

City of Excelsior  
Heritage Preservation Commission  
Minutes  
Tuesday, October 19, 2010

1. CALL TO ORDER/ROLL CALL

Chair Sanders called the meeting to order at 7:03 p.m.

Commissioners Present: Bipes, Bolles, Finch, and Chair Sanders

Commissioners Absent: Meyer, Mueller, and Roden

Also Present: City Planner Fuchs, Advisor Caron, Attorney Staunton (joined at 7:15)

2. OATH OF OFFICE

City Manager Luger administered the oath of office to Jeffrey Bipes.

3. APPROVAL OF MINUTES

a. Heritage Preservation Commission Meeting of September 21, 2010

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

4. CITIZEN REPORTS or COMMENTS

None.

5. MISCELLANEOUS/COMMISSIONER'S COMMENTS

a. Recent City Council Actions

Fuchs reported that the Council had held the public hearing on the assessments for the 2010 Street Improvement Project. He also stated that the Council had adopted an ordinance to change the B-1 Water Street zoning to allow libraries as an allowable street level use.

6. NEW BUSINESS

a. Site Alteration Permit for Site Alteration Permit for 250/252 Water Street -- Dave Evans, Minnetonka Music

Dave Evans appeared on behalf of the Applicant and distributed a letter and photos of the rear of the building. Sanders reported that she understood that the Applicant was doing interior remodeling work and while it was in process, the

6. NEW BUSINESS

- a. Site Alteration Permit for Site Alteration Permit for 250/252 Water Street -- Dave Evans, Minnetonka Music – (Continued)

Applicant identified water damage in the area near the rear lower level paned windows. The display wall in front of the rear picture window was removed. The original paned windows were removed to try and fix the rot in the sills and wall area, and they decided to install new vinyl double-hung windows rather than reinstall the original windows. The original windows were made of steel, rather than vinyl. The Applicants reported that they had saved one of the windows to show the condition.

The Commission reviewed the applicable ordinance standards. They noted that vinyl windows were not an acceptable material in the historic district, and the new windows needed to convey the same visual appearance as the older windows.

After discussion of the condition of the windows, Commissioner Finch made a motion to adjourn the meeting, seconded by Bolles, for a few minutes to view the windows on site. Approved unanimously. Adjourned at 7:30 p.m.

Sanders called the meeting back to order at 7:52 p.m.

The Commission discussed that it would be difficult to replicate the original windows that had been removed. They discussed the possibility of adding muttins to the current windows, although this would not replicate the original appearance. After further consideration, the Commission recognized that there had been a violation of the ordinance Site Alteration Permit requirements by the removal of the original windows and the installation of the vinyl windows. The Commission decided that they would like to explore with the owners of the building the rehabilitation of the entire rear facade of the building, and they were willing to postpone any remedial action on the permit for a period of up to six months to allow the owner to present a plan for restoring the appearance of the entire rear of the building, including the upper and lower windows.

The Commission conditioned this proposal on receiving the general contours of a plan and timetable from the Applicant and building owner by their next regular meeting.

It was moved by Commissioner Finch, seconded by Commissioner Bolles, to continue discussion of this item to the next regular meeting so that the Applicant could meet with the Chair to provide an overall timeline and general plan for the restoration of the rear of building to be presented at the next meeting. The Commission made the assumption that the current state of the new windows is weatherproof. Approved unanimously.

7. UNFINISHED BUSINESS

a. Demolition by Neglect Ordinance Provision

Attorney Staunton discussed the status of the draft Demolition by Neglect ordinance. The purpose of the ordinance is to require basic maintenance of designated historic structures to avoid their demolition, at some minimum level that would be permitted under State law. Excelsior has similar authority to take such action in connection with rental housing maintenance in buildings with three or more units under existing ordinances.

Former Commissioner Barnard had put together an initial draft of the ordinance with assistance from Advisor Caron. Staunton stated that the question for the Commission to consider is what remedies can be pursued if the building owner does not perform the required maintenance. He noted that the nearest corollary in the current ordinances might be the nuisance ordinance, which is a code authorized by State law to allow a city to abate a nuisance upon notice to the owner, which includes a precedent for allowing the city to take action to abate the nuisance and charge the costs back to the owner.

Other questions on which Staunton sought direction included what event triggers action by the city, and how should the ordinance be enforced? The Commission stated that the City should have an affirmative obligation to investigate vacant designated structures, and the ordinance should provide a mechanism for the HPC to report on any concerns and for the City to investigate and take action upon receiving a complaint. Events triggering a complaint under the ordinance should be observable from the street or a public way.

8. COMMUNICATIONS AND REPORTS

a. 2010 Goals and Objectives

The Commission reviewed its current goals, and noted that regarding the Seifert House property, had received no word from Commissioner Roden regarding next steps to authoritatively date the home. Chair Sanders agreed to follow up with Roden.

The Commission also discussed the need to raise awareness of the threatened structure, perhaps by nominating it to the annual most endangered list, or seeking a proclamation at a future Council meeting.

9. ADJOURNMENT

It was moved by Commissioner Finch, seconded by Commissioner Bolles, to adjourn. Approved unanimously. Adjourned at 9:23 p.m.

Respectfully submitted,

Steve Finch  
Secretary