

Minutes
HISTORIC RESOURCES BOARD
Virtual Meeting
Monday, September 28, 2020
4:00 p.m.

Members Present: Kevin West, Chair; Eileen Meyer, Vice-chair; Tom Hanson and Bethany Pingel.

Members Absent: Jana Fallin; Ann Kosch and Cameron Tross.

Staff Present: Ben Chmiel, Planner and John Adam, Senior Planner.

Public Present: None.

1. MEETING OPENING

West called the meeting to order at 4:00 p.m. Staff performed roll call and confirmed a quorum. Chmiel noted no public comment had been submitted for the meeting. Hanson moved to approve the minutes from the August 24, 2020 meeting. Pingel seconded. Motion carried 4-0-0.

2. WORK SESSION: Review of Local Register

Chmiel described explained the origins of the local register and how it created a local review process. He noted the unpopularity of the local register compared to the State and National register. Chmiel's evaluation of the local register suggested that the local register was unfavorable because: of the additional restrictions the local register brought to a property; lack of financial incentives; length of process (and paperwork) to get a property listed; the additional review process required for permits (including the lack of a minor review option); and the lack of an appeals process. He did note some positives for the local register, including the fact that a professional survey is not required, it can be inexpensive to do, and a property can be listed in just a few months compared to years at the State and National level.

Chmiel recommended several improvements to the local register including: accepting State/National nomination forms in lieu of the local registration form; reducing the complexity of the application form for the local register; simplifying the local registration application by migrating it to a fillable online form; and creating an appeals process for the local register. He also mentioned some additional improvements including building permit fee waivers, enhanced consideration for requested exceptions, and a historic designation marker program.

Pingel said she had researched the topic and found that other boards would overlay local districts with State/National districts to establish more nuanced design control, like a homeowners association. Chmiel pointed out that the local register could effectively be set up that way in the level of detail it can get into. West pointed out that at least 51% of the owners in a proposed district would need to consent before one could be established. Chmiel further noted that meant owners would also have to agree to the elevated design requirements established for a proposed district.

West noted that only two properties had been nominated to the local register in 20 years, noting the taxing process and high bar set by the establishing ordinance. Chmiel speculated if it had something to

do with the Board's lack of review power at the State and National level, which wasn't granted to it till 2013. West noted if we're going to have a local register, it needs to have a purpose. He specifically noted his support for special consideration for exceptions, building permit fee waivers, acceptance of State/National register nomination form in lieu of a local form, and converting the local application to an online form. West asked if a locally listed property required a certificate of appropriateness before a project could commence on it. Chmiel confirmed that it would, similar in almost every way to the State review process, minus the option for a minor review and minus an appeals process. West asked if the ordinance had to be updated to change that component. Chmiel explained that some of the suggested changes would live outside of the ordinance, but anything regarding the application could be changed by the Board unilaterally. Chmiel noted that the Unified Development Ordinance process offered some opportunity to introduce these changes.

West asked about penalties for unapproved work under the local register. Chmiel cited the establishing ordinance that requires the property owner to return the property to its state before the offense or pay an equivalent dollar amount in penalties. West suggested that penalty might also be hindering participation on the local register. West noted along with local register improvements and other sweeping changes to the ordinance brought up by the Board in recent history, it might be a good time to overhaul the ordinance as a Board project and suggested the board have more conversations when it can meet in person again. Pingel agreed that the cost implications with penalties might also dissuade participation. Chmiel confirmed the Board's notion to soften or remove the penalty section. Pingel said that State and National penalties could be cited in the ordinance as an alternative. Hanson noted the lack of penalties could incentivize a mentality of asking for forgiveness rather than permission from defecting property owners. Chmiel noted the Board could try removing penalties as part of making the local register more attractive, and if it were ever abused, the Board could reintroduce them.

Pingel encouraged researching additional incentives the City could offer. Chmiel noted they'd have to be less financial in nature to which Pingel said they could be publicity-based. Chmiel noted the City could partner with the Preservation Alliance. Chmiel said in the meantime he would start exploring where the discussed changes could be integrated aside from the ordinance.

3. UPDATES AND ANNOUNCEMENTS

Chmiel updated the Board on the CLG evaluation conducted by the State a couple months earlier. He noted that the City did well and were meeting all the requirements. He also noted the evaluation pointed out areas of improvement including strengthening the local register. Chmiel said he would send out the full report to the Board after the meeting.

4. FUTURE AGENDA ITEMS

West noted that the review of the local register and bylaws would be ongoing. Chmiel pointed out the holidays were coming up and the Board would need to take into consideration working around that. West favored meeting on November 16th and December 14th which worked for the other members.

5. ADJOURNMENT

West adjourned the meeting at 4:50 pm. The next meeting would be held Monday, October 26, 2020.