

City of Excelsior
Heritage Preservation Commission
Minutes
Tuesday, April 20, 2010

1. CALL TO ORDER/ROLL CALL

Chair Sanders called the meeting to order at 7:02 p.m.

Commissioners Present: Barnard, Howell, Meyer, Mueller, Roden, Sanders

Commissioners Absent: Reid

Also Present: City Planner Fuchs, City Manager Luger, and Advisor Caron

2. APPROVAL OF MINUTES

a. Heritage Preservation Commission Meeting of March 16, 2010

It was moved by Commissioner Barnard, seconded by Commissioner Meyer, to approve the minutes as written. Approved unanimously.

3. CITIZEN REPORTS or COMMENTS

None.

4. MISCELLANEOUS/COMMISSIONER'S COMMENTS

a. Recent City Council Actions

Fuchs reported that the Council had issued a proclamation for Mrs. Minnesota, that a variance had been granted by the Council for a setback on Bell Street, that the size of parking stalls in the municipal lot had been reduced in width from 9 feet to 8.5 feet, and a pavement management feasibility study was approved by the Council.

5. NEW BUSINESS

a. Site Alteration Permit for Signage for Lyman Park--South Lake Excelsior Chamber of Commerce, Linda Murrell

The Commission was informed that Linda Murrell could not be present. The Commission reviewed the proposal for replacing the Farmer's Market signage at Lyman Park. A new sign is to be placed on the existing post and lattice frame. It appeared that no changes were to be made other than replacing the existing sign with a new sign plate.

5. NEW BUSINESS

- a. Site Alteration Permit for Signage for Lyman Park--South Lake Excelsior Chamber of Commerce, Linda Murrell - (Continued)

It was moved by Commissioner Roden, seconded by Commissioner Mueller, to approve the signage for Lyman Park as presented. Approved unanimously.

- b. City Manager Consultation Regarding Demolition of the Structure at 10 Water Street

City Manager Luger informed the Commission that the current building at 10 Water Street has been determined by the City to be a substandard building, and that the City intends to require that the building be demolished. The hazardous building ordinance requires the City Manager to consult with the Heritage Preservation Commission (HPC) on potential demolitions affecting a historic resource and this building is located within the Downtown Historic District.

According to the reports of the building official and fire inspector, the building is hazardous because it has been vacant for more than a year, it has not been maintained and has deteriorated, there is no heat or water in the building, and it poses a fire hazard in its current condition. The building is neither a contributing building to the Downtown Historic District, nor has it been designated as a heritage preservation site, and it has not been identified by any historic survey as being potentially historically significant.

Since the demolition does not result in the removal of a historic resource, and because the location of the building immediately adjacent to contributing historic structures and public rights-of-way poses a unique hazard to adjacent buildings, pedestrians, and occupants of adjacent buildings, the City intends to pursue demolition rather than require the stabilization or repair of the building. Repair would not be suitable, in part because the property is the subject of a pending redevelopment application that is under review by the City.

Luger addressed the concern that the demolition site might create a blighted area within the downtown. For the demolition to proceed, the City would require a signed developer's agreement with the owner of the property, under which the owner would agree to remove all debris, add soil, regrade and seed or sod the site, and maintain the site so that it would not appear blighted.

Barnard stated that the City's action is the result of a demolition by neglect by the property owner, a subject which has been a significant concern for the

5. NEW BUSINESS

b. City Manager Consultation Regarding Demolition of the Structure at 10 Water Street - (Continued)

Commission. Mueller asked whether demolition of the building would reduce the taxable value of the property, and Luger stated it would. Roden asked whether the owner would be required to post a bond to make sure that the City has the ability to ensure that the demolition site is maintained in an attractive manner. It was unclear whether the City had the authority to require a bond in this circumstance, but Luger stated that the City would not proceed with demolition without, at a minimum, an enforceable developer's agreement providing for grading, proper landscaping, and ongoing maintenance.

The Commission expressed concern about the potential effect of the demolition on other structures if not done properly, especially the possibility of damage to the historic Dock Cinema building. They suggested that a professional demolition company with experience in conducting demolitions in sensitive historic areas should be required, any work should be bonded or fully insured against damage to surrounding structures, and vibration monitoring should be continuously conducted and must remain within acceptable limits throughout the project or work should be stopped to avoid damage to any historic downtown buildings.

Commission members discussed other City hazardous building reviews, such as the similar findings regarding the 200 Water Street building prior to its successful renovation. The Commission considers the lack of any architectural or historic merit of the 10 Water Street building as a critical distinction as to whether demolition or stabilization of the structure is appropriate. The main concern with the present proposal is that the building be demolished in such a manner that it does not detrimentally affect nearby historic buildings.

The Commission also reviewed aesthetic concerns arising from the removal of the building. A demolition of the structure would remove part of the existing fabric of the downtown streetscape, and something should be put in its place, such as benches and shrubs to create a visual continuation of the downtown streetscape once the building is removed. The site should have the appearance of greenspace, and should not be contained by a chain link fence or barbed wire. The site should also be maintained in a way that would reestablish a connection with the Port area and lakefront along Lake Street.

The Commission discussed the lack of applicability of this decision to a potentially substandard historic resource under the hazardous building ordinance. If the City were dealing with a contributing building or a designated

5. NEW BUSINESS

b. City Manager Consultation Regarding Demolition of the Structure at 10 Water Street - (Continued)

site, the Commission would ask that other options beyond demolition be pursued.

Commissioners expressed concern that a timetable for site restoration and installing acceptable landscaping needs to be established in the developer's agreement, and that site lighting and irrigation be available to make sure the site is kept safe and attractive. If any fence is installed, it would need to meet any applicable design standards and HPC ordinance standards for the district, which require a low picket or wrought iron fence, and do not allow a privacy fence or chain link fence. The assumption was that no fencing would be put into place on the site and that it would be open to public access until any construction commenced. The site should be maintained at all times as an attractive open space abutting the downtown and lakefront.

Caron agreed to e-mail the meeting notes to City Attorney Staunton following the meeting.

c. Site Alteration Permit for Exterior Alterations at 254/256 Water Street--Madelena Properties, LLC

Commissioner Barnard recused herself from the discussion of this item.

Betsy Barnard, designer for the 256 Water Street project, presented the proposed changes to the rear of the former China and Crystal Center/Tonka Tots space. The proposal calls for the removal of the non-original pilasters and pediment around the center door, and removal of the infill material in the original window openings. The existing doors and transom windows will be preserved and new wooden transoms and windows will be installed to fill in the existing transom and window openings where the panes are currently missing. The brick will be repaired only as necessary to restore the original condition and a larger down spout may be added. The new electrical panel is required by code. All new panes will be custom wood windows and transoms. A canopy will be added over the center door made of copper with a wrought iron frame, and two decorative lights of a copper material or color, depending on cost, will be installed for lighting as shown. The rear brick and trim will be repainted in the Sherwin Williams colors presented. All light quality will be consistent with incandescent-type lighting in the new fixtures. The rear brick may be skim coated to blend the block parapet and brick below to better harmonize the joint between the two materials. The plan assumes that there is a hidden transom

5. NEW BUSINESS

- c. Site Alteration Permit for Exterior Alterations at 254/256 Water Street--Madelena Properties, LLC - (Continued)

opening above the door, but this is unknown until the pilasters and pediment are removed, and if so, the transom will be restored or replaced (if missing).

It was moved by Commissioner Mueller, seconded by Commissioner Howell, to approve the Site Alteration Permit as presented. Approved unanimously.

Barnard rejoined the Commission.

- d. Site Alteration Permit for Signage at 436 Union Place--Deli by the Bay, Chuck Gross

Fuchs reported that the noncompliant signs have not yet been removed from the building, despite a letter from the City. The Commission noted that the application presented was incomplete and the signage does not comply with the City Code requirements. In addition, it was noted that the applicant would need to apply for a conditional use permit for a roof sign and it appears none has been submitted. Therefore, the sign is not an approved sign in its current location.

The Commission discussed that in January substantially the same application was denied by the Commission, and the relevant considerations and facts are the same as what was presented in the prior application.

It was moved by Commissioner Barnard, seconded by Commissioner Mueller, to deny the Site Alteration Permit based on the findings herein and in the January meeting minutes. Denied unanimously.

- e. City Council Work Session with HPC to Discuss Galpin Lake Property

Fuchs stated that a work session with the City Council has been scheduled for Tuesday, May 18, 2010 at 6:00 p.m., an hour before the regular HPC meeting. The purpose of the meeting is for the Council to discuss ideas and concepts for the property that contains the designated Sickler-Seifert-Newman House. Commission members expressed concern about being asked to prejudge particular situations, which could be inappropriate given their role in quasi-judicial decision-making.

Sanders agreed to see what information is available on the history of the designated house. Roden stated that Lyman Park might be a good site if the house needs to be relocated, so it could serve as an extension of the Excelsior-Lake Minnetonka Historical Society Museum. Barnard agreed to look for examples of adaptive reuse of similar types of structures.

6. UNFINISHED BUSINESS

a. Review By-laws

Fuchs had asked the City Attorney about how an advisor could be appointed by the Commission, as requested by the Commission. Suggested language was presented and reviewed for incorporating such a provision into the By-Laws. Commissioners discussed the process for appointments and questioned whether there was a need to wait until the next annual meeting to make such an appointment. The Commission stated that they wished to be able to make interim appointments at any time as they deemed necessary. The Commission directed that the draft should strike the provision that appointments could only be made at the annual meeting, and indicate that they could be made at any time. The qualifications for a preservation professional should mirror the Certified Local Government Standards / State requirements. The draft should state that an advisor wishing to be considered should submit a letter of interest to the City staff, which shall be promptly provided to the Chair for consideration by the Commission. The draft should state that the advisor can be removed at any time by the Commission, and the reference to the City Council should be stricken. The draft should also be revised to state that an advisor need not be an Excelsior resident, as long as the other qualifications are met.

It was moved by Commissioner Mueller, seconded by Commissioner Roden, to continue discussion of the By-Laws to the next meeting. Approved unanimously.

b. Finalize Commission Goals and Objectives for 2010

The Commission reviewed the draft of their 2010 goals and objectives. It was noted that Strategy 2 should be corrected to read as set forth in the March minutes.

It was moved by Commissioner Howell, seconded by Commissioner Meyer, to continue this item to the next meeting. Approved unanimously.

7. COMMUNICATIONS AND REPORTS

a. City Council, Advisory Commission and Staff Potluck--April 26, 2010

Information only. Event will be held at the South Shore Center at 6:00 p.m.

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8. ADJOURNMENT

It was moved by Commissioner Roden, seconded by Commissioner Mueller, to adjourn. Approved unanimously. Adjourned at 8:44 p.m.

Respectfully submitted,

Betsy Barnard
Secretary