

## **OFFICIAL NOTICE AND AGENDA**

The City of Stoughton will hold a **Regular** meeting of the **Landmarks Commission** on **Thursday, September 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 August 8, 2013.
3. Jack McCommon requests a Certificate of Appropriateness to replace a portion of the foundation and replacement of a stoop and front porch steps at "The Cold House", 111 S. Fifth Street.
4. Discuss 2014 budget request.
5. Wilhelm Linderud exhibit.
6. Discuss future of Local Landmark – Power Plant Building on Fourth Street.
7. Historic Preservation award for 2013, Youth Center Building, 567 E. Main Street.
8. Discuss possible Historic Preservation Ordinance amendments (Sub-Committee).
9. Discuss possible grant applications (SACF, CLG, DCCAC).
10. Discuss Highway Trailer Building status.
11. Future agenda items
12. Adjournment

9/3/13mps

### **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  
Matt Dregne, City Attorney

Receptionist  
Leadership Team

Stoughton Hub

### **MAIL NOTICES:**

Jack McCommon, 111 S. Fifth Street, Stoughton

**Note: For security reasons, the front door of City Hall will be locked after 4:30 P.M. (including the elevator door). If you need to enter City Hall after that time, please use the east 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, August 8, 2013 – 7:00 p.m.**

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

**Members Present:** Alan Hedstrom, Chair; Peggy Veregin, Vice-Chair; Michael Engelberger; Connie Kraus; Kathleen Kelly and Anna Stracener

**Absent and Excused:** Ryszard Borys and Andrea Rainka

**Staff:** Zoning Administrator, Michael Stacey

**Guests:** Ralph Tyksinski

- 1. Call to order.** Alan Hedstrom, Chair called the meeting to order at 7:00 pm.
- 2. Consider approval of the Landmarks Commission meeting minutes of July 11, 2013.**  
Motion by **Kathleen** to approve the Landmark's Commission minutes of July 11, 2013 as presented, 2<sup>nd</sup> by **Peggy**. Motion carried 6 - 0
- 3. David Kalland, Stoughton Historical Society requests Certificate of Appropriateness (COA) approval for roof and gutter replacement at Stoughton Historical Society Museum, 324 S. Page Street.**  
Alan introduced the request. Ralph Tyksinski explained the proposal. Peggy questioned the number of layers and whether it is known if the original shingles are the first layer. The group discussed how unlikely the original shingles would still be on the roof. Peggy suggested trying to find pictures from when it was built that could indicate whether the shingles were slate or shakes. Peggy stated if it can be determined that it was slate then a gray color would be appropriate and if wood shakes then brown would be appropriate. These are just options to consider rather than the existing green color.  
  
Motion by **Connie** to approve the Certificate of Appropriateness for the roof and gutter replacement at Stoughton Historical Society, 324 S. Page Street as presented, 2<sup>nd</sup> by **Michael E.** Motion carried 6 – 0.
- 4. Discuss 2014 budget request.**  
Kathleen suggested the commissioner's need to educate and advocate for the landmarks commission. Various grant applications and submittal dates were discussed.  
  
Motion by **Connie** to give Alan the latitude to prepare at Statement of Intent toward CLG funding, 2<sup>nd</sup> by **Kathleen**. Motion carried 6 – 0.  
  
Kathleen will contact Derek Westby to discuss web-site options.
- 5. Wilhelm Linderud exhibit.**  
Nothing to report.
- 6. Discuss future of Local Landmark – Power Plant Building on Fourth Street.**  
Stephen Mar-Pohl of Insite Consulting Architects will provide his recommendations for the building within a couple weeks. The City owns the building and Tom Reiss Jr. holds the

preliminary permit for hydropower licensing. Michael S. to check who has the rights to the building.

**7. Historic Preservation award for 2013, Youth Center Building, 567 E. Main Street.**

Kathleen is putting together a list of people involved with the preservation project. The plan is to send letters to those people prior to going public about the award. The award presentation will be at a Council meeting this Fall and a reception will be planned after that at the Youth Center. Art Wendt has already taken pictures of the building.

**8. Local history book proposal.**

Kathleen and Connie are still looking for a direction on this project. The group decided it is best to table this project until next year to allow more time to work on grants, etc...

**9. Discuss possible addendum to Chapter 64 Streets, Sidewalks, and Other Public Places related to publicly owned heritage trees.**

The group decided to remove this item from the agenda.

**10. Discuss possible Historic Preservation Ordinance amendments. (Sub-Committee)**

The group decided to leave the number of commissioners at nine until such time as the members is at seven, then the ordinance can be amended to seven. Peggy explained the reasoning behind the amendments.

Motion by Peggy to move forward with a public hearing in October for the code amendments, 2<sup>nd</sup> by Anna. Motion carried 6 – 0.

**11. Discuss public outreach & review informational letters for Local Landmark and Main Street Historic District property owners.**

The local landmark letters have been drafted by Peggy and Alan. Michael S. had the letters sent out in the mail today. Peggy will provide copies to the commissioners. The Main Street Historic District will be the next area to get letters.

**12. Discuss Stoughton Area Community Foundation Grant Application.**

The group had a lot of discussion about various grants. Michael S. will check on the due date for the SACFGA. Alan will fill out the application.

**13. Future Agenda Items.**

The group decided to reduce the number of agenda items to focus on grant applications and the power plant building.

**14. Adjournment.**

Motion by Kathleen to adjourn at 8:50 pm, 2<sup>nd</sup> by Connie. Motion carried 6 – 0.

Respectfully Submitted,  
Michael Stacey

# City of Stoughton Certificate of Appropriateness

## Application Form

**1. Name of Property: The Cold House**

Address of Property: 111 South 5<sup>th</sup> Street

**Name of historic district in which property is located:**

**2. Owner & Applicant Information**

Owner Name: Jack and Carmen McCommon

Street Address: 111 South 5<sup>th</sup> Street

City: Stoughton State: WI Zip: 53589

Daytime Phone, including Area Code: (608) 205-1910

**Applicant (if different than owner):**

Applicant's Daytime Phone, including Area Code:

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

X Photographs

X Sketches, elevation drawings

Plan Drawings

Site Plan showing relative location of adjoining buildings, if located within a Historic

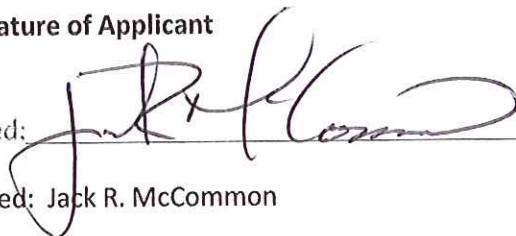
X Specifications

X Other (Describe)

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

**5. Signature of Applicant**

Signed:



Date:

8/27/2013

Printed: Jack R. McCommon

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

## Description of Proposed Project

(attach additional sheets as necessary)

Architectural Feature: Foundation wall

Approximate date of feature: 1859

Describe existing feature: Foundation consist of fieldstone and mortar built in 1859. 99% of the foundation is underground. The existing foundation is failing. This is evident by the sinking of the east side foundation wall (see pictures 1-6). Inside the house, between the dining room through the kitchen, there is a 2 to 3 inch drop in the floor. The hard wood floor (2 inch oak) has been splitting or splintering

The existing foundation on west side of the house (facing 5<sup>th</sup> street) will not be affected.

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

It is proposed that the existing foundation from the mid-point on the south side, entire east-side, to the mid-point on the north side. (See Sketch #1) Steel I-beams will be placed next to existing wooden beams as well as support beams. ½ of the foundation will be excavated down to 8 feet, concrete footers poured; concrete walls 8 feet by 8 inches will also be poured using wooden forms. The stoop located at the mid-point south side of the house will be replaced (See picture #7). The external wood work currently on the existing stoop will not be affected.

While excavating all material will be remove from underneath the house( the mid-point of the house to the east foundation wall). A four-inch concrete slab will be poured creating approximately 800 sq. ft of additional basement space.

It is expected during excavation to damage part of the concrete driveway, it is planned to replace any damaged driveway.

Workplan: Improvement Project to begin tentatively the last week of September.

1. Prep work (1-3 days)

- a. Electrician will locate and determine if wiring needs to cut off at the panel or rerouted and disconnect/relocate the AC condenser fan from the east side of the house
- b. Plumber will locate and inform the excavators on the location of sewer and water lines entering/exiting the house. Determine if lines need to be capped or rerouted.

2. Excavation (7-10 days) – Excavators will start at the mid-point of the south-side of the house; extending around the entire east-side of the house to the mid-point of the north-side of the house. Approximately 110 feet of foundation will be removed. As work progresses, temporary support beams will be used to sure the house. During excavation, all material under the east side of the house will be removed.

3. Leveling (3 days) – The same company will install steel I-beams adjacent to existing support beams. During installation the house will be raised to level out the house and for preparation to pour the foundation.

4. Foundation (4 – 6 days) C&C, Inc. will be pouring the footers, once cured, they will build out the foundations walls with the forms, then pour concrete. Approximately 110 linear feet of concrete will be used. Internal wall from south to north will run practically the length of the house to add additional support. During the foundation build, the space created underneath the house will add around 800 sq ft of additional living space (basement) to the house. A 4 inch slab concrete floor will be installed. It will take 72 to 96 hours for all concrete to cure.

5. Once the concrete is cured, the house will be lowered onto the new foundation and should last for another 150 years.

6. After the improvement is all done, brick work, electrical, or plumbing work to reconnect, reroute will take place once the house is back on the foundation.

It is estimated that from beginning to end, the entire project should be completed with 30 days.



C&CEvenaire, Inc.

Evenaire and C&C Concrete Div  
315 E Main St  
Stoughton, WI 53589  
USA

# PROPOSAL

Quote Number: 683-REV 1

Quote Date: Aug 12, 2013

Page: 1

Voice: 608-249-9285

Fax: 608-873-4546

**Proposal To:**

JACK MCCOMMON  
111 5TH ST.  
STOUGHTON, WI 53589

**Job Location:**

JACK MCCOMMON  
111 5TH ST.  
STOUGHTON WI 53589

Customer ID	Good Thru	Payment Terms	Sales Rep
MCCOM-J	9/11/13	PAYMENT TERMS NOTED BELOW	
Description			Amount
FOR THE SHORING OF SECTION OF HOUSE AND CONCRETE CONSTRUCTION AS FOLLOWS: SHORING, RAISING AND EXCAVATION. HERITAGE MOVERS.			
1. RAISE AND SHORE 1/2 OF HOUSE TO CENTER WALL CROSS SECTION			16,000.00
2. EXCAVATION DOWN TO 8' WALL DEPTH IF ALLOWED BY PLUMPING AND SEWER LATERALS			3,000.00
MATERIALS WILL BE HAULED AWAY VIA C&C TRUCKS			
CONCRETE CONSTRUCTION OF FOUNDATION WALLS AND BASEMENT FLOOR			
1. ESTIMATED 110' LIN FEET OF 7'9" X 8" WIDE WALL WITH STANDARD 18" WIDE BY 8" HIGH			
STANDARD FOOTINGS TO INCLUDE THE FOLLOWING:			
A: 3,000 PSI CONCRETE MIX			
B: 2 ROWS OF ROD IN FOOTING AND 2 ROWS TOP OF WALL IN WALL			
C: REQUIRED BEAM POCKETS FOR BEAMS FROM HERITAGE			5,910.00
CONCRETE BASEMENT FLOOR AT ESTIMATED 1,020 SQUARE FEET AT 4" DEPTH TO INCLUDE THE			
FOLLOWING :			
A: 3,500 PSI CONCRETE MIX			
B: MACHINE FINISHED			
C: MACHINE COMPACTED			
D: SAW CUT EXPANSION JOINTS			3,420.00
OUTSIDE STOOP AT DRIVEWAY, WITH 4' X 4' LANDING AND TWO SIDE ONE STEP RISER.			512.00
REQUIRED PUMP CHARGES - ESTIMATE 3 PUMP CHARGES WILL BE AT \$750 PER PUMP CHARGE.			
CONTRACTOR WILL ATTEMPT TO POUR FOOTINGS WITHOUT PUMPING			
HAUL AWAY EXCESS FILL FROM HERITAGE			750.00

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alterations or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above estimate. All agreements contingent upon delays beyond our control. Owner to carry fire, tomado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

As required by the WI construction lien law, builder hereby notifies owner that persons or companies furnishing labor or materials for the construction on owner's land may have lien rights on owner's land and building if not paid. Those entities to lien rights, in addition to the undersigned builder, are those who contract directly with the owner of who give the owner notice within 60 days after they first furnish labor or material for the construction, and should give a copy of each notice received to his mortgage lender, if any. Builder agrees to cooperate with the owner and his lender, if any to see that all potential lien claimants are duly paid.

Purchaser agrees to pay all costs of collection, including attorney's fees. This proposal may be withdrawn by us if not accepted by the above due date. The above prices, specification and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Authorized Agent for Evenaire, A Division of C&C

Acceptance Signature

Date

C&CEvenaire, Inc.  
Evenaire and C&C Concrete Div  
315 E Main St  
Stoughton, WI 53589  
USA

# PROPOSAL

Quote Number: 683-REV 1  
Quote Date: Aug 12, 2013  
Page: 2

Voice: 608-249-9285

Fax: 608-873-4546

**Proposal To:**

JACK MCCOMMON  
111 5TH ST.  
STOUGHTON, WI 53589

**Job Location:**

JACK MCCOMMON  
111 5TH ST.  
STOUGHTON WI 53589

Customer ID	Good Thru	Payment Terms	Sales Rep
MCCOM-J	9/11/13	PAYMENT TERMS NOTED BELOW	
Description			Amount
ANY ADDITIONAL CONCRETE FLAT WORK FROM DRIVEWAY SECTION THAT REQUIRED REPLACEMENT OR REPAIR WILL BE AT \$4.25 A SQUARE FOOT			
PAYMENT TERMS - 30% UPON SIGNATURE OF PROPOSAL, 30% UPON COMMENCEMENT OF WORK AND NET DUE UPON COMPLETION OF EACH SECTION			

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alterations or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above estimate. All agreements contingent upon delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

As required by the WI construction lien law, builder hereby notifies owner that persons or companies furnishing labor or materials for the construction on owner's land may have lien rights on owner's land and building if not paid. Those entities to lien rights, in addition to the undersigned builder, are those who contract directly with the owner of who give the owner notice within 60 days after they first furnish labor or material for the construction, and should give a copy of each notice received to his mortgage lender, if any. Builder agrees to cooperate with the owner and his lender, if any to see that all potential lien claimants are duly paid.

Purchaser agrees to pay all costs of collection, including attorney's fees. This proposal may be withdrawn by us if not accepted by the above due date. The above prices, specification and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above

Authorized Agent for Evenaire, A Division of C&C

Acceptance Signature

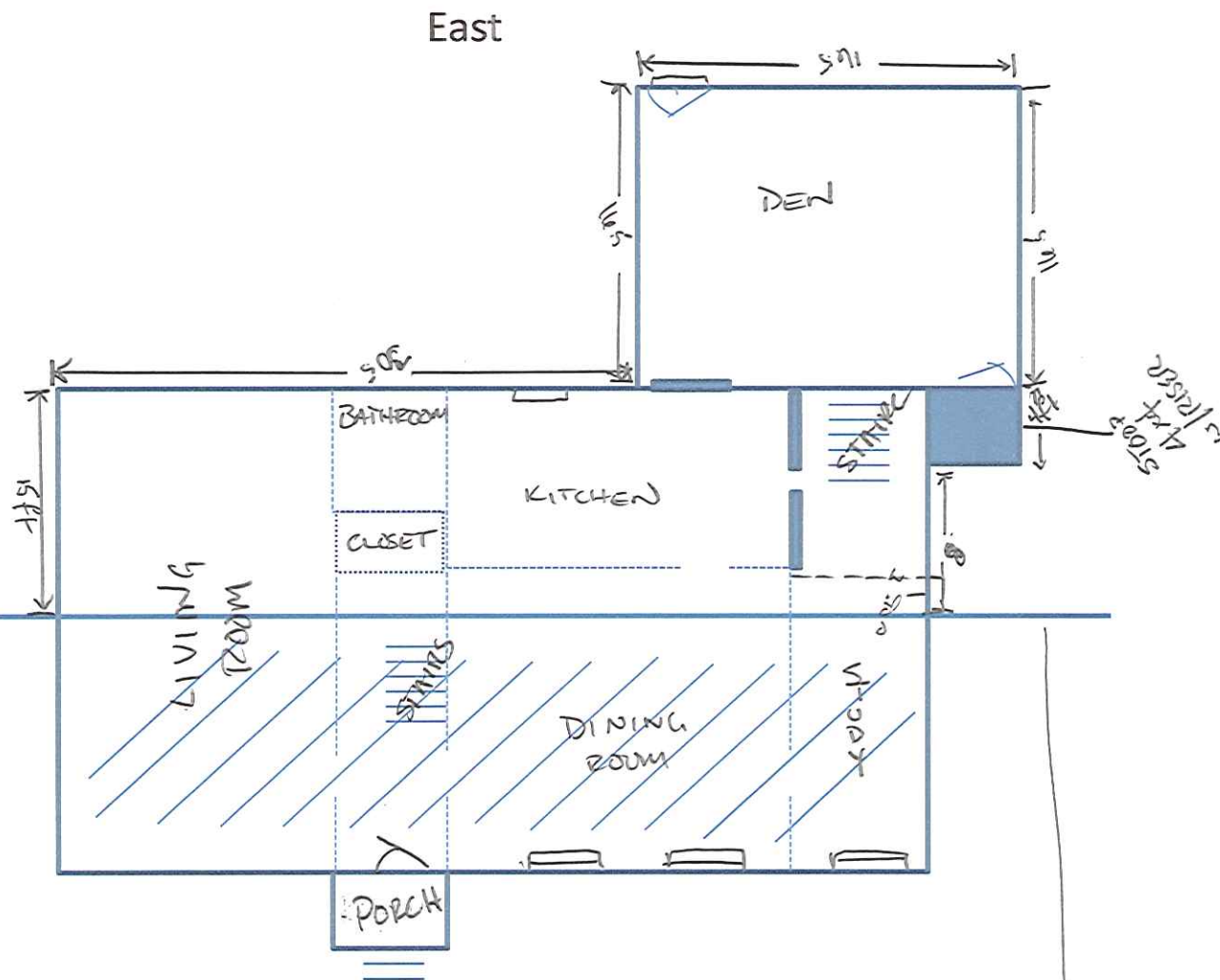
Date



SKETCH  
#1

FOUNDATION  
EAST OF THIS  
LINE, IS REPLACED  
BECOMES ADDITIONAL  
BASEMENT

North

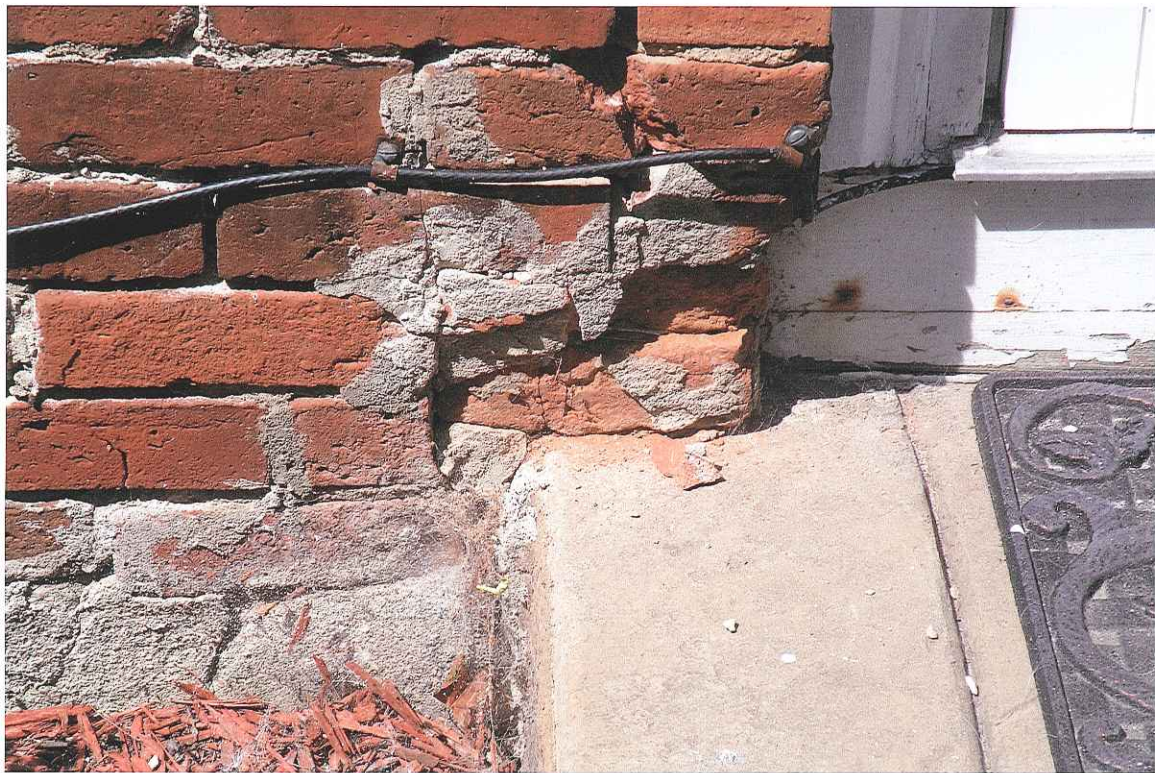


South

West

EVERYTHING WEST  
OF THIS LINE IS  
NOT AFFECTED

#1



#2



top



1108

#3



#4





#5



#10



THIS WALL IS BOWED. PICTURE DOESN'T PICK THAT UP WELL



#1



## Description of Proposed Project

(attach additional sheets as necessary)

### PART II

**Architectural Feature:** Front porch steps

**Approximate date of feature:** ??? I wouldn't imagine these steps are original. I would estimate the age of the steps to be 10 years at most.

**Describe existing feature:** Existing Steps are wood. The steps are rotting and in need of replacement.

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

The work would include replacing the existing steps with new wood steps to include the risers. The dimensions would be identical. 1X6s are used for the risers. The steps themselves would be 12 inches wide. (2X12X6)



# 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 - 0 Fiscal Impact: None	
<b>File Number:</b> O- -2013	<b>Date Introduced:</b>

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.
- ~~(b)~~ c) 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.
- ~~(d)~~ e) The commission shall work for the continuing education of the citizens of the city about the historic heritage of the city.
- ~~(d)~~ e) 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.
- ~~(e)~~ f) 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