

Note: These minutes are unapproved in perpetuity due to an inability to gain a sufficient number of members present at this meeting at proceeding meetings to vote on approval.

Minutes
HISTORIC RESOURCES BOARD MEETING
City Commission Room, City Hall
1101 Poyntz Avenue
Monday, April 25, 2022
4:00 p.m.

Member	Present	Absent
Kevin West	x	
Phil Anderson	X	
Jana Fallin, Chair	X	
Tom Hanson	X	

Staff Present: Ben Chmiel, Planner; John Adam, Planner; Courtney Wise, Intern; Tyler Tripp, Bike/Ped Coordinator

Public Present: Linda Glasgow

1. MEETING OPENING

Fallin called the meeting to order at 4 p.m. Staff performed roll call and confirmed a quorum.

Fallin said she wanted to make a few comments before moving forward with the meeting. She stated that she was proud of the Board for the time and service they provide. Fallin said that while it is frustrating to have the Board's decision overturned, it is a strength for the community. She explained that the Board had its criteria, and the City Commission had their own criteria to base their ruling on.

West read a statement and requested it be included in the minutes:

In light of discussions during the April 19, 2022 City Commission meeting I feel compelled to make a few remarks, which I request be included in the minutes of this meeting.

What happened last week was a verbal assault on this advisory board that uses Secretary of the Interior Standards when making its decisions. As noted in a November 9, 2021 inter-office memorandum from Katie Jackson, City Attorney, "In the national or state register review process, the HRB must review a proposed project pursuant to the Secretary of Interior's rules and make certain findings. However, the HRB's factors and decision are different from what the City Commission must consider if the HRB's decision is appealed."

During this board's review of the Art and Light District's application during the March 28, 2022 HRB meeting, the Secretary of the Interior's Standards were used to guide the presentation and our discussion. It is important to note that these standards are the only items allowed to be considered by the HRB. The HRB cannot use cost, economic impact, the possibility of construction delays, how nice something will be for the community, or how pretty a project may be – the HRB's charter is to use the SOI standards and nothing else to guide its decision-making process. The board's decision on this proposal ultimately rested on Standard #9, which covers compatibility with historic materials, features, size, scale, and proportion and massing to protect the integrity of the environment. Of the

10 standards, #9 is the one that is most dependent on personal opinion. This application was denied on a 3-2 vote, which serves to highlight how much opinions on style affect this process.

On April 5, 2022, the applicant appealed the HRB's decision, and the City Commission unanimously overturned the HRB's denial, making way for the project to move forward. The City Commission was well within its rights in making this decision, and when I voted against the project as a member of the HRB, I fully expected this outcome. This is how the system is supposed to work, with checks and balances between appointed boards and elected officials. I knew during our March 28 meeting that there were many factors the City Commission would be able to consider during the appeal, factors that the HRB is not able to consider in its decision making process. Primarily, the City Commission could consider that there were no feasible alternatives to the project. Feasibility in this case centered on financing, goals of the Downtown Tomorrow Plan, and economic benefit and vitality. Each of these issues were not part of the HRB review process, nor are they allowed to be included. In this case, the appeals process worked exactly as it was designed.

During the April 19, 2022 City Commission meeting, commissioners commented on the composition of advisory boards, specifically the HRB. There was dissatisfaction with the HRB's decision concerning the Museum of Art and Light. These comments, which proposed appointing to the HRB only those citizens who fully agree with the City Commission, were disturbing and are the primary impetus behind my remarks today.

There were also comments concerning other HRB decisions about the Clack House, Wurst House, and Community House. Applications to demolish the Clack House and Wurst House were reviewed by the HRB on November 16, 2021 and March 28, respectively. Both of these applications were denied by the HRB, and these denials were partly based on the recommendation of city staff. Neither of these decisions or recommendations should have been a surprise to the applicants or the City Commission. In 2021 the Boys and Girls Club approached the HRB and asked for an informal opinion concerning demolition. The HRB stated that demolition was always considered the last course of action. When the Lee School Historic District was approved by the City Commission, it was made clear that demolition was something that would be reviewed by the HRB. There is a process to appeal HRB decisions, but I'm unaware of an appeal at this time.

Other comments during the April 19 City Commission meeting included the Community House which was a project that the HRB was involved with over a number of months. While the original plan had a number of issues with SOI standards, the applicant ultimately submitted a proposal that the HRB supported.

I am disheartened that commissioners are disappointed with HRB decisions and concerned that there is a desire to place "people with better outlooks" on advisory boards. Boards should be comprised of residents with an interest in and knowledge of the subject of their board, and they should be expected follow the rules that dictate the conduct of these boards. It is regrettable that advisory board decisions that align with staff recommendations and follow established rules are viewed as problematic.

Anderson moved that the Board approve West's statement. Hanson seconded. Motion carried 4-0-0.

Fallin opened for public comment. Glasgow thanked the Board members for their service to Manhattan. She stated that it was a valuable service to the community and very appreciated.

Anderson moved to approve the minutes from March 28, 2022. West seconded. Motion carried 4-0-0.

2. GENERAL

2.1. Juliette Rehabilitation Phase IV Letter of Support.

Tripp said the City would be reapplying for a Transportation Alternatives Grant since they did not receive it in the past. He explained the TA Grant was allocated by KDOT. Tripp said the City had submitted two concepts submittals for two separate projects and was given the go-ahead for both, one of those being the Phase IV of Juliette Brick Revitalization. He presented the previous phases of the project, the first being in 2017. Tripp explained the current conditions of the brick. He said that there are many places that the brick has had settlement issues and there are missing and damages bricks that need replaced. Tripp explained the project will include brick surface repair, concrete replaced with brick, curb extensions, and that existing brick will be sorted and salvaged for reuse in this project. He said the estimated cost would be \$1,802,124.13, and KDOT would be responsible for \$1,247,041.69.

Anderson asked if concrete would be under the brick. Adam said yes.

Fallin opened for public comment.

Anderson moved that the Board support the Juliette Phase IV project and permit staff to submit a letter of approval on behalf of the HRB. Hanson seconded. Motion carried 4–0–0.

3. MINOR REVIEWS

3.1. 104 S. 4th Street Sign Permit.

Item was skipped due to application withdrawal by applicant.

3.2. 410 N. Juliette Ave (F.B. Forrester House) Basement Rehab.

Chmiel presented the minor review and said that it was approved by City staff. He stated that Adam reviewed this application to prevent conflict of interest as he was the applicant. Chmiel explained that the basement rehab would change the layout and make the space more functional.

4. UPDATES & ANNOUNCEMENTS

Chmiel explained that the City Commission overturned the Board's decision from the March 28 meeting to deny the Art and Light Museum proposal.

Chmiel said there would be two new members at the next meeting, Mick Charney and Brian McFarland.

West said that his second term was up at the end of the month. Hanson said that meeting would also be his last. Fallin thanked them both for their time on the Board.

6. ADJOURNMENT

Fallin adjourned the meeting at 4:40 pm. The next meeting was scheduled for Monday, May 23, 2022.