

City of Excelsior
Hennepin County, Minnesota

Minutes
Heritage Preservation Commission

Tuesday, October 22, 2019

1. CALL TO ORDER/ROLL CALL

Chair Macpherson called the meeting to order at 6:31 p.m.

Commissioners Present: Bolles, Chair Macpherson, Finch, Caron, Salita, Brabec

Commissioners Absent: Reece

Also Present: City Planner Becker

2. AGENDA APPROVAL

Bolles moved, Salita seconded, to approve the agenda as amended. Motion carried 6/0.

3. APPROVAL OF MINUTES

a) September 17, 2019

Commissioner Bolles moved, Commissioner Finch seconded, to approve the minutes for the September 17, 2019 meeting as amended. Motion carried 6/0.

b) September 25, 2019

Commissioner Caron moved, Commissioner Brabec seconded, to approve the minutes for the September 25, 2019 meeting. Motion carried 6/0.

4. CITIZEN COMMENTS OR REPORTS

None

5. DISCUSSION ITEMS

a) 464 Second Street Window Replacement SAP (HPC No. 19-32)

The Commission did not understand why the opinion of the window restoration specialist had changed since last year. They discussed requesting that another window restoration specialist visit the site to give a second opinion. Mike Sharratt, 464 Second Street, explained that the desire originally was to replace the windows with windows of a single pane, and that at the cost of an additional \$6,000, they were willing to include grills on the windows. They have indicated that they paid \$450 for a window restoration specialist to perform a closer analysis of restoring the windows, and upon the closer analysis, it was determined that it was not financially feasible to restore the windows as opposed to

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replacing them. He pointed out references within the Design Manual that indicate that how historic wood windows "should" rather than "must" be preserved. He indicated that the lower part of the building used to be a warehouse and that a warehouse does not require the same amount of insulation as does a living space, to which it has been converted. He also pointed out the high cost of maintaining the windows once they were restored.

Bolles asked if the applicant wished for the windows to be able to be opened, and the applicant indicated that the desire is not to have the windows open due to their HVAC system. Bolles understood that the expert who assessed restoring the windows was concerned about being able to open the windows and that the Commission was not concerned about the windows being operational. Finch pointed out that the existing windows have lasted for 70 years and that the warranty on the proposed new windows was around 20 years. Finch felt that because the window restoration specialist has a differing opinion from that from a year ago and has not provided any real numbers that a second opinion should be obtained. If it is proven that it would be cost prohibitive to restore rather than replace the windows, then it should be agreed upon what kind of windows should replace the existing windows. The applicant then furnished actual numbers from the window restoration specialist, indicating that the cost of windows with grids on upper and lower levels comes to a total of \$53,119 and window restoration would total \$67,470. The Commission was concerned that the scope of work between the two estimates was not comparable. Commissioner Caron motioned to continue the item to the next meeting in order to give the applicant time to reach out to a different window restoration specialist and obtain a second quote, seconded by Brabec. Finch wanted the Commission to clarify if it was needed to make the windows operable. The Commission did not feel it was of their concern to require that the windows be operable, but that the windows should appear to be operational. Motion carried 6/0. The Commission directed staff to provide the applicant with contact information for consultants on window restoration specialist. The HPC members requested that they be notified of the consultant visit so that they may attend.

b) 200 Lake Street Landmark Designation (HPC No. 19-27)

Staff presented its report. Chair Macpherson opened the public hearing. John Breyer, attorney representing Greg and Carrie Larson, owners of 200 Lake Street, states that the Commission should consider that there are legal considerations for taking away property owners' rights. He provided email communication between the State Historic Preservation Office (SHPO), which stated that SHPO took the information that was provided in the application at "face value" and that the property minimally meets one of the criteria required and pointed out that three criteria, as outlined in the Historic

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Preservation ordinance, is required to be met in order to designate a property as a landmark.

John Gilles, 166 Linwood Ave, would be opposed to this property being designated as a landmark property, as there are ramifications for other property owners within the City. He feels it is a divisive process.

Peter Kizilos-Clift, 200 Lake Street, stated that the City Code states that anyone in the City of Excelsior can nominate a property as a landmark designation and that it is his right to nominate a property. He is baffled by the outrage that is being brought out and feels that the real issue is whether the property is worthy of landmark status. He states that there is an error in the newspaper clipping provided by Scott McGinnis. He does not feel that there is a definitive answer unless an architectural survey is done on the building, which the previous owner had done, which shows that the house was built in 1903. He did not have a copy of said architectural survey.

Jay Coughlan, 130 Lake Street, stated that he is totally disgusted with the process. He feels that when anyone owns something and that something is taken away, that is called theft.

Carrie Larson, homeowner of 200 Lake Street, communicated the frustration this situation has caused. She said that she stopped at 31 homes that have been considered potential landmark properties and that none of them knew that a home could be designated without the owner's consent.

Lance Black, 274 Lake Street, states that his home is on the list of potential landmarks and that it has been altered and does not look like the picture provided by Mrs. Larson. He indicates that there is a landmark home in the City that is dilapidated because the homeowner cannot fix it because of historic preservation requirements.

Rick Atherton, 614 Pleasant Street, has indicated that there is a burden with having to come to a Heritage Preservation Commission in order to make a minor repair on a home that is designated.

Peter Hartwich, 186 George Street, believes that what the applicant did is outlandish, but the homes that are being built in the City are equally outlandish.

Scott McGinnis, 2605 Christian Parkway, Chaska, explains that there was a note in the file for the property that likely misguided the applicant as to who used to own the property. He does agree that perhaps the property is eligible for landmark status in that it is a craftsman bungalow, and in 1912 there was mania for this type of home. He would suggest delaying the application and request a proper report for the property with proper documentation. He said that Dana Case, a banker, owned the property.

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Van Erickson, 141 West Lake Street, wanted to know how long the provision that anyone could nominate a property as a landmark has been in place. He believes that this should be disclosed prior to the sale of the house.

Pam Koenig, 200 Lake Street, states that the applicant has a number of citations with his research and that the applicant has followed the democratic process.

Bruce Noll, 242 First Street, went through the landmark designation on his property because of his love for the property and the City. He does feel that the applicant is following a democratic process but also that he feels that perhaps the ordinance should be changed, as he would not want the same to happen to him.

Dan Brattland, 6 Third Street, went into the purchase of his home knowing that the property was a landmark but also knows he would not be able to afford the property if it were not historic. He would not want anyone to nominate his home without his consent, as he believes the value of a home goes down when it becomes a landmark property.

Lisa Kopas-Lane, 166 Maple Street, was on the Heritage Preservation Commission, and her property is on the list of landmark-eligible properties and believes that the survey needs to be corrected for her home.

Jules Macaluso-Harrison, 240 Center Street, is on the Planning Commission and is torn by this topic. She reiterated that the Planning Commission was unanimously against designating the home against an owner's will. She believes that the process should be reviewed, as it is broken. She cites that Fort Collins, CO requires a fee of \$275 for a homeowner to nominate a property for landmark status and a fee of \$875 for three non-owners to nominate a property for landmark status. She believes that the HPC should recommend denial of the property for landmark status until the process is reviewed and until there can be verifiable evidence.

Chair Macpherson closed the public hearing.

Commissioner Salita stated that the Heritage Preservation Commission must follow City ordinance and State Statute. He urged the owners to preserve as much of the interior as possible. He doesn't feel that the HPC has enough information to recommend designation of the home. Brabec does not feel it is appropriate for the HPC to recommend designation of a property whose owner does not agree with its designation. Finch believes that the home meets the three criteria in the following ways: it meets the age criteria whether it was built in 1903 or 1912; it has not been moved from its original location and maintains its original design features and materials; and it is of architectural significance. Macpherson agrees and feels that the process should be changed if people do not like it. He believes that it is the duty of the HPC to communicate to Council that the property meets the criteria, that there is significant opposition to the designation of

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this property, and that there may be legal consequences for designating the property. Caron explained that the HPC should put aside who made the application and rather assess if the home meets the criteria in the ordinance for something that is worthy of designation. Bolles wanted to clarify that the public hearing may be continued to the City Council who then may determine if they want to open back up the public hearing. He is fearful of losing more and more of the historical character of the City, and the HPC has been given an oath of preserving this character. Motion by Macpherson to recommend landmark designation for 200 Lake Street to Council noting the information included tonight, legal considerations, and opposition to the designation. The Commission wanted to hold a separate special meeting to ensure that the packet to Council was complete. Motion seconded by Caron. Motion carried 4/2, with Brabec and Salita as the dissenting votes.

c) 287 Water Street All Love Leigh Sign (HPC No. 19-20)

Motion by Salita, seconded by Brabec, to approve the Site Alteration Permit for the All Love Leigh Signs for the existing hanging signs and proposed window signs of 24" wide by 12" high. Motion carried 6/0.

d) 289 Water Street SAP (HPC No. 19-33)

Brett Loftesness, architect, has indicated that more architectural interest has been provided from the previous submittal. Macpherson asked if the prefinished panels above the windows could be transom windows. Loftesness indicated that such windows would need to be frosted in order to hide the tenant's ceiling. The Commission wanted the panels to mimic the existing corner transoms and remove the six mullions below. Macpherson wanted to see the length of the wall broken up with more architectural interest in the rear. Caron wanted to see more historic or decorative building lights. Loftesness clarified that the walk-up window needed to be behind the counter so that the employees could serve both counter and walk-up customers. Bolles is concerned that the line from the walk-up window, especially on event days, could congest the sidewalk. Macpherson wanted to ask for some guidance from the City on the walkup window. Caron did not want to see the walk-up window included as it introduces a new element to Water Street's most historic block. Bolles wants to ensure that the electrical outlets are put in an appropriate place that matches what the City has done in the past in order to avoid corrosion. He also wanted to ensure that the correct lights were installed. Finch moved to continue the item to the next meeting and ask the applicant to revise the design with the comments provided during the meeting. Seconded by Salita. Motion carried 6/0.

e) 436 Second Street SAP (HPC No. 19-21)

Motion by Finch to table the item to a future meeting as requested by the applicant, seconded by Caron. Motion carried 6/0.

f) 192 Second Street Window Replacement SAP (HPC No. 19-35)

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Finch was conceptually fine with the proposal but was concerned by the width of the aluminum storm window. Brabec moved to approve the SAP with the condition that the width match the width of the other existing windows, seconded by Salita. Motion carried 5/1 with Finch as the dissenting vote. Finch wanted Salita to verify the width of the storm window.

g) Commission Review for the Commons

Motion by Finch to table the item to a future meeting in order to provide the commission with more time to review the policy suggested by the Council, seconded by Caron. Motion carried 6/0.

h) 223 Water Street Abundant Kitchen Sign Permit

Motion by Finch, seconded by Salita to table the item to a future meeting, as the applicant submitted the application past the due date. 5-0 with one recused.

6. ADJOURNMENT

Motion by Salita, seconded by Bolles to adjourn at 10:12 p.m. Motion carried 6/0.

Respectfully submitted,

Emily Becker
City Planner