



City of Duluth  
Heritage Preservation Commission  
February 26, 2013 Meeting Minutes  
Room 303 - Duluth City Hall

I. Call to Order

Chairperson Woodward called to order the meeting of the Heritage Preservation Commission at 2:00 pm on Tuesday, February 26, 2013.

II. Roll Call

Attending: Tim Meyer, Patricia Mullins, Carolyn Sundquist and David Woodward.  
Absent: Ken Buehler  
Staff Present: John Judd and Cindy Stafford  
Visitors Present: Robin

III. Public Hearing

None

IV. Consideration of Minutes

January 22, 2013, approve as presented with no changes.

**MOTION/Second:** Meyer/Mullins

**VOTE: (4-0)**

V. Communications

A. Carter hotel demolition. Chairperson Woodward noted and discussed correspondence from Bureau of Indian Affairs (BIA), Regional Director, Rich Berg Regional Archeologist for BIA, hotel neighbors and the City (Allison Lutterman). Meyer asked if the Carter Hotel is on deed land or trust land. David states it's not on either. Judd states it is his understanding the tribe bought site with intentions of moving it onto trust land. If they were to transfer the property to trust land a section 106A Review would be required, which states you can't demo something on the National Register without due process. Sundquist reported the Tribe has applied for trust status, so the property is already under the process. Woodward stated the original agreement would put it under federal jurisdiction no funding needs to be involved, just oversight. Meyer questioned how are they able to convert a parcel of land that isn't on trust land? Woodward responds they are allowed and are required to follow certain steps, which is governed by the BIA. Sundquist commented on the BIA's response and the neighbor's response, but did not include the City's response or SHPO's response. Woodward added the HPC response had fallen through somewhere, but might still be able to respond. Sundquist noted there was a lag time between when the City received the response and the time it was shared with the HPC. The HPC was copied on Mariann's letter which talked about consulting parties. Sundquist feels the HPC should officially request Consulting Party Status with a letter sent from the HPC to Diane Rosen (Regional Director) of the BIA officially requesting

consultation status as this property is on the National Register. If the decision is made to demolish the building it will require an EAW (Environmental Assessment Worksheet). That process needs to be truly independent with funding coming from the developer, but consultant selection and oversight should be independent. Woodward commented that we need to reaffirm with the Planning Commission, as the Responsible Government Unit (RGU) the need for proper process. Mullins questioned if an EAW is likely? Sundquist noted that after the (106A) consulting process status goes through, if there is a proposed demolition then the EAW has to be part of that. In Lutterman's (City Attorney) response, the proposed MOA (Memorandum of Agreement) did not mention an EAW. Judd reiterates the HPC's wishes for two motions: 1) To request Consulting Party Status and 2) If the result of the 106A investigation is for demolition, then it needs to be made clear to the tribe and City that an independent EAW is required.

The HPC will send a letter officially requesting Consulting Party Status from the BIA.

**MOTION/Second:** Sundquist/Woodward

**VOTE: (4-0)**

Send a memo to the tribe and City the if the result of the 106 A investigation allows for demo, then remind parties concerned that MN law requires that an independent EAW is performed to EQB standards as administered by the RGU

**MOTION/Second:** Sundquist/Mullins

**VOTE: (4-0)**

EAW – Environmental Assessment Worksheet

EQB - Environmental Quality Board (State Board)

RGU - Responsible Government Unit

Mullins asks what the Planning Commission's responsibility in process is. Judd said that after the report gets prepared and there is public comment, then the EAW findings will go to the Planning Commission being the RGU. The EAW determines if it triggers an EIS (Environmental Impact Study) which is a much more in-depth study stemming from the MN Environmental Rights Act. The reason the EAW is required for proposed demo of a historic property is that MN Environmental Rights Act covers both natural and cultural resources. The demo of a protected cultural resource is considered an adverse effect, not to be confused with an environmental hazard (i.e. asbestos). Woodward thinks we should look into federal NEPA requirements for this proposal as well. Judd will notify Lutterman that two requests will be coming from the HPC. Letter of request should come from the Chair and sent to John and Chuck and cc: HPC and all-parties in Marian's letter.

- B. Planning for Duluth Ethnographic Study. A representative of the subcommittee from the American Indian Commission was previously at the HPC meeting talking about this. Judd reviewed a tentative schedule from Bruce White, Consultant:

3/7/13            2<sup>nd</sup> meeting w/ Planning Committee

3/15/13          Mike to provide list of Native American sites in the Duluth area for the use in the study. White will complete examination of SHPO files for archaeological sites in the area.

3/31/13	Community Meeting
4/15/13	3 <sup>rd</sup> meeting planning committee
5/1/13	Draft of the final planning document will be presented by Bruce White.
5/15/13	Final meeting planning committee
6/1/13	Completion of project, submission of final report to MN Historical Society

David asks if the final report go to the public? It doesn't fall under the Freedom of Information Act. John suggests asking White.

C. Lincoln Branch Library is now listed in the National Register.

VI. Old Business

A. Phase V - CLG Grant request (location - 6<sup>th</sup> Ave. E then West past St. Lukes) first draft went to SHPO and they sent back comments. Sundquist states that it's not the condition of the building, but the importance of the building itself. Woodward mentioned the existence of an abutting local landmark (Clayton-Jackson-McGhie Memorial) near the Cartier Hotel. The demo of the Carter Hotel would be a direct negative effect for the Memorial. In the next 3 months, the HPC should move to secure the Clayton-Jackson-McGhie Memorial as an official local landmark. CDBG (Community Development Block Grant) is the source of the funds (\$5,000) and \$3,000 is the in-kind match. Judd will look into how many hours and the rate. Application is due Friday March 1<sup>st</sup>. David noted having attachments on the grant form is not acceptable. Sundquist commends the City for pledging CDBG funds.

B. St. Peters Church. Robin in attendance. The Diocese is considering going forward with demolition. The Church is quickly deteriorating with no heat and water damage. Word from Hamre, Froseth, Michael Koop and Koop's supervisor that we do not need consent from the property owner to designate it for landmark status. Originally, the City Attorney's office stopped the process. HPC is still waiting on official word from the Attorney's Office, but their conference call clearly stated HPC can move forward without consent. Sundquist asks if it's the right time for a motion that the HPC move forward with the nomination process of St. Peter's Church. David states that we need to have a pre-nomination meeting with the landowner (Diocese). Meyer feels that we can't move ahead without the property owner's blessing. Can we encourage the Diocese to sell it, and adaptively re-use it? Meyer feels an economic use of the building is needed. Judd asked if the Diocese will cooperate in advertising that the building is for sale? Then the HPC can work on getting the building on the National Register which would mean tax credits. Judd asked if the parcel could be split and save the building portion? Preserve the church and sell off the part of the parcel in front (Harbor side) for the view. Sundquist suggests, and Woodward makes a motion.

Motion to request an action item for the Highest Ranking City Official to make a request to the Diocese (owner) to meet with the HPC to discuss the possible future of the Church.

**MOTION/Second:** Woodward/Meyer

**VOTE: (4-0)**

Robin suggests the possibility of making the area a historic district. Woodward states there is potential due to the ethnic connection (Italian neighborhood). Robin states that the Bishop is letting the local Priest (Father Petrich) make the disposition decision. Meyer feels there needs to be a party, and/or group interested in purchasing the building. The Church's disrepair is an embarrassment to the neighborhood. There needs to be a viable option for the owner. The HPC and City needs to work with the owner to find alternatives to demolition.

- C. UDC Revision. (Chronologically discussed after filling vacancies listed below). Woodward summarizes changes. Change all wording related to the Commission from History PC to Heritage PC. (Does not pertain to districts.) Carolyn suggests treating districts the same as individual landmarks. The language of UDC should reflect the language of BIA. Woodward notes procedures have changed (35.2). Took out the verbage of having the HPC present to the Planning Commission (PC). The PC can review and make recommendations. Ultimately the recommendation from the PC and SHPO goes to the City Council. Review of document would need to be reviewed by Planning and SPHO before it goes to the City Council. Sundquist mentioned Chapter 28A, noting the Planning Commission need only be involved in the nomination only for Districts due to the need for review of effects on utilities and roads, etc. Individual landmarks (buildings) normally don't need Planning Commission review' Woodward asks Judd for clarification on why the PC needs to be involved on individual property issues. HPC suggests having the new language be replaced with what is was for individual landmarks straight from HPC to Council and a district would be reviewed by both the HPC and the PC. Judd suggest a dual track process for review of all nominations be the HPC and the PC.
- D. Filling Vacancies. The HPC needs 4 new members by the end of next month. Woodward would like to create a sub-committee (Sundquist and Meyer to actively recruit new members. Meyer noted Mark Poirer as a possible candidate. Steve Matthews (UMD History Head) is interested also. Judd states there is a mid-March meeting of the Mayor's appointments committee. There applications are on the City Clerk's website that interested new candidates can complete and submit. The next month 3/26 will be the last meeting for Sundquist and Meyer.

VII. Reports of Officers

Mullins updates HPC on PC. No notables for HPC, the February meeting consisted of mostly mapping and zoning issues. Judd noted that the PC's annual meeting was held, and a presentation was given by Pam Kramer of Duluth, LISC.

VIII. New Business

- A. (Chronologically discussed after below item B.) Woodward asked Commission members to come up with their top ten list of possible nominations as local landmarks. Examples include:
- Enger Tower
  - Clayton-Jackson-McGhie Memorial
  - Masonic Temple
  - St. Peters Church

Woodward would like to designate 4 or 5 this year. He will also ask Tony Durkins and Marian Norton to come up with a list.

B. Masonic Temple was previously turned down by SPHO for landmark designation due to changes in the structure which consisted of roofline modifications. However, Woodward says that they are now interested in acquiring local landmark status. Woodward feels this should be a slam dunk. He will forward the previous National Form to the other members and come back with a motion at next meeting. Kevin (Masonic Temple) will hopefully make next meeting.

IX. Other Business

City proposed Fire hall at Snively and Woodland. Sundquist heard that the proposed location would be on the upper NE corner where there are many historic houses designed by Frederick German and Lignell. Hardy Hall stones were reused. Homes were built in 1905 designed by Duluth's prominent architects. Sundquist would like: 1) verification of where the proposed fire hall would be and 2) an official historic resource survey of the area. Comment: The City is strongly fighting for the preservation of Carter Hotel Building. Tearing these buildings down would seem disingenuous, since they are probably more historically important than the Carter Hotel. These buildings may be eligible for local landmark status. Meyer sates that the City's fire hall placement is strategic.

Motion proposed to ask City Staff to request information concerning potential location of the Woodland UMD Fire hall & how it relates to Historic planning. Also would like a historic resource survey of the area, and information concerning the decommission and re-use of the Woodland Fire Hall.

**MOTION/Second:** Sundquist/Woodward

**VOTE: (4-0)**

X. Adjournment

Meeting adjourned at 4:07 p.m.

Respectfully,



Charles Froseth, Land Use Supervisor