

## **Landmarks Commission Meeting Minutes**

**Thursday November 9, 2017 – 7:00 pm**

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

**Members Present:** Peggy Veregin, Chair; Alan Hedstrom, Vice-Chair; Todd Hubing; Greg Pigarelli; Kimberly Cook and Tim Swadley

**Absent:** None

**Staff:** N/A

**Guests:** Attorney Matt Dregne, Joe and Ruby Cabibbo, Dennis; Amy; Kolten and Chelsea Kittleson, Mike Daniels, Mike Engelberger.

1. **Call to order.** Veregin called the meeting to order at 7:02 pm.
2. **Consider approval of the Landmarks Commission meeting minutes of September 20, 2017.**  
Motion by **Tim Swadley** to approve the minutes as presented, 2<sup>nd</sup> by **Alan Hedstrom**.  
Motion carried 6 – 0.

3. **Request by Joe Cabibbo for certificate of appropriateness approval to repair a window frame and replace a storm window at 404 S. Fifth Street.**  
Project scope interpretation created confusion of required permits or approval needed.  
Work was in progress prior to acquiring a Certificate of Appropriateness.  
Completed work included repair and painting of a window and the addition of a flush mounted, painted aluminum storm window.

Motion by **Alan Hedstrom** to approve completed work as presented, 2<sup>nd</sup> by **Kimberly Cook**.  
Motion carried 6 – 0.

Note: Two color 4x6 photos submitted showing completed work.

4. **Continue discussions related to the request by the Common Council to develop an ordinance for consideration by the council that would amend existing City ordinances such that no building in a historic district listed on the National Register of Historic Places may be demolished without review and recommendation by Landmarks Commission and a decision by the Common Council based on appropriate and lawful standards.**  
Matt Dregne presented an overview of the September 20, 2017 ordinance draft to date. A printed draft copy will be provided at the next scheduled Landmarks Commission meeting for further review and discussion.

Major points:

1. Sec. 78-517 and Sec. 78-913 will be combined into one section with references to the *Historic Downtown Stoughton Design Guidelines* publication.
2. Procedural review categories will be:
  - a. Maintenance (zoning administration)
  - b. Renovation (see *Historic Downtown Stoughton Design Guidelines* publication)
  - c. Structural projects (see *Historic Downtown Stoughton Design Guidelines* publication)
  - d. Demolition
5. **Letter to City of Stoughton Atty. Matt Dregne, from Atty. Frank C. Sutherland of Boardman Clark, dated November 9, 2017, Re: 305-315 E. Main St., Stoughton, WI. (Kittleson property)**  
Landmarks Commissioners were given copies of this letter to read and to discuss at this time.

This letter addresses fairness and potential legal action.  
Please see attached letter.

**6. Status update for Highway Trailer / Moline Plow building redevelopment.**

Millfab property to be demolished in January.

**7. Status update for 2017 local landmark grants.**

A reminder letter has been sent to this year's grant recipients regarding COA applications.  
A suggestion was made to send partially filled in applications to the grant recipients to get projects in motion.

**8. Commission Reports/Calendar.**

No updates available.

**9. Future agenda items.**

Fill vacancy for commissioner.

**10. Adjournment.** Motion by Alan Hedstrom to adjourn at 9:48 pm, 2<sup>nd</sup> by Kimberly Cook.

Motion carried 6- 0.

Respectfully Submitted,

*Gregory J. Pigarelli*

**BoardmanClark** 

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*Via email only*

November 9, 2017

Attorney Matthew P. Dregne  
Stafford Rosenbaum LLP  
222 W. Washington Ave.  
Madison, WI 53701-1784

Re: 305-315 Main Street, Stoughton, Wisconsin

Dear Attorney Dregne:

Thank you for taking the time to speak with me briefly about concerns related to the Kittlesons' permit to demolish the building located at 305-315 E. Main Street, Stoughton, Wisconsin (the "Building"). Our firm has been retained to represent Dennis and Amy Kittleson in connection with matters that have been pending over the past months. I am providing this letter to you with the understanding that you will provide copies to the Landmarks Commission at tonight's meeting.

Based upon our preliminary review, we have substantial concerns about both the legalities and fairness associated with the process to date. With that said, it has been made clear to me by my clients that they wish to pursue a cooperative approach with the City to resolve the pending conflict, if at all possible. We are hopeful that the Kittlesons will not have to consider legal action, but necessarily reserve all rights in this regard.

In summary, we submit that the Landmarks Commission, as well as other governmental units addressing matters which affect the Kittlesons' pending demolition permit, are in a position to fully meet public policy goals concerning the Downtown Design Overlay District while not imposing an unnecessary and unjustified financial hardship on the Kittlesons.

We are hopeful that the Landmarks Commission will utilize the legislative tools at its disposal to make recommendations fully consistent with its purposes as a commission, while not creating an undue hardship for the Kittlesons during this transitional period in the City's regulation of the downtown area. For example, the Commission could consider different zones within the Downtown Design Overlay District to reflect the differing circumstances within the District. The consequences of having a vacant lot within the traditional portion of Main Street, where landowners share common walls, is much different than allowing green space on a lot where green space already exists and there are no shared building structures with neighbors. Alternatively, allowing discretion to authorize future demolition without building replacement based upon criteria which recognize the varying historic, aesthetic and

Attorney Matthew P. Dregne

November 9, 2017

Page 2

architectural impacts of proposed demolition, could serve as an example of another viable legislative alternative. We trust that there are other alternatives as well.

We submit this correspondence on the assumption that everyone knows the Building is not, under any reasonable evaluation, a candidate for restoration. If Landmarks Commission members or other City officials believe they need additional information in this regard, the Kittlesons are certainly willing to arrange a time to view the interior of the Building. We are also prepared to appear at a future meeting to present our concerns in greater detail.

We remain hopeful that the Kittlesons' property will be treated in a manner consistent with other properties either designated for, or lying within a district that requires, considerations related to historic preservation. For example, property owners who suffer a loss due to matters beyond their control, such as fire or wind, are not necessarily required to rebuild a structure. The apparent purpose for such a rule is to avoid undue financial hardship arising from matters beyond a property owner's control. The Kittlesons find themselves in a very similar situation because (short of a lawsuit enforcing existing rights) they may be caught within a transitional period with respect to City regulations. The Kittlesons purchased the Building which, by all accounts, needed to be demolished and are now faced with circumstances beyond their control in which an unforeseen event may require them to expend hundreds and thousands of dollars on a replacement structure. For the same reason that the City does not place undue financial burdens on other similarly-situated property owners, the Landmarks Commission should make recommendations at this time which serve valid public purposes, while also allowing the proposed demolition of the Kittlesons' Building to go forward without a replacement building.

In closing, I feel compelled to note the irony of this situation. I hope that Commission members are aware that the Kittlesons' intent at the outset of this process was to open vacant land at 305-315 E. Main Street for use by citizens who wish to rest on a bench. As long-time citizens of Stoughton themselves, we are hopeful that the Kittlesons will receive consideration that reflects the same kind of civic spirit the Kittlesons initially sought to extend to their neighbors.

Thank you for your time and consideration.

Sincerely,

BOARDMAN & CLARK LLP



Frank C. Sutherland

FCS/kg

cc: Dennis and Amy Kittleson

