

## **OFFICIAL NOTICE AND AGENDA**

The City of Stoughton will hold a **Regular** meeting of the **Landmarks Commission** on **Thursday, November 13, 2014, at 7:00 pm** in the **Hall of Fame Room, Lower Level, City Hall, 381 E. Main Street, Stoughton, WI.**

### **AGENDA:**

1. Call to order.
2. Consider approval of the Landmarks Commission meeting minutes of October 9, 2014.
3. Request by Carl Franseen for Certificate of Appropriateness approval to install new windows at the Erickson Building, 188-194 W. Main Street.
4. Discuss Historic Preservation Ordinance.
5. Commission Reports/Calendar.
6. Status Updates:
  - A. Asbjornson House
  - B. Budget
  - C. Power Plant
  - D. Linderud Exhibit
7. Future agenda items.
8. Adjournment.

11/6/14mps

### **COMMISSIONERS:**

Peggy Veregin, Chair  
Alan Hedstrom, Vice-Chair  
Greg Pigarelli

Michael Engelberger (Council Rep)  
Andrea Rainka, Secretary

Connie Kraus  
Anna Stracener

### **EMAIL NOTICES:**

Art Wendt  
Council Members  
DErickson@madison.com

Receptionist  
Matt Dregne, City Attorney  
Carl Franseen

Stoughton Hub  
Leadership Team

**Note: For security reasons, the front door of City Hall will be locked after 4:30 P.M. (including the elevator door). Please use the east employee entrance.**

**IF YOU ARE DISABLED AND NEED ASSISTANCE, PLEASE CALL 873-6677 PRIOR TO THE MEETING.**

**NOTE: AN EXPANDED MEETING MAY CONSTITUTE A QUORUM OF THE COUNCIL.**

## **Landmarks Commission Meeting Minutes**

**Thursday, October 9, 2014 – 7:00 p.m.**

**City Hall, Hall of Fame Room, Lower Level, 381 E. Main Street, Stoughton, WI.**

**Members Present:** Alan Hedstrom, Vice-Chair; Andrea Rainka, Secretary; Connie Kraus, Michael Engelberger and Anna Stracener

**Absent and Excused:** Peggy Veregin, Chair

**Staff:** Michael Stacey, Zoning Administrator

**Guests:** Stephen Mar-Pohl and Greg Pigarelli

### **1. Call to order.**

Alan called the meeting to order at 7:00 pm.

### **2. Consider approval of the Landmarks Commission meeting minutes of July 10, 2014, September 11, 2014 and September 17, 2014.**

Motion by **Michael E.** to approve the minutes as presented, 2<sup>nd</sup> by **Anna.** Motion carried 5 - 0

### **3. Discuss Power Plant Building with Stephen Mar-Pohl.**

Stephen Mar-Pohl gave an overview of the potential to develop the Power Plant site. Stephen stated the RDA and City Staff are in support and now he is seeking support from the Landmarks Commission. The hope is to be operational by next Fall/Winter which includes restoration of the existing power plant and a 1,000 square foot building addition. The goal is also to generate power at the facility and use the power to accommodate the new business. They have been in discussions with Tom Reiss who owns the Dunkirk Dam Power House and controls the Stoughton Dam to partner in the project. Mar-Pohl also plans to get the building listed on the National Register of Historic Places in order to take advantage of the tax credits available to a developer when this is done.

The Commission is in full support of the project and would like to help in any way they can.

### **4. Discuss Ashjornson Home.**

The group discussed options for moving the home. Michael S. has discussed an extension with Kris Krentz, President of Skaalen Retirement Services to allow more time to find a new location for the home. Mr. Krentz is now committed to cooperate with the Commission on an alternative that preserves the home. Mr. Krentz does not want this to be an extended period of time. The Commission asked Michael S. to contact Mr. Krentz to discuss the extension time frame; notifying the public and positive publicity.

### **5. Discuss Historic Preservation Ordinance.**

Peggy and Andrea are not yet done with the amendments to this document. The group deferred this item until next month.

### **6. Discuss filling commission vacancy.**

Greg Pigarelli introduced himself to the Commission. Greg is an architectural designer primarily focusing on residential and light commercial projects. Greg was previously involved in historic preservation in another State and has good knowledge of architectural standards.

Motion by **Michael E.** to recommend the Common Council appoint Greg Pigarelli as a Landmarks Commissioner to replace Kathleen Kelly, 2<sup>nd</sup> by **Connie.** Motion carried 5 – 0.

**7. Commission Reports.**

Alan gave an overview of the upcoming Local History and Historic Preservation Conference set for October 24-25, 2014. As usual, the Commission will reimburse the cost of the conference for any member that attends.

**8. Future agenda items.**

The group discussed future Tower Times articles.

**9. Adjournment.**

Motion by Connie to adjourn at 8:45 pm, 2<sup>nd</sup> by Anna. Motion carried 5 – 0.

# City of Stoughton Certificate of Appropriateness

## Application Form

1. Name of Property: Erickson Block

Address of Property: 188/194 W. Main Street (221 S. Water Street)

Name of historic district in which property is located: MSHD

### 2. Owner & Applicant Information

Owner Name: 1905 Erickson LLC

Street Address: PO Box 131

City: Stoughton State: MA Zip: 53589

Daytime Phone, including Area Code: (608) 718-0623

Applicant (if different from owner): \_\_\_\_\_

Applicant's Daytime Phone, including Area Code: \_\_\_\_\_

### 3. Attachments. The following information is enclosed:

- ☐ Photographs
- ☐ Sketches, elevation drawings
- ☐ Plan drawings
- ☐ Site plan showing relative location of adjoining buildings, if located within a Historic
- ☒ Specifications
- ☐ Other (describe)

### 4. Description of Proposed Project (on next page)

### 5. Signature of Applicant

Signed: Carl Franseen Date: 11/4/2014

Printed: Carl Franseen

**Return To:** Zoning Administrator, Stoughton City Hall, 381 E. Main Street

**Description of Proposed Project**  
(attach additional sheets as necessary)

Architectural Feature: See Attached

\_\_\_\_\_

\_\_\_\_\_

Approximate date of feature: \_\_\_\_\_

Describe existing feature: \_\_\_\_\_

\_\_\_\_\_

Describe proposed work, materials to be used and impact to existing feature:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Photograph No. \_\_\_\_\_ Drawing No. \_\_\_\_\_

Architectural Feature: \_\_\_\_\_

\_\_\_\_\_

Approximate date of feature: \_\_\_\_\_

Describe existing feature: \_\_\_\_\_

\_\_\_\_\_

Describe proposed work, materials to be used and impact to existing feature:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Photograph No. \_\_\_\_\_ Drawing No. \_\_\_\_\_



# FREY CONSTRUCTION & HOME IMPROVEMENT, LLC

530 PARK AVE PRAIRIE DU SAC, WI 53578 | PHONE (608) 643-7914 | FAX: (608) 644-0821

WWW.FREYCONSTRUCTION.COM | INFO@FREYCONSTRUCTION.COM

## Proposal

Date: October 29, 2014

Job Number: 143436

### Estimate Submitted To:

Carl Franseen  
194 W. Main St.  
Stoughton, WI 53589  
Mobile: 608-718-0623

### For Work At:

Same  
194 W. Main St.  
Stoughton, WI 53589

Frey Construction & Home Improvement, LLC proposes to furnish all materials and perform all labor necessary to complete the following work:

Description	Count	Unit	Cost
Glendale Window Full Frame Description			
Description: Remove existing window & frame. Supply & install Glendale Double Hung and Picture Windows with Dual Pane Low-E glass with Argon Gas Fill. Window has Multi-Chambered Welded Frame and Sash for Energy Efficiency and Lifetime Performance. Warranted against glass breakage for life. Recessed Locks & Concealed Tilt Latches make cleanest appearance available. Full Interlock at Checkrail provides stronger connection between sash & maximum blockage of air infiltration. Window includes IntelliFoam filled frame & sash and ArmorCor fiberglass fortified meeting rail. Includes painted interior blind stop and wood interior where elliptical meets ceiling.			
Glendale Double Hung Full Frame Install 102-110	16		\$11,544.35
Color Upgrade - Tan Inside & Outside	26		\$1,666.08
Description: Lock color is matched to window.			
Picture Window Full Frame Install UI 102-110	8		\$10,234.26
Description:			
Mulling Charge	24		\$1,560.00
Description:			
Glendale Double Hung Full Frame Install 64-73	7		\$4,032.21
Picture Window Full Frame Install UI 64-73	14		\$16,262.85
Description: Special Shapes			

<b>Description</b>	<b>Count</b>	<b>Unit</b>	<b>Cost</b>
Mulling Charge	18		\$1,296.00
Description:			
Glendale Double Hung Full Frame Install 74-83	3		\$1,852.51
Picture Window Full Frame Install UI 102-110	1		\$1,279.28
Description: Special Shapes			
Mulling Charge	10		\$720.00
Description:			
Picture Window Full Frame Install UI 111-120	2		\$1,536.27
Description:			
Picture Window Full Frame Install UI 64-73	4		\$2,054.43
Description:			
Picture Window Full Frame Install UI 84-93	2		\$2,544.68
Description: Special Shapes			
Lift			\$1,842.00
Description: Supply lift for access			
Lead Paint Inspection	1	Each	\$300.00
Description: Lead paint inspection by certified lead inspector.			
Color Upgrade - Tan Inside & Outside	40	Each	\$788.84

All work is to be completed in a substantial and workman-like manner for the sum of **Fifty Nine Thousand Five Hundred Thirteen Dollars and Seventy Six Cents.**

Typical payment schedule is as follows: 33 1/3% Deposit Upon Signing, 33 1/3% on Start Date, 33 1/3% Upon Completion.

Full Balance Due upon Completion: \$59,513.76

Approximate Start Date: \_\_\_\_\_

Approximate Completion Date: \_\_\_\_\_

Rotten wood and unforeseen complications will be replaced as Time and Material at a Rate of \$63.50 per man hour plus 20% over Material, Labor, and Sub-Contractor costs. Any alterations or deviation from the above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. Frey Construction & Home Improvement, LLC is not responsible for damage to the interior of the house caused by exterior work (including knick-knacks and pictures falling off walls, nail pops and cracked drywall). This contract does not include, unless expressly specified, any mold abatement, removal, or cleaning. If mold is found existing on the premises, any cost to abate, remove, or clean shall be paid by the homeowner as an extra. In addition, any warranty given to the homeowner under this contract does not include the cost to abate, remove, or clean mold that may be found on the premises in the future. Frey Construction & Home Improvement, LLC obtains all necessary permits and the cost will be added to your invoice. Any pictures taken of your property may be used for marketing purposes. Note: This proposal may be withdrawn by Frey Construction & Home Improvement, LLC if not accepted within 10 days.

This contract does not include, unless expressly specified, any mold abatement, removal, or cleaning. If mold is found existing on the

premises, any cost to abate, remove, or clean shall be paid by the homeowner as an extra. In addition, any warranty given to the homeowner under this contract does not include the cost to abate, remove, or clean mold that may be found on the premises in the future.

\_\_\_\_\_ I would not like to receive communications from Frey Construction about home maintenance, future specials and discounts or promotions.

I am presenting the above estimate along with the terms of payment for your consideration.

\_\_\_\_\_  
Katie Cook  
608-370-4066  
Frey Construction & Home Improvement, LLC

\_\_\_\_\_  
Date

#### ACCEPTANCE

You are hereby authorized to furnish all materials and labor required to complete the work described above, for which I agree to pay according to the terms described above.

\_\_\_\_\_  
Carl Franseen

\_\_\_\_\_  
Date

\_\_\_\_\_

\_\_\_\_\_  
Date





19 ERICKSON 05

Family Dental Care  
Dr. J. L. Erickson, D.D.S.



# DRAFT AMENDMENTS

CITY OF STOUGHTON, 381 E. Main Street, Stoughton, WI 53589

ORDINANCE OF THE COMMON COUNCIL	
Amending Multiple Sections of the Historic Preservation Ordinance – Chapter 38 of the Stoughton Municipal Code	
Committee Action: Landmarks Commission recommends approval 5 - 0 Fiscal Impact: None	
<b>File Number:</b> O-3-2014	<b>Date Introduced:</b> , 2014 First Reading , 2014 Second Reading

The Common Council of the City of Stoughton do ordain as follows:

## Chapter 38

### HISTORIC PRESERVATION

#### Article II Landmarks Preservation Commission

Sec. 38-31. - Intent.

Sec. 38-32. - Definitions.

Sec. 38-33. - Composition and terms.

Sec. 38-34. – Landmark and landmark site designation criteria.

Sec. 38-35. - Powers and duties.

Sec. 38-36. - Regulation of construction and alteration.

Sec. 38-37. - Regulation of demolition.

Sec. 38-38. - Recognition of landmarks, landmark sites and historic districts.

Sec. 38-39. - Rescission of landmark designation.

Sec. 38-40. - Economic Hardship

Sec. 38-41~~0~~. - Procedures.

Sec. 38-42~~1~~. - Historic districts.

Sec. 38-43~~2~~. - Maintenance of improvement on landmark site or within historic district.

Sec.38-44. - Penalties for violations.

Sec. 38-45~~3~~. - Commission records.

Sec. 38-31. - Intent.

The protection, enhancement, perpetuation and use of improvements and districts of special character or historical interest is a public necessity required in the interest of the health, prosperity, safety and welfare of the people of the city. This article is intended to:

- (1) Accomplish the protection, enhancement and perpetuation of such improvements and districts which reflect elements of the city's cultural, social, economic, political and architectural history.
- (2) Safeguard the city's historic and cultural heritage, as embodied in our landmarks and historic districts.
- (3) Stabilize and improve property values.
- (4) Foster civic pride in the beauty and accomplishments of the past.
- (5) Protect and enhance the city's attractions to residents, tourists and visitors.
- (6) Support the business, industry and economy of the city.
- (7) Promote the use of landmarks and historic districts for the education, aesthetic pleasure and welfare of the city's people.

Sec. 38-32. - Definitions.

As used in this article, unless the context clearly requires otherwise, the words defined in this section have the following meanings:

Alteration is any construction on or change to the exterior of a building, structure, object, or site including, but not limited to, the changing of foundation, wall or roofing and the changing, eliminating or adding of doors, windows, steps, railings, porches, balconies, signs or other ornamentation, new construction or relocation of any property, structure or object, or any part of a property, structure or object. Ordinary maintenance and repairs shall not be considered an alteration.

Certificate of appropriateness (COA) is a document that describes exterior repair or alteration to a landmark property or interior repair or alteration that affects an exterior feature. Approval of the COA by the Landmarks Commission is required prior to obtaining a building permit and commencement of work.

*Commission* means the landmarks preservation commission created by this article.

Contributing property is any building, structure or object which adds to the historical integrity or architectural qualities that make a historic district, listed locally or federally, significant.

Demolition is any act that destroys in whole or in part a building, structure, object or site.

*Historic district (local)* means an area designated by the commission which contains one or more landmarks or landmark sites, as well as those abutting improvement parcels which the commission determines should fall within the provisions of this article to ensure that their appearance and development is harmonious with the abutting landmarks or landmark sites.

Historic downtown design guidelines guide the renovation and rehabilitation of commercial buildings on Main Street.

*Improvement* means any building, structure, landscape feature, work of art or other object which is all or part of any physical betterment of real property.

~~*Improvement parcel* means any parcel of property containing thereon an improvement which is treated as a single entity for the purpose of levying real estate taxes.~~

*Landmark* means an improvement which has a special character or historic interest in showing the development, heritage or cultural character of the city, state or nation which has been designated as a landmark under this article. All mention of Landmark within this text is meant to mean "local landmark".

*Landmark site* means a parcel of land having historic significance due to its value in tracing the prehistoric activities of Native Americans or is the location of an in-locating a historic event. ~~which occurred thereon which has been designated as a landmark site under this article.~~

Ordinary maintenance and repairs is work that corrects any deterioration or damage to a building or structure in order to restore it to its condition prior to the deterioration or damage. The work does not involve a change in the design, material, or outer appearance of the building or structure.

#### **Sec. 38-33. - Composition and terms.**

The commission shall be composed of ~~nine~~ seven persons competent and informed in the historical, architectural and cultural traditions of the city, to be appointed by the mayor subject to city council confirmation by majority vote. One of the new commissioners shall be appointed for an initial two-year term and the other commissioner shall be appointed for an initial three-year term. All commission members, ~~including the additional two commissioners,~~ shall may be appointed for three years as terms expire. Commission members may be appointed to successive terms. In addition, the ~~building inspector~~ zoning administrator shall be an ad hoc member of the commission and shall not be entitled to a vote. If any vacancy occurs, the mayor shall appoint a person subject to the city council confirmation for the unexpired term. The commission may suggest a candidate to the Mayor for appointment. No compensation shall be paid to commission members except for expenses necessary in carrying out their duties. The commission shall annually select from its members a chair, vice-chair and secretary and shall fill vacancies in such offices.

#### **Sec. 38-34. - Landmark and landmark site designation criteria.**

- (a) The commission shall consider the following criteria in determining whether or not to recommend that the city council designate an improvement or improvement parcel as a landmark or landmark site:
  - (1) Whether it exemplifies or reflects the cultural, political, economic or social history of the city, state or nation.

- (2) Whether it is identified with important historic or prehistoric persons or events in community, state or national history.
  - (3) Whether it embodies distinguishing characteristics or an architectural type specimen, valuable for a study of a period, style, construction method or indigenous materials or craftsmanship.
  - (4) Whether it is representative of the notable work of a master builder, engineer or architect.
  - (5) Whether it is a unique and irreplaceable asset to its neighborhood and the city.
  - (6) Whether it provides an example of the physical surroundings in which past generations lived.
- (b) The commission may adopt specific written guidelines for designation of landmarks, landmark sites and historic districts providing such conform to the provisions of this article.

**Sec. 38-35. - Powers and duties.**

- (a) The commission may, subject to section 38-36, recommend that the city council designate landmarks, landmark sites and historic districts within the city, based upon the criteria of section 38-34. Once so designated, such landmarks, landmark sites and historic districts shall be subject to all the provisions of this article.
- (b) The commission may regulate, approve or deny proposed changes or alterations to landmark properties in accordance with section 38-36.
- ~~(bc)~~ The commission shall cooperate with the state liaison officer and the governor's liaison committee for the National Register of Historic Places of the United States National Park Service in trying to include city landmarks or landmark sites as national landmarks or landmark sites in the ~~Federal Register~~ National Register of Historic Places.
- ~~(ed)~~ The commission shall work for the continuing education of the citizens of the city about the historic heritage of the city.
- ~~(de)~~ The commission shall actively work for the passage of legislation which would permit the granting of full or partial tax exemptions to properties designated under this article in order to encourage owners to assist in carrying out the intent of this article.
- ~~(ef)~~ The commission may, as it deems advisable, solicit and receive funds for the purpose of landmarks preservation in the city. Any funds so received shall be placed in a special city account for such purpose.

**Sec. 38-36. - Regulation of construction and alteration.**

- (a) Any person filing an application for a building permit involving property which has been designated as a landmark or landmark site shall also file such application in the form of a Certificate of Appropriateness (COA) with the commission, for approval.
- (b) No person shall alter, reconstruct or permit any alteration or reconstruction affecting the exterior of any landmark or landmark site unless the commission has approved such

work and unless so approved, the building inspector shall not issue a building permit for such work.

- (c) Upon the filing of an application, the commission shall determine whether or not:
  - (1) The proposed work would destroy or affect in a deleterious way any important feature of the landmark or landmark site; and
  - (2) The exterior of any proposed improvement would not harmonize with the external appearance of neighboring improvements on such site.
- (d) If the commission decides both questions in subsection (c) of this section in the negative, it shall approve the work and issue a COA. Its decision shall be made within 60 days of filing. If the commission decides either question in the affirmative, it shall inform the building inspector to deny issuance of the permit. Review of denial of permits shall lie to the city council pursuant to chapter 2, article V, and statute. In addition, if the commission fails to approve an application, it shall, at the request of the applicant, cooperate and work with the applicant in an attempt to obtain approval within the guidelines of this article.

#### **Sec. 38-37. - Regulation of demolition.**

- (a) No person shall demolish all or part of a landmark or improvement on a landmark site, unless the commission has approved such work. Unless the commission has approved the work, the building inspector shall not issue a building permit for such work.
- (b) When a person applies for a permit to demolish such property, such application shall also be filed with the commission.
- (c) Upon the filing of an application, the commission may refuse to approve the work for up to ten months from the date of filing, during which time the commission and the applicant shall undertake serious, continuing discussions to try to find a method to save such property. During such time, the applicant and the commission shall cooperate to try to avoid demolition of the property. At the end of the ten months, if no mutually agreeable method of saving the property bearing a reasonable prospect of eventual success is underway, or if no formal application for funds from any governmental unit or nonprofit organization to preserve the property is pending, the building inspector may issue the permit without the approval of the commission.
- (d) The Commission shall be informed of all demolition permit requests and may request consultation.

#### **Sec. 38-38. - Recognition of landmarks, landmark sites and historic districts.**

After a landmark, landmark site or historic district has been designated in accordance with sections 38-34 and 38-36, the commission shall cause to be prepared and erected on such property at city expense suitable plaques or signs recognizing the landmark. Such plaques shall be placed for ease of pedestrian visibility. The plaques shall contain all information deemed appropriate for the landmark by the commission.

**Sec. 38-39. - Rescission of landmark designation.**

- (a) Designation may be rescinded upon petition to the commission and compliance with the procedures as follows:
  - (1) Petitions for rescission may be submitted to the landmarks commission for consideration and public hearing.
  - (2) When considering rescission of a landmark designation, the commission shall consider whether the landmark or district no longer meets the criteria for designation.
  - (3) The commission shall make a recommendation to the City Council including a report regarding whether the landmark or district does or does not continue to retain significance and integrity.
  - (4) The Council shall make its decision only after the above procedures have been followed.
  - (5) The Council shall rescind a designation only upon a finding that the designated landmark or district no longer meets the criteria for designation.
- ~~(a) — If the person listed as owner of record of a landmark site at the time of its designation is unable to find a buyer willing to preserve the landmark or landmark site, such person may petition the commission for a rescission of its designation. Such petition shall contain a statement under oath that the person has made reasonable attempts in good faith to find and attract such a buyer, as well as such further information deemed reasonably necessary by the commission for the purpose of evaluating the petition.~~
- ~~(b) — Following the filing of such petition, the owner and the commission shall work together in good faith for up to six months to try to locate a buyer for the subject property who is willing to comply with the designation. If at the end of the six months no such buyer can be found and if the owner still desires to obtain such rescission, the commission shall rescind its designation of the subject property.~~
- ~~(eb)~~ In the event of rescission, the commission shall notify the city clerk, building inspector and assessor of the rescission and shall cause the rescission to be recorded at its expense in the county register of deeds.
- ~~(dc)~~ Following any such rescission, the commission may not redesignate the subject property as a landmark or landmark site for at least five years from the date of rescission.

**Sec. 38-40. - Economic hardship**

(a) The landmarks commission shall approve an application for a certificate of appropriateness in any case where the owner would suffer extreme hardship, not including loss of profit, unless the certificate of appropriateness were issued promptly.

(1) Eligibility and terms. Notwithstanding any of the provisions of this division to the contrary, the common council may issue a certificate of economic hardship to allow the performance of work for which a certificate of appropriateness has been denied. The certificate of economic hardship requires a two-thirds vote of the full council upon a clear showing of economic hardship by the applicant in accordance with the terms of this section.

(2) Application. To be considered for a certificate of economic hardship the applicant shall provide the following information in an affidavit signed by the owner of the subject property:

(a) The amount paid for the property, the date of purchase and the party from whom purchased (including description of the relationship, if any, between the owner and the person from whom the property was purchased).

(b) The assessed value of the land and improvements thereon according to the two (2) most recent assessments.

(c) Real estate taxes for the previous two (2) years, and proof that they are paid in full.

(d) Annual debt service, if any, for the previous two (2) years.

(e) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with purchase, financing or ownership of property.

(f) Any listing of the property for sale or rent, price asked and offers received, if any.

(g) Any consideration by the owner as to profitable adaptive uses for the property.

(h) If the property is income-producing, the annual gross income from the property for the previous two (2) years, itemized operating and maintenance expenses for the previous two (2) years, and annual cash flow, if any, during the same period.

(i) A description of the necessity for the work, as proposed, explaining the economic hardship resulting from denial of the certificate of appropriateness and/or the economic hardship that would be incurred in efforts to satisfy the criteria detailed in the denial of the certificate of appropriateness.

(3) Decision. If the common council finds that, without approval of the proposed work, the property and improvements cannot be put to a reasonable beneficial use or the owner cannot obtain a reasonable economic return there from the common council is authorized to issue a certificate of economic hardship. If the common council finds otherwise, it shall deny



issuance of the certificate of economic hardship. At the discretion of the common council a final decision regarding issuance of the certificate of economic hardship may be delayed for a period not to exceed six (6) months. During this period of delay, the applicant shall investigate plans to allow for a reasonably beneficial use or a reasonable economic return, or to otherwise preserve the subject property and improvements. The common council may request that the landmarks commission provide assistance to the applicant in this endeavor. Upon a decision by the common council regarding a certificate of economic hardship, the city clerk shall notify the preservation commission, the applicant and the building inspector within seven (7) days.

(4) Effect of decision. The issuance of a certificate of economic hardship acts in lieu of a certificate of appropriateness for the identified work. The building inspector may proceed to issue building permits for such work following standard procedures once a certificate of economic hardship has been granted.

#### **Sec. 38-410. - Procedures.**

- (a) Before establishing any landmark or landmark site, the commission shall hold a public hearing thereon after giving at least ten days written notice of such hearing and appeal procedures to the owners and occupants of the affected premises and the owners of land located within 200 feet of the affected property. Notice of such hearing shall also be published as a class 1 notice under the statute. The commission shall also notify the building inspector and the public works committee of the hearing and they may respond to the commission's proposed designation in writing or by appearance. At any time after the closing of the public hearing, the commission may recommend that the city council designate the affected property as either a landmark or landmark site. Upon the request of any aldermember or the owner of a landmark or landmark site, a public hearing shall be held by the city council before it votes on whether or not to establish the landmark or landmark site. Notice of such designation shall be given to the property owner, the city clerk, building inspector, assessor and the county register of deeds.
- (b) The owner of any landmark or landmark site may, following the designation of the property, enter into voluntary restrictive covenants on the property with the commission. The commission may assist the owner in preparing the covenants in the interest of preserving the landmark or landmark site and the owner shall record such covenant in the county register of deeds and notify the assessor thereof.

#### **Sec. 38-421. - Historic districts.**

- (a) The commission may select geographically defined areas for recommendation for designation by the city council as historic districts and shall prepare, in ordinance form, an historic preservation and land usage plan for each such area. The designation criteria for such historic district shall be in accordance with section 38-36. Each historic preservation and land usage plan shall contain specific guidelines for development, a list

- of appropriate and banned land usage and a statement of preservation objectives within the district.
- (b) The commission ~~together with the ordinance committee~~ shall hold a public hearing when considering the plan for a historic district. Notice of the time, place and purpose of such hearing shall be given by publication as a class 2 notice under statute in the official city newspaper. Such notice shall also be sent by the city clerk to the aldermember of the aldermanic ward in which the historic district is located as well as the owners of record, as listed by the assessor, of property located at least in part within the district at least ten days prior to the date of such hearing. Following the public hearing, the commission ~~and the ordinance committee~~ shall by joint and combined vote to recommend, reject or withhold action on the plan. The recommendation, if any, shall be forwarded to the city council for its action.
  - (c) Upon receipt of such recommendation, the city council may by majority vote either designate or reject the historic district. The city council shall hold a public hearing prior to its vote on designation at which all interested persons shall be given reasonable opportunity to be heard. Designation of the historic district shall constitute adoption of the plan in ordinance form prepared for that district and direct implementation of such plan.
  - (d) Every person in charge of any landmark, landmark site or improvement ~~or improvement~~ ~~parcel~~ in a historic district shall conform to the guidelines for development of land usage for property within the district as well as any regulations developed under this article.
  - (e) Following the designation of the historic district, the city council shall direct the plan commission to modify the official zoning map to show the property within the historic district as special overlay district H.
  - (f) To the extent to which such is reasonably possible, the commission is empowered to invoke the provisions of sections 38-36 and 38-37, giving due consideration to the larger area of land involved and the degree to which the proposed change would materially affect the preservation objectives and design criteria of the historic preservation plan as duly adopted by the city council.

**Sec. 38-432. - Maintenance of improvement on landmark site or within historic district.**

Every person in charge of an improvement on a landmark site or within a historic district shall keep in good repair all of the exterior portions of such improvement to prevent it from becoming damaged or falling into a state of disrepair. This section shall be in addition to all other provisions of law relating to a premises repair.

**Sec. 38-44. – Penalties for violations.**

- (a) Failure to perform any action required by the Ordinance or performance of any act prohibited by the Ordinance shall constitute a violation. Any persons violating any provision of this ordinance shall be subject to a fine of up to five hundred dollars

(\$500.00) for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the building inspector.

- (b) Additionally, the commission may seek reversal of prohibited work without regard to economic hardship. Procedures for the reversal of prohibited work shall be outlined in a COA approved by the commission.

**Sec. 38-453. - Commission records.**

The city staff person for ~~secretary~~ of the commission shall cause to be prepared permanent public records of all actions taken by the commission in connection with landmarks, landmark sites and historic districts. Such records shall be maintained in such form as to permit ease of access and the ~~secretary~~ city staff person shall provide guidance for any person seeking to search its records. The commission Secretary is responsible for taking minutes and maintaining records if the city staff person is unable to attend a commission meeting.

2. This ordinance shall be in full force and effect from and after its date of publication.

Dates

Council Adopted: \_\_\_\_\_

Mayor Approved: \_\_\_\_\_

Published: \_\_\_\_\_

Attest: \_\_\_\_\_

\_\_\_\_\_  
Donna Olson, Mayor

\_\_\_\_\_  
City Clerk