

Heritage Preservation Commission REVISED Meeting Minutes

April 20, 2022

Members Present: Rob Kuhlman, Sam Temple, Ron Dwyer, Lee Nordmeyer, Karl Vohs, Cori Weems and Chair Sauer

Members Absent: None.

Staff Present: Peter Waldock, Kari Casper

1. Call to Order

Chair Sauer called the meeting was called to order at 6:00 p.m.

2. Approval of Minutes of February 16 and March 16, 2022 meetings.

A motion was made to approve the February 1, 2022 meeting minutes by Weems, seconded by Vohs. Vote carried unanimously. Another motion was made by Weems to approve the March 16, 2022 meeting minutes also seconded by Vohs. Vote also carried unanimously.

3. General Heritage Preservation Items

A. Citizen Comment Period – None.

B. Updated Heritage Preservation Commission Bylaws

At last month's meeting, the Heritage Preservation Commission was asked to complete its annual review of the Commission By-Laws. The HPC approved the addition of (5) "Items for Discussion" in Section 6 Proceedings on page 2 of the By-Laws. The commissioners asked that the updated by-laws be brought back at the next meeting with this change. After a short discussion a motion was made by Vohs and seconded by Nordmeier. Vote carried unanimously.

4. Design Reviews - None.

A. Farmers Seed and Nursery Demolition Request - 818 4th Street NW

This matter was presented to the Heritage Preservation Commission (HPC) on November 17, 2021. At that time, the HPC approved a Certificate of Appropriateness for a partial demolition of the site that included five out of eight of the existing buildings on this site on the National Register of Historic Places. Those to be retained and refurbished by the new owners were the Pre-Engineered Metal Building in the north, the 3-story Concrete Building in center, and the 3-story Wood Structure in front along 4th St. NW.

The HPC approved the Certificate of Appropriateness for partial site demolition with the following conditions of approval: the owner shall provide an executive summary of the structural report for the building; the demolition shall not include the front three-story frame building (original building 4,890 sq. ft.), the pre-engineered metal building (5,600 sq. ft.) and the north 3-story concrete building (5,240 sq. ft.); seal or enclose the north wall of the 3-story wood structure that is not being demolished in this proposal; and the owners shall take all prudent actions needed to maintain the remaining buildings and protect them from further deterioration or weather damage.

The owners have now determined the 3-story Wood Structure along 4th St. NW has additional structural issues not known at the time of the previous application. They have determined that this building cannot be cost effectively repaired and therefore are now seeking approval to demolish this building as well.

The owner, Nicole Elsayaf began her presentation with a power point. Elsayaf went into the cost associated with the repair of the building and offered up the layout of the proposed building which would include an apartment building on the northeast side which would have 52 units. Elsayaf also talked about the things they would like to do to keep the history by putting in a gazebo, benches and a mural. Matt Leister and Brian Schmidt were both present and they talked about how some of the items found in the building have been put to re-use or donated to the Rice County Historical Society or sold and proceeds given to the RCHS. Elsayaf talked about using some of the reclaimed wood to put up benches on a greenspace. She introduced the idea of a mural on the side of the building and showed a rendering of such a mural which was noted to be approx. 30' x 20'. Weems asked if they are able to save any of the old sign on the side of the building. Both Elsayaf, Leister and Schmidt stated that it would be great but very difficult but if someone can do it, they are open to that.

Elsawaf's recent discovery of the condition talked about the remediation of the lead based paint; the roof trusses with dry rot; the collapse of the flooring; a 33x above the allowable amount of a dangerous gas "Butadiene" which was found in the soil and emits harmful vapors; a large crack in the foundation caused by a vehicle striking the building; the project cost of \$257/sf which would result in an approximate loss of around \$100,000/yr.

Mr. Vohs began with a history from 2/4/2020 ISG structural engineer's report and quickly stepped into the purchase with the new owners. Dwyer then commented that he felt that with his knowledge of the building, he felt that the building could be restored.

Elsawaf continued with her discussion on what they would need to do to make it residential with the current findings. She stated that the MN Pollution Control Agency could step in and take over the project to remediate the exposures. Elsayaf's father was present and stated that they would need to remove all the dirt and bring new dirt in and would have to put new flooring which is costly. Dwyer asked if the use could be changed to storage. The response was no due to the amount of weight-bearing needed would be too much for each floor and there is still the remediation of the dangerous soil.

There was some discussion about funding for the cleanup through Historic Tax Credits. Elsayaf stated that the cleanup grant is timely and would be assist in about 75% of the cost

for remediation. Elsayaf added that since the building would be 'de-listed' they weren't eligible for assistance.

Temple asked the Chair if they could open the matter up for public comment. Brian Schmidt spoke with the knowledge of being in the building and agreed that it would be just too much to save the building and was okay with the idea of the demolition.

Elsawaf said they are working with a group, Javeline (sp) that agreed to take care of what needs to be done to comply with the MN PCA. To date they have spent approx. \$38,000 for that report/analysis. She explained the process and reminded the board of the need to move forward with a decision to ensure they could apply for the necessary grants for assistance.

Temple came forward with a motion for approval of the demolition. There was further discussion and Kuhlman and Nordmeier both agreed moving forward. Temple then said that he would be willing to open up his motion to add conditions. Vohs stated that he would like to see the city come forward with financial assistance with the project. The board collectively agreed on four conditions. The first would be to come back to the HPC for the design review plans before construction since this is a gateway building, they would like to see what will be built; second would be affirm that the historic items and signage would be a part of the new site; third would be Vohs request ask the city to assist in the project; and the final and fourth condition would be to ensure that the historical items like the public art be preserved and maintained. Weems seconded Temple's amended motion and Chair Sauer then asked for a roll call vote with this amendment:

Kuhlman:	Aye
Nordmeier:	Aye
Weems:	Aye
Vohs:	Aye
Dwyer:	Aye
Temple:	Aye
Sauer:	Aye.

Motion carried unanimously at 7:25 p.m.

5. Items of Discussion

A. Discussion with City Attorney Scott Riggs about Open Meeting Law Requirements

At last month's meeting, the commission members had some questions regarding discussion between members outside of the regular meeting times. Generally, commission discussions should take place during public meetings. There are state statutes and administrative rules that regulate such communications between commission members that are intended to maintain public transparency for official government bodies such as the Heritage Preservation Commission.

Scott Riggs came forward and offered the information presented at the beginning of the meeting which included a power point, chapter from the League of MN Cities and a brief overview on the Open Meeting statutes. Riggs ensured that the biggest problem can be serial emails. The best thing to do is contact staff directly with any questions, additions or concerns. Encourage members not to talk at all on HPC business with other members. A discussion such as this could result in a serial meeting and violation of the open meeting law by another member contacting another member and so on. This may even be unintentionally and unknowingly a violation. It was confirmed that there

can be civil and even criminal penalties aside from removal of the seat. The idea of this is to be completely transparent and allow the public to have information relative to all matters discussed. Vohs stated that this has a "chilling effect" and Riggs talked about how other venues have been challenged the open meeting laws; however, the Courts are very strict on this subject.

Riggs also mentioned that if other items would like to be discussed to ensure that there is a line item on the agenda to offer up such discussion at the end before adjournment.

At this time, Temple asked that a discussion regarding the Dakota Indians be added to the next agenda. Waldock mentioned inviting a MN DOT historian here to discuss the paths. Temple also added inviting Youth on Boards to the meetings and went over the process with Riggs a bit.

6. Adjourn

A motion was brought by Commissioner Temple and seconded by Commissioner Vohs to adjourn the meeting at 8:10 p.m.

Respectfully submitted,



By: Kari Casper, Recording Secretary