

Municipal Building 625 52nd Street – Room 204	Kenosha Historic Preservation Commission Agenda	October 25, 2012 5:00 p.m.
<i>Don Jensen – Chairperson, Tom Schleif – Vice-Chairperson, Alderman Jan Michalski, Sue Dyke O'Day, Jennifer Heim and Merike Phillips</i>		

Call to Order and Roll Call

Approval of Minutes from August 30, 2012

1. By Alderperson Jan Michalski - To Create Chapter XXXVIII of the Code of General Ordinances Entitled Kenosha Heritage. PUBLIC HEARING

Public Comments

Commissioner Comments

Staff Comments

Adjournment

Community Development & Inspections
625 52nd Street – Room 308
Kenosha, WI 53140
262.653.4030 phone / 262.653.4045 fax
www.kenosha.org

If you are disabled in need of assistance, please call 262.653.4030 at least 72 hours before this meeting.

Notice is hereby given that a majority of the members of the Common Council may be present at the meeting. Although this may constitute a quorum of the Common Council, the Council will not take any action at this meeting.

HISTORIC PRESERVATION COMMISSION
Minutes
August 30, 2012

MEMBERS PRESENT: Alderman Jan Michalski, Sue Dyke O'Day, Jennifer Heim, Don Jensen, Merike Phillips and Tom Schleif

STAFF PRESENT: Mike Maki and Jeffrey B. Labahn

Other present included: Alderman Schwartz and Alderman Bogdala

The meeting was called to order at 5:00 p.m. by Mr. Jensen and roll was taken.

A motion was made by Ms. Phillips and seconded by Ms. Heim to approve the minutes of the June 28, 2012 meeting as written. The motion passed. (Ayes 6; Noes 0)

1. Certificate of Appropriateness for Demolition of Elk's Club at 5706 Eighth Avenue. (District #2) PUBLIC HEARING

Mr. Jensen asked City Staff to give an overview of this item and the role of the Historic Preservation Commission in this matter.

Mike Maki, Community Development Specialist, said on February 23, 2012, the City requested a Certificate of Appropriateness for Demolition of the building at 5706 8th Avenue. Since the building is listed as a local Historic Property, it was reviewed by the Historic Preservation Commission. The Commission voted to defer the certificate for a period of 120 days and then an additional 60 days to allow someone to come up with a business and development plan. There has been some interest, but no solid plan has been received. The Historic Preservation Commission now has 2 choices: they can recommend preservation or approve the raze. The Commission's recommendation is advisory only. If the Commission recommends preservation, there is a maximum time period of six (6) months. the Commission will only review this matter again if there is a formal proposal submitted.

Mr. Jensen reminded the public of the procedure and opened the matter for a public hearing.

Christine Roemer, 420 57th Street, supports preservation of the building and has submitted a proposal to City Staff on what is envisioned for the building. Ms. Roemer is in the process of forming a 5013c called Preservation Plus to support historic buildings within Kenosha. Mr. Jensen said he read Ms. Roemer's plan with interest and the group should be commended.

Phil Haney, 6328 7th Avenue, supports preservation of the building and suggests the City should use volunteer efforts to rehabilitate the building.

Mary Dixon, 6201 5th Avenue, supports preservation of the building, and can't believe the City let this building deteriorate to this degree.

Ignas Gedgaudas, 7635 38th Avenue, said the building should be razed, the building is a liability to the City. A parking lot should be constructed in its place.

Richard Biser, 5710 7th Avenue, supports preservation of the building. This

deterioration of the building has been a serious oversight by the City of Kenosha.

Scott Holloway, 715 57th Street, supports the preservation of the building. The building is attracting vagrants in its current condition because it has been neglected by the City. We need to preserve history to help Kenosha keep its identity.

Laura Cox, 4426 5th Avenue, supports the preservation of the building.

Jim Adamson, 427 54th Street, supports the preservation of the building and would like to see it used the way they used to, as a ballroom and restaurant.

Alderman Bogdala, 7101 96th Avenue, supports the preservation of the building. Alderman Bogdala spoke with Todd Battle of KABA about the money for the raze of building, Mr. Battle did not know of this money. Alderman Bogdala suggested we explore donors that would raze City buildings. After this issue is settled, maybe we will create a list of other City properties that are in need of some type of repair before they are too deteriorated.

John Christensen, 5607 13th Avenue, administrator for the building, said he would like to renovate two (2) floors of the building and then raise some revenue to possibly do the other floors. The work should be done by professional trades people.

Public hearing closed.

Alderman Michalski said we can't enforce our judgment, but we can express our opinion and give a recommendation to move in a certain direction.

A motion was made by Alderman Michalski and seconded by Ms. Philips to direct City Administration to extend a reasonable amount of time to review the issues before us.

Mr. Maki said the Commission has the ability to make a recommendation, but they cannot prevent the raze action from taking place.

Ms. Phillips said she went through the building with her brother, who is a structural engineer, whose opinion is that the building structure is sound. Ms. Phillips said to remodel the building in phases is a good approach.

The motion passed. (Ayes 6; Noes 0)

A motion was made by Ms. Phillips and seconded by Alderman Michalski to recommend to the City as stated in #6 of the Plan: *Regarding adaptive reuse projects, a potential role for the City or KABA could be to recruit prospective investors and developers. A possible role for the City could be to purchase or condemn the property and then to resell the building outright or as part of a Request for Proposals process.*

Mr. Schleif said we need to look at a list of buildings in the same general condition so we have an idea of how many buildings we are dealing with.

Mr. Jensen said this has been an unfortunate situation and it has attracted attention from many residents and brought a better appreciation of historic buildings.

The motion passed. (Ayes 6; Noes 0)

Public Comments

No public comments.

Commissioner Comments

Alderman Michalski said thank you to Mike Maki and Ed Antaramian for their work on the Historic Artifacts Ordinance.

Ms. Phillips thanked everyone for the good points on the preservation of the property and the great turn out tonight.

Mr. Jensen concurred with Ms. Phillips and noted that the Historic Artifacts Ordinance will be at the Common Council on Wednesday, September 5th at 7:00.

Staff Comments

Mr. Maki noted that the Ordinance was heard at the Public Safety & Welfare Meeting and a few things were clarified in the Ordinance. If the Ordinance passes on Wednesday, the next step will be to discuss how to move forward with the inventory of the historic items.

Mr. Maki said our next meeting is scheduled for Thursday, September 27th, but I have a conflict. I am looking to reschedule the meeting to Tuesday, September 25th. We will contact everyone to check their availability.

A motion was made by Alderman Michalski and seconded by Ms. O'Day to adjourn the meeting. The motion passed unanimously. (Ayes 6; Noes 0) The meeting adjourned at 6:05 p.m.

Meeting Minutes Prepared by: Kay Schueffner, Community Development & Inspections

FACT SHEET Kenosha Historic Preservation Commission	Community Development Division 625 52 nd Street Kenosha, WI 53140 262.653.4030	October 25, 2012	Item 1
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By Alderperson Jan Michalski - To Create Chapter XXXVIII of the Code of General Ordinances Entitled Kenosha Heritage. PUBLIC HEARING

PURPOSE:

To review and recommend the revised proposed Ordinance.

NOTIFICATIONS/PROCEDURES:

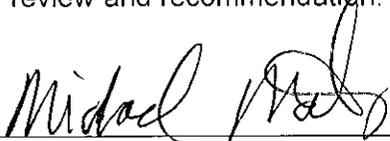
The Common Council is the final review authority.

ANALYSIS:

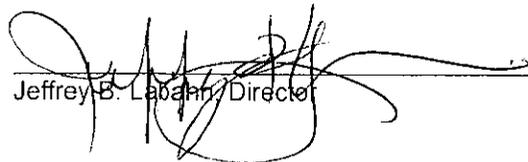
- The Kenosha Heritage Ordinance was reviewed by the Common Council and referred back to the Historic Preservation Commission due to concerns of inability for units of government to object to listings, as well as daily fees in the penalty section of the Ordinance.
- The attached proposed Ordinance now provides for the ability for governmental owners, as well as private owners, to object to a proposed listing on the inventory. The Common Council is not permitted to add items to the inventory if the property owner objects.
- A one time penalty of \$1,000.00 was added to the Ordinance since the original version.
- The Commission will provide a recommendation to the Common Council. The Common Council is the final review authority.
- Upon approval of historical artifacts, no person or entity, including any department or agency of the City is permitted to transfer, relocate or alter historical artifacts

RECOMMENDATION:

For review and recommendation.



Michael Maki, A.I.C.P.



Jeffrey B. Labahn, Director

9/24 Changes

SPONSOR: ALDERPERSON JAN MICHALSKI
CO-SPONSOR: ALDERPERSON MICHAEL J. ORTH

TO CREATE CHAPTER XXXVIII ENTITLED KENOSHA HERITAGE

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Chapter XXXVIII of the Code of General Ordinances for the City of

Kenosha, Wisconsin, is hereby created as follows:

38.01 Preservation of Historical Artifacts.

A. Purpose. The purpose of this section is to promote the general welfare by providing for the identification, protection, enhancement, perpetuation, and use of artifacts that reflect special aspects of the City's historical, architectural, cultural, or aesthetic heritage for the following reasons:

1. To encourage public knowledge, understanding, and appreciation of the City's past;
2. To foster civic pride in the beauty and character of the City and the accomplishments of its past;
3. To preserve the visual character of the City by preserving artifacts that reflect its history, and
4. To preserve positive, tangible aspects that are unique to the City.

B. Definitions.

1. **Commission** for the purposes of this section means the Historic Preservation Commission.
2. **Artifacts** for the purposes of this section are manmade objects of cultural or historical significance that are located or have been displayed within the City.
3. **Object.** Means an item that is:
 - a. by nature of design moveable;
 - b. a structure that was not designed to be habitable; or
 - c. an aesthetic feature of a structure, regardless of whether the structure is habitable, that may be removed from the structure or obliterated, without significant structural damage to the structure.
4. **Historical artifact** means an artifact that is:
 - a. A local historical artifact that is at least 50 years old; or
 - b. Associated with a property that meets the criteria for listing on the National Register of Historic Places, State Register of Historic Places or as a city landmark.
5. **Inventory of historical artifacts** is the official list of historical artifacts subject to the terms of this section. The inventory of historical artifacts shall be held and maintained by the director of the Department of Community Development and Inspections.
6. **Local historical artifact** is an object that:
 - a. Exemplifies or reflects the cultural, archaeological, political, economic, social, or religious

history; or

- b. Is identified with personages, events, or periods of history which personages, events, or periods are significant to the community; or
- c. Embodies distinguishing characteristics of architecture, an architect, architectural materials, craftsmanship, or works of nature; or
- d. In its inherent historical nature provides the citizenry with educational or aesthetic enrichment; or
- e. Contributes to the character or understanding of an historic district, property, or structure.

C. Procedures for listing or removal from listing. Official listing on the inventory of historical artifacts, or removal from listing, shall be made by recommendation of the Commission and confirmation by the Common Council.

1. The Commission shall hold a public hearing before recommending that an artifact be listed, or removed from listing, on the inventory of historical artifacts. At least ten days prior to the hearing, the Commission shall in good faith provide written notice to the following:

- a. The Director of the Kenosha Public Museum
- b. The Director of the Department of Community Development and Inspections.
- c. The Director of Public Works.
- d. The General Manager of the Water Utility.
- e. The Fire Chief
- f. The Police Chief
- g. The Mayor and Alderpersons
- h. The owner of the historical artifact or proposed historical artifact.

2. After giving notice as provided in paragraph C.1., the Commission shall conduct the public hearing. The Commission shall have the power to call such other witnesses and to examine such records as it deems necessary.

3. Within 30 days after the close of the public hearing, the Commission shall recommend or decline to recommend to the Common Council the listing, or removal from listing, of the artifact on the inventory of historical artifacts.

4. The Common Council shall act upon the recommendation of the Commission. ~~If an artifact is not owned by a municipal, governmental, or quasi-governmental body, t~~The Common Council may not place the artifact on the inventory of historical artifacts if prior to the Common Council's determination, an objection to the listing is made by the owner of the artifact.

D. Preservation.

1. No person or entity, including but not limited to, any department or agency of the City or the Redevelopment Authority of the City of Kenosha, may permit the transfer, relocation, demolition, obliteration, or alteration of an historical artifact listed on the inventory of historical artifacts without first obtaining the permission of the Commission. If any activity associated with the historical artifact has the potential to damage or cause the loss of such historical artifact, the person responsible for such activity must first present a plan for the protection of such historical artifact to the Commission. The project may not commence or continue until and unless the historical artifact protection plan is approved. The person responsible for the activity must thereafter provide documentation to the Commission, the Director of Public Works, the Director of the Department of Community Development and Inspections, the General Manager of the Water Utility, the Police Chief, or the Fire Chief under whose control and custody the listed historical artifact falls, that the plan was

properly executed.

2. If approval under paragraph D.1. is denied, the applicant may, in writing to the City Clerk within ten days of denial, appeal such decision to the Common Council. The City Clerk shall cause the matter to be placed on the agenda of the meeting of the Common Council next following the receipt of such appeal, consistent with the 24-hour notice provision of the Wisconsin Open Meetings Law. A representative of the Commission shall appear at such meeting to explain the reasons for denial. Approval or denial by the Common Council is final.

E. Documentation. If the Commission finds that the preservation of an historical artifact is not practicable, then the historical artifact shall be documented by photographs, mapping, written description, or such other means or matter deemed most appropriate by the Commission.

F. Stop Work Order. If any member of the Commission learns or discovers that any person or entity is, may be, or is about to be engaged in the transfer, relocation, demolition, or alteration of a historical artifact listed on the inventory of historical artifacts without first obtaining the permission of the Commission, such Commission member shall notify the Chair of the Commission. The Commission Chair shall call a special meeting, to be held within three days (Saturdays, Sundays, and holidays excluded for calculation purposes, but such meeting could be held on a Saturday or Sunday) consistent with the Wisconsin Open Meetings Law, by providing telephonic or written notice to each member of the Commission at his/her usual place of abode at least six hours before the time set for the meeting. No business shall be transacted or action taken at any special meeting other than the prospective stop work order stated in the notice for the meeting. If the Commission issues a stop work order, such order shall in place remain until confirmed, modified, or overruled by the Common Council at a regularly scheduled meeting.

G. Cooperation with Other Public Entities. The Historic Preservation Commission shall work with other public entities, including, but not limited to, the Kenosha Unified School District, Gateway Technical College, County of Kenosha, and State of Wisconsin to extend the protection of this section to historical objects that they own.

H. Penalties. It shall be a violation of this Section for any person, party, firm or corporation, or limited liability company or partnership to violate the provisions of Paragraph D.1. ~~Or~~ Subsection F. Upon conviction, except as otherwise provided, a violator shall be subject to forfeiture of not more than One Thousand (\$1,000) Dollars for each violation, plus the costs of prosecution. ~~Each violation and each day of violation shall be a separate offense.~~

Section Two: This Ordinance shall become effective upon passage and publication.

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Passed:

Published:

Drafted By:
EDWARD R. ANTARAMIAN
City Attorney

ORDINANCE NO. _____

SPONSOR: ALDERPERSON JAN MICHALSKI
CO-SPONSOR: ALDERPERSON MICHAEL J. ORTH

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Passed:

Published:

Drafted By:
EDWARD R. ANTARAMIAN
City Attorney