. Prior to such time, NPS may consult with
307 MnDNR, MnSHPO, and the City to amend it in accordance with Subparagraph IV.B
308 below.
- 309 B. This Agreement may be amended when such an amendment is agreed to in writing by all
310 signatories. The amendment will be effective on the date a copy signed by all of the
311 signatories is filed with the ACHP.
- 312 C. If any signatory to this Agreement determines that its terms will not or cannot be carried
313 out, that party shall immediately consult with the other signatories and concurring parties
314 to attempt to develop an amendment per Subparagraph B above. If within sixty (60)
315 calendar days an amendment cannot be reached, any signatory may terminate the
316 Agreement upon written notification to the other signatories and concurring parties.
- 317 D. Once the Agreement is terminated, and prior to work continuing on the undertaking, NPS
318 must either (a) execute an Agreement pursuant to 36 CFR 800.6 or (b) request, take into
319 account, and respond to the comments of the ACHP under 36 CFR 800.7. NPS shall
320 notify the parties to this Agreement as to the course of action they will pursue.

321 **VII. IMPLEMENTATION**

- 322 A. This Agreement may be implemented in counterparts, with a separate page for each
323 signatory or party. This Agreement shall become effective on the date of the final
324 signature by the signatories. NPS and MnDNR shall ensure each party is provided with a
325 complete copy of the final Agreement, updates to appendices, and any amendments filed
326 with NPS and MnDNR.
- 327 B. Execution of this Agreement by the Parties implementation of its terms is evidence that
328 NPS and MnDNR have taken into account the effects of its undertaking on historic
329 properties and has afforded the ACHP opportunity to comment pursuant to Section 106
330 of the National Historic Preservation Act.

**MEMORANDUM OF AGREEMENT
BETWEEN THE CITY OF DULUTH,
THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES,
THE NATIONAL PARK SERVICE, AND
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
REGARDING THE LINCOLN PARK IMPROVEMENTS PROJECT,
DULUTH, SAINT LOUIS COUNTY, MINNESOTA**

SIGNATORY

NATIONAL PARK SERVICE

By: _____ Date _____
Roger Knowlton, Program Manager Recreation Grant Programs
Authorized Representative

**MEMORANDUM OF AGREEMENT
BETWEEN THE CITY OF DULUTH,
THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES,
THE NATIONAL PARK SERVICE, AND
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
REGARDING THE LINCOLN PARK IMPROVEMENTS PROJECT,
DULUTH, SAINT LOUIS COUNTY, MINNESOTA**

SIGNATORY

MINNESOTA STATE HISTORIC PRESERVATION OFFICE

By: _____ Date _____
Amy Spong, Deputy State Historic Preservation Officer
Authorized Representative

**MEMORANDUM OF AGREEMENT
BETWEEN THE CITY OF DULUTH,
THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES,
THE NATIONAL PARK SERVICE, AND
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
REGARDING THE LINCOLN PARK IMPROVEMENTS PROJECT,
DULUTH, SAINT LOUIS COUNTY, MINNESOTA**

INVITED SIGNATORY

MINNESOTA DEPARTMENT OF NATURAL RESOURCES

By: _____ Date _____
Ann Pierce, Director, Parks and Trails Division
Authorized Representative

**MEMORANDUM OF AGREEMENT
BETWEEN THE CITY OF DULUTH,
THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES,
THE NATIONAL PARK SERVICE, AND
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
REGARDING THE LINCOLN PARK IMPROVEMENTS PROJECT,
DULUTH, SAINT LOUIS COUNTY, MINNESOTA**

INVITED SIGNATORY

CITY OF DULUTH

By _____

Date _____

Mayor

Attest _____

Date _____

City Clerk

By

Chief Administrative Officer

Countersigned:

City Auditor

Approved as to form:

City Attorney

**MEMORANDUM OF AGREEMENT
BETWEEN THE CITY OF DULUTH,
THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES,
THE NATIONAL PARK SERVICE, AND
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
REGARDING THE LINCOLN PARK IMPROVEMENTS PROJECT,
DULUTH, SAINT LOUIS COUNTY, MINNESOTA**

CONCURRING

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA

By: _____ Date _____
Name, Title
Authorized Representative

**MEMORANDUM OF AGREEMENT
BETWEEN THE CITY OF DULUTH,
THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES,
THE NATIONAL PARK SERVICE, AND
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
REGARDING THE LINCOLN PARK IMPROVEMENTS PROJECT,
DULUTH, SAINT LOUIS COUNTY, MINNESOTA**

CONCURRING

DULUTH HERITAGE PRESERVATION COMMISSION

By: _____ Date _____
Name, Title
Authorized Representative

**MEMORANDUM OF AGREEMENT
BETWEEN THE CITY OF DULUTH,
THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES,
THE NATIONAL LPARK SERVICE, AND
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
REGARDING THE LINCOLN PARK IMPROVEMENTS PROJECT,
DULUTH, SAINT LOUIS COUNTY, MINNESOTA**

CONCURRING

EQUILIBRIUM 3

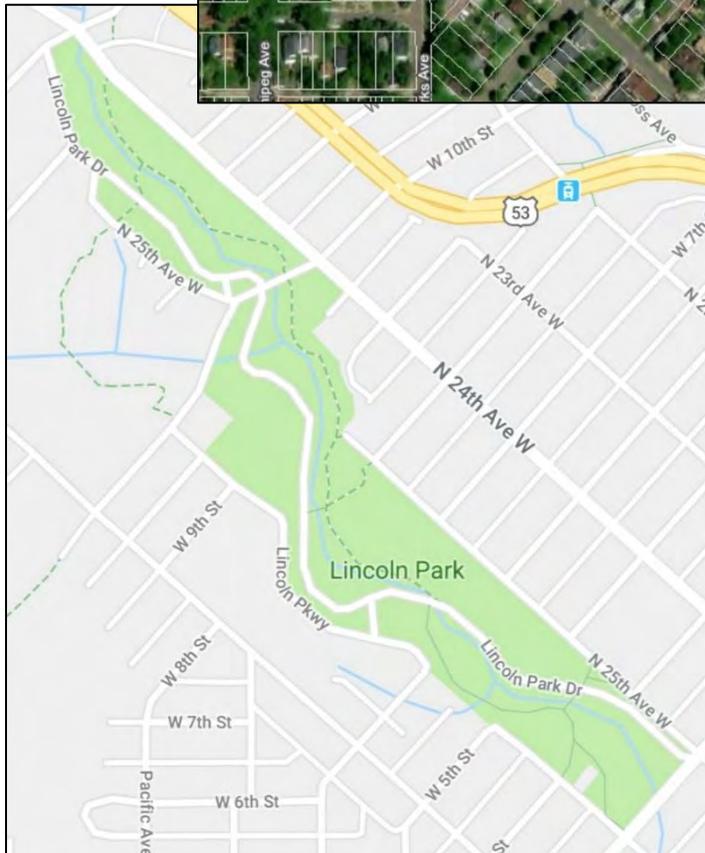
By: _____ Date _____
Jodi Slick, Executive Director
Authorized Representative

**MEMORANDUM OF AGREEMENT
BETWEEN THE CITY OF DULUTH,
THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES,
THE NATIONAL PARK SERVICE, AND
THE MINNESOTA STATE HISTORIC PRESERVATION OFFICE
REGARDING THE LINCOLN PARK IMPROVEMENTS PROJECT,
DULUTH, SAINT LOUIS COUNTY, MINNESOTA**

CONCURRING

By: _____ Date _____
Scott Marek
Consulting Party

ATTACHMENT A: AREA OF POTENTIAL EFFECT



The APE illustrated above and below include areas that will be physically affected by the project or might be subject to indirect visual effects. The project will not physically affect or be visible from most of Lincoln Park. If the project makes Lincoln Park ineligible for the National Register, however, it would have an effect on the entire park, so the park as a whole (left) is also in the APE.



**ATTACHMENT B: FEDERALLY RECOGNIZED NATIVE AMERICAN TRIBES
INVITED TO CONSULT ON THE UNDERTAKING**

1. Apache Tribe of Oklahoma
2. Fort Peck Assiniboine and Sioux Tribes
3. Bad River Band of Lake Superior Tribe of Chippewa
4. Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe
5. Cheyenne and Arapaho Tribes, Oklahoma
6. Fond du Lac Band of Lake Superior Chippewa
7. Fort Belknap Indian Community of the Fort Belknap Reservation of Montana
8. Grand Portage Band of the Minnesota Chippewa Tribe
9. Keweenaw Bay Indian Community
10. Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin
11. Lac Vieux Desert Band of the Lake Superior Chippewa Indians
12. Menominee Indian Tribe of Wisconsin
13. Mille Lacs Band of the Minnesota Chippewa Tribe
14. Upper Sioux Community, Minnesota
15. White Earth Band of the Minnesota Chippewa Tribe
16. Fond du Lac Band of Lake Superior Chippewa



Bemidji City Hall • 317 4th Street NW
Bemidji, Minnesota 56601-3116
Phone 218-759-3560 • Fax 218-759-3590
www.ci.bemidji.mn.us

May 31, 2022

RE: Heritage Preservation Commission Member Recruitment Challenges

Dear Commission Representative:

As members of the Bemidji Heritage Preservation Commission, we are seeking input regarding your commissions experience with retaining and recruiting members to serve on your boards.

1. Do you have difficulty filling your seats on your City Heritage Preservation Commission?
2. What solutions would help you recruit members?
3. Would a change in the state statute that allows persons residing in the larger community, but outside the city limits, create problems or be beneficial?

Minnesota Statute Section 471.193 "Municipal Heritage Preservation", Subdivision 5 "Commission members" states: "...that commission members must reside within the political subdivision regulated by the ordinance creating the commission."

The City of Bemidji has persons interested in historic preservation in the surrounding area that reside just outside the city limits, and are longtime residents. We have increased our city limit boundaries, but residents often live on the surrounding lakes in our community. It will not be practical to continue to increase city boundaries.

This statute has been very restrictive to our recruitment. Therefore Bemidji HPC is thinking of requesting an amendment to the Statute. In Bemidji, the Commission is set at seven (7) members. We would like the amendment to allow for the minority of members (3 of the 7) to be former residents, or current or former workers in the city, or having attended educational or religious institutions in the city. Would an amendment like that work for you?

I appreciate hearing about your experiences as a community leader in preserving your historic heritage.

You may reach me by phone at 218-766-6292 or by email at llemmer@paulbunyan.net or you may reply to Michelle Miller, City Clerk at michelle.miller@ci.bemidji.mn.us.

I look forward to hearing from you.

Sincerely,

Linda L. Lemmer, Chair
Bemidji Heritage Preservation Commission

Steven Robertson

From: Minnesota Department of Administration <Admin_Minnesota@public.govdelivery.com>
Sent: Wednesday, June 1, 2022 11:02 AM
To: Steven Robertson
Subject: Minnesota's State Historic Tax Credit Program Will Sunset After June 30th



State Historic Preservation Office (SHPO)

June 1, 2022

Minnesota's State Historic Tax Credit Program Will Sunset After June 30, 2022

On May 23, 2022, the Minnesota State Legislature adjourned without passing an extension for the Minnesota Historic Structure Rehabilitation Tax Credit program. After June 30, 2022, the program will sunset. SHPO will no longer accept new state Part A applications for the program.

Please be advised, the federal program is not due to sunset and SHPO will continue to process federal applications in partnership with the National Park Service.

Over the next several weeks our office will update [SHPO's Tax Incentives webpages](#) to reflect this change. For applicants who receive Allocation Certificates issued before July 1, 2022, the State Historic Preservation Office looks forward to working with you in rehabilitating your historic property.



mn.gov/admin/shpo | 651-201-3287 | MNSHPO@state.mn.us

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