

## **OFFICIAL NOTICE AND AGENDA**

The City of Stoughton will hold a **Regular** meeting of the **Landmarks Commission** on **Thursday, December 12, 2013, 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 November 14, 2013.
3. Discuss future of Local Landmark – Power Plant Building on Fourth Street.
4. Discuss Highway Trailer Building status.
5. Commission Reports.
6. Discuss Dane County Cultural Affairs Commission grant application.
7. Discuss/brainstorm possible 2014 projects.
8. Discuss State Historic Preservation Conference.
9. Discuss landmark website options.
10. Wilhelm Linderud exhibit update.
11. Historic Preservation Ordinance.
12. Future agenda items.
13. Adjournment.

12/4/13mps

### **COMMISSIONERS:**

Alan Hedstrom, Chair  
Peggy Veregin, Vice-Chair  
Andrea Rainka, Secretary

Michael Engelberger (Council Rep)  
Ryszard Borys  
Anna Stracener

Kathleen Kelly  
Connie Kraus

### **EMAIL NOTICES:**

Art Wendt  
Council Members  
Stephen Mar-Pohl

Receptionist  
Matt Dregne, City Attorney

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, November 14, 2013 – 7:00 p.m.**

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

**Members Present:** Alan Hedstrom, Chair; Connie Kraus; Andrea Rainka; Michael Engelberger; and Kathleen Kelly

**Absent and Excused:** Peggy Veregin; Ryszard Borys and Anna Stracener

**Staff:** Zoning Administrator, Michael Stacey

**Press:** Mark Ignatowski, Hub

**Guests:** None

- 1. Call to order.** Alan Hedstrom, Chair called the meeting to order at 7:03 pm.
- 2. Consider approval of the Landmarks Commission meeting minutes of October 24, 2013.**  
Motion by **Kathleen** to approve the October 24, 2013 minutes as presented, 2<sup>nd</sup> by **Connie**.  
Motion carried 5 – 0.
- 3. Proposed ordinance amendments to Chapter 38, Historic Preservation of the Stoughton Municipal Code.**  
Alan introduced the agenda item.  
  
Alan opened the public hearing.  
  
No one registered to speak at the public hearing.  
  
Alan closed the public hearing.  
  
There was a brief discussion regarding the substance and reasoning behind the amendments.  
  
Motion by **Kathleen** to recommend the Common Council approve the Chapter 38 ordinance amendments as presented, 2<sup>nd</sup> by **Connie**. Motion carried 5 – 0.
- 4. Wilhelm Linderud exhibit.**  
Connie, Anna and Art are meeting next weekend to take down the old exhibit and set up a new one.
- 5. National Alliance of Preservation Commissions (NAPC) membership renewal.**  
Motion by **Andrea** to renew the NAPC membership, 2<sup>nd</sup> by **Kathleen**. Motion carried 5 - 0
- 6. Discuss future of local landmark – power plant building of Fourth Street.**  
There was nothing new to report. Michael will contact Stephen Mar-Pohl about the report he is putting together. Michael is also going to check on costs from local contractors to tarp the building which will prevent future damage to the building.

**7. Discuss grant application (DCCAC).**

The group discussed options for the website. Michael suggested moving the site to the city website. There will be further discussion related to the website. Michael will check with Derek to find out if the existing landmark website could look the same if moved to the city site. The group will continue to discuss how to proceed with this grant application.

**8. Discuss State Historic Preservation Conference.**

Connie gave an overview of what she found interesting at the conference and suggested an idea to reach local children through the use of pictures of local architecture that are incorporated into a children's book. Connie found that simple books like this can be produced cheaply through Amazon, and perhaps could be sold in local stores.

**9. Discuss Highway Trailer Building status.**

The commissioners discussed the two groups that have shown interest in a reuse of the building. The property is listed for sale by Mike Herl. Nothing else new to report.

**10. Future agenda items.**

State Preservation Conference discussion; Grants and Website.

**11. Adjournment.** Motion by Connie to adjourn at 8:00 pm, 2<sup>nd</sup> by Kathleen. Motion carried  
5 - 0

# 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<br>Fiscal Impact: None                        |   |
| <b>File Number:</b> O-3-2014   | <b>Date Introduced:</b> January 14, 2014 First Reading<br>January 28, 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 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